

was keeping me from the water was rust. I could see that, of course. There must have been some leeway at one time or another prior to these provisions being brought in. I wonder if this is necessary.

Mr. BAKER: I should like to add a little to what has been said by the hon. member for Comox-Alberni. You must have a certain amount of flexibility. For example, you might have a highly perishable cargo which would be ruined if not moved immediately, which is often the case. It might be that a ship was awaiting inspection but was needed right away in order to move that cargo. It will be noted that section 488A does not take away responsibility for the safety of the ship, the load-line or anything else. The law must be complied with, otherwise the owner and the master are responsible. I believe that a certain amount of flexibility should be permitted and the master given some discretion in the matter. Shipping, particularly sea shipping, is different from any other industry. I think this is an important section.

Mr. SINCLAIR: I want to make a point in connection with this section in support of the amendment that I said on second reading I was going to move in connection with radiotelegraph service. It will be noted that this section grants great powers to the minister with relation to relieving a ship from various inspections which it should pass, but the minister is not given any leeway with regard to one service. In about the fifth line of the section it says:

. . . excepting provisions relating to radiotelegraph installations in ships . . .

I draw those words to the attention of the committee, because they show clearly that those who drew up the Canada Shipping Act put that service and that inspection above all others. The minister cannot relieve a ship of any responsibility in that connection.

Mr. HAZEN: I tried to get a copy of the merchant shipping act of Great Britain from the library but was unable to do so. Apparently there is only the one copy and it is out.

Mr. HACKETT: I thought the minister had it.

Mr. CHEVRIER: He is innocent.

Mr. HAZEN: The minister has told us that this proposed amendment follows along the lines of the merchant shipping act of Great Britain. Has the same wording been adopted here as was adopted in Great Britain? I

presume that this was by way of amendment to the merchant shipping act and I should like to know when the amendment was made.

Mr. CHEVRIER: The amendment to the merchant shipping act of the United Kingdom was made in 1906. I can speak only from memory, but the wording is not exactly the same; there is some variation.

Mr. HAZEN: As I read this section, it does not state who shall determine whether a specific emergency exists.

Mr. HACKETT: The minister does that.

Mr. HAZEN: It says the minister may deem it necessary or advisable in the public interest, but it does not say he is the person who determines that a specific emergency exists. Is that the intention?

Mr. CHEVRIER: The intention is that, on representations made by various masters or ship owners or steamship inspectors, he may relieve the ship from compliance with this part.

Mr. MacINNIS: It seems to me that subsection 1 is drafted to apply only to a period of emergency, and in my opinion a period of emergency should be capable of definition. Subsection 2 reads:

Subsection one shall have force and effect only during such period or periods as the governor in council may determine.

That means that any time can be considered a period of emergency. We should have more information as to what creates or causes an emergency when we are asked to give these wide powers to the minister. That explanation has not been given. There were some fantastic statements made in regard to what this section might prevent being done. The hon. member for Charlotte mentioned a ship which had not had its machinery installed and which could not be moved from one place to another in order to have the machinery installed. Surely that is a fantastic thing, because that ship was not going to sea.

Mr. STUART (Charlotte): I beg your pardon, the ship was going to sea.

Mr. MacINNIS: It could not go to sea without its machinery.

Mr. STUART (Charlotte): It could go across the bay of Fundy.