

balance, but the conviction would automatically cause forfeiture of the articles.

Senator Thorvaldson: The magistrate then would have quite a problem on his hands as to penalty if there were a thousand or ten thousand articles involved.

Senator Kinley: Is there any international commitment involved with regard to the liability of importers for precious metals such as silver, gold and platinum coming into this country? If I buy a silver set in England and it is marked sterling and the inspector comes and finds that it isn't, who is responsible?

The Chairman: But you are not a dealer, and this act only applies to dealers. So far as you are concerned the ordinary standard would prevail—let the buyer beware.

Senator Kinley: But what do you do in the case of the sale of an estate of a person who has a lot of this?

The Chairman: Well, now you are raising a different question and we may not have all the answers here. If the estate employed a dealer to dispose of these articles, some question might arise.

Senator Kinley: But he would be the person responsible.

The Chairman: If he gets an agent to sell it he is not liable, but if he sells it himself he is. Shall this section carry?

Hon. Senators: Carried.

The Chairman: I should point out that in that section there is a time limit on instituting prosecutions in the last subparagraph. The time limit is a year from the date on which the subject matter of the complaint arose.

Section 11 deals with the disposition of articles upon conviction. Any questions?

Senator Gouin: What is meant by the reference to the Fisheries Act in subsection 3?

Hon. Mr. Basford: Section 64A of the Fisheries Act, and this is the explanation I have from the Department of Justice, carefully spells out the rights where the Crown has seized something that has been forfeited of a person other than the person who is responsible for the offence, and who has an interest in the forfeited article, but who is not, as I say, involved in the violation of the statute. The result is that there is a reference to the Fisheries Act so that these rights of the non-offending person are carefully spelled out,

and the department has brought them now into this act. What is needed is a Crown Forfeiture Act which would spell out these rights applicable to all Crown Forfeitures.

Senator Desruisseaux: So that if the Fisheries Act were amended, we would have to amend this act too?

The Chairman: No, we would be subject to it in whatever form it was, and if the section still remained the same and retained the same designation, 64A, then we would be subject to it in that designation. If they repealed that and enacted another with the same number, then of course you would have a question as to the rights of non-offending parties.

Hon. Mr. Basford: I understand the Department of Justice keeps a careful track in cases where sections of one act impinge upon those of another.

Senator Macnaughton: The same situation would apply to the Trade Marks Act which I understand the minister proposes to amend at a later stage. Any changes in the Trade Marks Act would automatically be involved here too. There is a section here that refers to the subject of the Trade Marks Act, as amended in the future.

Hon. Mr. Basford: The trade mark must be registered under the Trade Marks Act. If we were completely to repeal the Trade Marks Act, which is a rather unlikely possibility, then, of course, there would be no requirement for registration. As long as there is a Trade Marks Act, which I would suspect would be for some time to come, the mark under this act would have to be registered under the Trade Marks Act.

The Chairman: Carried?

Hon. Senators: Carried.

The Chairman: Section 12 deals with the "Certificate of Master or assayer." This is again in the usual form, I take it?

Hon. Mr. Basford: Yes. There is no change from the previous act.

The Chairman: Carried?

Hon. Senators: Carried.

The Chairman: Section 13 provides the transitional, repeal and coming into force provisions. This is where you have a repeal of