

Canada Shipping Act

In any event, Bill S-23 emerged from the Senate committee hearings with clause 495(d) missing. In effect, the protection of the public was seriously threatened by its deletion. During the hearings of the Standing Committee on Transport and Communications, attempts were made by some of us, including the hon. member for Comox-Alberni (Mr. Barnett) and myself, to have the provision for unlimited liability re-introduced into the bill. We failed, and later when the bill returned to the Commons an amendment was filed under the name of the hon. member for Comox-Alberni restating this concept on third reading or at the report stage, I am not quite certain exactly when. We wanted the protection of unlimited liability.

Of course, if the amendment had been allowed, the debate would have been very time consuming. Since we were close to the end of the session, the minister asked that the amendment be withdrawn on several grounds which I will enumerate. He suggested that the other parts of the bill were essential and should be passed before Parliament recessed for the summer. He went on to say that an extensive revision of the whole shipping act was forthcoming after this housekeeping measure—which was deemed very necessary at the time—had been allowed to pass. I may mention as an aside that this extensive revision will certainly come as news to various towboat workers in British Columbia who had so little faith in the Department of Transport safety regulations that they engaged in a long and bitter strike last spring in order to have the safety regulations made part, not of DOT regulations but of their collective agreement. Finally, the minister assured the mover and seconder that he would take the concept of unlimited liability to IMCO, the maritime convention in Brussels, in the summer of 1969 and would lend his great weight toward getting other maritime nations to see his point of view.

● (2:20 p.m.)

To the minister's everlasting credit he did just that, but in spite of the minister's great weight he failed to get agreement from the other maritime nations. When he returned home he was very bitter about this and, as reported in the press, stated that although Canada sought to get an international agreement on this very dangerous problem had failed to get such an agreement so Canada was prepared, therefore, to go it alone. But, Mr. Speaker, we did not go it alone. That was one year ago.

Mr. McGrath: What are we doing now?

Mr. Rose: At that time nothing was done. No legislation was introduced, and then we had the terrible tragedy known as the *Arrow* disaster. We know how involved the minister was; how worried he was, and how hard he worked during that disaster. We do not take anything away from him on that score, but the point is that Canada was going to go it alone, and only now are we going it alone, exactly one year later.

That brings the story up to date, Mr. Speaker. Today now we are considering a piece of legislation that falls

[Mr. Rose.]

somewhat short of the concept of unlimited liability. The liability is limited. It is limited to \$14 million if negligence can be shown, and the remainder of the damage costs will be met from a fund. This is far short of unlimited liability, but still this bill is much stronger and has far more teeth than any legislation presently on the books.

I return now to my No. 1 objection, which I raised earlier, about the jurisdictional aspects of the bill. We are considering a bill the provisions of which are to apply only south of the sixtieth parallel north latitude, or in any area not covered by the Arctic Pollution Bill. Further, this jurisdiction extends only 12 miles from Canada's shoreline. I think we are entitled to ask a number of questions about this 12 mile limit. How can anyone justify the suggestion that the ecology south of the sixtieth parallel north latitude is less sensitive to pollution than that north of it? Certainly, there is greater population south of the sixtieth; certainly there is greater marine traffic, and certainly any oil spill could cause greater immediate damage in our main traffic areas, greater than is likely to occur when a spill takes place away from population centres.

Since the International Oil Pollution Convention has established an area 100 miles off shore—the minister reiterated this in his remarks—for the dumping of bilge, why has he not sought to make his jurisdiction congruent with that? Canada's jurisdiction is congruent in terms of the dumping of bilge, but here we are talking about how this legislation will apply to oil tankers close to our shores or moving about in inter-coastal traffic. In the case of the *Arrow*, the oil pollutants travelled 100 miles from Chedabucto Bay and substantial damage was done to Sable Island. How would this legislation apply in relation to damage of that kind?

Since the task force dealing with the *Arrow* spill recommended the establishment of pollution control zones extending 100 miles out, why has that recommendation been ignored, particularly when this bill is a direct government response not only to its failure to get international agreement but to the *Arrow* disaster? I think hon. members of the House should make it quite clear that this limited jurisdiction ruins the whole bill. It severely limits its effectiveness as a preventer of oil spills beyond the 12 mile limit. I think we should insist that an amendment be brought forward to overcome this limitation. I hope the minister will do this.

After World War II, the United States of America extended its jurisdiction to cover the whole of its continental shelf. South American states, such as Peru and other nations, have claimed exclusive fishing rights as far out as 200 miles off shore. Last year our own government, with much tub-thumping, extended pollution control zones in the Arctic to 100 miles off shore. Should not the same apply in this case? The minister shakes his head. Perhaps he knows something that I don't.

Mr. Jamieson: Never.

Mr. Rose: This is not the first time members of the government have known something that I don't, and it