

The real problem with Bill C-38 is its legislative scheme. The bill creates blanket offences by turning most people who conduct themselves normally in an aquatic environment into criminals—unless their conduct has been exempted either by ministerial authorization or regulation by Governor in Council. This leads to the paradoxical result that this wide power of exemption may be desirable if only to arm the government with the means of 'decriminalizing' normal conduct.

● (2220)

We should consider some of the fines that are set forth in Bill C-38. Consider the nature of the offences that are created thereby. Consider that you, Mr. Speaker, and I might inadvertently be breaking the law by putting our toes into a pond, perhaps trampling on a small fish and thereby destroying some of the aquatic environment. That would not be done intentionally. We would not want to be subjected to some large fine, some process of law, or be hauled away by the scruff of the neck into a court. Nonetheless it is a possibility that all of these things could happen.

I realize that I am speaking after the fact. I do not intend to oppose the bill. I understand it has received the approbation of the committee. Those people worked hard and long. I understand the enormous battle that goes on between the environmentalists and that particular industry. It is not for me to come in late in the day to raise this again, except that I do have to view some of the powers set forth. For example, in Clause 9 on page 10 of what we are considering this evening, it states:

An inspector may, at any reasonable time, enter any place, premises, vehicle or vessel, other than a private dwelling place or any part of any place, premises, vehicle or vessel used as a permanent or temporary private dwelling place, where he reasonably believes—

I suppose in short that means the inspector is entitled to board a ship if the owner of the ship has not used it for his private dwelling place. Most people would consider that a ship is not a private dwelling place. To do that without the benefit of a search warrant is an extremely dangerous provision to have written into the legislation of this country.

Clause 12 on page 16 reads in part:

35. Any fishery officer may search or break open and search any building, vehicle, vessel or place where he has reason to believe that any fish taken in contravention of this Act or the regulations, or anything used in contravention thereof, is located."

Again, that is a very large power. I wonder if it is really necessary. Modern communications being what they are, somebody could apply for a search warrant. At least then there would be the intervening step of some judicial officer who may say, "Slow down; maybe you do not have reasonable and probable grounds; maybe you are a bit excited without due cause."

Those are my thoughts on this. I gather somebody else would like to make an intervention before we pass this measure and I am pleased to yield the floor.

**Mr. Jim Fleming (Parliamentary Secretary to Minister of Fisheries and the Environment):** Mr. Speaker, I shall be as brief as I possibly can. I think I have some responsibility on behalf of my minister to respond to some of the concerns

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expressed by members opposite. If that goes a moment or two past 10:30, perhaps hon. members will be kind enough not to notice the clock and, if it is agreeable to hon. members, we might bring this debate to a conclusion.

**Some hon. Members:** Agreed.

**Mr. Fleming:** The Minister of Fisheries and the Environment (Mr. LeBlanc) has asked me to express his disappointment at not being able to be here today at the report stage and third reading of Bill C-38. He was unable to return from British Columbia in the short time available since we received confirmation that Bill C-38 would be discussed in the House today. He has asked me to make a brief statement which he would have presented had he been here. It is as follows:

"I am pleased to speak at third reading of Bill C-38, an act to amend the Fisheries Act and to amend the Criminal Code in consequence thereof. This bill received first reading on February 21, and at second reading on May 16 it received unanimous support in principle from all parties of this House. Since then the Standing Committee on Fisheries and Forestry has devoted seven sessions to Bill C-38. The views of industry, several provinces and some special interest groups have been heard. It is important to note the hard work of this standing committee. They extended hours of hearings to allow for all who wished to express their views. I would personally like to take this opportunity to express my appreciation to members of all parties who participated in the standing committee sessions dealing with Bill C-38.

"These committee sessions have resulted in many improvements which will help us in managing the important fisheries resources of Canada. All parties have contributed in this process and all have recognized the need for amendments to the Fisheries Act to allow us to deal more effectively with poaching, fish habitat protection and pollution of Canada's fisheries waters. I personally attended all of the committee's clause by clause sessions on Bill C-38 and know how diligent were the members to ensure that constructive views presented to the committee were reflected in the revised bill now before us. As a result, definitions have been sharpened, many provisions have been modified to reflect better the need and intent of the legislation, powers have been scrutinized closely, the application of the existing provisions has been questioned, and clarification has been sought concerning the future application of any new provisions."

The minister concludes: "I am grateful that Bill C-38 received this scrutiny and hopeful that with agreement on third reading it will soon be given consideration in the other place."

Again, on behalf of my minister, I wish to thank members of the opposition parties for their close co-operation throughout the committee review stage.

Perhaps I might, as parliamentary secretary, make a few brief observations in response to the opinions expressed by hon. members during the discussion tonight. I note the concern expressed by the hon. member for South Shore (Mr. Crouse) about the problem of the shortage of fisheries officers to carry