

put forward by the committee. It is important to note the work which this committee has done, especially when we consider how long it has been in the process of preparing its report.

In order to set the stage, because I do not think we are trying to find fault with any particular Minister in terms of the report, a suggestion was made during the course of remarks that it was unfortunate that the Minister would not take advice. I think it is important to note that this type of committee report should be above partisan remarks and that perhaps remarks such as the one I have just mentioned were unintentional. If the only point of our debating the motion was to blame the Minister in question, then it would naturally come to the attention of the House that the Minister in question was the Hon. Member for Winnipeg-Fort Garry (Mr. Axworthy), who was then Minister of Transport. The regulation about which we are speaking was passed in 1982. Due to the excellent work of the present Solicitor General (Mr. Beatty), who was one of the joint chairmen of this committee, and a gentleman from the other place, it was found that the regulation was perhaps in contravention of the law under which it was passed.

I think it is also important to note right off the bat that this should not be treated as a partisan matter. We should view the committee as having tried to do everything properly. We should concern ourselves with the fact that laws which are passed by Governments, whichever Party is in power at the time, and when they provide for regulations, are proper. In trying to understand the thinking behind the Government of the day let us take a look at exactly why the regulation was made. On March 10, 1982, regulations were made under Part 20 of the Canada Shipping Act stipulating that no oil tanker may carry on board oil, either crude or product oil, in excess of 5,000 cubic metres in the waters of Head Harbour Passage, New Brunswick.

● (1420)

For those people who are not as familiar as I am with the geography of New Brunswick, I will tell you that Head Harbour Passage Lies between Deer Island and Campobello Island in New Brunswick.

These regulations were made in an effort by the Government of the day—and we concur with that effort—to control shipping where the product in question may be a danger to the environment. I believe all Hon. Members of the House understand the importance of regulations which are there to protect our environment, whether it is shipping, as in this case, or other dangers with hazardous products which are shipped by railway lines. That is something with which, in terms of the chemicals we are shipping these days, there can be quite a problem environmentally.

In any event, there was a proposal to build a marine oil terminal and a refinery at East Port, Maine. The only way one can get to East Port, Maine is through the Canadian waters of Head Harbour Passage. It is my understanding that the waters of Head Harbour Passage are extremely hazardous and that officials of the Coast Guard were concerned about the safety

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of regular super-tanker traffic through the area. There are navigational problems within these waters including not only strong currents, but rip tides, whirlpools, fog and, in time of winter, vessel icing.

So it was recognized by the Government of the day—the Liberal administration—that there was a potential for casualties involving the large and less manoeuvrable vessels and that the clean-up of any oil spills, should they occur, as a result of a collision or damage to a vessel, would be almost impossible because of the strong currents. The other problem is what type of fish are found in the waters which would be affected by this kind of oil spill? It is my understanding that the area is the production ground for one of the world's largest herring population, and we must be concerned about the livelihoods of people in the fishing industry. There are some 5,000 fishermen, fishplant workers and families who are dependent on the area for their livelihood.

Something else that should be recognized is that the Fundy Isles, which are very close to Head Harbour Passage, are recognized as one of the most important tourist designated areas of the province. For example, when I explained to the House exactly where Head Harbour Passage is, I mentioned Campobello Island. That is the location of the Camp Roosevelt Campobello International Park, a bi-national memorial to the late President of the United States. So we have not only an environmental problem which the Government of the day tried to address but we also have a problem with the tourist industry if we had any oil spills which would damage the environment.

● (1425)

We also have navigational risks and environmental problems, which is the reason the Government of the day promulgated these regulations which led the committee to examine whether or not this regulation was in fact proper under the law under which it was passed. There was some doubt. The committee expressed the view that there was no authority to act under the relevant provision of the Canada Shipping Act so as to limit the application of the regulation to a particular body of water, in this case Head Harbour Passage. And, as I said, the Department of Justice, which was consulted prior to the making of the regulation, believes that there is sufficient authority under the Canada Shipping Act.

I should point out that this is the result of a move in 1977 whereby the then Minister of Justice arrived at an arrangement with the committee that officials should provide explanations to the committee regarding the making of the regulations. This was done but it was understood, however, that the explanations would not include the legal advice given by the Department of Justice.

The committee now has requested that it be provided with the legal reasons which support the opinion of the Department of Justice. The concern of the Department of Justice is that these reasons would fly in the face of the previous arrangements and if this is the intention, it is suggested that the committee take this matter up with the Minister of Justice