

Fisheries

everybody, a common property resource, to enrich himself, and sometimes he does so on a grand scale. He threatens the very existence of Atlantic salmon in some rivers, and unless something is done his activities could well threaten parts of the Atlantic lobster fishery. He takes lobsters that, if left alone, would eventually give legitimate lobster fishermen three million more a year.

On the west coast, the loss of potential earnings from the British Columbia salmon fishery through poaching is estimated at \$3.5 million annually. One illegal set by a purse seine in British Columbia could bring in \$20,000. The fine might be \$200. We have many cases where the magistrate's failure to understand the significance of an offence meant that the poacher, even when convicted, made a net profit. I suggest that what is a dangerous game for the fish should become more dangerous for the poacher. The testimony of my officials of legitimate fishermen who suffer from poachers and of the dollar losses I have noted, show that our system has been inadequate. We need more deterrence. Beside raising fines of \$5,000 maximum we should increase the threat of forfeiture.

At present, the Minister of Fisheries can take away the licence of a commercial fisherman upon conviction for illegal fishing. The minister lacks other powers of forfeiture. The courts may apply forfeiture against anyone, licensed or unlicensed. They can take away the offender's catch, boat, gear, or vehicle used in illegal fishing. Many of the courts, however, have a history of failing to do so, even in cases involving serious infractions of the law. I am asking that, in future, convictions by a court should carry with it the possibility that the Minister of Fisheries himself may order forfeiture of anything from a salmon poacher's net to a foreign factory trawler. I think the testimony of my officials in committee hearings will convince hon. members of the need for this strong deterrent.

In addition, I ask that fisheries officers, who must frequently deal with armed and violent poachers, receive the additional powers of peace officers.

● (1520)

Our suggested amendments provide also for a ticketing system, like that for traffic offences. At present, even minor infractions of the Fisheries Act make necessary a magistrate's hearing, and these take an unwarranted amount of time from the courts, the fisheries officers, and the offenders themselves.

But, Mr. Speaker, as the case of Atlantic salmon shows so well, the regulation of fishing itself is only part of what we need. Protecting fish means protecting their habitats. Protecting the aquatic habitat involves controlling the use of wetlands. The banks of streams, the foreshores of estuaries, provide nutrients to the larger eco-system of lakes and oceans in amounts far out of proportion to their size. The chain of life extending to the whole open ocean depends on bogs, marshes, mudflats, and other "useless-looking" places that ruin your shoes. Biologists have likened these areas to the cornfields and wheatfields of the ocean. These rich shore areas support salmon, lobster, herring and other local populations; their

[Mr. LeBlanc (Westmorland-Kent).]

influence extends for hundreds of miles, even to the most rocky shorelines. They are the irreplaceable nurseries of fisheries well-being.

Today, if someone with a bulldozer starts plowing up the foreshore, the law gives us no direct recourse. An afternoon's bulldozing can destroy the work of centuries. Salmon are considered the crown jewels of British Columbia. Yet on the world's most important salmon river, the Fraser, development has already destroyed 70 per cent of the estuary for supporting the foundation of fish life. Public opinion and the government in B.C. strongly support our salmon enhancement project, which can double the numbers of salmon and restore them to their historic abundance. Volunteers are already at work clearing streams and restoring habitats. But we would be wise to provide a law that can prevent unchecked developments on the shore from undermining their efforts.

The suggested changes to the act would broaden the definition of fish, and thereby extend protection to eggs, spawn, and the juvenile stages. The changes would make it clear that aquatic habitat includes everything necessary to the life of the fish, and we would provide severe penalties for destroying this habitat: up to \$5,000 on summary conviction, and up to two years imprisonment on indictment. The main effect of the changes would be this: for landfill, dredging, excavation, or other such projects in these sensitive areas, we would be able to examine the plans first, and to require modification or, if necessary, prohibition. Instead of accusing someone, after the fact, of destroying fish habitats, we would be part of the planning to save them.

There is ample precedent for such legislation. The Navigable Waters Protection Act controls construction projects and land use that would interfere with navigation. Under provisions of the existing Fisheries Act, we work with logging operators to plan their activities so as to protect the fish. We can bring about similar working arrangements with land developers. It is vital that the suggested amendments to the law should give us the power to do so.

Habitat protection will always remain a difficult battle because it runs against the energies of good people following their natural bent: developers, loggers, land reclaimers, and so on. The work of constant monitoring and restraint where necessary is hard, but the alternative prospect of forever losing stocks or species of fish is not acceptable.

[*Translation*]

Mr. Speaker, I speak a lot about habitat protection because it must be recalled that the welfare of fish population is closely linked to what is taking place on shore. As regards water, its importance is obvious. Unfortunately, after years of efforts to make people aware of water pollution, despite clean up campaigns by the federal and provincial government, our waters remain very polluted and this arises partly from weaknesses in our legislation.

The amendments we are proposing will provide us with two means to fight pollution. The first is based on a very simple principle—he who causes harm must correct it. The effect of the changes we are proposing as regards deposits of deleterious