

Canada Shipping Act

Does this bill apply to Canadians operating within 12 miles off our shore, and does it apply equally, for example, to the fleets of France, Italy, Spain, Portugal, Norway, Denmark, the United Kingdom and the United States, or does it apply only to fleets of those countries when they are operating within three miles of our shores, which is at present their fishing zone? The huge fishing fleets are capable of polluting with oil large sections of our inshore bank if the law does not apply to them when they are operating more than three miles from shore. In the absence of clearly defined fishing zones, it seems to me that longitude and latitude lines would be more descriptive and more acceptable if international agreement could be obtained.

Another regulation in the bill which disturbs me is to be found on page 4, section 737. Under this section, the governor in council may make regulations prohibiting the discharge from ships of any one or more pollutants specified in the regulations, except as thereby authorized, in any waters to which this part applies and with respect to which those regulations are made applicable. I cannot help but ask: Why the exceptions, why the special treatment for anyone, in view of the seriousness of the situation?

According to these regulations it is still possible to get a licence to pollute. There was a similar clause in the Canada Water Act to which we took exception when that act was under debate. Theoretically, oil tankers—the only ones paying tax under this bill—could be carrying a cargo, namely oil, that is not a pollutant because it has not been specified as a pollutant. If proper pollution control is the aim of this bill, why not define all pollutants in the bill rather than leave such an important matter to be done by regulation? Not only can someone legally pollute our seas under this bill, but section 744 (3) permits the escape from payment of claims if the “owner establishes to the satisfaction of the Minister that the pollutant of which he is the owner is of such a nature and quantity that, if it were discharged by the ship in waters to which this Part applies, the discharge would not constitute a contravention of any regulation...”

In my opinion, if an oil spill occurs, it should be this act which determines if there is oil pollution, and not some special regulation by any minister of the cabinet. Obviously there is a great need for strong legislation dealing with the pollution of our environment, not only here in Canada but in North America as well. However, as I read this bill, it seems to me that as a means of pollution prevention or a deterrent, it is very weak since it is not based on international agreements.

Once again we are alone in this, and we have only to look at the failures of previous unilateral actions taken by our Department of Fisheries and Forestry and by our Department of National Defence to realize the folly of trying to stand alone in today's highly complex and integrated society. In fact, the application and enforcement of this bill may well prove impossible because of our lack of manpower and equipment. I cannot help but ask myself: Is this another Canada Water Act, a token piece of legislation?

[Mr. Crouse.]

Our provinces in varying degrees, continue to flounder in increasing seas of pollution. Most of them have boards, commissions or authorities of some kind devoted to the control of pollution, and this chiefly in the area of water pollution. However, their problems tend to increase rather than decrease, and their job is all the more difficult because of a lack of clearcut policy which would specify where their jurisdiction lies.

The provincial administrator trying to find his way in the fog between the Canada Water Act, the newly revised federal Fisheries Act, and this act faces a sea of uncertainty that was never dreamed of by the people who wrote the British North America Act. What we really should have on this continent is an international pollution control commission. This would go a long way toward solving our continuing Canada-U.S. border problems, especially those dealing with water pollution in that area. Such a commission would be helpful on both coasts. Here we are, two friendly nations sharing the commerce and the fisheries of these two great oceans, the Atlantic and the Pacific, and neither of us has any guarantee that sooner or later one of us will not foul them up, with a consequent loss to both nations. We have jointly fouled up Lake Erie, destroying to a great extent the fisheries in that particular lake. The oil from the *Arrow* which grounded in Chedabucto Bay fouled up the fishing grounds and the areas surrounding Sable Island, which is over 100 miles off Nova Scotia. That area was used by Canadian as well as United States fishermen.

• (3:10 p.m.)

I believe that many of our common pollution problems could be faced and solved by a strong, concerted effort on the part of both our countries. We should not confuse an international pollution control commission with the present International Joint Commission which deals largely with the technical problems of boundary waterways between our two countries. The body I am proposing would be patterned on the principles of the Convention on International Civil Aviation. If agreement could be reached with the United States on a commission of this type, it may well lead to an international convention which would apply to the operation and control of shipping on a world-wide basis. Such a body could well make some of the most important decisions of our lifetime. Mind you, we must start now and devote our resources to controlling the pollution of the past, the present and the future. We have the know-how and we can see the need. I hope we can find the necessary funds to do what is required, before it is too late.

Mr. Thomas S. Barnett (Comox-Alberni): Mr. Speaker, the hon. member for South Shore (Mr. Crouse) has given a fair indication, I think, that we do not arrive at perfection overnight in matters respecting pollution. I recall that when the House dealt with the bill in 1956 which was to ratify the International Oil Pollution Convention of 1954, some of us who were in the House at the time felt this was quite a step forward in the control of the pollution of the high seas. Experience has taught us that that was a long way from being an adequate measure. Even though the convention was amended in 1962, we