

Canada Shipping Act

I believe, Mr. Speaker, that a key point that must be borne in mind is that the penalties to which this bill addresses itself are specifically for cases where deliberate and wilful contravention of regulations and directions of a pollution prevention officer occur. The penalties are not intended to provide any form of compensation against pollution damage to property, resources or costs of clean-up.

Another interesting point, Mr. Speaker, is that part XX of the act provides that the owner of a ship carrying a pollutant in bulk is liable for the costs and expenses of any action authorized by the governor in council to repair or remedy any condition resulting from pollutant discharge by the ship.

Such liability as referred to in this clause is not dependent upon proof of fault or negligence; but no person is liable for costs and expenses where he can establish that the discharge was caused by another person or where the cause was through an act of war, hostilities, or was of an exceptional, inevitable and irresistible character.

In addition, Mr. Speaker, this serves as a reminder that the maritime pollution claims fund, established under provisions of section 737 of the act, operates as an unsatisfied judgment fund, similar to that established in most provinces covering damages incurred as a result of automobile accidents where the driver at fault is not insured.

● (1730)

The proposals in this bill are, in my opinion, too general in nature to cover the national and international requirements for pollution control. If the bill should become law, it would be unfair. The bill as proposed fails to take into consideration the present diversity of legislation which has so far demonstrated its effectiveness in Canada as a deterrent. While I said I have a general sympathy for the direction in which the hon. member is going, the proposals contained in the bill are neither practical nor desirable amendments to the Canada Shipping Act at this time.

In British Columbia there is a great concern about oil spillage on the Pacific coast. One issue which has united most members from the province of British Columbia in this House is the opposition to the creation of an oil port at Kitimat. I think it is fair to say that the people of British Columbia do not want to be involved in the possibility of an oil spill in the transshipment of American or other foreign oil that would be transhipped through Kitimat to the northern tier states. This government has taken the position that it opposes the development of Kitimat on that basis.

It is interesting to note that a consortium of companies has apparently started a further drive to have Kitimat opened as an ocean-going port for transshipment of Indonesian, perhaps Arab and certainly Alaskan oil. I also understand the hon. member for Prince George-Peace River (Mr. Oberle) has supported the policy of the development of Kitimat as a port of transshipment of oil. He has stated he is in favour of this proposal and that if the Conservative party is elected as the government in the next election, it will proceed with this port.

[Mr. Anderson.]

I raise this because the hon. member for Victoria, for the very best of reasons, is concerned about oil spillage, while another member of the same party would support the transshipment of oil, realizing the dangers of a spill in that area.

It is all very well to talk about changing legislation and increasing fines. However, I hope the hon. member for Victoria will agree that in this situation the way to solve the problem of pollution, especially on the west coast of British Columbia, is not to increase the fines, but to not allow the port of Kitimat to go into operation in any sense, regardless of who supports it in the United States.

The reason Kitimat is being proposed at this time is the fact that by going from Alaska to Kitimat you go from an American port to a foreign port. The shipper therefore is not bound under the Jones act to use American carriers. By going from Alaska to Kitimat he can, as the hon. member mentioned, use flags of convenience. For that reason alone I have great fear about Kitimat being opened as an oil port, as well as the dangers because of the topography, because the entrance is too narrow for huge oil tankers.

Increasing fines is not the answer for the port of Kitimat. Members on all sides of this House should state that we will not develop Kitimat for the use of the United States which would have all of the benefits but none of the ecological or environmental problems. I hope the hon. member will agree that the solution to problems such as Kitimat is not increasing the fines for oil spills but by not allowing it to happen in the first place, and ensuring that the United States and the consortium interested in developing Kitimat are clearly told that members on all sides of this House will not tolerate development of the port of Kitimat.

[Translation]

Mr. Charles Lapointe (Parliamentary Secretary to Minister of Transport): Mr. Speaker, I wish to thank the hon. member for Victoria (Mr. McKinnon) for his proposal to increase fines in the case of water pollution caused by oil spills, and since I am aware of the love of the hon. member for his region and the natural beauty of Vancouver Island, I understand that he must be very concerned about the possibility of pollution.

At the present time, section 752 of the Canada Shipping Act provides a maximum fine of \$100,000 for any person or any ship discharging a pollutant in contravention of any regulation made pursuant to section 728. The suggestion of the hon. member to set the amount of the fine so as not to exceed three times the combined value of the ship and its cargo is certainly interesting, but its application could present many problems, and I shall try to explain some of the difficulties that could result from such an amendment.

The present legislation aims at producing a deterrent effect in the cases of massive discharge of oil or other pollutants. Such cases result in extremely high cleaning costs as well as possible and often major damage to the maritime environment and the coastal regions. In this regard, I would refer to the