

Fisheries Act

more convenient for them. They do not have to continually go back and seek authority.

There comes a point when you have to question the track record of the Government and the Minister involved, as well as how his officials have performed. You have to ask yourself if you want to give these people more power and make it more convenient for them to regulate the lives of Canadians.

I know Members opposite cried from the roof-tops about the heavy hand of regulators, rule by Order in Council, and the inability of Canadians to have some proper input in the decisions which affect their lives. But no sooner are they in power than we find the absolute reverse situation. We do not have open government. It is extremely difficult to talk to people in that Government concerning user groups whose lives are affected. Not only has the Government closed the doors, it has made up its mind about how things will work. It is extremely difficult to have the Government accept reasonable changes.

● (1150)

Finally, through this Bill, the Government is attempting to make it easier to impose regulations without having to come to Parliament. This amendment, which would extend definitions in the legislation, also allows the Government to extend its authority. That is extremely unfortunate. We believe we should be able to question that authority and question the definitions.

When this Bill was being considered in committee the Government appeared willing to accept only one amendment which was moved by my colleague from Prince Edward Island. Late in the proceedings he noticed an enormous omission in the legislation and attempted to include larvae in this particular Section. I have serious questions about that because the Liberals and the Conservatives are in bed, attempting to have the hand of Government regulate the fishing industry even further.

On that basis, I move, seconded by the Hon. Member for Skeena (Mr. Fulton):

That this House do now adjourn.

Mr. Deputy Speaker: The Chair has received the motion by the Hon. Member for Comox-Powell River (Mr. Skelly), seconded by the Hon. Member for Skeena (Mr. Fulton). Because we do have a special order today which states, "notwithstanding any other order", and because it is a Budget day, the Chair must rule that the motion is out of order.

Some Hon. Members: Hear, hear!

Mr. Waddell: Mr. Speaker, I rise on a point of order. On what point do you make that ruling? Motions to adjourn the House are always in order. That is completely erroneous.

Mr. Deputy Speaker: The Member knows that the decision of the Chair cannot be appealed.

Mr. George Baker (Gander-Twillingate): Mr. Speaker, we were discussing an amendment which would include in the

clause defining fish, "portions of fish" as defined under the new Fisheries Act. I suggest to the Minister that this further complicates the definition of fish and fisherpersons in the various Acts and regulations that are in effect in this country. For example, the fact that the Department of Fisheries and Oceans will now have jurisdiction over "portions of fish" will bring into question whether it has the constitutional right to do so since a fish is the real property of the person who has landed it. Therefore, would the Department not be infringing on the provincial jurisdiction as far as portions of fish are concerned? Once a fish is landed and brought onshore it comes under provincial jurisdiction and therefore that province may regulate what happens to the portion of the fish as well. The provinces issue the relevant licenses concerning fish and generally administer the transportation, storage and processing of the product once it is landed.

I suggest that the Minister of Fisheries and Oceans (Mr. Fraser) should examine the ramifications of changing the definition of fish as it relates to other definitions that are in effect in other legislation.

Another example is the Unemployment Insurance Act, and its definition of who is a fisherperson, fisherman, and what happens to that fish when it is brought over the side of the boat.

I raise that issue because most of the cases that are pending before the Unemployment Insurance Commission, as a result of a determination of the Department of National Revenue, involve the question of the definition of fish and the definition of a fisherman as a person who is a member of a crew and catches that fish. As a result of this amendment, will it also now include the definition of a fisherperson who handles the portions of a fish? In other words, what is the meaning of the definition as it relates to the Unemployment Insurance Act?

This is a very important subject. I am sure that Members of Parliament who have constituents with a case before the Board of Referees, the Federal Court of Canada, or have appeals to the Minister responsible for the UIC, recognize that there must be some consistency with the changing of this definition and the regulations that are in effect under the Unemployment Insurance Act.

The Government of Canada has embarked upon a policy of checks and balances, examining the books of fish companies and the records of fishermen as they relate to the fish they catch. It is unfortunate that the Government, which wants to tighten up on unemployment insurance, has implemented that process. In carrying out this procedure, the investigator goes back to the regulations that were based on the definition of fish, and now based on the definition of portions of fish, to determine how that person actually established his claim.

For example, as a result of this new section of the Bill, it would be possible to classify a fisherman as someone who rakes up Irish moss, but it would not be possible to define a fisherman as someone who takes a portion of a fish and completes the processing of that fish. In other words, persons who spend their entire time salting portions of fish or working with portions of fish on shore as part of a fishing crew are no