

Canada Shipping Act

up to standard. The record, as now publicized in the report of the committee, indicates that two navigation items were not operative and that in a whole series of ways this was not a vessel which could be classed as being suitable for the transportation of oil. May I point out to hon. members that in terms of today's standards of transport this was literally a toy ship in size. It was only a comparatively small ship in terms of the 250,000, 300,000, 400,000 and even 500,000 ton vessels now being constructed or designed. Yet, we have seen the appalling effects of this spill. This legislation will give us the right, in a sense as Canadian citizens, to legislate to establish standards for vessels carrying major pollutants which we will permit into our waters.

In other words, we will say, as we did in the case of the voyage of the *Manhattan*, that there are standards we as the Canadian government will lay down. If these standards are not followed, the ship cannot be used in the transportation trade of Canada. In addition, there are considerations in respect of hull design, such as the number of compartments that ought to be in the vessel and other things having to do with the structure itself. We will have the authority to ensure that navigation aids of various kinds are up to scratch, and that the vessel is properly equipped in every respect as well as adequately and skillfully manned to the point where the hazards can be reduced to the minimum.

But we will not simply leave it at this because it is also possible, as particularly those of us from the coastal parts of our country know, for even the best constructed vessel to run into trouble for reasons beyond the control of the captain. I believe there are phrases in Marine law such as, "acts of God" and "beyond the control of the captain and crew". So, we must do something to ensure that the vessels are sound and that they operate in our waters only under conditions which ensure that there is the minimum amount of risk.

There is, therefore, provision in these amendments in respect of the establishment of pollution control to give those who will be designated from time to time by the government the right to go on board vessels in our waters and issue instructions to those vessels not to come into a port or, conversely, not to leave port because of weather conditions and so on in order, again, to minimize the hazards. The work, particularly in respect of the *Arrow*, has indicated the necessity for this kind of legislation. The *Arrow* incident occurred on an extremely bad and foggy day, so we had the worst possible combination of conditions. The crew may or may not have been in some measure familiar with the area and may or may not have been totally competent but, in addition, there were bad weather conditions. So, in this legislation we are moving to ensure that such a situation cannot occur again. In other words, the legislation provides us with more power than we have had up until now to designate traffic patterns.

One comment Dr. McTaggart-Cowan made was that, in terms of international air transport, corridors are established and rights of way are declared. This also is our ideal. We propose the same kind of measures in terms of

[Mr. Jamieson.]

water transport within Canada's territorial waters. We will designate routes and will have the opportunity to control traffic so that there are not two or more vessels in the same region at the same time, if there should be a potential for collision or anything of that nature. We hope that through this combination of measures we will reduce very drastically the prospects of any major disaster of this nature occurring again. In this connection I might say we have also in this legislation proposed that not only the cargo of the vessels, that is the oil cargo, but that also the bunkering be included as part of the total package subject to control measures.

In many cases large vessels, such as I referred to earlier, actually carry for bunkering purposes, even though they may carry all manner of cargo aboard, more oil than was carried by the *Arrow*. So there would be a gap in our control if we said that a small ship carrying a cargo of oil would be liable but that another ship carrying a larger quantity of oil for its own fuel requirements would be outside the law. Therefore, we have embraced in this legislation the bunkering of vessels.

What is important in our experience is that, so far as I am aware, up to the present time there has been no law of the sea which applies to unmanned vessels. This again is because of the historic impetus of marine law which was originally for the protection of individuals. If no persons were on board vessels, there was no law governing those vessels. We saw evidence of this in the case of the sinking of the *Irving Whale* a few months ago near my hon. friend's delightful province of Prince Edward Island. This vessel carried something in the order of 11 million gallons of oil but because it was being towed it was not a vessel and therefore, inferentially at least, there was no risk to human life involved. This indicates a wide open gap in the legislation. So we do, indeed, include unmanned barges of any type used for the transfer of oil.

Without minimizing the problem, let me tell you what we propose to do about it. I have already told you of the establishment of the task force at the time of the *Arrow* incident and the additional competence we obtained at the time of the incident near Prince Edward Island. We are now moving ahead on the basis of Dr. McTaggart-Cowan's excellent report with a view to establishing certain depots throughout Canada where various materials which we now know are useful for the control of pollution can be stored, and where there can be a qualified team that can move to wherever an incident occurs.

I believe hon. members will appreciate the scope of the problem here. Canada has, I assume, the longest coastline in the world. Possibly the Soviet Union may have a little more, but my friends, for example, from Newfoundland and Labrador know that the coastline of the province of Newfoundland and Labrador is longer than the entire eastern seaboard of the United States. Canada has, as I say, a fantastic amount of coast to protect.

Mr. Lundrigan: I have most of it in my area.

Mr. Jamieson: The hon. member says that he has most of it in his area, and what he does not have I have. I