

*Maritime Code*

● (2100)

For those of us who have to compete with the railways through water borne traffic it tends to impair, as pointed out by the council of maritime premiers, the ability of people such as farmers to import grains at a competitive rate. It tends to play havoc with the shipment of west coast lumber, with the movement of flour, indeed with every commercial activity requiring some form of transportation from one part of Canada to another.

Basically the parliamentary secretary is attempting to amend the most important section of Books I and II. It is the section that will close exclusively to Canadian ships the coastal waters of Canada. Some years ago we closed the Great Lakes to Canadian registered ships and had great fears about it. Fortunately, because of growing technology, those fears were not realized. However, as the report stage debate continues, Mr. Speaker, you will be hearing members on this side of the House setting forth for consideration in absolute detail the very vital principles that are at stake if this section is passed without something other than the assurance, written or verbal, of the Minister of Transport which will be required by the council of maritime premiers. Indeed the government of British Columbia may require such assurance since Mr. Jack Davis, a distinguished minister in the present British Columbia government, was a former minister in the federal government when the principle of closing coastal trade to Canadian ships was under active consideration. He himself was actively involved in a department that could not itself understand the consequences of this particular section.

What we require to have built into this legislation at some point is a written assurance that nothing that the legislation chooses to do will in any way impair the competitive position of shippers, be they on the west coast, the east coast, or in central Canada. Nothing must impair their ability to move goods and services at the lowest possible rate.

We are concerned about this question from a variety of viewpoints. We know the shellacking that the Atlantic provinces are going to take on April 1 after the Minister of Transport brings in amendments to the Railway Act, particularly to section 272 which controls freight rates, freight rate subsidies and so forth for the movement of goods in our area. We are also concerned about bearing the loss of a level of subsidy on the movement of goods and services by a Canadian fleet which today can only operate at a cost equal to or higher than the existing statute provides for, inasmuch as it does provide for licences and the use of other than non-Canadian ships for the movement of goods and services between one Canadian port and another, or between two Canadian ports by way of a foreign port.

The department has gone a long way to upgrade a bill that essentially arose out of the old British merchant marine act going back to the middle 1800's, and indeed much earlier. We have consolidated the statutes, brought them together and added to them, and they have affected virtually every law on the books in Canada. We are now engaged in updating Victorian attitudes which underlie the old act.

We on this side are grateful that we have got this far. Books I and II, as we will learn when we go through them, deal with some of the general aspects, such as coastal trade

and the definition of what is a Canadian ship, what are Canadian waters, what are territorial waters, what is a Canadian registered ship, who can own a Canadian ship, what a foreign owner is, what his responsibilities are, and so on.

We have the basis of a good bill here, but it is weakened by two things, Mr. Speaker. First of all, it is weakened by the point that I outlined earlier regarding translation and the approach used in drafting the legislation before us. To Your Honour's deep and continuing concern, most members on this side feel that the one language does not necessarily conform to the other. If you read the legislation in the French version and you ask your colleague whether the English corresponds, you are not likely to get an affirmative answer. The same is true of the other language in certain parts of the bill. In other parts if you were to ask your colleague whether the English translates properly into French, he would say it does exactly. But if you were to ask a judge to give his interpretation he would come up with a different interpretation based on whether an action is brought under the act *en français* or in English.

The second matter, requiring a minor technical amendment which we will support, has to do with the shortcomings of the legislation under this particular section. I trust that some of my colleagues will speak in a definitive way on this matter. I refer to the impact on shippers of the consequences of this act if we take water borne transportation out of its presently highly competitive posture *vis-à-vis* the railways and place it in a posture that allows the railways to increase their rates. God only knows how the railways set their rate structure other than through competition.

As I have said, Mr. Speaker, the maritime council of premiers was concerned about this question. We have members from New Brunswick and also members from the west coast who are concerned about it too. It is a matter that must be dealt with by the minister before we go too far on this stage of the bill.

We intend to introduce amendments on this aspect and when we reach clause 12, so that we might have a little more time to consider certain amendments, I will ask that it be stood in order to give the government time to consider ways of incorporating in the bill the type of assurances that are absolutely necessary if the government has any desire to get this piece of legislation out of report stage and into third reading during the present session.

● (2110)

We have six amendments that will follow. We intend to debate all six, although not at any great length. We believe these amendments are stronger than the wording in the bill and tend to give the legislation the type of strength, spirit, and intention of the act. We have indicated publicly that in general we are very much in favour of the bill. I believe in the development of our own Canadian merchant marine.

I might go back to the reference by Judge Bell to the need for a framework or consolidation of the old Canada Shipping Act into a maritime code for the orderly development of our own Canadian merchant marine. This goes back over a period of 15 or 20 years. If he were here this evening he would welcome this. I refer to him because he