

Mr. LANGLOIS (*Gaspé*): That is not right. You see, we cannot seize the vessel for an offence committed by the agent but, if the offence is committed by the owner we will be able to prosecute him and also seize the vessel. That is, the party who committed the offence. You know that from your knowledge of law. By looking at the definition of owner in clause 1 you can see that owner includes owner, charterer or agent. My point is that, since we are dealing with penal law, we can only pin the offence on either the charterer, the person who actually committed the offence, the agent or the owner of the vessel as the case may be. Is that clear? I am trying to make it as clear as I can.

Mr. GREEN: What you are saying is clear, but it is completely wrong in my judgment.

Mr. WINCH: Mr. Chairman, I most certainly want to get a clear understanding of this in my mind. I had some doubt about it when the committee last met, and I will quite honestly admit that I am becoming more and more confused and am finding it more and more complicated. I do not know whether it is because we have two lawyers trying to explain two sides of the same word or not—

Mr. HABEL: There is something in that!

Mr. WINCH: —but in an endeavour to clear this up, may I ask the parliamentary assistant if I am correct or wrong in my understanding. As I see the key of having the word “agent” in now, under the interpretation of owner, strikes me—or, I will put it as a question. Does this mean that if there is a company outside of Canada, let us say in country “X”, which is incorporated and is a company which perhaps does not have any physical assets and it charters a boat or boats—I will say a boat—of a company that is in country “Y” and this boat comes to Canada and does damage to any of the installations or property of the Harbour Board and before it can be seized, or for other reasons, it gets outside the territorial waters of Canada and there is a claim by the Harbour Board then against that ship, that you cannot collect because the company is outside of Canada and may not have any physical assets in any way? You cannot touch the ship itself, or the owners of the ship, because that is country “Y” and you cannot touch the actual ship itself unless it happens to land again in Canada. In other words, if they keep that ship out of Canada, you would have no way of collecting either from the charterer, from the owner, or by seizure of the ship itself and therefore—and this is the point I am coming to—is it because of a situation like that that you are asking for the power of putting in the agent as an owner so that you can lay a charge against the agent, and if that is correct, are you saying you have not had that power in the past?

Mr. LANGLOIS (*Gaspé*): We have had it all the time.

Mr. WINCH: If you have had it all the time why do you need this change now? That is the point I cannot get clear.

Mr. LANGLOIS (*Gaspé*): We are not changing anything. It is just a re-wording, and if you look again at the explanatory note you will see the prime purpose of clause 1 in which we put a definition on the word “owner”:

The prime purpose is to enable the Board charges made under other provisions of the Act (see clause 6(2)) to be imposed directly upon carriers and bailees of goods as contrasted with the actual owners thereof; in many instances the carriers or the bailees are the only persons with whom the Board has any direct dealings. An ancillary purpose is to eliminate the necessity for use, elsewhere in the Act, of cumbersome phrases such as “agents, owners, masters or consignees, etc.” of goods or vessels.