

lobster smacks, Canadians—as you know—who will load the lobsters in Nova Scotia or New Brunswick or Prince Edward Island. They go into Gloucester, Boston, in competition with American fishermen. There is no opposition there. There is no fishing regulation to stop that? It is a Canadian product in a Canadian boat being delivered into an American port. That goes on every day.

Mr. ROBICHAUD: Referring to subsection 7 of clause 6. Assuming that the seizure has been made by a protection officer who has reasonable grounds for thinking that an offence is being committed and no action is taken, no prosecution is started against the alleged offender. Later, the ship is returned to him. In the case of a Canadian vessel, if it is tied up for three months on reasonable grounds, and no prosecution is taken, are there any provisions for compensation to the fisherman, and if not, why should there not be compensation?

Mr. OZERE: You are in exactly the same position with respect to this as you are with respect to enforcement of any other law. If the government sets in motion any machinery whereby someone is prosecuted or his property is seized, and if it turns out that there was no probable or reasonable cause for doing so, the injured party may bring an action in damages. You are no different here than you are in any other situation of that sort.

Mr. ROBICHAUD: What about sections 25, 26 and 27 of the old Act? Are they being incorporated into the new Act with regard to compensation?

Mr. OZERE: No, this is related to the protection of the officers themselves.

Mr. ROBICHAUD: Yes, I know.

Mr. OZERE: The Department of Justice was of the opinion that this is adequately covered under the common law, that this protection does not go any further than the protection under the common law; and, therefore, they felt that this section was superfluous.

Mr. ROBICHAUD: This is a different type of seizure from the ordinary type of seizure. In this case you are really taking away the means of livelihood of a fisherman in keeping his boat for three months. It is different from seizing my car, for instance.

Mr. APPLEWHAITE: Not if you are a taxi operator.

Mr. STUART: Or seizing my gun if I am poaching.

Mr. OZERE: Of course this relates to foreign fishing vessels.

Mr. ROBICHAUD: Yes, but it is possible under subsection (3) of clause 3 it would affect Canadian vessels.

Mr. OZERE: What I am trying to say is that most of the prosecutions against our fishermen are instituted under other legislation, under our Fisheries Act, for instance, and under that Act we have much wider powers than we have under this one.

Mr. ROBICHAUD: I grant that, but there is a possibility that one of our Canadian fishermen may be taken in under subsection (3) of clause 3, and his vessel seized and kept in custody for three months. It is most unfair if he has no compensation.

Mr. OZERE: When you say he is deprived of his ship for three months, that is an exaggeration in most cases. That is the maximum limit. Prosecution is generally started immediately. Ordinarily when a protection officer seizes a ship he immediately gets in touch with the Minister, who then decides what is to be done, and he does that immediately.

The CHAIRMAN: Under clause 6 there is a provision for redelivery on bond. Shall clause 6 carry?

Carried.