

sale were accepted by the Governor in Council, but no direction to sell the land was given, as required by section 54 of the former Indian Act. Until recent years surrendered reserve lands had been sold without the required direction, and to validate the patents issued following such sales, section 124 of the Indian Act was drafted. So this amendment merely legalizes transfers made by the proper authority. It is not applicable to any transfer which may be made hereafter.

The motion was agreed to and the bill was read the second time.

#### REFERRED TO COMMITTEE

**Hon. Mr. MacLennan:** Honourable senators, I move that this bill be referred to the "Omnibus Committee", the Standing Committee on Transport and Communications.

The motion was agreed to.

### MERCHANT SEAMEN COMPENSATION BILL

#### SECOND READING

**Hon. J. J. Kinley** moved the second reading of Bill I, an Act to amend the Merchant Seamen Compensation Act.

He said: Honourable senators, this bill is an amendment to the Merchant Seamen Compensation Act, 1946. The purpose of the bill is to revise the rates of compensation payable to disabled seamen and dependents of deceased seamen under the Merchant Seamen Compensation Act, to bring them in line with present-day conditions. I shall outline the proposed amendments.

The Act is now administered by the Department of Labour, and the Act is to be amended so that the term "Minister" will apply to the Minister of Labour. The number of days' disability before compensation is payable is to be reduced from seven to four.

It is proposed that the Act be amended to provide for the following changes in the scale of benefits payable under the Act:

(a) increase the amount of the grant for burial expenses for a deceased seaman from \$125 to \$200;

(b) increase the amount of the monthly payment to the dependent widow of the deceased seaman from \$45 per month to \$50 per month;

(c) increase the amount of compensation payable for a dependent child under 18 years of age of a deceased seaman where there is also a dependent parent, from \$10 per month to \$15 per month;

(d) increase the amount payable to a dependent child under 18 years of age of a deceased seaman where the only dependents are children, from \$20 per month to \$25 per month;

(e) increase the amount of compensation payable to injured seamen from a minimum of \$12.50 per week to an amount of \$15 per week;

(f) increase the maximum amount of average earnings of seamen which may be used for the purpose of computation of compensation payable to a disabled seaman from \$2,500 per annum to \$3,600 per annum.

Under the Compensation Act 66 $\frac{2}{3}$  per cent of a seaman's earnings is the amount allotted for the purpose of computing the compensation payable to a disabled seaman. This amendment will mean that a disabled seaman, according to his rate of pay, may get up to \$200 per month, or about \$46.15 a week.

Paragraphs (a) and (b) of subsection 9 of section 30 of the Act are to be repealed and the following substituted therefor:

(a) where the widow or an invalid husband is the sole dependent, a monthly payment of fifty dollars, or if the seaman's average earnings are less than fifty dollars per month, the amount of such earnings; and

(b) where the dependents are a widow or an invalid husband and one or more children, a monthly payment of sixty-five dollars for the widow or invalid husband and one child irrespective of the amount of the seaman's earnings, with a further monthly payment of fifteen dollars for each additional child unless the total monthly compensation exceeds the seaman's average earnings in which case the compensation shall be a sum equal to such earnings or sixty-five dollars, whichever is the greater, the share of each child entitled to compensation being reduced proportionately.

This would seem to indicate that a widow and dependents of a deceased seaman cannot receive more in the way of compensation than the average wages of the deceased during the period on which the computation of this compensation is based. The payment of compensation is usually considered a civil right in Canada, and as such it falls within the jurisdiction of the provinces. However, a merchant seamen compensation agreement covering the entire marine industry would naturally have to be national in its scope. Therefore we must have a national Act of compensation for merchant seamen. I understand that the authority comes from the British North America Act itself, which provides that navigation and shipping matters come under federal jurisdiction.

Each province in Canada has a Workmen's Compensation Act, with some provinces paying more by way of benefits than others. The scale of compensation under the national Act is the same as the scale found in the provincial Acts at present in force in Newfoundland, Nova Scotia, Prince Edward Island, and New Brunswick. Most of the claims under the Merchant Seamen Compensation Act now come from that portion of Canada. Inland navigation does not come under this Act, being covered by provincial statutes which apply to the Great Lakes and the St. Lawrence.

I am told that an employer is able to elect whether he wishes to insure privately or come under the provincial Acts. The obligation under the Act is that employers must