

Fishing and Recreational Harbours

Subclause (2) reads:

The minister may, subject to the regulations, enter into an agreement with any province—

That is fine. However, he may also, as provided in subclause (3)—

The minister may, subject to the regulations, enter into an agreement with any person—

That removes the development of harbours such as Saanichton Bay from the reach of this House. If there are harbours that are being considered as harbours, they ought to be scheduled. A list of those harbours should be brought before this House so that we will know exactly what waters, harbours and bays are being considered. The municipalities want to know, as do the people living nearby. According to my recollection, the Saanichton Bay development occurred about two years ago. Objections were raised by the Indian band community which harbours its boats in that bay. There was going to be a lot of dredging. They were going to completely change the whole estuary or the creek that flows into Saanichton Bay. One of the other objections raised at that time was the industrial development that was going to be attracted by the development of that marina. No thought was being given to the community infrastructure that would have to proceed, or at least be considered hand in hand with the development of that marina project.

The Indian band was very upset because of the parking problem that would arise once the marina took shape. I do not have the file before me, but I believe they were talking of the order of 1,000 boats: once developed, the marina would handle 1,000 pleasure boats. It would, of course, receive pleasure boats from the United States, which is not very far away. Actually, the American islands are within sight of the development that was contemplated.

The municipality was very upset because this operation was to take place at a time when there was a critical water shortage in the peninsula. I have mentioned this before. People in this House find it difficult to believe there is a water shortage in Victoria and in the Saanich peninsula—but there is. There is a very high building development in the area. It is pressing in on the ground resource of the water. This 1,000 vessel marina would have a requirement for topping up the water canisters before going off. Also, when people came in, their water supplies would be down and they would expect to have pure water available. These matters should be taken into account very seriously before any projects of this kind take place. The minister will be able to schedule harbours in bays and then enter into agreements with the provinces or with individuals. He will have that power under this bill.

Let us suppose this bill had been in place when that previous marina had been brought forward. Would we have been able to stop it as we did? Would the community have been able to stop it? Would the municipality have had an effective voice?

Why are the regulations not available to us? I ask the hon. member for Halifax-East Hants (Mr. McCleave) whether he is satisfied with a bill of this sort. I do not ask that because it is a fisheries and harbours bill, but because of the regulations.

[Mr. Munro (Esquimalt-Saanich).]

He has had a lot to do with alerting this House to the dangers of legislation by regulation. At one time I fondly imagined that it was law that prevailed in this country. I now find that the law merely provides the means whereby regulations can be drawn up. Regulations and ministerial discretion used in drawing up and promulgating regulations determine the lives of our citizens—not the law. Therefore, I find it a little too much that such powers are granted to the minister. Without reflecting on the minister himself—

● (1220)

Mr. Alexander: Why not?

Mr. Munro (Esquimalt-Saanich): Why not? But not in this particular case. I make no reflection on the minister himself, but this whole principle of ministerial power in drawing up regulations stemming from an act must be examined very carefully. I think we should exercise every precaution to make sure that, before we agree to give passage to legislation containing provisions of this sort, the regulations are before us and are appended to schedules to the legislation. There is no denying that this affirms, almost in stone, the regulations themselves. When amendments to the legislation are brought forward, amendments to the appendices can also be brought forward and discussed in the House. We must make sure we are governed less and less by regulation, and on all bills to which I speak I am determined to look into this aspect most carefully.

I cited the Saanichton Bay problem merely as an example of what could happen in any coastal riding in this country. A member may wake up one morning and find that a harbour in his constituency has been designated by the minister and that a developer with whom the minister has made certain arrangements begins to develop the area without first considering the wishes of the community. When we get to committee we must look at this matter again.

We are not finished with regulations in clause 2, because I find at page 11 of the bill there is a clause dealing with payment of fines. Clause 25 provides:

(1) The governor in council may by regulation designate any offence under this act or the regulations as an offence with respect to which—

And so on. So, again, we come across regulations which are to be drawn up by the governor in council. Why are these regulations not available to us? Is it not possible, before we move on to third reading, to have the regulations which are going to designate any offence under the act as an offence with respect to which certain things happen? I would have thought it would not be beyond the powers of those who drafted this legislation to put forward regulations which they feel should flow from this particular provision.

There is one other element which I think ought to be brought to the attention of the House and which I intend to look at more carefully in committee. I refer to clause 14 which provides for removal, seizure and detention of vessels and goods where an enforcement officer has reasonable grounds for doing so. Having looked at the definition of "goods" in clause