

of Justice as to the eligibility of these pilot-boat employees under the Merchant Seamen Compensation Act. This pilot boat was lost in home trade waters.

I might say that this is the first time that kind of case has come up and it was a little bit of a problem to see where the jurisdiction was and where the responsibility was. If it was decided that they came under the Merchant Seamen Compensation Act these would be awarded against the pilots' fund, and this would be repaid.

Hon. Mr. GREGG: If the pilots were to take out insurance in the same way as the merchant ships did, then you were discussing with the Department of Transport whether that might provide the right to pay compensation under this act?

Mr. GREENE: Yes.

Mrs. FAIRCLOUGH: Even in the event that the responsibility was assessed against the pilots' fund, in effect it would be precisely as though it came under the Government Employees' Compensation Act?

Mr. GREENE: Yes, it would be.

Hon. Mr. GREGG: The pilot fund is exclusively under their jurisdiction. They decide what benefits they shall have in case of accident or death.

Mr. BELL: Mr. Chairman, I think it shows a loophole in the act, or at least it is a new circumstance which we have not had to deal with before; but the four non-pilots who were lost in this accident should be considered. I do not say that they should all come under compensation but they should be considered as to this act; and if I have my information correctly, there are two married individuals concerned. They are presently joined in a suit against the incoming vessel, and our attitude would be affected by the result of that suit. In other words, if they received some sort of damages then our consideration would be different than that. Are we in agreement that if this action fails attention would be given to having a case reconsidered, because I feel it is quite important. I know the interest of the minister in this case, and there is no doubt in my mind or anybody else's about that. It is just that we do not want to have the matter left up in the air.

Hon. Mr. GREGG: That is the part that has concerned me. If this action fails I am wondering still whether it would be possible to interpret this in a way favourable to such cases.

Mr. BROWN: That will be a matter of whether or not we get an interpretation that this vessel, which is normally a harbour vessel, was engaged in a home trade voyage at the time of the accident.

Mr. GREENE: If we get the interpretation it could be covered.

Mr. BROWN: Yes; otherwise it will have to be dealt with through the Department of Transport estimates, or something like that. I think I should say that both our department and the Department of Transport are greatly interested in this case and we will pursue it.

Hon. Mr. GREGG: If it were interpreted that way, that might open the way to extend it to the crews of pilot boats.

Mr. BROWN: I think as far as the future is concerned if the Department of Transport wanted to cover these crews on the pilots' boats it could arrange the payment so they would be paid as employees of the crown rather than employees of the pilots. That would bring them immediately under the Government Employees' Compensation Act, and as a matter of fact, I believe that is the arrangement in some other ports.