

*Government Orders*

• (1200)

The Conservatives took one of the best cards they had and they flung it on the table and said: "Here, take that. Now let us talk about other things". They knew the Americans disliked aspects of the National Energy Program. Did they sit down at the table and try to negotiate something from the Americans in order to relax and finally eliminate the National Energy Program? No, they threw the card on the table and said: "Here, we do not like it either. You take that. You do not have to give us anything for that".

On coastal trade, the government brings in a bill, which I acknowledge is a good bill, but it gives everything away while it is sitting at the table ostensibly, according to the minister of trade, seeking as a key objective the breaking open of the Jones Act. *Bonne chance, Monsieur le Président, bonne chance, ministre.*

I would like to talk for a few minutes about the provisions in sections 4 and 5 of the bill which permit the issuances of the licences to foreign ships. These provisions both basically parallel one another.

I will start with what exactly the scheme of this act purports to be. It is set out in section 3 of the act, which says:

Subject to subsections (2) to (5), no foreign ship or non-duty paid ship shall, except under and in accordance with a licence, engage in the coasting trade.

Point one on this, in terms of the scheme of this act, is to protect the Canadian coasting trade for Canadian ships or duty-paid foreign vessels; so far so good.

As I read section 3, subsection (1) permits these vessels to engage in the trade under and in accordance with a licence. These licences are generally granted under sections 4, 5 and 6. Let me refer to section 4 of the act, subsection (1):

—on application therefor by a person resident in Canada acting on behalf of a foreign ship, the Minister of National Revenue shall issue a licence in respect of the foreign ship, where the Minister is satisfied that

(a) the Agency has determined that no Canadian ship or non-duty paid ship is suitable and available to provide the service or perform the activity described in the application;

The aforementioned agency is the National Transportation Agency.

This is the crux of the licensing provision contained in this bill.

We proposed earlier today an amendment which would have left this system in tack but required a 14-day delay in order to issue the licence for reasons which I explained in support of that amendment. It is our belief that this relatively minor delay would have provided market assistance to Canadian vessels to ensure that they had adequate work to justify their further construction, their continued maintenance, the continued existence of Canadian ships with Canadian crews in the coastal trade in Canadian waters.

The government has refused despite the fact that a similar amendment was adopted by the Standing Committee of Transport when the predecessor to this bill was dealt with prior to the 1988 election. The government has chosen not to grant this delay.

As I read from section 4, the wording is mandatory. In other words, the Minister of National Revenue shall issue a licence. That terminology is continued in section 5 as well, "shall issue a licence".

As anyone familiar with legislative language knows, there is a world of difference between the word shall and the word may. The word shall is mandatory; where the conditions are met, the minister has no choice but to issue the licence. The word may implies a discretion by the minister, where the conditions are satisfied, to use his best judgement in the interests of Canada as to whether a licence should be granted.

The amendments that were proposed in committee, which would have made this power discretionary to the minister, would have provided the flexibility for the minister to consider in each case what was appropriate and what was in the best interests of Canadian shippers, Canadian shipping companies, Canadian ship builders and Canadian ship crews. Instead of accepting this element of discretion, giving the minister the power to make the best judgment, given all the circumstances, the government chose the strait-jacket of mandatory language and rejected the amendment.

I was obliged to my colleague from Burin—St. George's for a visit to Marystown earlier this year where, having visited some of the shipyards in Nova Scotia and at St. John's, New Brunswick, I was able to visit an excellent shipbuilding facility. I am told it is also the home of the Marystown mariners, presumably a bantam hockey team which participated in the unity tournament recently in Toronto sponsored partly by my colleague from Broadview—Greenwood. In addition to having a