

**Hon. Jacques Flynn:** Honourable senators, our present legislation on pilotage is out of date. It was drawn up, at least in substance, about or over 100 years ago and it has been seldom amended since then. Some attempts were made to cope with the situation in 1962 when the Royal Commission on Pilotage was established. As we know, the commission was presided over by Justice Yves Bernier, from Quebec City, assisted by Messrs. Smith and Renwick. It is, as pointed out by the sponsor of the bill, the senior commission of inquiry, since it has almost 10 years of existence, having been created in 1962. We must not, however, forget that its first volume was published in 1967 and that this first report contained all the general recommendations which were to be more specifically dealt with in the other volumes. For almost four years, the Government has been in a position to introduce amendments or still better another act on pilotage. It was, moreover, the first recommendation stated in the first report of the commission.

In other words, it was proposed to take out of the Canada Shipping Act, where they are presently, the provisions concerning pilotage so as to make a separate act out of them. It is, obviously, this first recommendation which is being put into practice now, but, as I said, more than four years after its presentation to the Government in the first volume of the commission's report.

The obvious purpose of the pilotage legislation is to provide for safety of navigation. This purpose, this object, is moreover to be found in clause 12 of the bill which states precisely that an Authority—and I shall come back on the meaning of these words—

The objects of an Authority are to establish, operate, maintain and administer in the interests of safety an efficient pilotage service within the region set out in respect of the Authority in the Schedule.

However, I stress, by the way, the fact that the English text uses only the words "in the interests of safety". I do not think that this covers exactly the same thing. It would be better to state "for the safety of navigation"; but just the same, whether this is a typographical or other type of error, this may perhaps be considered in committee. I do not think that this requires a formal amendment, but I wish to stress this difference between the two texts.

So, as I was saying, the purpose of the legislation on pilotage is to insure the safety of navigation. Well, there is a strange thing in the existing legislation: only pilotage charges are compulsory. Shipowners must pay pilotage charges in areas where it is indicated that such charges are due, but they do not have to take a pilot on board. In other words, according to existing legislation, pilotage is not compulsory; only the payment of charges is. This rather strange situation did not have too many consequences in practice, because since pilotage charges were to be paid in any case, the ships might just as well take pilots on board. But it remains that this is the existing legislation. However, it is a recommendation of the Royal Commission on Pilotage to make pilotage compulsory, that is, to establish the principle that it is not the pay-

ment of charges which is compulsory, but recourse to a pilot's services in a stipulated area.

Secondly, the report also recognized the fact that the pilotage problem differed according to the areas, a great number of them, that it was not the same thing, that it did not require the same proficiency and knowledge to pilot a ship between Quebec and Les Escoumains, or to enter the port of St. John's, Newfoundland, or Halifax, or Saint John, New Brunswick, or to sail up river from Quebec to Montreal, to guide a ship through the Seaway, the Great Lakes, and that the situation is also quite different on the Pacific coast, at the entrance to the various ports. So, the royal commission recommended that administrative services concerning pilotage be decentralized. This bill does not take full account, I would say, of the position of the commission in this regard, since it establishes four large administrative regions, four authorities. As we know, the Atlantic region comprises all waters around Prince Edward Island, Nova Scotia, Newfoundland and New Brunswick including the waters of Chaleur Bay south of Cap d'Espoir. But, as I have mentioned, we find that, in that region, a large number of different situations occur, which may require that the authority adopt various sets of regulations.

The second region is that of the Laurentians, including all waters in the Province of Quebec up to the south, that is the southern exit of the St. Lambert lock.

The third region is that of the Great Lakes, extending from the southern exit of the St. Lambert lock to the Great Lakes. I believe it also comprises the waters of Manitoba, which would include the James Bay region, Port Churchill in particular. Finally, there is the Pacific region.

So, these are the four regions created by the bill and whose management is entrusted to four similar authorities made up of seven persons, including a chairman and a vice-chairman in each case.

The powers given to such authorities are quite extensive and maybe too extensive in my opinion. They are incorporated in clause 14 of the bill—and I should like to quote part of it:

(1) An Authority may, with the approval of the Governor in Council, make regulations necessary for the attainment of its objects, including, without restricting the generality of the foregoing, regulations

(a) establishing compulsory pilotage areas;

It is normal, I think. I see no difficulty in entrusting this power to these authorities. We have to determine, for instance, under these clauses, whether a pilot will be needed to get into the port of St. John's, Newfoundland or Saint John, New Brunswick, and so forth. But this power may also raise problems, were the authority to decide, for instance, the elimination of some existing pilotage areas where the payment of pilotage charges is compulsory. For the time being, however, it is to be presumed that the authorities are going to maintain the