

clear explanation, and I honestly think it would help us a great deal if either the executive assistant or Mr. Finlay would explain what they have in mind on other sections, because it may change my own thinking on section 1.

Mr. LANGLOIS (*Gaspe*): I am in the hands of the committee.

The ACTING CHAIRMAN: Is it agreed?

Agreed.

Mr. LANGLOIS (*Gaspe*): Mr. Chairman, we consider that the main objection made to this legislation by the Shipping Federation of Canada is that they fear that section 16 (1) (b) and 16 (1) (c) of the bill, dealing respectively with damage to board property and obstruction to board operations, might permit the seizure of a vessel in instances where neither the vessel nor the crew was in fact responsible. I think that was the main point made here this afternoon by Mr. Brisset, counsel for the federation. The federation also considers that the effect of section 16 (7) of the bill is to confer upon the board a right which in the federation's opinion did not previously exist. That is the right to institute litigation against a charterer, agent and so forth, without power of seizure of the vessel. We are prepared to meet part of the representations made by the federation, and we feel that this could be done when clause 8 comes under consideration by the committee. For the purpose of enlightening and helping the discussion before this committee, we have prepared an amendment which we would be ready to accept, provided the committee is agreeable. It deals with clause 8. If I may be allowed to read it and put it on the record, I am ready to do so. The amendment would be to the following effect:

That clause 8 of Bill No. 421 (An Act to amend the National Harbours Board Act) be amended by the deletion of paragraphs (b) and (c) of subsection 1 of the proposed section 16 and their replacement by the following:

- (b) Property under the administration of the Board has been damaged by the vessel or through the fault or negligence of a member of the crew thereof acting in the course of his employment or under the orders of his superior officers.
- (c) Obstruction to the performance of any duty or function of the Board or its officers or employees has been made or offered by the vessel or through the fault or negligence of a member of the crew thereof acting in the course of his employment or under the orders of a superior officer, as a result of which obstruction damage or other loss has been sustained by the Board.

Mr. WINCH: All you have done is take out the word "owner".

Mr. LANGLOIS (*Gaspe*): If you will look at clause 8, you will readily see the difference there.

Mr. WINCH: You have taken out the word "owner". That is the key point of it?

Mr. LANGLOIS (*Gaspe*): That is right.

Mr. BELL: I would like to point out that you have the word "owner" in section 18 in the National Harbours Board Act, to which this new section refers. There may be ambiguity there.

Mr. NICHOLSON: I presume that we are back in No. 1. We just had this for information?

Mr. LANGLOIS (*Gaspe*): Because the two clauses are closely linked to the representations made.

Mr. WINCH: Would the changing of this clause 8 under the proposed amendment come up for discussion under 8? Would that in no way conflict with the authority of the board as given under section 1 of the amendment, because you designate the powers?