

Fisheries Act

brought, on at this late date this particular government motion to amend at this stage.

Mr. Fleming: Mr. Speaker, if I might, I will be very frank. I read an explanation into the record this afternoon. That explanation which I read into the record has since been sent off to *Hansard*. I will do my best in the absence of that piece of paper. Shortly before this bill came before the committee, at the request of my minister I approached the fisheries and environment critics of the official opposition, as well as the critic of the NDP, with regard to the possibility of bringing forward a further amendment to this act in committee which would in fact allow for civil liability in the case of fishermen who suffered loss of income as a result of pollution. They considered it, and were agreeable. After that point in time it was tabled and accepted in committee. I am trying to explain why it was so late in the day when that particular amendment came forward.

I sought that understanding from the opposition parties, because it was felt it would probably be some time before the Fisheries Act was again amended, and it was an important clause to have included although it developed late in the day. As a result of that, officials of the Department of Transport had some concern that this new clause as it reads would have an effect, or would at least confuse, already existing powers for liability that fishermen could claim in so far as the Canada Shipping Act is concerned.

The Department of the Environment and my minister did not feel that was a problem, because there is an existing fund of many millions of dollars for claims by fishermen against pollution caused by ships within the conditions of the Canada Shipping Act. In fact, to date there have been only two claims against that fund, for a total of about \$635. We felt that was proof enough that there was no concern necessary on the part of the Department of Transport.

They believe that despite that argument, the shipping companies might face seriously increased insurance costs as a result of the Fisheries Act taking up this civil liability responsibility as well as the Canada Shipping Act. For that reason unanimous consent was sought to table the amendment today in order to accommodate them, since the essence of the clause is to redress in some measure fishermen for loss of income attributable to land-based pollution.

● (2030)

Motion agreed to.

Hon. Iona Campagnolo (for the Minister of Fisheries and the Environment) moved:

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."

Motion agreed to.

[Mr. Jarvis.]

The Acting Speaker (Mr. Ethier): The House will now proceed to the taking of the deferred division on motion No. 2.

Mr. Knowles (Winnipeg North Centre): Call in the members.

The House divided on motion No. 2 (Mr. Leggatt) which was negated on the following division:

● (2040)

(Division No. 67)

YEAS

Messrs.

Alexander	Graffey	McGrath
Alkenbrack	Hamilton	McKinnon
Andre (Calgary Centre)	(Qu'Appelle-Moose Mountain)	Mitges
Baker (Grenville-Carleton)	Jarvis	Muir
Baldwin	Johnston	Munro (Esquimalt-Saanich)
Balfour	Jones	Neil
Beatty	Kempling	Oberle
Blackburn	Knowles (Winnipeg North Centre)	Orlikow
Brisco	Knowles (Norfolk-Haldimand)	Paproski
Clark (Rocky Mountain)	Korchinski	Patterson
Clarke (Vancouver Quadra)	Lambert (Edmonton West)	Peters
Coates	Lawrence	Ritchie
Crouse	Leggatt	Roche
Darling	MacDonald (Egmont)	Rodriguez
Dick	MacDonald (Miss (Kingston and the Islands)	Rynard
Douglas (Nanaimo-Cowichan- The Islands)	Marshall	Schellenberger
Ellis	Mazankowski	Scott
Epp	McCain	Stanfield
Fairweather	McCleave	Stevens
Forrestall		Stewart
Friesen		(Marquette)

NAYS

Messrs.

Allmand	Demers	Kaplan
Anderson	Dionne	Lachance
Andras (Port Arthur)	(Northumberland- Miramichi)	Lajoie
Andres (Lincoln)	Douglas (Bruce-Grey)	Landers
Appolloni (Mrs.)	Drury	Lang
Béchar	Duclos	Langlois
Bégin (Miss)	Dupont	Laniel
Blais	Dupras	Lapointe
Blaker	Duquet	Leblanc (Laurier)
Blouin	Ethier	Lee
Boulanger	Faulkner	Lefebvre
Breau	Fleming	Lessard
Buchanan	Flynn	Loiselle (Chambly)
Bussièrès	Foster	Loiselle (Saint-Henri)
Caccia	Francis	Lumley
Cafik	Gendron	MacDonald
Campagnolo (Mrs.)	Gillespie	(Cardigan)
Campbell (LaSalle-Émard-Côte Saint-Paul)	Goodale	Macdonald (Rosedale)
Caron	Goyer	MacEachen
Clermont	Gray	MacFarlane
Collenette	Guay (St. Boniface)	MacGuigan
Comtois	Guay (Lévis)	Marceau
Condon	Guilbault	Marchand
Corbin	Haidasz	Martin
Cullen	Harquail	McRae
Cyr	Herbert	Milne
Danson	Holt (Mrs.)	Munro (Hamilton East)
Daudlin	Hopkins	Nicholson (Miss)
Dawson	Horner	O'Connell
De Bané	Isabelle	