

had as much understanding of biology as they had in those days. There is no doubt that without an understanding of the peculiarities of fish, it is very difficult to have a public debate which is fully enlightened.

In fact, I remember one very great adviser with whom I worked, a very reputable and knowledgeable man—Joe Carton, who was legal adviser to the Department of Fisheries for many years—always warned me, “Never open the Fisheries Act unless you have to, because the lawyers do not understand what it is supposed to do.” With all due respect to the lawyers of this house, I have found over the years that many of them have been confused as to the peculiarities of the fisheries.

● (1650)

**Senator Frith:** Most fishermen do not understand lawyers, so the comment is a fair one.

**Senator LeBlanc:** Perhaps I may be allowed to give a land-based comparison to illustrate the point. Let us assume for a moment that our public parks were turned into public gardens in which people could grow vegetables and small fruit; manned, cared for and cultivated by our municipalities, but open to the citizens to take vegetables or fruit when they wanted to in the quantities they wanted with whatever equipment they preferred to use. I suggest that a battle would result and that in the end human greed would have done away with an interesting idea but an unmanageable one unless there were very strong powers in reserve to make citizens behave.

I am worried about Senator Marshall's statement that in a year and a half the Fisheries Act will be fully reviewed. I suggest that if the government intends to go this route it should do so with great care, and that it take all the time necessary to understand the problem and to educate itself and that it allow the managers on the scene who are trying to regulate the fishery full scope in explaining the peculiar problems they face. I suggest that the amendments in this bill are essential and are required immediately. Without them there would be serious concern, as we heard during our recent tour of the Atlantic provinces, over a possible breakdown in the management of the fishery.

The powers required by the minister are improved as a result of the amendments contained in this bill. However, I would caution the minister and this government, which seems to have elevated consultation to a mythology with its own momentum, to be extremely careful to respect provincial jurisdictions and to go no further. I worry about the tendency of this government to give provincial ministers added authority which is presently held by the federal minister. I have been painted as “Mr. Ugly” because I refused to be co-operative and helpful to provincial ministers who were pressed, for example, by their Ministers of Tourism to increase the number of salmon licences in an almost unlimited way. We must remember reality, particularly as it relates to fish that travel along the coasts of several provinces. Imagine for a moment the salmon which swims by Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island and ends up in a Quebec river. I suggest that if we were to allow each provincial minister to take a slice, there would be nothing left for the

[Senator LeBlanc.]

spawning grounds. The minister must read carefully the history of the act and understand its interpretation. He must not give in to the temporary popularity of delegating some of his authority to his provincial colleagues.

There are provincial jurisdictions in freshwater areas which are beyond dispute. I suggest to the minister that the popularity he achieves will evaporate as soon as he has to say no to one of his provincial colleagues. He will find that the fishermen will not forget such action, and that perhaps he has not discharged his duties with regard to the fishery, over which he is charged by law with full responsibility. I worry that this consultation process, although it is successful on the west coast—and I give full credit to my former colleague, the Honourable James McGrath, who was instrumental in organizing the minister's advisory group there—will be instituted on the east coast. To think that you can marry one consultation process with a large number of species which are as different as oranges and apples—probably more different—and I am thinking particularly of scallops, salmon, lobster, herring and cod—into one great process is naive. That is what I refer to as the rhetoric contained in this bill. For example, there is at the moment a great debate and a great issue surrounding the crab in the Gulf of St. Lawrence. The people involved with this one species must understand that nobody will win it all, and that in the last analysis there is one referee, the Minister of Fisheries and Oceans of Canada, and he is charged with powers bestowed upon him by Parliament.

When competing and conflicting groups realize that there is one person beyond whom the buck cannot be passed, they will sit down together at the table and try to arrive at a consensus. They will know that Parliament has given the Minister of Fisheries and Oceans the final power to conserve and preserve our fish.

This bill introduces an amendment which confirms the minister's power to allocate fish between competing groups, between competing fleet types and between competing regions. Perhaps it is one of the most pessimistic developments of the past few years that increasingly we are seeing a provincial definition of what is basically a Canadian resource that simply happens to be living near the coasts of this or that province at a particular time of year. Let me give you an example. If we were to allow total freedom as to time and place in the fishery, the stocks that live in the Gulf of St. Lawrence and on which thousands of fishermen depend could be wiped out in January or February by the large fishing vessels off Sydney because that is where cod schools and the whole cod stock, this critical mass, assembles. I use that example to illustrate that the minister must have all the powers necessary to arbitrate in these cases.

I commend the minister for bringing forward the amendments contained in this bill because they gave Parliament an occasion to reconfirm his powers. I worry about some of the eventual interpretations flowing from the Bill of Rights in that they may curtail or limit the minister's power to regulate the fishery. However, if that were to occur, I am sure that this house and the House of Commons would be ready to act.