

amendments only through the remainder of this year and the year 1986. This was arrived at by agreement yesterday in the other place. The government intends, during that time, to review more thoroughly the provisions of the Fisheries Act and to put forward further legislation. If we should fail to do so, the Fisheries Act will revert in 1987 to its former wording.

As I have indicated, honourable senators, there has been much debate on this bill. The minister, in his wisdom, and with the agreement of all parties, has agreed, as I have mentioned, that the amended act will extend only through the remainder of this year and the year 1986.

The clarification of the scope of the act is of vital importance. The government must have the necessary authority to manage the fisheries, not only to protect and conserve the resource but also in the interests of fishermen, plant workers and communities that rely on this resource for their livelihoods. There is a clear relationship between sound fisheries management and the social and economic health of these communities.

Apart from the time limitation, the amendments in Bill C-32 fall into two categories. The amendments contained in clauses 1 and 2 clarify and confirm the scope of the Fisheries Act and are made in the interests of clear expression and adequate definition. For the most part, they merely confirm what most people assumed the Fisheries Act said. It has only been since two recent court decisions have come down that there has been any doubt. The second category of amendments deals with the workings of management.

Let me first speak to the first category, those clarifying the scope of the act. Honourable senators, the Fisheries Act was passed in 1868, and except for changes made in the 1970s to permit the protection and management of fish habitat, it has remained almost untouched for 117 years. Not surprisingly, parts of the act are now obsolete. New needs and issues and more complicated management decisions have arisen that could not have been foreseen by those who drafted the act in 1867. As a result, the definitions supplied in the act do not always reflect the realities of modern fisheries management.

At present, the definitions for "fish" and "fishery" are too narrow. The amendments expand the definition of "fish" to include the larvae of fish and portions of fish, as well as marine plants. This will enable better control of fish processing conducted at sea and will allow seasons to be set for the harvesting of marine plants.

In the case of "fishery" it is confined in the present act to gear and fishing area. The fisheries management and the federal responsibilities for it are much broader. They include, for instance, the inspection of fish, the licensing of vessels, and the prescription of fishing plans that differentiate between user groups. The ability to accomplish this is essential in maintaining order in the fishery, and the amendments confirm the federal government's authority to do so.

The next amendment is in clause 2 of the bill. As the act has been interpreted by one judge of the Trial Division of the Federal Court of Canada, the Minister of Fisheries and

[Senator Marshall]

Oceans has the power to manage the country's fisheries only for reasons of conservation and protection of the resource. However, as we know, fisheries management necessarily involves management with additional goals in mind. If one managed for conservation only, vessels and fleets could come from anywhere in the country to take away local supplies of fish.

As honourable senators well remember, Canada's 200-mile zone came into place not just for conservation but to ensure the availability of a supply of fish and an income for the coastal state's own fishermen.

By the same token, many regulations within Canada have protected the supply of fish for a particular area or a particular fleet. Fisheries management is for the benefit of fishermen, plant workers, other people in the community, and the country as a whole. It is important that the act recognize that fisheries management is aimed not only at resource goals but also at social and economic goals. Clause 2, which creates a new "purposes" section in the act, remedies this shortcoming and makes it clear that the act is intended to provide for management of the fishery in all its dimensions.

At this point it is perhaps appropriate that I draw the attention of honourable senators to two changes in clause 2 from the wording contained in the original amendment. In clause 2, the new section 2.1(c) sets out the minister's responsibility for the socio-economic management of the fishery. In response to opposition representations, this paragraph now provides that the government will reflect the interests of user groups on the basis of consultation with those groups. The amendment reflects existing policy. Extensive consultations already take place on fisheries management, and this government is strengthening the regional consultation mechanism on both coasts. Of course, the minister also has to answer to Parliament and to the voters for his actions.

● (1640)

For those reasons, honourable senators, the government had some doubts about the necessity of spelling out any consultation requirement in the act. But sufficient representations were made that the government decided to give consultation a place in the act. After all, we do believe in it. We believe that this amendment reflects both our concern for the citizens who use the fish, and our co-operation in dealing with Parliament.

Secondly, section 2(1)(d) has been reworded to read as follows:

To provide for the proper management and control of the inland fisheries of Canada and subject to the constitutional jurisdiction of the provinces, for the allocation of those fisheries.

This revised wording more clearly delineates the respective roles of the two levels of government, and thus more accurately conveys the original intent of this paragraph of the bill.

On another aspect, some representatives of native groups who appeared before the House of Commons standing committee expressed concern that there was no explicit recognition in the bill of native rights or the native role in the fishery. On