

Subsection (4) is new and its purpose is to permit the Governor in Council to determine what substances are to be considered deleterious for the purpose of subsection (2).

The new subsection (5) would increase the penalties for a violation of section 33. These penalties are presently set out in sections 60 and 61 which sections will be repealed.

Clause 5: Section 34 at present reads as follows:

- "34. (1) The Governor in Council may make regulations
- (a) to prevent or remedy the obstruction and pollution of streams;
 - (b) to regulate and prevent fishing;
 - (c) to prohibit the destruction of fish or eggs of fish;
 - (d) to forbid fishing except under authority of leases or licences;
 - (e) prescribing the time when and the manner in which fish may be fished for and caught;
 - (f) to prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;

and without restricting the foregoing provisions of this section,

- (g) generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

(2) Every offence against any regulation may be stated as in violation of this Act."

The purpose of this amendment is to clarify the powers of the Governor in Council to make regulations.

Clause 6: The section being repealed reads as follows:

"35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used."

The repeal of this section would remove the power of a fishery officer and justice of the peace to convict on view.