

Canada Shipping Act

Mr. Deputy Speaker: Order! The Hon. Member for Ottawa—Vanier (Mr. Gauthier), on a point of order.

Mr. Gauthier: Mr. Speaker, I suppose the message from the Senate accompanying Bill C-45 did not contain any comments. Since you did not read any, I suppose there are none.

Mr. Deputy Speaker: Order! In the case of Bill C-45, as was the case for the other Bills we received today, there were no comments from the Senate.

• (1540)

GOVERNMENT ORDERS

[English]

CANADA SHIPPING ACT AND RELATED ACTS

MEASURE TO AMEND

The House resumed consideration of the motion of Mr. Mazankowski that Bill C-75, an Act to amend the Canada Shipping Act and to amend the Arctic Waters Pollution Prevention Act, the Maritime Code Act and the Oil and Gas Production and Conservation Act in consequence thereof, be read the third time and passed.

Mr. Brian Tobin (Humber—Port au Port—St. Barbe): Mr. Speaker, as I was saying about the importance of including oil rigs under the jurisdiction of the Canada Shipping Act—

Mr. Boudria: Could you repeat some of that, I missed it?

Mr. Tobin: I would be glad to repeat it. You were not here.

As I was saying, it is time we started treating rigs as something more than just a means of exploring for and extracting oil from the sea bottom. We should treat them as vessels which hold the lives of men and women at sea. To do that adequately, those people have to be under a command structure and set of regulations which can be found only in the Canada Shipping Act. They should not be seen as simply a scenic point for the Minister of Energy, Mines and Resources to visit once in a while by helicopter. The royal commission did not spend its time and our money making recommendations to have them ignored in a whimsical and flippant manner because of the frail vanities of Ministers of the Crown.

I get damn angry knowing that this Parliament has not had the ability to get its act together, be non-partisan, sensible and intelligent and accept the royal commission recommendation. It did not happen. There is not a Member of Parliament of any Party who knows a damn thing about this matter who will tell you that it was anything but foolish and irresponsible not to have included rigs under the Canada Shipping Act. I hope when we come back in the fall the Government will be prepared to accept an amendment to do the right and responsible thing.

Not only has the Government ignored the recommendations of the royal commission, it has ignored rulings of Canadian courts on this question. There are several Canadian and international decisions which support the argument in favour of defining oil rigs as ships. I want to cite a few of them. In the case involving the Seafarers' International Union and Crosbie Offshore Services of March 5, 1982, the Federal Court of Appeal was faced with the question of whether federal or Newfoundland legislation applied to the crew of supply boats working the rigs in the Hibernia field off Newfoundland. In the course of describing the nature of the services supplied by the boats to the rigs, the judge noted that supply ships are also ships. They have means of self-propulsion but, for one reason or another, may be towed to a drill site.

In the case of *The Queen v. the Saint John Shipbuilding and Drydocks Company* of July 7, 1981, the court considered whether a floating crane was a ship within the meaning of the federal definition. After reviewing the English cases on the point, the judge said that applying the law to the crane as described, he was of the opinion that the crane was a ship. While it appears that she was not capable of navigation herself and was not self-propelled, those facts did not detract from the fact that she was built to do something on water which required movement from place to place. Therefore, in his opinion the crane was a ship.

I have a third decision. This was rendered in the Exchequer Court, predecessor to the Federal Court of Canada established in 1971. In that case the judge decided, using the Canada Shipping Act definition, that a barge used for cargo was also a ship. The Canada Shipping Act covers barges. A garbage scow or transport barge, whether it has anyone on board, is a ship. A crane operating in a harbour or port is a ship. A supply vessel is a ship. However, an oil rig like the *Ocean Ranger* which went down in a violent Atlantic storm, with a crew which was, in the words of the royal commission, improperly trained, is not a ship. It does not have to be regulated under the Canada Shipping Act. The Minister of Transport is not responsible for the operation of that rig. It falls under the responsibility of the Minister of Energy, Mines and Resources, who would not know navigation law from the laws of backgammon.

The Government is barging along, insensitive to the impact this Bill will have on Canadian citizens. It will cause waves right across the land as it moves like some monolithic object, unintelligent about its destination, simply determined to push ahead.

I would note here the representations made by the *Ocean Ranger's* Family Foundation. That was set up to assist those families who lost loved ones to get over the consequences of the loss of the bread-winner in the family. It also recommended to