

Harbour Commissions Act

works. They administer federal harbour lands, wharves, etc., transferred by order in council, together with any municipal harbour lands transferred to their control and management. They also have borrowing and other financial authority, expropriation rights and other related powers, with degrees of control exercised by the governor in council.

A harbour commission does not receive financial grants from the federal government. It is expected to operate out of revenues, though assistance may be given by the government in the form of cost-sharing arrangements for harbour works. The commission's share of costs is provided from its available funds or, if necessary, by means of federal loans or authorized chartered bank loans on which the commission pays full interest and amortization. As a harbour commission develops, it is expected to assume progressively more responsibility for capital works. None of the commissions in Canada are yet completely financially independent.

Under the act of 1964, after providing for operating costs, interest and depreciation, a commission may maintain funded reserves as approved by the Minister of Transport, with any remaining surplus payable to the Receiver General. The still existing acts of the 1910-1914 period provide for the payment of surplus funds to the municipality. In actual practice such surplus funds do not materialize. Harbour commissions are required to give an annual report of their operations to the minister, or governor in council, and various other controls are specified in their respective statutes. The 1964 act includes uniform provisions for such important matters as financial reporting and auditing by the minister.

In all cases, the appointment of harbour commissioners is made by the federal government and by the local municipality, and in all but two existing cases involving historical considerations, Toronto and Winnipeg, the majority of the members is appointed by the federal authority. Under the standard act of 1964, harbour commissions may be established by proclamation of the governor in council. The proclamation defines the harbour limits, states the corporate name and fixes the number of commissioners, not less than three and not more than five, with a majority being appointed by the federal authority and the remaining member or members appointed by the local municipal council.

Commissioners are appointed for terms not exceeding three years and may be reappointed for further terms. They may not be elected officials of other levels of government, for example the provincial legislature or municipal councils, and are not paid a salary. The commissioners are local residents and are usually prominent businessmen interested in local harbour affairs and development of the port. They elect their own chairman and hold regular meetings as may be necessary to deal with policy and planning matters and other major items, leaving the day to day harbour operations to the chief executive officer and other commission staff.

There are now five commissions operating under the standard act of 1964, namely Fraser River, Nanaimo, Lakehead, Oshawa and Windsor. The following ports were incorporated and come under harbour commissions: Toronto, Ontario, incorporated in 1911; Hamilton, Ontario,

incorporated in 1912; Fraser River, British Columbia, formerly New Westminster, incorporated in 1913; North Fraser, B.C., incorporated in 1913; Port Alberni, B.C., incorporated in 1947; Belleville, Ontario, incorporated in 1952; Windsor, Ontario, incorporated in 1957; Lakehead, Ontario, including Port Arthur and Fort William, incorporated in 1958; Nanaimo, B.C., incorporated in 1960; Oshawa, Ontario, incorporated in 1960; and Winnipeg-St. Boniface, Manitoba, incorporated in 1912.

At the present time Canadian harbours are administered pursuant to a variety of legislation and policies, and to ensure a comprehensive system designed to more fully meet modern requirements it is expected that some change in the law will be required as well as changes in administrative procedures. In recent years the administration of Canadian ports and harbours has been under close study. In May, 1971, the then minister of transport announced a new Canadian port policy providing for greater local participation in management at National Harbours Board ports through new, local port authorities. This was in keeping with the cabinet committee decision of March 24, 1971. The new policy also provided for the establishment of a ports and harbours planning committee to review all major harbour development proposals and for the establishment of a national ports council with membership on a nationwide basis acting as an over-all advisory body.

The new ports and harbours planning committee was established as part of the Canadian marine transportation administration of the ministry of transport. The committee was set up by cabinet to review all major development proposals in National Harbours Board and harbour commission ports as well as at public harbours and government wharves. This important committee has been functioning since 1972 and several federal departments are represented, including the ministry of transport, the National Harbours Board and the Department of Public Works. Recognizing the increasing importance of environmental and urban planning considerations in the planning and development of Canada's ports, representatives of the Department of the Environment and the ministry of state for urban affairs are also participating actively in the work of the planning committee.

The council is composed of members of the National Harbours Board, the chairman of the ten local port authorities of the National Harbours Board ports, harbour commissions, the senior officials of the ministry of transport responsible for harbours and ports, and representatives of each provincial government and other federal government departments. The council was set up to advise the Minister of Transport on matters relating to the improvement of port and harbour economies and structures and related maritime matters.

The first meeting of the newly-established ports council was held in September, 1972, and the second session, a two-day meeting in Ottawa, was held in March, 1973. At that time one of the major items under discussion related to ways and means of creating an instrument which would permit Canada's ports and harbours to function harmoniously within one structure. Possibly this could be achieved by bringing together all the larger ports in a new, single national network under a new act that would encompass the best features of the National Harbours Board Act and