

In the letting of the observer contract earlier this year for the Scotia-Fundy region, fisheries officials in Halifax did not even follow the basic rules of tendering. The tender requirements were manipulated to give the contract to a company that had no experience with foreign vessels in the offshore.

The winning company has been allowed to use observers without the necessary experience on certification, all that the tender documents required. There has already been overfishing as a result. There have been published reports in sector 3-O of vessels without observers that were catching undersized fish and dumping the unwanted fish at sea.

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There have been problems with the Cuban vessels in the silver hake fishery, vessels that by law must have certified observers. The Cubans have fished in Canadian waters this year without experienced observers on board as a result of the new contract.

This makes a mockery of what TAGS is all about. Again, I pick up on the words of the chairman of the fisheries committee recently when he was at public accounts: "This opposition member does not intend to acquiesce to the demands of government on the observer contract". A mistake was made and I call on the government in the name of fisheries protection to act. The fisheries committee has studied the letting of the observer contract and has undertaken to prepare a report for the minister outlining the inadequacies in the letting of that contract and the problems caused as a result.

The report prepared by the fisheries committee and given to me last Wednesday by the committee clerk speaks volumes in the priority this government places on fisheries protection. The report rather than censuring officials for the letting of the contract called on the government to make the observers into public servants.

The fundamental problem given in testimony before the committee was a seriously flawed tendering process. Rather than dealing with this flawed tendering process and the contract brought into existence, the chairman's report unfortunately states that members of Parliament were obliged to accept the opposed view that everything was completely above board and goes on to state: "we appear to have little choice but to accept this interpretation at least in the narrow legalistic sense".

Nowhere were the flaws of the tendering process outlined. The committee never did receive the legal opinion it requested from the minister even though the minister made an undertaking to give it to committee.

Why would the chairman state that DFO's testimony was plagued by confusing and contradictory statements and that they were not convincing, yet find the committee had little choice but to accept the contract as awarded?

Government Orders

Two of the bidders acted on the best information available on past practice and on the tender documents. Unfortunately the requirements for certified and experienced observers were not followed in the award of the contract nor were the time line requirements for the submission of lists of qualified observers.

If the winning bidder does not have to follow the basic requirements of the request for proposal in bid set up dates from DSS the award of the contract is fundamentally flawed. Not surprisingly, we have inexperienced observers now at sea as a result of this contract award.

The report does not address the real problems. The requirements of the request for proposal and bid set up dates were not followed. They were intentionally ignored so as to break the observers union. The company most likely to continue to engage in unionized observers was treated the most harshly in the tender evaluation. The president and general manager of the winning company has refused to meet with the president of the observers union. In a published letter he states: "We see no use in meeting with you at this time. Simply put Mr. Siddall, I do not trust you and you are too late. I will not stand idly by as the Minister of Fisheries and his officials engage in thinly disguised union busting actions against a small independent union". I will not as a member of the fisheries committee participate in the whitewash of this action.

The chairman's recommendations reflect either an attempt to cover up the problem or a failure to understand it. One bid set up date placed in evidence before the committee indicated when the list of 30 certified observers was to be submitted DFO chose a later date. The department did not require the winning bidder to submit the list of 30 names to beat the basic certification and experience required in the tender documents.

Testimony before a committee of DFO officials acknowledged that a substantial number from the list by Biorex had to be retested before they could be certified in any region. The reasoning behind the requirement to submit a list of 30 certified and experienced observers by April 5 was to have the winning bidder use the bulk of existing Scotia-Fundy certified observers, thereby guaranteeing continuity and experience in the program. When these basic requirements were ignored the process largely broke down. We ended up with the bulk of the observers not having the requisite experience and certification.

The tender process, the Scotia-Fundy observer program and the government's ability to protect our fish stocks were compromised. The strength of the observer program is in the knowledge and experience of its members. A recent fisheries journal article on the American observer program makes the same finding:

About half of the first time observers never repeat a trip—Much of the data collected by first time observers is error ridden and takes weeks to correct on their return. Some of it is unusable. But as observers gain experience they evolve into professional field technicians who know fish and the way around a deck.