

Nuclear Liability

am sure is of general concern. We must insure that nuclear energy is a total benefit to mankind. We must make it safe. I hope, Mr. Speaker, that the provisions which are contained in this bill are never used. I hope we will never have a nuclear incident which could endanger the lives and surroundings of Canadian men, women and children. But we certainly must make provision against that unthinkable day.

We on this side of the House, therefore, welcome this bill. In general, we think it is a good bill, one obviously based on the experience gained from the operations of other Canadian claims commissions, especially the War Claims Commission. The provisions to do with ensuring absolute liability of the operator, the setting up of controls over the insurance carried by operators, and the establishment of the mechanism for possible claims commissions fill gaps in the Canadian law.

There are a number of points in the bill which I feel need very careful consideration by the committee. Four points in particular that I feel must be changed are as follows: First, there is a need for a review procedure. Clause 24, subclause 6, provides that a single member of the commission may hear and decide claims, and that his decision has the same effect as if it had been rendered by the entire commission. This is unacceptable in this form. There must be some procedure either in the legislation or in the administrative mechanisms of the commission which assures the right of appeal to every claimant. Only through such review can the uniformity of treatment which is the very essence of justice be preserved. Experiences of the War Claims Commission which operated during the 1950's must be instructive in this regard. I shall not belabour this point, but I submit it is something to which the committee will have to give serious consideration.

Second, unless the minister can come up with a good explanation, clause 28 will also have to be changed. As it reads now, the minister has the discretion to refuse to pay any claim awarded by the commission. No sensible, concerned minister would do so. However, I can see no good reason for leaving this discretion in the bill, and it is another point to which the committee must give its most serious consideration.

Third, perhaps the most serious point to be looked at with regard to this bill is the question of the setting of the limit of liability. Seventy-five million dollars is the limit set in the bill. The committee will have to look very

hard at this figure and will have to cross-examine the minister and his officials very carefully to see what the basis was for the setting of this figure. A nuclear incident in one of our crowded cities could very conceivably cause damage to humans and surroundings which could exceed that figure. This fundamental principle must not be abridged; every person must receive full compensation for any injury or damage which is inflicted upon him. Human suffering cannot be repaid at 50 cents on the dollar. If this limit is not found adequate for every conceivable situation, then the committee must change it.

We have no reason to be complacent about the problems of regulating our nuclear activity. The recent problems which developed with the 3,000 megawatt Bruce Plant at Douglas Point are vivid illustrations of that. The belated shift of construction to avoid the risk of endangering the labour force with hydrogen sulphide emission is a clear signal that we must give more attention to the way we have been supervising the construction and operation of our nuclear installations. We cannot wait for a major mishap to stir us from our lethargy.

My fourth and last point is a small one, but it could be important. We must have an adequate explanation of subclause 4 of clause 34. As it reads this subclause gives wide, wide, power to the cabinet to amend the very legislation which we are passing. There may be some justification for having a leverage with which to negotiate reciprocal treatment of Canadians in foreign countries, but we must consider this section very carefully to guard against any abuse of it.

These four points I have mentioned are important and, as I have said each time, the committee must look at them carefully. But the general structure of the bill is good, and I must congratulate the minister on it. I only wish that the other bill he is presently involved with, the Canada water bill, could deserve similar applause.

Mr. Fairweather: The government gets a big zero for that bill.

Mr. Comeau: In rounding out my comments on this bill, Mr. Speaker, I should like to make this rather personal observation. This modern age continually forces us to think and talk about the "unthinkable". The catastrophe of loss of life and permanent injury of human bodies through a nuclear incident is one of those "unthinkables". As I said earlier, my sincerest hope is that the second part of this