

Hon. Mr. WILLOUGHBY: I have not seen a copy of the Fisheries Bill yet, and I should like to be furnished with one.

Right Hon. Mr. GRAHAM: Here is a copy.

Hon. Mr. WILLOUGHBY: A copy has just been given to me.

Right Hon. Mr. GRAHAM: As honourable gentlemen well know, the Atlantic Fisheries Commission after an extended investigation made a lengthy report, suggesting that certain amendments to the Act were necessary in the interest of the fishing industry. These suggested amendments, as well as one or two others, together with several sections of the old Act, will be found in the Bill. The explanatory notes printed with the Bill are fairly complete, but I presume we cannot consider the exact meaning until we go into Committee. With the leave of the Senate I would move the second reading, and suggest we go into Committee of the Whole on the Bill, so that each clause may be discussed separately.

Hon. Mr. WILLOUGHBY: Quite agreeable.

The motion was agreed to, and the Bill was read the second time.

CONSIDERED IN COMMITTEE

On motion of Right Hon. Mr. Graham, the Senate went into Committee on the Bill.

Hon. Mr. Béland in the Chair.

On section 1—interpretation:

Right Hon. Mr. GRAHAM: These interpretations are necessary in order to make clear section 5 of the Bill.

Section 1 was agreed to.

On section 2—fishery leases and licenses:

Hon. Mr. DANIEL: This section amends section 7 by inserting in the first line, after the word "may," the words "in his absolute discretion." I should like to know what is the purport of section 7. It refers to some licensing authority, no doubt. Perhaps it refers to the Minister, but I do not know to whom it refers. May we have a little explanation as to what it really means?

Right Hon. Mr. GRAHAM: Section 7 as it now stands reads as follows:

The Minister may, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situate or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of the Governor in Council.

The interpretation that has been placed on the word "may" is that the Minister has a discretionary power. Under this interpretation fishery licenses in British Columbia, for instance, were being restricted to white British subjects and native Indians. The question whether or not the Minister has such discretionary power has been raised, and while a decision in the matter is still before the courts, it was decided in the Standing Committee on Marine and Fisheries that this section should be so amended as to leave absolutely no room for doubt that the Minister has such discretionary authority. Hence the inclusion after the word "may" of the words "in his absolute discretion."

Section 2 was agreed to.

Sections 3 to 6, inclusive, were agreed to.

On section 7—penalty for using trawls:

Right Hon. Mr. GRAHAM: Honourable gentlemen, I might give an explanation which I have received from the Department concerning this section. Section 7 is substituted for section 5 of the original Bill. The Select Standing Committee on Marine and Fisheries finally recommended that instead of the original section 5 it be required that all vessels operating otter trawls should be licensed by the Minister, who should have power to determine the number of such licenses, and that the Governor in Council should have authority to specify the conditions under which such licenses would be issued. Also, that such vessels should not be allowed to operate within twelve miles of the shore, and that they should be registered and owned in Canada.

As the Fisheries Act probably does not apply beyond territorial waters, it is necessary in order to carry out the recommendations of the Committee, that the Act be amended so as to exercise the needed control over such vessels when they are in our ports and territorial waters.

The Atlantic Fisheries Commission divided on the steam trawler question, four of them recommending the total abolition of trawlers from Canadian ports, but the chairman recommending control.

The obvious and outstanding difficulty of the situation is that a large fleet of otter trawlers from the United States, France, and at times other European countries, operates on the banks off our coasts, beyond territorial waters. Also, even the abolition of the use of trawlers from Canadian Atlantic ports would not prevent Canadian steam trawlers from operating beyond territorial waters and