

Canada Oil and Gas Act

It appears to me that there are two things wrong with this. First, the Crown has the option with respect to any offence under this legislation, regardless of how minor it might be, to proceed by way of summary conviction or by way of indictment. Not too long ago in this chamber my colleague, the hon. member for Edmonton West (Mr. Lambert), gave a very good dissertation on this same subject with respect to the Income Tax Act.

Second, it appears to me that the penalties contained in this clause might be described as vicious. They might come under the definition of cruel and unusual punishment, when we consider the offences to which they apply. Without looking into this legislation one might think that the offences involved would be such things as deliberately endangering the lives of people working on an offshore drilling rig, but that is not included in this legislation. That would be dealt with under the criminal negligence provisions of the Criminal Code, or under the Canada Shipping Act.

The offence of deliberately and negligently allowing major oil spills to occur, or this type of offence, would not be prosecuted under this legislation. It would be dealt with under the Arctic Waters Pollution Prevention Act, so what we are really talking about here is the payment of royalties and taxes to the federal government and the provision of certain types of information.

I think we should review the penalty provisions because they seem to me to be very harsh, especially when we look at clause 58 which, contrary to the usually accepted Canadian legal way of doing things, says that one is guilty unless one can prove one's innocence. It is sufficient for the Crown to prove that an offence has been committed, and then the accused has to prove that the offence was committed without his knowledge or consent. Otherwise the opposite is presumed. This applies, under clause 59, to officers, directors or agents of the companies involved. This clause is extremely punitive, and when we get to committee I certainly hope we will be able to make some improvements to the offences and prosecutions section of this legislation.

I wonder if Your Honour could advise me of how many minutes I have left.

The Acting Speaker (Mr. Blaker): Four.

Mr. Nickerson: So much for that subject.

In my remaining few minutes I will give the House my concept of the vision of hon. members opposite with respect to the oil and gas industry in the north and offshore areas in the years to come. We see embodied in this bill the Liberal philosophies of centralization, socialization, and rigid central control. I think I have mentioned this before. With respect to bureaucratic control, I can see that this legislation was drafted largely within government departments. I do not know how much actual influence the minister has had on the drafting.

I wonder why there is a split in jurisdiction contemplated under this legislation. I wonder why, for certain areas within the so-called Canada lands, a term to which I take great

exception, the Minister of Energy, Mines and Resources (Mr. Lalonde) has jurisdiction, and in the other parts the Minister of Indian Affairs and Northern Development (Mr. Munro) has jurisdiction. It is the recommendation of the special representative on constitutional development in the territories of the Prime Minister (Mr. Trudeau) that the Department of Indian Affairs and Northern Development get out of that particular area of administration, and what is more natural and what makes more sense than to have the Department of Energy, Mines and Resources look after energy, mines and resources?

● (1600)

In this bill it seems that everything has to be run from Ottawa. What I would like to see established is administrative offices in the Northwest Territories similar to the ones that the government of Alberta has in Calgary, and similar to the ones that the government of Saskatchewan has in Regina. If everyone has to come to Ottawa to get exploration agreements and leases, we in the territories will never develop proper oil centres on the scale of the one in Calgary. It would make sense to me if we were to make Inuvik, which is in the centre of the rich delta area, into an oil centre. Some day I would like to see a second Calgary established in the Mackenzie Delta.

Some hon. Members: Hear, hear!

An hon. Member: That is vision, although they do not have any over there.

Mr. Nickerson: That is for sure. You can see that when you read through the act.

Finally, I should like to register my objection to what I see as the future of the oil and gas industry in the north, as it is controlled by Petro-Canada on the one hand and by large companies on the other. There does not seem to be any room in this bill for the little guys, for the people who reside in the Northwest Territories. It seems that the northerners will be sitting on the sidelines while Petro-Canada and its associates do the work and take the credit for it, make all the money out of it, and leave us with very little to get out of it. At present I do not know of one lease or permit held by a resident northerner, and if this bill is to pass I do not think there is a likelihood of that occurring in the future.

In conclusion I should like to repeat that I am pleased that this legislation was brought before us so that, after ten years, we can look at it and we can recommend changes. In its present form it does not seem to do very much for Canada, either in the long or in the short term. Certainly it does not seem to do very much for the north. I hope that when it goes to committee we will have the opportunity to make our objections known, and we hope that the government will listen carefully to them so that a legislative and a tax environment can be created which will make it attractive for people to invest in the north and in our offshore areas. We hope that in the near future production will be started in those areas which will do much to help Canada's oil and gas self-sufficiency.