

Dumping at Sea

about anti-dumping legislation, it should be that minister who is put in charge.

● (2140)

I think the Secretary of State for External Affairs should be in charge. But that is a lesser concern to me than the general interest of this parliament and the government. I can only repeat the content of my opening question to the parliamentary secretary. He gave us a very deficient and narrow presentation. I plead with him and his minister to say something better at the committee hearings on behalf of Canada and the national authority.

Mr. Donald W. Munro (Esquimalt-Saanich): Madam Speaker, I regret that I was not present to hear the introductory comments of the parliamentary secretary. However, I wish him to know and to convey to the minister that we believe this is the sort of bill that this country has been waiting for. It is high time we had a bill of this nature. There are many housekeeping matters which must be dealt with in this bill, but I believe it is important that it be considered.

This party, through two speakers, is on record as believing that this is the sort of bill Canada needs for the control of pollution off its shores. As I see it this is in accord with the implementary portion of the bill with regard to the ratification process of a convention so to speak, in respect of the prevention of marine pollution by dumping of waste and other matter at sea, signed by Canada in December, 1972. I believe it is unfortunate in many respects that we should have to wait for an international convention before coming up with legislation to deal with a matter which is so urgent for a country with such a long coast line.

The convention, I believe, was negotiated in the IMCO context, the Intergovernmental Maritime Consultative Organization, and is part of a series of negotiations undertaken by that organization of the trading nations, those nations which ship and receive their goods by sea, so as to improve the rules of the sea over the conditions which existed in earlier years, and looking forward to the 80's. I am delighted there is before us now legislation that would permit us to implement the provisions of that convention, a portion of which is being dealt with in another context. As my colleague from Edmonton-Strathcona said this is part of the Law of the Sea.

Generally when one thinks of the Law of the Sea, unless one is dealing with it in some detail, one thinks of it as defining the limits of the territorial boundaries out to sea beyond the land mass of the state, and then perhaps beyond that into a zone over which the coastal state has some control. My colleague mentioned the vast area beyond that which was once known as the high seas and asked what is to be done about that. Pollution exists out there.

The conference on the Law of the Sea which is meeting at Geneva at the moment is dealing with pollution as well as the definition of territorial and management limits. It is also of course dealing with fisheries within and beyond those limits. Then there is also the matter of mining in the seabed and research into many of the facets that make up the maritime environment, such as research into fisheries, research into current, and research into upper air move-

[Mr. Roche.]

ments which affect the weather out beyond those areas of national control. This evening I believe it was unfortunate that the sponsor of this particular bill, the Minister of the Environment (Mrs. Sauvé) was not present to introduce it.

Mr. Marchand (Kamloops-Cariboo): I rise on a question of privilege, Madam Speaker. My question of privilege is that the hon. member for Esquimalt-Saanich (Mr. Munro) mentioned that the Minister of the Environment should be here tonight. I merely wish to point out that she is with Prince Charles, and is unable to be present.

Mr. Munro (Esquimalt-Saanich): I merely regretted her absence. I was not commenting on it. I just said it is unfortunate she is not here. I am sure she would like to be here to introduce this bill. I know she has left it in the very competent hands of the parliamentary secretary.

There is one element in the bill which fascinates me every time I run into it. I run into it more and more in respect of legislation. It is what I call the overriding clause. We found it the other night in Bill C-25. We found it in Bill C-32. We find this overriding clause, so to speak, in clause 3 of this particular bill. I mentioned that it is contained in four or five other measures passed by previous Liberal governments. It is becoming a habit. I should like to read this article so that it will be clearly understood by the House what the intent of the government is in respect of federal-provincial relations. It states:

This act is binding on Her Majesty in right of Canada or a province and any agent thereof.

There is no mention of consultation between the federal government and the provinces. It is an overriding mandate which, in effect, says that it is this government which decides, and that the provinces must do what it says. If my memory serves me correctly I believe this is about the seventh instance in which we have had this overriding terminology in legislation. I find this supersedes disallowance which is no longer used. Instead of provincial legislation being disallowed we now have an overriding clause in legislation to deal with the provinces as this government sees fit. I think it is worth dealing with this matter in the committee.

The bill will be going to committee shortly; there is no question about that. When I was asked if I would be interested in intervening in respect of this particular bill I was delighted to agree to do so, but I did not know that it would come up this evening. I took a brief glance at the recommendation which gives a brief summary of what this legislation is intended to do.

● (2150)

It has three or four purposes. The first is to provide for the control of dumping waste and other substances in the ocean. The second is to provide for the establishment of a board of review and to provide that the federal Crown is bound by the measure, and for fines in contravention thereof in the amounts prescribed. That is interesting. Just as this legislation binds the Crown, in right of Canada, it binds the province. Therefore, if a fisheries vessel or a patrol vessel of the RCMP should contravene this legislation, they will find themselves in real trouble. This is a progressive and very good form of legislation.