

Fisheries Act

look to developing our industry the way it has been develop in Denmark, a country which I visited this summer and in which I saw what an efficient fishing industry can do.

It is purely hypothetical to talk about allocating five fish. There will not be five fish. Hopefully, there will be a great many fish. I admit that the different fishery groups are competing and that they have different interests, but they share one over-all interest and that is that they all benefit from the fishery. As I said before, fishermen are not stupid. They understand that.

I see the system working with more than simply the influence of the Minister's advisory committee which he calls on whim to consult when he wishes to consult. I would like to see something written into the legislation which would indicate that a Pacific fisheries development board would be involved. That board would be composed of the people who are most affected, not of some bureaucrats who are 3,000 miles away in Ottawa. I trust the people who are involved in the fishery industry in British Columbia to ultimately come up with suggestions for enhancement, allocation and so on. Naturally I feel that there must be a Fisheries Department in Ottawa to take part in all the different interests.

It is not a question of allocating five fish to five different groups. It is a question of managing an entire industry and having the people who are involved in the industry participate. I invite my friend, who I know has an open mind, to come toward this new social democracy which believes in decentralization, participation and co-operation and is very positive and new and is looking to the future. I invite him to come to the era of the 1990s and to throw out all that old baggage. Come on over here. We will have a new beginning and we will develop the fishery industries on the west coast and the east coast together.

Mr. Skelly: Mr. Speaker, one of the interesting aspects of this Bill is the question of its constitutionality. We could allow this Bill to pass through the House of Commons and it could be put in place, but what would happen if, in the middle of the salmon season this coming summer, a dissatisfied fisherman on the west coast suddenly took the matter to court, said this is against the constitution and the Federal Court granted an injunction against the fishing plan and threw this amendment out of court? A judge from the Federal Court has indicated that this could happen and the Government has indicated that this could happen.

Would there be merit in putting this Bill through the House with the Minister's guidelines and mechanisms for consultation and referring it to the Supreme Court so it may make a judgment as to whether or not this Bill will stand up constitutionally? I wonder if my hon. colleague might give us an indication of whether it might be wise to do so at this point or wait until the season collapses this summer.

Mr. Deputy Speaker: Could I ask for a short answer from the Hon. Member for Vancouver Kingsway (Mr. Waddell)?

Mr. Waddell: Mr. Speaker, I draw the Hon. Member's attention to the statement made by the Minister on March 6, 1985, as reported on page 2789 of *Hansard*. To be very fair to the Minister, this is a problem with which the Minister must struggle. The Minister got out of these two court cases by having us amend this law but he cannot get out of the constitutionality question.

I do not think I would like to give a quick answer to this question. I think we should hear from the Minister in committee. As my friend pointed out, there will be problems if someone challenges this in the middle of the season. I think that must be considered in committee.

I have already given my own opinion as a constitutional lawyer. I would not like to see the Minister give this matter a quick reference to the court. I would prefer to have him wait, but I could be persuaded otherwise.

Mr. Deputy Speaker: The period allowed for questions and comments has unfortunately expired.

● (1240)

Mr. Tobin: Mr. Speaker, I rise on a point of order.

Mr. Deputy Speaker: The Hon. Member for Humber-Port au Port-St. Barbe (Mr. Tobin) on a point of order.

Mr. Tobin: Mr. Speaker, my point of order has to do with the rule of relevance. I want to say, with respect to the rule of relevance, that the only relevant thing the Hon. Member said was God forbid he should ever become the Minister of Fisheries.

Mr. Deputy Speaker: The Hon. Member for Winnipeg North Centre (Mr. Keeper) on debate.

Mr. Cyril Keeper (Winnipeg North Centre): Mr. Speaker, I can understand why the Hon. Member trembles in fear at the prospect of my colleague becoming the Minister of Fisheries. Of course, there are real prospects that that will happen. The Liberals dread that. They have the notion that somehow they will automatically return to office. That is a myth of Canadian politics which is fast passing. Therefore, I can understand why my hon. colleague trembles in fear at the prospect of the Hon. Member for Vancouver-Kingsway (Mr. Waddell) becoming Minister of Fisheries.

This legislation is important. I represent a constituency which does not have people who primarily make their living by way of the fishery, but it is still important legislation. It is important for a number of reasons.

One of the reasons is that this legislation gives a legislative mandate to a Minister and to the executive which will give them the power to allocate resources among competing groups. The legislation provides absolute authority over the economic well-being of people. Any time we give unfettered authority to an executive, it raises questions. Any time we give absolute power to anyone, it lights a red light. Perhaps at this point it is a yellow light, but it is telling us to wait a minute and examine what is being done by this legislation. The legislation will give