

*Fisheries Act*

must want to get the state into the sex life of oysters. Well, Parties change. I guess they are entitled to do that.

I am a bit upset with the comments of the Minister of Fisheries and Oceans (Mr. Fraser). Let me say something about his contribution to this debate. When I was the short-lived fisheries critic for my Party I said in this House that I have a great deal of respect for the Hon. Member for Vancouver South, the Minister of Fisheries and Oceans. We have been colleagues for a long time. We appeared against each other in courts in Vancouver and in other areas. However, I do not take too kindly to his comments about the role of the New Democratic Party in this debate. We are saying some real things. We are speaking for western Canada. We are speaking for British Columbia. We are speaking for the fishermen. That is what the Minister should be doing. How soon they forget.

• (1230)

When government Members sat on this side of the House, they acted like an Opposition Party. When they moved to the government benches they suddenly became just like the old Liberal Party. They have become centralized Canadians. They forget about the interests of the West Coast and about ordinary Canadians, the little people who really make up this country. I see that a government Member from B.C. is present. He is one of the 19 Tories from B.C. who are not really carrying on a good fight for British Columbia. They are putting out a lot of hype about what they are doing but they are not really doing very much.

I can tell the House why we do not like this Bill as it relates to the consultation process. As the Hon. Member for Skeena (Mr. Fulton) said, the committee spoke to the fishermen's groups and the fishermen's groups told us almost unanimously that they did not like this particular Bill. They told us that they are afraid it will give the Minister too much power and will concentrate power in the bureaucracy. That is the problem with the Bill. It is a Bill which is an overkill reaction to a lawsuit with which I will deal in a moment.

The biggest growth industry in the fisheries sector these days is in the fisheries bureaucracy. The problem with the fisheries industry used to be that there were too many fishermen chasing too few fish. Now the problem is that there are too many bureaucrats governing too many fishermen who are chasing too few fish. The bureaucracy is growing by leaps and bounds. I have heard it mentioned that there are 6,000 bureaucrats who deal with the fisheries industry. Perhaps that figure is wrong. It is simply one that came to mind. In any event, there are too many bureaucrats.

The position we are taking is one which befits a popular western Canadian Party. The Minister should realize that the interests of ordinary Canadians and the little people ought to be protected from people over in Hull or here in Ottawa who work in fancy buildings and make decisions for fishermen who live in British Columbia. The very lives of these fishermen depend on when the fishing season opens.

The Minister of Indian Affairs and Northern Development (Mr. Crombie) is present in the House today. He appreciates

these new kinds of arguments that come up from time to time. The latest argument being put forward by the Department of Fisheries is that it is doing this for the fish. It is easy to do things for the fish because the fish do not talk back. We are getting our instructions from the fish. The bureaucrats should be getting their instructions from the fishermen, the human beings who are participating in the fisheries process, as well as from the environmentalists and concerned Canadians, particularly members of the New Democratic Party who are fighting for the rights of Canadian fishermen.

As I said, the problem began with a court case. The ruling of Mr. Justice Collier of the Federal Court stated that the federal Government was only entitled to allocate fish on the basis of conservation. This decision interfered with what the bureaucrats considered to be their powers over opening and closing the fishing season and dealing with everything concerning the fisheries on the West Coast. That is why they were upset by this particular decision.

Another problem with the decision was that Mr. Justice Collier, in what lawyers call an *obiter dictum*, something which is not the law but is thought to probably be the law, indicated that the Fisheries Act was unconstitutional, that some of its provisions violated the Canadian Constitution and that the federal Government had no business putting those kinds of controls on the fisheries industry. That is a serious matter.

Rather than rushing this Bill forward in an attempt to plug the loopholes created by the Collier decision, by trying to add to the powers of the Fisheries Department without really consulting the fisheries groups, the Minister should go to court to test the constitutionality of the fisheries law provisions. If Mr. Justice Collier, a well respected and experienced judge, is right in what he said, then the Bill we are debating, the Bill which we were accused by the Minister of filibustering, will then fall and all of the debate will be wasted. We are saying that the Bill should be referred to the court for an opinion. During the course of the second reading debate of this Bill, I put that specific question to the Minister. I would refer the House to *Hansard* which recorded that exchange.

We think the Fisheries Department has a hidden agenda. Because of this Bill, we think there will be more users competing for a shrinking resource. We feel that no part of the legislation improves the plan for the protection of the environment. There is no plan to base enhancement on the principle of watershed management. There is no move to protect our stocks from high sea intervention by foreign fleets. In fact, we say that thousands of pages of direct testimony from experienced users of the resource have been set aside by the Minister and the Department in bringing in this Bill. That is a serious charge and demands some serious answers.

The problem with the Bill is not just with an amendment affecting larva. As important as it is and as much as my colleague from the Liberal Party likes the sex lives of oysters, although he indeed has made a significant contribution to this debate by expounding on the sex lives of oysters, there are bigger issues which the Liberal Party must address. I have