

Fisheries Act

think everyone would recognize this as a fact of life—that once legislation has cleared this House, we tend to go on to other matters. That legislation is over and done with, as far as we are concerned. Presumably the watchdog committee, the Standing Committee on Regulations and Other Statutory Instruments, has to play some role, but sometimes I have doubts as to whether that is a sufficient manner of dealing with the rules and regulations which develop from our legislation.

● (2210)

In any event, to be very specific, there are 22 clauses in this bill which deal with discretionary and regulatory options, and having looked at the bill some new thoughts about the problems which can arise have come to me. One new thought is simply this: we are in a rather sensitive area involving provincial jurisdiction over waters which are inland, and through this legislation we are attempting to exercise federal jurisdiction. Provincial acts are very much like the legislation we are considering this evening. Regulations can be made under those provincial acts, and I think they probably create a fair amount of difficulty for the people in the pulp and paper industry. I will follow up my theme as I make my speech. I have made a preamble, and now I am going to make a speech.

I would like to quote from a letter which was sent to me by a very distinguished Nova Scotian who served in the House of Commons very well on behalf of the Halifax constituency. The letter is from John A. Dickey. I think he was a member from about 1947 until about 1957. He is now the president of Nova Scotia Pulp Limited. In his letter Mr. Dickey makes a point about the importance of the pulp and paper industry to the economic life of Nova Scotia and of Canada. Mr. Dickey's letter reads in part as follows:

While Canada possesses only 10 per cent of the world's supply of wood fibre it has for many years had the largest export of wood fibre in the world. In Canadian terms the industry is the largest Canadian earner of foreign exchange. This stature as you can appreciate has been achieved not because of a monopoly position in the raw material for the industry but by reason of ability to manufacture and export wood fibre in its various usable forms more economically than our competitors. Unhappily at the present time by reason of cost increases for the Canadian industry which are out of line with those of our major competitors, notably in wage rates, the Canadian industry has essentially lost its competitive advantage. By any standards the Canadian industry has met world standards in pollution control and environmental protection though this is inevitably a long and continuing process of improvement. We feel very strongly that this is no time to impose further strains upon the industry's struggle for survival beyond those absolutely necessary to achieve what is on balance the public good.

In an appearance before the committee which dealt with this measure the minister of the environment for the province of Nova Scotia, the Hon. Vincent J. MacLean, made what I thought was a pretty good point. I will put it on the record here. It is, of course, on the record of the committee proceedings.

In summary, the province of Nova Scotia does not believe that the Fathers of Confederation intended that the fishery power extended to the federal government should be the supreme power with respect to water resources management or to local works and undertakings. In particular, we do not believe that such pre-eminence to fisheries matters should pertain to waters internal to the province.

[Mr. McCleave.]

If this legislation is to be effective, it must enter that delicate field.

Leaving aside that aspect of the dominion-provincial conflict, may I suggest, as I have suggested previously, that when we deal with a sensitive area such as this where the regulatory power is really the name of the game, much more so than the bare bones of the legislation, we should adopt the practice of bringing before the committee considering the legislation the draft of the regulations which will be effective under that legislation. I know those regulations will eventually be referred to the statutory instruments committee for its surveillance, along with other regulations and other statutory instruments. I am the co-chairman of that committee; I think it is the best committee in parliament; and I think we do a darned good job.

Some hon. Members: Hear, hear!

Mr. McCleave: I may say, if I blow my own horn, at least I blow it at myself instead of at other people. We tend to be a special crowd in that committee and perhaps not fully appreciative of some of the minutiae or major points of the regulations which come before us. If we have no farmers on the committee, perhaps we cannot assess well all the regulations dealing with the farming industry. If we do not have fishery experts on the committee like my hon. friend from South Shore, we may suffer from the same disability with respect to fisheries matters, although our intentions may be the best in the world. Of course we deal with legal matters. I suggest that not one legal matter escapes the eye of the committee, although perhaps we are missing some of the practical, down-to-earth points concerning the actual operations of trades and industries which are affected by the regulations. That is why I make my point again, and I hope some day it will grow into a school of thought.

I want this practice to grow up that, when it is practicable and possible, the regulations which must accompany an act should be drafted and presented to the committee which deals with the act in the first place. That would give us another shot at parliamentary direction, direction as to what the act intends to do. True, as time goes by these regulations will be monitored. As anyone will tell you who has ever attended meetings of the statutory instruments committee, some of the regulations which accompany some pieces of legislation are incredibly voluminous and would fill many volumes on anybody's book shelf. Nevertheless, I suggest that the practice of looking at draft regulations initially would be a good one. I hope a school of thought holding that opinion will grow up and I intend to do all I can to found that particular school of thought.

When regulatory rights accompany any legislation, the regulations should be examined by the committee which considers the act as well. In that way our parliamentary performance will improve 100 per cent. The Canadian Manufacturers' Association is of the same school of thought, I may say. Mr. Roy A. Phillips, executive director, touched on this point in the letter he wrote me on June 23, 1977, a paragraph of which I shall quote. He said: