

Fisheries Act

government would never propose concurrence in an illegal amendment, though under this administration it is always possible. In any event, we have had an opportunity to review the matter and are prepared to let the amendment go.

Motion agreed to, amendment read the second time and concurred in.

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FISHERIES ACT**MEASURE TO AMEND THE ACT AND THE CRIMINAL CODE IN CONSEQUENCE THEREOF**

The House proceeded to the consideration of Bill C-38, to amend the Fisheries Act and to amend the Criminal Code in consequence thereof, as reported (with amendments) from the Standing Committee on Fisheries and Forestry.

Mr. Speaker: There are three motions before us at the report stage. Motion No. 1, in the name of the hon. member for Grand Falls-White Bay-Labrador (Mr. Rompkey), motion No. 2 in the name of the hon. member for New Westminster (Mr. Leggatt), which appears to be acceptable from a procedural point of view, and motion No. 3 in the name of the Minister of Fisheries and the Environment (Mr. LeBlanc). The Chair has some reservations about the regularity of motions one and three and perhaps we could now proceed to a discussion on the procedural aspects.

Mr. Fleming: Thank you, Mr. Speaker. It has been brought to my attention that Your Honour is somewhat concerned about the procedural regularity of motion No. 1. I believe the government does support this amendment and, though members on the other side can speak for themselves, that there is agreement generally that I should ask for unanimous consent to accept the motion if that would be in order.

The situation is much the same with respect to motion No. 3. I submit that this amendment affects only one clause of Bill C-38 and is narrow in its scope. Moreover, that particular part of the bill has been amended and has been opened up. I know that the amendment is the result of a desire by all parties, in committee—I am speaking about motion No. 3. There has been a desire expressed by all parties to see it moved and it follows action taken by the minister to accommodate the concern of the provinces.

While I am on my feet may I bring a further amendment to Your Honour's attention? If it is in order, I should like to table copies and seek unanimous consent for its acceptance. I should like to move an additional amendment concerning the question of liability in relation to marine pollution. During the committee sessions, additional amendments were included to provide, hopefully, for recourse by fishermen against loss of income caused by pollution. Unfortunately, we did not differentiate between marine pollution from ships, in respect of which legislative provision already exists and for which a special marine pollution claims fund exists, and land-based pollution,

[Mr. Baker (Grenville-Carleton).]

the major source in respect of which we were seeking to provide protection for fishermen.

This matter was brought to our attention by the Dominion Marine Association which also recommended that the inclusion of the provision as it presently stands could cause difficulty to the shipping industry when obtaining insurance coverage. In view of this, officials have been working with the Department of Transport and we now have a further revision to propose to Bill C-38, which I feel will clarify these new liability provisions. I would now like to present such a motion with the unanimous consent of the House.

The motion reads as follows:

That Bill C-38 be amended in subclause 7(3) thereof by adding thereto, immediately following line 16 on page 7, the following subsection:

“(10.5) Notwithstanding anything in this section, subsections (10) and (10.1) do not apply in respect of any deposit of a deleterious substance that, within the meaning of Part XX of the Canada Shipping Act, constitutes a discharge of a pollutant caused by or otherwise attributable to a ship.”

● (1140)

Mr. Crouse: Mr. Speaker, it is not my intention to refer to all the amendments listed on pages XII and XIII of today's order paper since I am not too certain that it would be in order to speak to them at this time. Some of my colleagues have indicated their intention to speak on motions Nos. 1 and 2 however, and if I am in order I should like to confine my remarks to motion No. 3. Is that satisfactory?

Mr. Speaker: Order, please. We ought to regularize the proceedings a little bit. There has been some indication of positions to be taken in respect of these four motions. I wonder if we ought not to take them one at a time and sort out the position on each.

Mr. Fleming: Mr. Speaker, before you take this point by point, I should bring to your attention a consequential amendment. The table already has a copy of this and we would need unanimous consent of the House to introduce it. It merely seeks to bring in line the French text of clause 31(1) with the English text in order to reflect the agreed intent of the subclause. I would therefore move:

That the French version of clause 5 of Bill C-38 be amended by striking out line 12 on page 3 thereof and by substituting therefore the following:

«équilibre d'une manière préjudiciable»

Mr. Speaker: Order, please. The parliamentary secretary has asked for the consent of the House to move an additional motion. That could be done only with unanimous consent, of course, and it may be appropriate to find out now whether there is unanimous consent before we go to consideration of the other motions in order that members might prepare themselves for discussion on the motion knowing that the House has given consent that it be moved.

The House is being asked now only to give consent to the moving of the motion by the parliamentary secretary. Consequential upon that amendment would be an editorial change to the French text that the hon. parliamentary secretary just read to the House, as follows: