can only express the hope that the government will realize the valid concerns of the provincial administrations affected by this legislation and will take every opportunity to consult the provincial environment ministers before taking any action that impinges on provincial jurisdiction or authority.

Mr. Bill Jarvis (Perth-Wilmot): Mr. Speaker, although I looked forward anxiously to the introduction of this bill, I do not criticize the government for the long time it spent considering it after first reading. I say this because I think all hon. members want us to pass a strong, viable, flexible and effective fisheries act. I suggest that for the co-operation extended it, even to the point of courtesy, the government should be truly thankful.

The second reading debate took one day. The committee heard five or six witnesses per scheduled session, and the sessions extended well beyond the scheduled time. That committee discussed, approved and rejected certain amendments. I suggest that the department has reason to expect we shall finish debating the bill this evening, which is more than the government deserves—and I take no pride in saying that. Certain groups in Canada need our help, and although we may be disappointed at the government's presenting us with the present version of this fisheries legislation, we must put our disappointment aside in the interest of serving the many Canadians affected.

I shall talk under three headings. I shall discuss the process of consultation, the process of interpretation, and the process of implementation related to Bill C-38. I support what my colleague from South Shore (Mr. Crouse) said about consultation. I sympathize with the department which faced certain difficulties when consulting with industry; but the department should have known, when seeking to strengthen our fisheries legislation, that it would run into opposition from various segments of our industrial community. Naturally, it would seek to avoid such opposition if possible. Although I sympathize with it, I do not necessarily agree with what it did, since I do not think the avoidance of opposition necessarily serves the industry or the government.

Too often in the past we have circumvented the consultative process. However, I must be fair. I point out that after the bill was given second reading on February 21, I believe, the various associations involved with the industry showed almost no interest in the bill for up to three months and more. That disturbs me, since the headquarters of many of the associations dealing with fisheries questions are based in Ottawa. They could have monitored the legislation, and their failure in this regard disappoints me and no doubt disappoints the industry as well. I do not point an accusing finger only at the department or the minister. The fact that the industry did not respond as it ought to have disappoints me. I think it should have responded and shown some concern after the bill was given first reading.

My main concern about the consultative process relates to the provinces. I think one of the most important parts in the debate on second reading is contained in the following part of the minister's statement as reported on May 16 in *Hansard* at page 5669.

> In the application of the pollution provisions of the Fisheries Act to industry, we try to work co-operatively with provincial governments. Over many months leading up to the final preparation of this legislation, my officials consulted with their provincial counterparts. Many of the proposals in this bill are a result of those consultations, and I might say that in some cases provincial input helped us to improve this legislation. To the best of our knowledge, all provincial fisheries ministers are supportive. Several provincial ministers of environment or resources have written to me outlining some concerns over the impact of certain environmental aspects of the legislation, asking that there be some discussion of this at the meeting of the Canadian council of resource and environment ministers to be held in Saskatoon on June 1 and 2.

The minister went on to say:

> I see no problem in ensuring that provincial concerns can be fully met and considered in time for the committee's consideration of this bill, if the House so agrees to passage.

I do not question the minister's statement that there was consultation with various provincial counterparts. I suggest that the clear evidence brought out in committee showed that provincial governments—not ministers or their departments—opposed the legislation on this basis: there had been lack of consultation. I suggest, if the consultative process worked vis-à-vis fisheries ministers, the fact that it did not work in the case of environment and resource ministers is inexcusable and indefensible. Since the federal government has a history of consulting with regard to environmental legislation, the provincial governments have every reason to expect they would be consulted in advance, and were consequently lulled into thinking that no major amendments to the Fisheries Act would be passed in the absence of consultation. That, I suggest, puts the government in an indefensible position. I suggest that the department was obligated to consult with the provinces before going ahead with the substantial amendments incorporated in Bill C-38.

● (2130)

They had an obligation before first reading when the bill was in the draft stage. Frankly, it was fairly widely circulated among certain people in certain departments. After first reading they had an obligation to contact the various ministers of environment and resources personally and state that this was their draft legislation which received first reading on February 21. If there were matters of concern to them, or matters which they would like to have discussed with the federal government, they should have been told to contact the department. That is the least that would be expected because of the history of the consultative process on environmental legislation. I support that history, process, and policy.

One could anticipate provincial objection. There is no question that this is a massive movement into an area that the provinces have considered their jurisdiction. I do not think that was ever denied in committee by anyone.

I am not arguing the constitutionality of it, but when we start talking about water intake and that sort of thing, there is no doubt that this is an area where provincial governments feel they have had rather exclusive jurisdiction for some time.