

unable to identify the source, the federal government will at least pay for the cleanup rather than expecting the municipal governments to assume what could be enormous costs?

The minister, Mr. Davis, said:

Mr. Speaker, I think I can assure the hon. member of that. Several years ago amendments were made to the Canada Shipping Act which provided for the collection of large sums of money. That money is available for compensation to those who are affected by oil spills.

MR. MCKINNON: Would the minister then explain to the House why the Department of Transport turned down the request of the municipality of Oak Bay for compensation for cleaning up an oil spill there some two months ago on the grounds that they could not identify the ship which spilled the oil?

MR. DAVIS: Mr. Speaker, I would suggest that the hon. member have a chat with me. Perhaps our departmental people can do something about it.

Surely to goodness, having heard this from a minister of the Crown, one would assume that the government did indeed intend to reimburse the municipality for the costs involved in cleaning up an oil spill which occurred at night on one of its fine beaches. But such was not to be the case. Mr. Davis was approached by the municipality, but their request was turned down. An election ensued and Mr. Davis was turned down. He did not return, and the ministry changed hands.

We tried once again to get payment of this very small sum from the new minister—I think it was only about \$463—but it is not the amount of the sum that is of concern. That makes it even more disgraceful, that they would not even consider paying such a small sum. They turned it down on a technicality. First, they said it was because they could not identify the ship. The other objection I will come to in a moment.

I do not rise here because of the smallness of the sum or in the hope they will find it in their petty cash, or make a LIP grant or an OFY grant from sources where money is easy to find. I rise because this kind of occurrence could happen to any municipality with a coastline. Indeed, it is more likely to happen in the future than it has in the past. Next time the sum might not be small but might be rather large.

● (2040)

In any event, on February 6 I had occasion to write to the minister and ask her if she would stand by a commitment made by Mr. Davis, when he was minister, to pay for the clean-up of that oil spill. I received a letter in reply via the mayor of Oak Bay, which disturbed me. It was a complete disavowal of the statement made by the minister's predecessor; indeed it was stated that there would be no payment forthcoming.

At the same time there were some objections taken in the public press to the amount of money that has been collected in this fund to be used presumably to fight oil spills, and I understand shipping companies are no longer willing to pay their contribution, particularly as it appears the money is not going to be spent to clean up oil spills except under very specific circumstances.

I wrote to the minister again and was favoured with a reply dated March 11, some six weeks ago. At this time the minister took advantage of another technicality. It was now agreed that not being able to identify the ship would

Dumping at Sea

not keep you from collecting from the fund. I should like to quote the minister's letter of March 11:

In order to claim against the fund for cleanup costs of an oil spill, "Her Majesty in the right of Canada or a province or the other person that incurred that loss or damage" must first be able to establish that the spill came from a ship—

If there is oil on a beach that has been brought in by the tide you assume that it did come in from a ship, but it is kind of hard to prove. The second reason given, which is the case the minister has made for not paying this just debt, is:

—and secondly, must have obtained authorization by the Governor in Council prior to commencing cleanup (section 734). The claimant may then proceed in Admiralty Court against the administrator of the MPCF.

Now I ask you, Mr. Speaker, if you were mayor of a small municipality and someone told you that a small oil spill was drifting on to one of your beautiful beaches, would you feel like getting authorization by the Governor in Council before you started to clean it up? For one thing, it would be too late; the time to stop an oil spill of that nature is before it gets on to the beach. I think it is outrageous that the minister should hide behind this technicality and avoid paying just dues to clean up this spill, particularly in light of the platitudinous statements that are made at regular intervals by the minister's department to the effect that they are interested and are willing to help in the maintenance of the environment in Canada.

Mr. Howard Johnston (Okanagan-Kootenay): Mr. Speaker, I rise to speak on this interesting bill which concerns the whole country, and certainly the province I represent with its long and lovely coastline, and its connection with the greatest of all the oceans. We have come to realize that even the vast scope and size of that ocean are not sufficient to prevent it from damage of all kinds, damage that has become commonplace in recent years.

At first glance the bill seems to cover more than it actually does, and I appreciate the explanatory words of the parliamentary secretary in his address at the commencement of the deliberations on it. It does not apply to most situations one would have thought it would apply to—it does not apply, we learn, to the dumping of garbage or to the kind of dumping that ships do when leaving port, such as discharging various waste oil products into the harbour. That is not the sort of situation we are talking about here.

Some years ago we in this place used to receive notice almost weekly of some vessel that had been fined for discharging oil into a harbour. It was obvious from the fines levied that this was simply a licence to continue the practice because it was cheaper to dump and pay the fine than to dispose of the material in some other way. This is one of the thoughts that strike me as I read the bill, that the penalties laid down as maximum fines, considering the products involved, are not all that great, even if the maximum fine were applied every time.

We are really talking about a limited range of activity involving production of materials which are frequently byproducts of processes that are in themselves very expensive, where the gain from the sale of energy or such products could be very large indeed. Even if there were an insistence on the maximum fine being levied, one wonders