

Mr. Stanbury: Mr. Chairman, I appreciate the interest shown by the hon. members for Edmonton West and Scarborough West in this important bill. I share the concern of the hon. member for Scarborough West. No matter whether the amount involved is \$200,000, \$500,000 or \$1 million, and it is difficult to tell how much is involved, the sum lost is lost to the Canadian taxpayer. I am sure the hon. member for Edmonton West will agree with me that it is important to attempt to recover that money, as it is the Canadian consumer who in the end pays for any loss of duly collectible revenue.

However, I sympathize with the concern of the hon. member for Edmonton West when he suggests that we might be putting an unreasonable burden either on the master of a ship or on a shipping company and, therefore, eventually on the consumer. I am advised, however, that the cost of the bonds is minimal. The cost to the consumer in the end might be less, in fact, as a result of the amendment proposed, because of the ability of consignees to obtain refunds in those cases in which they can establish the facts. Under the present system there is difficulty in establishing the fact.

Canada Customs has the responsibility under existing law for collecting revenue, but does not have in this case the means to collect that revenue. The decision of Mr. Justice Dumoulin removed what was formerly thought to be the responsibility of a master. Presumably, the act intended to impose that duty.

If I may answer the question of the hon. member for Edmonton West regarding the comparison between captains of aircraft, engineers of trains and so on—

Mr. Lambert (Edmonton West): It should be captains of aircraft and masters of ships.

Mr. Stanbury: Quite so. The answer, directly, is yes. This measure would impose on the master of a ship the same duty that is imposed under the Customs Act on the captain of an aircraft.

If I may reassure the hon. member for Scarborough West, the proposed procedure with respect to requiring a bond and ensuring that the master of a ship is responsible for statements he is making about the goods he is carrying will be entirely consistent with procedures followed with respect to other modes of transport. It was thought, of course, that existing arrangements were consistent. However, when Mr. Justice Dumoulin said that we could not hold the master of a ship responsible, we felt it was necessary to introduce this amendment, to make sure that that responsibility is made clear so that a similar situation would exist with respect to all modes of transport.

If there are other questions, I will try to answer them, with the help of my adviser.

Mr. Barnett: Mr. Chairman, perhaps I might say for the information of the hon. member for Edmonton West, in view of the interest shown by the hon. member for Scarborough West in smuggling, necessary or unnecessary, that the hon. member for Scarborough West is not only the owner and manager, but master of a vessel now. If the hon. member for Edmonton West was surprised at the hon. member's newfound interest, that fact may provide a useful bit of background information.

Customs Act

I suggest that anyone who listened to the remarks of the hon. member for Edmonton West on second reading might gather the impression that this bill imposes new and awesome burdens on the master of a vessel. I am not a master of a vessel, but I live in a part of the world where we see goods moving in by vessel fairly frequently.

● (1250)

My initial reading of the bill was some time ago. I gained the impression that this bill would clarify and define what in my view has always been the well defined responsibility of the master of a vessel for practically everything that happened in connection with that vessel, not only in respect of navigation, but whether it was complying with the shipping regulations or creating pollution by oil. We had a recent example in British Columbia where the master was charged and fined because of actions taken which resulted in pollution by oil.

From a rather casual observation, it seems for a good many years there has been a rather grey area in defining the responsibility of what from time to time are rather mysterious disappearances of portions of cargoes from ships' manifests. Of course, there is the other side of the coin. On occasion there is the problem of goods coming into the country which do not appear on the ships manifests. Perhaps that is the smuggling to which reference has been made.

With regard to the minister's comments about this bill bringing the responsibility in line with the generally accepted concept of responsibility of the captain of an airliner or a person in charge of any other mode of transport, if this bill is reasonably administered and the regulations under it are proper and clear, the bill may help to protect the master. We are all aware that, in connection with any piece of legislation that comes before this House, one has to accept that it will be reasonably administered. If it is not administered well, it is our responsibility, as members of this House, to bring that to the attention of the government.

If this bill receives passage, becomes law and is administered in such a way as to cause undue hardship to masters of vessels carrying goods entering Canada, I will be the first to object. Generally speaking, however, I have not found too much foundation for complaint in substance about the way customs officers in our ports, particularly ports on our seacoasts, carry out their duties. If that same approach is carried forward under the regulations to be enacted under this bill, the fears expressed by the hon. member for Edmonton West that the new responsibilities being placed upon a master are too great are groundless.

Mr. Lambert (Edmonton West): Mr. Chairman, with all due respect to the hon. member for Comox-Alberni and the minister with regard to the explanation he gave on the points I raised at the previous stage, there is no doubt in my mind from reading this bill that, if the master can prove the goods were not taken on board, in other words that there was pilferage at the port of origin between the time the manifest was made and the goods were put into containers, the master can escape liability. However, there is no provision whatsoever to protect the master from pilferage on the dock of a Canadian port between the