

Maritime Code

thoughtfulness of the Chair in allowing us to vote on them separately.

The first of these motions relates to the application to a ship under licence of certain of the laws in Canada, for example, laws regarding employment, the Immigration Act, the Merchant Seamen Compensation Act, and so on. This may very well highlight one of the comments which was certainly made from this side of the House, and possibly by one or two members on the other side as well, about the introduction of only Books I and II of the Maritime Code, books which deal only with certain aspects of the subject. Book No. III is tremendous, as my hon. friend remarks, but there are portions of it still to come. Only Books I and II are scheduled in connection with the bill before us. There might have been no need to have come forward with an amendment of this sort had the full Maritime Code been brought forward at one time, and I think the minister should have worked toward that end. Then we would have the full code before us and be in a position to know what issues are covered. I am thinking of inspection service and ship building standards.

Here we are talking about crewing and the law which should apply to ships operating under licence. I feel that, at least pending the introduction of the rest of this code, we should adopt a section of the kind proposed to make sure there is jurisdiction over ships engaged in the Canadian trade. We must not allow that trade to be carried on by ships which refuse to recognize the laws of Canada in this area. This is a theme eloquently expounded by the hon. member for Timiskaming (Mr. Peters).

Motion No. 7 provides for an appeal procedure or a chance to object to a licence being issued. I am afraid I shall have to revert to an earlier discussion on interpretation from one language to another. It is conceivable that someone could take exception to a licence being issued to another party on the understanding that he would be able to exercise the licence under the second column in the law, which is the French text.

● (1540)

We are back again to the interpretation of the word "cabotage". I am sure someone will put a third initial in my name and call me Donald W. Cabotage—not John Cabot. I am sure the name will stick with me in some way or another.

In looking at the English version on page 15 of the bill I cannot help but be struck again by the particularization in the English text and the generalization in the French text that would provide a person who felt he had cause for appealing the issuance of a licence with just cause to do so. If I may quote the comparative texts, the clause provides:

(2) No licence shall be issued by the Canadian Transport Commission pursuant to subsection (1) unless the applicant for the licence establishes to the satisfaction of the Commission that

(a) utilization of a ship, other than a Canadian ship, in the particular aspect of the coasting trade of Canada in which the applicant proposes to use the ship to which the application relates—

This might involve the carrying of passengers, the carrying of coals, the carrying of general cargo. It might be specifically the carrying of petroleum products. Now, the French version provides:

[Mr. Munro (Esquimalt-Saanich).]

(2) La Commission canadienne des transports ne peut délivrer la licence prévue au paragraphe (1) que si le requérant la convainc de ce que le navire, autre qu'un navire canadien,

(a) est destiné à être, dans l'intérêt public—

That is covered only in the English version.

—et

(b) présente les caractéristiques nécessaires pour être utilisé pour faire du cabotage au Canada.

The words "pour faire du cabotage" are so general that they could mean anything—carrying passengers, carrying lumber, carrying general cargo, carrying coal, ore, petroleum products. However, in the English version it is particularized. Therefore I feel there is some cause for us to ask that this particular method of interpreting from one language to the other be examined most carefully over the week end.

I understand it is not possible at this stage of our procedure to introduce an amendment, but there is surely some corrective device which can be applied between now and final reading that will clear up the uncertainty that exists, at least in my mind, and the uncertainty that I think would be in the mind of any judge who had to decide on an appeal that a person might make against the issuance of a permit under the provisions of this legislation.

The amendment proposed by my hon. friend for Dartmouth-Halifax East may simply be a temporary one pending arrival of the other portions of the code, but until those portions of the code become law the amendment deserves to be accepted. It provides protection and for authority to extend Canadian law to those ships working in the coastal trade of Canada. Secondly, as I say, grounds for an appeal might very well arise simply because of the uncertainty and unclarity existing between the English and French versions of clause 11(2) of the bill.

[Translation]

Mr. René Matte (Champlain): Mr. Speaker, there is no question that the proposed amendment is important, and several hon. members have said so before me. We are dealing with an area where the policies implemented up to now have been far from adequate. Quite simply, Mr. Speaker, Canada has always neglected shipping, so much so that we do not even have a merchant marine. In fact, we have acted somewhat childishly in this area and have always left foreigners a free hand in all such matters. Of course, this has been a basic mistake, but we do not have to go on making it if we are intelligent enough to realize it.

Therefore, since we now have before us a bill to provide a maritime code for Canada, why should we not take this opportunity to make more truly Canadian a piece of legislation which is clearly inadequate? Although we do not have a truly Canadian merchant marine, we should at least have the decency to have a maritime code with specific sections to protect the interests of Canadians.

That is why I unreservedly support this amendment to clause 11 of Bill C-61. The motto of Canada—which is vast—is "From Sea to Sea" but that motto seems to me to be only symbolic since we are not all that interested in shipping operations. It remains obvious that a country washed by two oceans must monitor the shipping operations being carried out in its waters.