

outer limit of the continental shelf, which is sometimes more than 200 miles, especially off the coast of Newfoundland.

International law grants coastal states exclusive rights to explore and develop the resources of the sea and the continental shelf adjacent to their coast within certain limits. However, Canadian legislation does not sufficiently reflect the current state of the law. This is because under the present interpretation rules, no federal law applies beyond the territorial sea unless expressly provided for. Needless to say, some laws must have such a provision if they are to make sense.

To be effective, laws covering fisheries, customs and income taxes must apply beyond the territorial sea. Nevertheless, other important laws, in particular the Criminal Code and some important social or economic provisions, do not usually apply beyond the territorial sea.

Furthermore, provincial laws cannot apply outside provincial territory, which does not extend beyond the baseline or the coastline. This bill is intended to fill the gaps and thus establish a general framework of legal certainty for the development of offshore areas.

● (1830)

[English]

The bill will extend the application of federal and provincial laws to the offshore areas in four ways. First, in a declaratory provision, the bill will make clear that federal laws apply to the internal waters and territorial sea. Second, all federal laws will apply to marine installations or structures, including drilling platforms, floating platforms, artificial islands and other structures used to exploit the resources of the Continental Shelf. Third, the bill empowers the Governor in Council to make regulations to extend the application of provincial laws beyond provincial boundaries to the internal waters of Canada, the territorial sea, and to marine installations or structures on the Continental Shelf of Canada. Fourth, the bill will enable the Governor in Council to broaden the application of federal and provincial laws to areas other than marine installations in our 200-mile fishing zone, or in any exclusive economic zone that Canada might create in the future. I wish to emphasize that this bill and its related amendments are totally consistent with the rights and obligations of Canada under international law.

The government attaches particular importance to the application of Canadian criminal law and the jurisdiction of Canadian courts in respect of offences committed on the Continental Shelf of Canada and elsewhere. Under the amendments to the Criminal Code contained in the bill, it will be possible to prosecute Canadians and foreigners suspected of having committed criminal offences on drilling platforms flying the Canadian flag or a foreign flag when such platforms are attached to the Continental Shelf of Canada.

Moreover, the criminal law will apply to all Canadian ships anywhere in the world, and to Canadian citizens who commit offences outside the territory of any state—for example, on the high seas. These provisions will make it easier to ensure that offshore areas are exploited in an orderly fashion. They will also help to protect fisheries officers who, from time to time,

must take action in the case of incidents involving foreign ships suspected of breaking our fisheries laws by clarifying the provisions in the Code related to arrest, search and seizure, and hot pursuit on the high seas.

The bill will amend the Territorial Sea and Fishing Zones Act so as to specify that our baselines include those that have been determined by Order in Council, our historic baselines, and any other baselines at international law. This provision will also help to specify what are Canada's international waters for the purpose of the application of our laws. Baselines are the lines from which the breadth of the territorial sea is measured outward 12 nautical miles. All waters on the landward side of baselines are internal to Canada.

[Translation]

The implementation of any legislation as technical as this requires consultation with the groups and institutions concerned. The government is committed to ongoing consultations with the provinces and the territories on the application of their laws beyond their boundaries.

I want to stress that nothing in this Act abrogates or derogates from any rights of the provinces, aboriginal groups or individual citizens. These rights are protected under the Constitution and under certain provisions in the bill. However, the government realizes that certain parties will have some questions about the bill. That is why it will come into force in two stages.

First of all, it will be possible to implement the provisions on broadening the application of federal laws more quickly than those concerning provincial laws. The application of the laws of a given province or territory may be broadened before that of a neighbouring province or territory.

Second, under the bill, 60 days' notice must be given before regulations are issued, to give interested parties a chance to comment on the proposed regulations. Thus, implementation of this legislation will take place in a spirit of consultation and co-operation.

[English]

In conclusion, the Canadian Laws Offshore Application Act will broaden the application of federal and provincial laws. It will amend and modernize the criminal law to make it reflect the increased economic and social importance of the waters adjacent to our coasts. In this regard, it corrects certain ambiguities and fills several gaps in our current laws. All these measures will make it possible for our laws to be a reflection of the rights that Canada has acquired at international law.

On motion of Senator Frith, debate adjourned.

ABORIGINAL PEOPLES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Charlie Watt moved the second reading of Bill S-18, to further the aspirations of the Aboriginal peoples of Canada.

He said: Honourable senators, for many people Bill S-18 might be just another private member's bill, but for the Aboriginal peoples it represents something far more important.