

Regulations and other Statutory Instruments

seconded of the motion, has the right to speak and address the House prior to the minister. If Your Honour wishes a precedent for that, I draw your attention to *Hansard* of December 11, 1975, at page 9934, wherein the Deputy Speaker ruled that, while the minister might wish to express his view early in the debate:

I know this report of the committee is a unanimous report and the minister might be anxious perhaps to support the report, I do not know, before any other member rises in criticism of him or the government. I understand his point of view, but in fairness I think I have to recognize, first, the seconder of the motion.

I submit, Mr. Speaker, that you should recognize the hon. member for Provencher, the seconder of the motion.

The Acting Speaker (Mr. Corbin): I appreciate the hon. member's comment, but the very essence of debate requires that we alternate from one side of the House to the other, irrespective of the matter just raised by the hon. member. Thus, having recognized the Minister of Fisheries and Oceans, he now has the floor.

[*Translation*]

Hon. Roméo LeBlanc (Minister of Fisheries and Oceans): Mr. Speaker, since I believe this is the first time you have presided in your new capacity, allow me to congratulate you, on behalf of the members from New Brunswick, upon your election to this prestigious office and this expression of confidence by Parliament.

[*English*]

I regret that I was only given notice that this issue would be coming up for discussion today at one o'clock. I especially regret that the legal adviser to my department who has been dealing with this matter is moving to another department and that in fact he is away from Ottawa. I have had very little time, considering the fact that I was here in question period, to try to prepare for this. I will not say that mine is a legal argument because I read somewhere that the man who acts as his own legal adviser has a fool for a client, or words to that effect, and I would not have that naiveté, especially since the members of the committee are lawyers and I have heard their debates on two occasions in the past year.

The problem of regulating the fishery is recognized as one where we are, as the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) indicated, really affecting the livelihood of people. Occasionally I have told some of my officials that in fact we are in people's pockets, because when we regulate for reasons of conservation, when we allocate between gear types, types of fleets and types of boats, we are in fact affecting the livelihood and income of fishermen.

The regulations affecting marine plants are fairly recent. In fact, they have been the subject of considerable complication, as I am informed by the lawyers in my department. I recognize that the committee was concerned. We went the way we felt we could in attempting to meet the committee's concern by putting in a time definition.

The hon. member who spoke before me indicated that they did not accept this approach, which in fact was suggested by the legal advisers of my department. Although I have to say

that I oppose concurrence in this report, I do it with regret because of the excellent suggestion of the hon. member who led the debate. His suggestion that we should approach these changes or these corrections, if corrections are required in the law, through a mechanism like debate in the Senate or an omnibus bill approach to what I might describe as housecleaning or housekeeping changes in the law, is one which recommends itself to me.

I might say very simply to the House that for some time I have been wanting to present amendments to the Fisheries Act. The House recognizes, as did the hon. member, that every minister who would like to make adjustments for new situations which arise realizes—and I am thinking of the amendments of 1977 which were adopted unanimously by the House, major amendments in habitat protection and in conservation of the fishery—that we reopen the act as infrequently as possible because we are competing with some 28 to 30 other departments of government which also say that they have urgent legislation to discuss.

● (1550)

In light of that suggestion and the fact that the committee was unanimous in its report, I would like to think that we could have found a solution. In fact, today I suggested to the hon. member for Wellington-Dufferin-Simcoe that perhaps we could delay the discussion by a day and have some talks among ourselves so that we may find a way to prevent rejection of the committee report and agree to discuss it for some time in order to find a method to act within the law if we are not doing so, which is what we all want.

I find myself in a bind because I am advised by a legal adviser in my department that to accept the committee's approach would cause considerable impact on a number of areas in the fishery where we are trying to administer the fishery in terms of conservation through some rather complex and difficult regulations. If we were to accept the report of the committee, the impact on those regulations would cause us very considerable difficulty. Therefore, I find myself having to reject concurrence in the report although I have taken a very positive approach to these issues where we are all trying to achieve good conservation and management. We may differ occasionally on the techniques and methods to achieve this, but we certainly do not differ on the intention of the Fisheries Act, which is to conserve the species for the enjoyment of our future generations.

I am quite open to the possibility of the House finding a way to accept the third option of the hon. member to try to find a solution to the problem through further discussions. However, if it comes down to the crunch, I am afraid that due to the implications for other regulations in the fishery I have to recommend that we vote against it. As I said before, it is with some regret because I found the atmosphere of the committee quite non-partisan. The committee was trying to be helpful to departments which were led by people like myself who are not lawyers, but who are trying to do their job.