

Fisheries Act

officials of the House to determine whether in fact a royal recommendation is required. We will do our level best—since there seems to be a disposition in the House to accept the amendment—to have the recommendation in the hands of hon. members as quickly as possible.

Mr. Speaker: It is a rather severe procedural difficulty because in each case when we attempt to deal with these matters we are setting some precedents. Sometimes, even though there is a disposition in terms of the spirit and intent of the motion, I am sure there are some things the House can do by consent. However, I am concerned that we may be extending even that with respect to this measure and will find ourselves with a provision in an act to which it does not directly relate. In any case, I would like some time to reflect on the long range ramifications of attempting to deal with that situation which, in accordance with our precedents we cannot do procedurally. While we deal with other motions, there can be some consultation in that regard.

Mr. Rompkey: Mr. Speaker, I am not entirely clear on this. I am not as up to date as the House leader of the Official Opposition regarding the necessity for a royal recommendation. Let me simply make this point to you with regard to the intent of the government concerning this bill. I draw your attention in particular to section 69(1) and (2) of the same bill amending the Fisheries Act. Section 69(1) reads:

The provisions of this act and the regulations that apply to any or all of Canadian fisheries waters, without anything in the context of such provisions indicating that they apply to any specified area of Canadian fisheries waters, shall, in relation to any fishing vessel on the High Seas,—

That is the way the Fisheries Act reads. The clause amending the Fisheries Act reads at this point:

... in relation to any fishing vessel or aircraft on or over the High Seas—

Mr. Speaker: Order, please. I wonder if the hon. member would clarify for me from what part of the bill he is reading.

Mr. Rompkey: I am reading from section 69 of Bill C-38.

Mr. Speaker: Bill C-38 only has 22 clauses.

Mr. Rompkey: I am sorry, Mr. Speaker, I mean clause 19 on page 20.

Mr. Speaker: Which seeks to amend section 69 of the Fisheries Act?

Mr. Rompkey: Yes, Mr. Speaker. I am sorry if I confused you on that. The point is that the bill amended the act by adding the words “or aircraft” after “fishing vessels”, and the words “or over” the high seas. It goes on to read:

... that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of such fishing vessel—

And again the words “or aircraft” are added at this point. I continue reading:

... or aircraft, be deemed to extend and apply to the High Seas.

[Mr. Goodale.]

Subsection (2) reads:

The governor in council may make regulations respecting fisheries located in waters other than Canadian fisheries waters applicable to vessels or aircraft—

The point is that the insertion of the words “or aircraft” could only be with regard to the jurisdiction and administration of the seal fishery. It was the intention of the government to protect the seal fishery in order to better manage it and better protect sealers in the lawful course of their work. That was the reason that that particular wording was inserted. Therefore, the argument is that this motion is in order because it is in line with the intention of the government to give greater protection to sealers as indicated by the amendment of the section in the act in clause 19 of Bill C-38.

Mr. Speaker: Order, please. Again the Chair will take into consideration the nature of the amendment and the statute to see whether or not something can be accomplished at this point by unanimous consent. I think all hon. members understand that obviously the intention of the amendment is praiseworthy. That is not the difficulty. However, what is being done here is an attempt to go beyond this amending statute to another statute that this bill does not seek to amend. I am not certain that that can be done even with the consent of the House, and I will need some time to consider it.

Motion No. 2 is in the name of the hon. member for New Westminster (Mr. Leggatt). Perhaps the House will move to consideration of that motion while we reflect on the other problems.

Mr. Stuart Leggatt (New Westminster) moved:

Motion No. 2.

That Bill C-38, An Act to amend the Fisheries Act and to amend the Criminal Code in consequence thereof, be amended in Clause 7 by adding immediately after line 22 at page 9 the following:

“(15) Where fish have accumulated deleterious substances to an extent that the health of the Canadian people is endangered, the Minister may prohibit fishing in those Canadian fisheries waters until a time when the level of deleterious substances has decreased and no longer constitutes a health hazard.”

He said: Mr. Speaker, I take it that at this point in the proceedings it is appropriate that we deal with the substance of the motion. There is no procedural problem with it. In any event, it is appropriate that this morning's *Montreal Gazette* carries an interesting story on mercury poisoned fish, the headline of which reads: “273 Waterways have Mercury Poisoned Fish”. The article reads:

At least 273 Canadian lakes and rivers contain mercury contaminated fish posing a health hazard if eaten, says a list compiled by the federal environment department and officially described as incomplete.

I emphasize the fact that that list is incomplete. The article goes on to read:

The list shows that most of the affected lakes and streams—roughly 160—are in Ontario, Manitoba has 40, Saskatchewan and Quebec 22 each, the Northwest Territories 12, New Brunswick 6, Alberta 4, Nova Scotia 2, and British Columbia and Newfoundland 1 each.

The report names nine industries which are known to cause mercury pollution in 21 lakes or rivers.