

pilotage principle in the areas where, presently, the payment of charges is compulsory.

(b) prescribing the ships or classes of ships that are subject to compulsory pilotage;

It can be seen there that an authority may reduce very substantially the scope of the legislation, since it may exempt any class of ship from the obligation of having a pilot on board, in a compulsory pilotage area.

How far shall we go? Of course the authorities can be trusted to some extent, but what if they should have different views about such a matter?

The Governor in Council will have to see to it that standards are established and included in the legislation. But, as far as safety is concerned, as we all know, these authorities are made up of persons appointed by the Governor in Council, and the legislation does not require from them that they should have any special ability, nor that they represent any interested group, as for instance shipowners, pilots, or others.

Then, the Government, when selecting the members of such an authority, must be most careful to appoint persons that are really competent in this field.

(c) prescribing the circumstances under which compulsory pilotage may be waived;

Under some circumstances, one can say it is unnecessary to have a pilot on board in spite of the fact that the ship is sailing in a compulsory pilotage area.

I shall now refer to subparagraph (f).

(f) prescribing the qualifications that a holder of any class of licence or any class of pilotage certificate shall meet, including the degree of local knowledge, skill, experience and proficiency in one or both of the official languages of Canada required in addition to the minimum qualifications prescribed by the Governor in Council under section 42;

Obviously, there again is the problem of having competent personnel in each authority.

As everyone knows, in the main pilotage areas, and especially in the St. Lawrence, there are pilots corporations acting as any ordinary professional association, they are the ones that established standards, hold examinations—and I don't know if the authority will be able to completely do away with the experience and standards already established by these corporations. But, it would be dangerous, it seems to me, to try it in the particular cases I just mentioned.

I pointed out that, in my opinion of course, clause 14 grants immense powers. Before the committee, the minister or his representatives might give us some clarification in this regard for the reassurance of pilots, many of whom I know are worried about the excessive discretionary powers conferred on the authority by that clause.

Also, regarding clause 15, the problem of acquired rights of licensed pilots at the time the new law comes into force has been brought up.

As is generally known, there are now pilots active for instance in Quebec, where another licence is required for

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piloting ships between Quebec and Montreal. However, both areas where payment of pilotage charges is mandatory will come under the jurisdiction of the same Authority—the Laurentian Authority, where transition arrangements exist—but one wonders what will happen. Some pilots would have no licence because their present one is not valid for the whole Atlantic region. Problems will therefore arise and pilots are wondering what will become of their rights under the present licence. They will not be happy with the transition arrangements in this regard. I hope that this point also can be clarified in the committee in order to reassure the pilots.

Hon. Mr. Martin: Agreed.

Hon. Mr. Flynn: Another comment I also wish to make is that under the legislation which is before us, provision is made for punishment in cases where pilots are guilty of violating the regulations applying to them. This is normal, but still the provisions of the Shipping Act which are not repealed by this Pilotage Act, involve a dual jurisdiction with regard to a pilot who would commit an offence by violating either the regulations or the act.

Then, they may be reassured about an extremely difficult situation where they might become liable to legal proceedings or become the subject of an investigation under the provisions of the Pilotage Act and also under the provisions of the Shipping Act.

Hence the possibility of a double penalty and a double investigation. In this respect, I think an amendment should have been brought in to let it be clearly known that only one charge would be laid.

Now, in the case of suspension, each of the authorities was given the power to suspend a pilot's licence for a valid reason and a right of appeal to the minister was provided. I seriously question the opportunity of giving this right of appeal. The minister can hardly say anything in circumstances such as these unless he relies, let us say, on the authority people, on the officers of each authority. In other words, he has to trust those who gave the first ruling. I wondered whether, under the Federal Court Act, there was a right of appeal from the decision of the minister. If so, then it would be sufficient to correct the defect I have pointed out. But, if there is no right of appeal to the Federal Court, if this is not allowed, it would have been preferable, in the case where a pilot's licence is suspended, that an appeal be allowed to the Federal Court rather than the minister, since the decision of the authority is quasi-judicial, so to speak, and in fact it is really strictly administrative and not judicial. I therefore believe that the Federal Court should have the right to look into, correct or revise such a decision; that is the principle of the Federal Court. I am not sure that right of appeal exists, and—

Hon. Mr. Langlois: It does not.

Hon. Mr. Flynn: If not, the situation can be remedied when the bill goes to committee.

The drafting of this bill strikes me as the result of a very laborious effort. There is no doubt, however, that