

Fishing and Recreational Harbours

I wish to put on record the story of a fellow who owned a processing plant and who spent every nickel he had, and every nickel he could borrow, to bring his plant into compliance with regulations which had recently come into force. When the man was all through meeting the regulations the inspector came along to inspect the plant, prior to final licensing, and said to him; "Sir, I cannot approve your licence." The man, in amazement, said, "Why not? I have complied with every order I have received from fisheries officers with respect to regulations for my plant." "Oh," said the inspector, "did they not tell you that the ceiling in the room in which you salt your fish has to be eight feet high? Your ceiling is only seven feet six." I ask any intelligent man in this House, Mr. Speaker, what possible difference it could make to a fish in salt brine what height the ceiling of the room was? The answer is, obviously, none. But that processor was denied a licence because the ceiling in the salt fish room was not eight feet high.

When I look at Bill C-2 and see the regulatory powers extended to the minister and his staff, I am against the bill. Just last spring three boat-owners needed new boats. They applied for the subsidies which are supposed to be available to owners of their class of boats. They found that during the winter months the regulations had been changed and that because one of the applicants had a boat which was one foot longer or shorter than had been called for before the change was made, he no longer qualified. Because one of the other applicants needed a boat a little larger, in order to go into deeper waters, his application was not acceptable either. The regulations had been changed without notice. The third applicant had sold his boat and had ordered a new one. He found himself in very difficult circumstances when he was told he did not need that particular type of boat for his personal fishing operations. That is the impact of the regulations and I am not in favour of a bill which, clause by clause, fails to legislate, but accomplishes the government's purpose by regulation.

Look at clause 40. It refers to the use, management, and maintenance of every scheduled harbour, the enforcement of regulations and the collection of charges for the use of every scheduled harbour under the control of the minister.

It says in clause 5(2), "The minister may, subject to regulations . . ." Again, in clause 5(3) and 5(4) it says, "The minister may, subject to regulations . . ." Mr. Speaker, the minister is not subject to the rule of law; he is subject to the rule of regulations. The government has lost the art of legislating and governing its own behaviour by law. It wishes instead to govern the people by regulations at the whim and pleasure of any minister who may wish to make a change at any point in time.

● (1452)

Clauses 6 and 7 follow clause 5 and are somewhat related to it, "subject to regulations". Clause 8 reads, "The minister may, subject to regulations . . ." It is not subject to law, it is subject to regulations. Clause 9 of Bill C-2 reads, "The governor in council may make regulations" for all the purposes outlined. Clause 10 reads, "For the purposes of enforcing this act and the regulations, the minister may designate as an

enforcement officer . . ." Again it is subject to regulation. If one looks at each clause of this bill he will find that it is not a legislative document, but rather a regulatory document. The minister may do everything that criminal and civil legislation entitles him to, but the people who are affected by this are subject to the regulations permitted under this bill, and not necessarily to the bill itself. For this reason, among others, the bill is not acceptable.

I should like to refer to the problem of the wharfingers. Repeatedly it has been pointed out that wharfingers have collected fees at their pleasure, from whom they chose, and at a time convenient to them. They did not collect from all fishermen on an equal basis throughout the fishing community. We cannot pit one area against another in this regard, but a few fees were collected in Newfoundland, Nova Scotia, the Bay of Fundy and Quebec. The amount collected was piddling and it varied depending on who was the wharfinger and the wish of the government of the day. There will be a return to wharfingers and charges will be collected. The minister has stated that these charges will be assessed according to regulation. He did not indicate how much they would be.

On behalf of the minister, Mr. Reid made a few remarks as reported at page 56 of issue No. 5 of the *Standing Committee on Fisheries and Forestry*, dated Thursday, November 24, 1977, which reads as follows:

Turning to the province of Quebec, there are no charges collected at present. Total revenue collected in 1975-76 amounted to \$1,848 with no berthage collections. The proposed new charges for a 45-foot vessel will be \$90 per year; \$45 for the annual charge and \$45 for the extended lay-up, where required.

Turning to the maritime provinces; charges for a 45-foot vessel may amount to \$189 per year under existing regulations.

He went on indicating that the charges will vary from area to area, that they will be higher in some areas of Canada than in others, and that the highest levy will be in the province of British Columbia. He continued:

In Newfoundland charges for a 45-foot vessel may amount to \$189 per year under existing regulations. However, again, the minister has exempted vessels under 45 feet in length; charges for other vessels are collected very sporadically and only from a very few vessels.

The history of wharfingers and their collections is pitiful, yet they will remain in existence. It has been stated during committee hearings that wharfingers will look after boats and wharves. Apparently they will cover a lot of ground in this regard. One may entrust the safety of his boat and harbour in the care of a wharfinger. In contradiction to that, it is also indicated that the wharfinger will be working in an area with a radius of 25 miles. Even if the coast were perfectly straight, that would mean he would be responsible for the supervision of 50 miles of coastline.

How often will a wharfinger be able to visit the harbours along 50 miles of coastline? Could he do it every day, twice a day, once a week or once a month? There is no assurance. If wharfingers are to be assigned an area of 25 miles in radius, it is impossible for them to attend to the security and well-being of the harbours in that long a distance. Obviously this emanates from someone who has not visited a coastline. In a 50 mile distance there could be 20 fishing harbours at the most.