

**Some hon. Members:** Hear, hear!

**Mr. Allan B. McKinnon (Victoria):** Mr. Speaker, I intend to restrict my remarks on Bill C-38 to a rather narrow area. I am not a member of the committee and it would not be wise for me to try to go through this bill in detail. The part I wish to speak about is the absence of any provision for, or clarification of, the means by which communities can be reimbursed for their work in cleaning up small oil spills where the culprit is unknown. I take it that deleterious objects on the water would include an oil slick.

I am not quite certain who is taking responsibility for this bill at the present time, Mr. Speaker. It may be the Minister of State (Fitness and Amateur Sport) (Mrs. Campagnolo) or the Parliamentary Secretary to the Minister of Fisheries and the Environment (Mr. Fleming), but I hope whoever is responsible will take note of this problem and give an answer later in the debate, or perhaps even write me about it.

This is not a great financial problem, but an important principle is involved. The government has advocated that communities and municipalities make plans to cope with oil spills, and has set up a maritime pollution disaster fund to reimburse moneys spent when the offending vessel cannot be identified. The money for this fund is collected from the tankers and oil companies.

I became interested in this matter about four years ago when there was an oil spill at the community of Oak Bay near Victoria. It happened in the evening and they could see the oil slick coming to shore. We all know that the best time to clean a spill up is while it is waterborne, and this is what they did, finishing at about four o'clock in the morning. They spent about \$400 on the project, but then came the hard part. They tried for months to collect the money and, although they had properly receipted vouchers, were unable to get anywhere.

I took the matter up with the Minister of Transport of the day, the Hon. Jean Marchand. He had already told us that transport was in a mess, and certainly from the way the Oak Bay claim was handled this seemed to be so. When I pursued the matter I was referred to the Department of the Environment, but had no better success there. During a debate in this House the then minister of fisheries, the Hon. Jack Davis said I should have brought it to his attention and he undertook to see that Oak Bay was reimbursed. Unfortunately an election was called and he disappeared from the scene; he later resurfaced as a member of the provincial government of British Columbia.

Some two years after the event it was established that the Maritime Pollution Disaster Fund came under the Department of Transport, so I wrote to it. I ran into a very highly intelligent and capable civil servant, who was most polite and obliging. He knew the act from one end to the other, upside down and backwards, and would do anything except pay any money out of the maritime pollution disaster fund, which by then had grown to \$30 million. I have kept on trying ever since. The fund went up to \$40 million. At one time when I

### *Fisheries Act*

asked a question on the order paper as to its size, that is what they told me. Now it is \$48 million.

I cannot say that the fund is a disaster—it is a disaster fund—but out of all the money they have collected up to date, they have paid out only \$300, and some to a fisherman in Gaspé. It took a great deal of willpower on my part to resist the curiosity which I felt and not to inquire further as to how that fisherman in Gaspé managed to get some money out of the fund, because the main excuse that was given to me for not paying the municipality in my constituency was that they did not have prior Privy Council approval before they started to work.

I realize that with the time zone changes a man from Gaspé would have more chance of waking up cabinet ministers in the middle of the night than we do in Victoria, but I do not know what would happen if an outlying municipality tried to wake up the Privy Council to get their approval before it attacked an oil spill at 4 a.m. Ottawa time.

It is now four years since we first attempted to receive any succour from the government, and I see nothing in this bill that will make it any easier to get any money out of the maritime pollution disaster fund. I hope the Minister of State for Fitness and Amateur Sport or the parliamentary secretary will clarify whether they simply intend to collect money forever for the fund so it will end up like the pension fund for the civil servants, or whether they intend somehow, some day, to pay money out to communities which do the sensible thing and clean up oil spills before they pollute their beaches.

**Mr. Robert McCleave (Halifax-East Hants):** Mr. Speaker, I can certainly keep within the time limits. I understand there is a disposition to have the measure passed tonight, but I should be able to finish well within the 20 minutes.

The reason I am speaking is primarily that in examining the bill before us this evening I find that 12 of its 22 clauses involve a field somewhat special to me, that is, the power of ministers, of the Governor in Council, to exercise discretion, to make decisions, and to regulate. This can be a pretty awesome power.

As everybody knows, it has become a very common habit in the legislative process today to include the right to make regulations and orders in council. I suspect, without being all that specific, that at least 80 per cent of our legislation includes that power, and it is a matter that has concerned members on all sides of the House before, and will continue to concern them. I made the point previously that it is not so much the fact that these powers are written into modern day legislation that should concern us as the problem that we should be able to deal with that sort of thing effectively. Whether we do or not, I really cannot say.

I know, as co-chairman of the committee to which these regulations and orders in council are referred on a rather generous basis, that we do our best to deal with the sub-delegated authority, what I would like to call the shadow parliament which takes over when we, the House of Commons and the other place, have had our say. The fact is, however—and I