

GOVERNMENT ORDERS

[English]

COASTAL FISHERIES PROTECTION ACT

MEASURE TO AMEND

Hon. Pierre De Bané (Minister of Fisheries and Oceans) moved that Bill C-4, an Act to amend the Coastal Fisheries Protection Act, be read the second time and referred to the Standing Committee on Fisheries and Forestry.

He said: Mr. Speaker, this amendment is to increase the penalties in cases of violations of the Coastal Fisheries Protection Act. At the moment the penalties are very low, particularly for foreign vessels. This amendment is a non-contentious one and would give some incentive to the fleets, particularly the foreign fleets which have fishing allocations in our waters, to abide by the regulations of the Department.

I would even say that the regulations in the Bill as it now stands are stiffer, more so for Canadians than for foreigners. It is a very short Bill to amend the scale of penalties in order to encourage compliance with the Coastal Fisheries Protection Act.

Mr. Howard Crosby (Halifax West): Mr. Speaker, the Minister has, of course, explained that Bill C-4, a Bill to amend the Coastal Fisheries Protection Act, is a very simple Bill in substance in that it merely increases the penalties now provided for under the Act. However, the Minister must realize that the introduction of a Bill on coastal fisheries raises the whole question of the management of the coastal fisheries, not only in terms of the control of fish stocks and fishing, but in relation to the protection of that fish stock, both from foreign fishing fleets and from those who would fish in our coastal waters without proper licensing and permission.

I would like to review the situation in a more general way because it is of grave importance to the fishing community in the Maritime Provinces, particularly in the Province of Nova Scotia. I might say at the outset, Mr. Speaker, that the fisheries critic for the Official Opposition, the Hon. Member for South Shore (Mr. Crouse), is unavoidably absent from the House today. Had he been here, I am sure he would have had some cogent remarks to make, not only with respect to the specific provisions of Bill C-4 but generally with respect to the problems which have occurred in the coastal fishery. It is with his great interest over a long period of time in the Atlantic fisheries in mind that I rise as a Member of Parliament from Nova Scotia to record some of our concerns with respect to the Atlantic fisheries.

Let me deal first, Mr. Speaker, with Bill C-4 itself in the context of the Act which it amends. As we have indicated, we have no great objections to the Bill, and we recognize and realize that it will pass and be of some benefit in protecting the Atlantic fishery. However, we should not divorce this amendment from the whole context of the legislation which is involved. I must say, Mr. Speaker, that I would raise for consideration—not so much with respect to this particular Bill

Coastal Fisheries Protection Act

but other legislation brought before the House—the whole problem of subordinate legislation. The Bill raises penalties from a level of \$25,000, which is the current level, to \$100,000 and in the case of some other of the offences which may be committed under the Act or the regulations, from \$5,000 to \$25,000. That is, the new minimum penalty will be \$25,000.

One of my points, Mr. Speaker, is that the Bill provides for an offence under the regulations and a fine by way of penalty for such an offence. Those of us who are interested in legislative and regulatory reform have taken the position that all serious provisions, particularly penal provisions, should appear in the statute itself, that is, the Act passed by Parliament.

Subordinate legislation may be essential in some situations, but it is very difficult to face penalties which relate to provisions made in subordinate legislation, that is, legislation which is not brought before the Parliament of Canada but simply passed by the Privy Council which, of course, is the Cabinet. That is what Bill C-4 does, Mr. Speaker, among other things. It provides for an offence against the regulations.

In that context, it is important to look at the provision of the Coastal Fisheries Protection Act which provides for the making of regulations. Section 4 of the Coastal Fisheries Protection Act allows the Governor in Council to make regulations authorizing the issuance of licences and permits to foreign fishing vessels. It provides for regulations which relate to suspension and cancellation of those licences and permits, and it allows for authority to be given to enforce the provisions of the Act and for keeping goods and other equipment seized under the Act.

Therefore, Mr. Speaker, what we are providing for here is that a person may be brought before the courts in Canada charged with an offence against a regulation and fined as much as \$25,000. That offence is created by the Cabinet, by the Privy Council, and it never appears before Parliament. That kind of legislative provision may be justifiable in this situation, but it is not one which a person interested in the reform of the legislative process would condone.

However, Mr. Speaker, we are dealing here with a Bill, the paramount purpose of which is to protect a public resource, the Canadian coastal fishery. The persons who would take advantage of and attack that resource are, for the most part, non-Canadians. So I suppose it makes very little sense for me to stand here and defend the civil rights of non-Canadians who might be robbing a Canadian public resource, and I do not want to do that. However, I do want to point out that this is not the kind of legislation which is regarded by proper standards as good legislation.

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Beyond that, Mr. Speaker, it is in the public interest to increase the penalties for offences related to the protection of the coastal fishery. We have had a recent example in the Province of New Brunswick where fishermen from the State of Maine, who apparently make a habit of fishing in Canadian coastal waters without permission, find that the value of the fish they catch during those invasions of Canadian waters is