

Government Orders

Let me quote from a memo that came into the hands of the member for Skeena, our environment critic, about this particular point in relation to controlling polluters and obviously questions about overfishing by foreign countries on the east coast as well. I think it is an important message, not in a partisan sense, for the government to pay heed to and to ensure that it is implemented when we do pass this bill.

This memorandum and internal document from the Department of Fisheries and Oceans is quite shocking to read. I want to read it into the record anyway because it shows the problems we run into when there is complete collapse within a department of any serious intent to follow the legislation or to apply the law. I am quoting here:

We (DFO officials) have determined that DFO friendly corporations—will enjoy relative immunity from the Fisheries Act.

The memo went on to state that:

—it must be appreciated that DFO habitat enforcement has reached an all time high in inconsistency—

My friends from the east coast pointed that out in terms of the reference to foreign fishing fleets in this area and the treatment of large operations versus the smaller inshore operations. The memo goes on to say that because of the immunity phenomenon, a large number of violators are not being properly pursued. It continued:

It would appear that Alcan—

And other operators:

—are given immunity from the law and we are just getting after the little guy.

That is not a pamphlet from the New Democratic Party or anything like that. That is a memorandum and some advice being offered by officials within the Department of Fisheries and Oceans.

I would be most interested in any further debate, to hear from the parliamentary secretary or others on how we actually make sure that the laws that Parliament passes are actually applied and followed up on.

A second point that we have some concerns about is the proposed amendments contained in Bill C-74 which will bring the Fisheries Act into line with the penalties imposed on foreign fishing vessels caught operating or

fishing illegally in Canadian waters under the provisions of the Coastal Fisheries Protection Act.

Under this act foreign fishing vessels caught operating illegally in Canadian waters face fines up to \$500,000 and, if caught fishing illegally, the fine is up to a maximum of \$750,000.

When the act I previously referred to was passed, the then member for Cowichan—Malahat—The Islands, Mr. Manly, raised the following points in debate which have become quite prophetic. I am quoting from page 2127 of *Hansard*, for December 15, 1986:

—it is not enough for us to just raise the maximum fine. There has to be some way of getting the message through to the courts that they have to raise the level of fines they are imposing because in some parts of eastern Canada the courts are imposing very low fines when compared to the current maximum. If we are going to raise the maximum, we must send a message to our courts that international fisheries violations are serious enough that they should be considering imposing the maximum fines in a number of those cases.

Dr. Harris, in his final report on northern cod issued in February 1990, indicated that the warning given by Mr. Manly was not one listened to by the government. The provisions of the Coastal Fisheries Protection Act allow for severe penalties. However, and I am quoting from the report at page 127:

In practice penalties have not even approached those levels. We cannot escape the feeling that the violation of fishery regulations—are regarded as mere peccadilloes; as if the whole matter of enforcement were a game.

I think members on the east coast have certainly brought much evidence before this House about those particular problems. Mr. Speaker, I know you are aware of all the newest reports from my province of British Columbia where the whole question of habitat damage, with which this bill is going to deal, is certainly going to be looked at very carefully.

One example that comes quickly to mind, which we raised in the House prior to our summer break, was the reference by a retired Department of Fisheries and Oceans official who at a public meeting felt comfortable in making the allegation, as he was no longer in the employ of the Department of Fisheries and Oceans, that he and other scientists had been pressured into coming up with decisions regarding the Kemano completion project in northern B.C., in part of my riding.