

Regulations and other Statutory Instruments

Perhaps I am not doing a good enough job for the minister, but this is a matter which keeps me on my feet and keeps me working pretty hard because I am afraid we are losing our freedom of choice as we move to more and more state control over our lives and as we move more and more to a sub-government which is removed from the checks and balances we should be demanding and protecting in this House of Commons. We are incorporating Crown corporations with agency of Her Majesty status, and these powers mean that these corporations we create do not have to conform to the laws of the provinces and do not have to conform to the laws of the federal government. They have the guarantee of the federal government in their borrowings. They are really outside the normal flow and balance of life.

I believe the debate today is an important one. It is true that the debate is on a very narrow issue within an act but, nevertheless, it is at the heart of our freedom to choose and our right to be protected from the arbitrary powers or the unnecessary use and overuse of arbitrary powers by too many civil servants today.

I have seen a sense of possessiveness which exists within the Department of Fisheries and Oceans which really troubles me. In other words, instead of the fisheries belonging to the people of Canada, the fisheries and the work of protecting the fisheries and harvesting seems to be more and more the personal property of either the state or the servants serving state organizations.

I know of a person who put half a million dollars into a fish hatchery under an agreement with the Department of Fisheries and Oceans whereby the eggs for that fish hatchery were purchased from the Department of Fisheries and Oceans. After that investment was made, release and capture rights were denied, so the young fish brought out of the hatchery were put into pens out in the salt water and fed with feed which had to be brought in in pellet form from the United States. I have seen harassment of that individual to the point where he has lost his health and his money. His operation did have a chance. Had there been a spirit of co-operation from officials in the Department of Fisheries and Oceans, it could have gone a long way to providing more protein to the people of Canada and the world. It troubles me that this sense of possessiveness exists today. I see it in the seaweed harvest operations that are interfering with and postponing a very valuable pilot project.

● (1630)

In conclusion, Mr. Speaker, I urge the minister to sift out of my remarks the serious concern that I feel about these arbitrary powers and, in the tug-of-war between the bureaucracy and the people of Canada through their elected representatives, move that knot back into the House of Commons and thus bring a sense of service back to our civil servants rather than the sense of power which, in the realm of human nature, we all have the tendency to abuse.

That is the fundamental message I wanted to deliver to the minister, Mr. Speaker. I know he is a very reasonable person,

so maybe he will sift out of my comments some reason that would make him change his mind and not debate against concurrence of this very important report.

Mr. Jim Fulton (Skeena): Mr. Speaker, I am pleased to have an opportunity to speak in support of concurrence in this report. I should like to add to the kind words of some members who have already spoken about the excellent work done by the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) as co-chairman of the committee. With his co-chairman from the other place, he put a lot of hours and effort into making the committee work.

The thirteenth report of this committee focuses primarily on Section 34(2) and some of the problems involved. It has been fairly clear that either the intention of Parliament in regard to that section was not followed or that the Department of Fisheries and Oceans, or the minister, has been creating regulations and making use of that part of the act in a way that was not intended by Parliament. This could jeopardize the livelihood of some fishermen or legality of some of the permits that have been issued or rescinded in many areas of the country.

I should like to touch on a matter which has been before the committee for the past 15 months, and that is the Alice Arm tailing deposit regulations, SOR 79-345. I bring this matter up because of some peculiar circumstances that have arisen since a split vote was recorded—and it is only the second vote taken in the 11 years of the committee. I think it is important to put on the record some of the events surrounding that vote so that many of the groups that have been following the issue know exactly what happened.

During the year that documents were going back and forth between the committee and the Minister of Fisheries and Oceans (Mr. LeBlanc), the minister appeared before the committee with his legal counsel. Many hours were spent examining a great deal of data on two principal points that the committee was concerned about, and that is whether proper notice was given in relation to these regulations and whether there was an unusual and unexpected use of power. The vote taken by the committee was to the effect that there was an unusual and unexpected use of power. I think it is important for the minister to respond to the events that followed, since he has indicated that he is going to debate against concurrence in the report.

This report is important in a functional way in that it aims to make certain that the minister and his department abide by legislation created by this House. It seems to me that there is responsibility on a minister to follow through when the Standing Joint Committee on Regulations and other Statutory Instruments comes to a unanimous or consensual position on regulations.

In regard to the Alice Arm tailing deposit regulations, what has occurred is a very unusual state of affairs in that the committee voted there was an unusual and unexpected use of power. In the following days after the lawyers had written the report, it became clear that various government members were