

Government Orders

Overfishing is a chronic concern; the government never seems to put its money where its mouth is.

While tougher penalties are necessary, will the proposed legislation accomplish what it is intended to do? If we use the Environmental Protection Act as a guide, as an example of this government's commitment, then the new penalties in the Fisheries Act may just be words, just rhetoric, just promises.

Fishermen and all Canadians want action, not just public relations. While the government blows its horn on how wonderful the fines are, the proof will be in the results.

The government still lacks a comprehensive strategy to apprehend foreign violators, particularly American fishermen on the Canadian side of Georges Bank.

The proposed act will also require fishermen and processors to keep more detailed records. As well, fisheries officers will be given new powers to verify and seize such information. Penalties will be levied against those who fail to produce this information on request.

The bookkeeping requirements of Bill C-74 are extremely stringent.

For instance, Section 61(2) states that fishermen and purchasers may be required to keep records of the number, sex, size, weight, species, product form or other particulars of any fish caught.

Other information required will include the time and place of landings and type of gear, buildings and other equipment.

At first glance, that requirement seems overly draconian for our small, independent fishermen who are just trying to make a living in difficult circumstances.

Section 49 provides for inspection powers for fishery officers to examine records and books of account to verify information, but that is overkill for our fishermen.

I wonder if it is not too much to ask from them. It can be very time consuming for small companies to be audited in such a manner. Sections 78(2) and 78(3) could be seen as unreasonable. The terms of these sections must protect the innocent parties and convict with the full force of the law the guilty ones.

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The current resources and personnel needed to enforce the new Fisheries Act are greatly lacking. As Evan Walters of the Scotia-Fundy Seashore Fishermen's Association told the committee: "There are 7 wharfs in my area, and they have 2 fisheries officers. We're back to 20 hours a day."

The government must commit new funds, more surveillance vessels and additional personnel to ensure that the provisions of this new act are executed.

While the increase in maximum fines will discourage illegal fishing, such a measure remains incomplete without the proper enforcement resources. It is unclear as well that given the hike in fines, minor offences could put small fishermen out of business. Many small operators are worried about the unequal treatment of enforcement.

Will they be fined as much as the big companies for the same offence? For large companies, a fine may just be the cost of doing business. The bill only points out the maximum penalty possible. There should also be a minimum fine.

Judges have a tendency to give lower fines; without any guidelines, the minimum practice is likely to continue. We must make sure that the fines are superior to the licensing fees. I quote Mr. Walters again: "The deterrent effect on this bill is and will only be as good as the determination and dedication of the judicial system."

On another issue, the Minister of Fisheries and Oceans is proposing that his new act will be part of the solution to many of the fisheries' current problems. He then concedes that more must be done for the conservation of stocks. Surveillance is a step in the right direction, but it is not the only answer to all of the problems for the modern fishing industry.

I would like to conclude by stating again that we on this side of the House, led by our fisheries critic, are in general support of the principles of Bill C-74. My only hope is that the new enforcement regulations, such as the three charter patrol vessels announced on October 2 of this year, do not follow the poor lead of the current Canadian Environmental Protection Act.