

And then in connection with sub-paragraph (iii) I wanted to ask this: It would appear to me that junior officials might be given an enormous amount of authority under that particular section. Could you define for us just exactly what is meant by paragraph (i), and who that would include within the Department of Fisheries? It states the Royal Canadian Mounted Police and so on. But what officers in your employ would have authority to invoke paragraph (iii)? That seems to me pretty broad. I am interested in this because, in the particular section of New Brunswick from which I come, we have hundreds of American boats coming over the border every day. They come in to buy Canadian sardines, lobsters and other Canadian fish; and there might be some minor infraction of these regulations. I should not mention section 3; but in section 3 they would be put to great inconvenience. Therefore, who, in your department, would have authority to make these seizures and the like?

Mr. BATES: As you are aware, we have in the department a large number of so-called fishery officers, and the majority of them are stationed on shore. The only part covered here would be that of the patrol boats which are patrolling the international boundary along the 3-mile limit. In other words, it would be the masters of the patrol vessels who would be most involved.

Mr. STUART:

(i) a fishery officer within the meaning of the Fisheries Act,

Mr. BATES: There might arise a situation in which the master of a vessel may not be a fishery officer. Actually, most of them are. But from time to time we have to take a boat whose master may not be a fishery officer, and in such cases we have to put on board with him someone who has been trained and has authority. But in most cases, the masters would have that authority, or if they did not have it, they could get authority when they became proficient.

Mr. STUART: I take it that none other than your patrol boats would have the authority to make these seizures?

Mr. BATES: Yes, because no one else would be patrolling the territorial waters or the boundaries.

Mr. STUART: Then I read clause 3:

3. (1) No foreign fishing vessel shall enter Canadian territorial waters for any purpose unless authorized by . . .

They could be in a harbour where you have fisheries inspectors and where there would be no patrol boat. Would the fishery inspector in one of those harbours have the same authority?

Mr. BATES: Yes, he would. If that kind of case should arise, he would have that authority, but I do not think there would be many such cases.

Mr. STUART: It is the protection branch of your department?

Mr. BATES: That is right.

Mr. STUART: And any officer in that protection branch would have authority to seize and sell?

Mr. BATES: That is right. Any officer would. But my point was that normally I think it has to be the captain, and if they came within a bay, then these people would have the authority.

Mr. BALCOM: And that would apply to a Royal Canadian Mounted Police officer or to a Royal Canadian Navy officer?

Mr. BATES: That is right.

Mr. BALCOM: But the Royal Canadian Naval officer would have to be specially designated for the job?