

*Fisheries Act*

**Mr. Jarvis:** It has from time to time. Has the hon. member seriously considered the consequences of the federal government's closing, say, a waterway for commercial and sports fishing? What would be the position if the federal Department of Agriculture acted this way with respect to hoof and mouth disease in cattle? What would the consequences be? The point is important; unfortunately the hon. member did not consider it. If he suggests the federal government should assume responsibility in those cases, he and I part company. Obviously, the hon. member favours extending federal jurisdiction in matters affecting native peoples.

I have some doubt about this motion, first, because the federal government already has the power to do what the amendment proposes; second, because I am concerned about the consequences of those actions I mentioned.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** What about the consequences of inaction?

**Mr. Jim Fleming (Parliamentary Secretary to Minister of Fisheries and the Environment):** Mr. Speaker, since it is agreed that we should make progress with the bill, my reply to the points raised by the hon. member for New Westminster (Mr. Leggatt) will be brief. I believe the hon. member for New Westminster referred to a letter I had sent to someone. Actually, if memory serves me right, I believe he was referring to a response I gave in the House of Commons to a question.

**Mr. Leggatt:** That is right.

**Mr. Fleming:** In my response I said the federal government would not move unilaterally and tried to make the point the hon. member for Perth-Wilmot (Mr. Jarvis) made so well some minutes ago. I believe the federal government has power to act under the present legislation. Therefore the matter comes down to a ceding of administrative responsibility. Should we, at will, no matter how worthy the cause, enter a field of jurisdiction because of some alleged fear the province or other authority will not carry out its responsibility; and leave that field of jurisdiction when we think that authority is acting properly, particularly in environmental matters? The hon. member for New Westminster said several times the government cannot have it both ways. That is the precise difficulty. We cannot have it both ways in the administration of this act and in the proposing of legislation. On the other hand, in many cases there is a healthy federal-provincial relationship in which the provinces assume responsibility for administration of the act.

In this connection may I quote part of a letter written to Mr. Noel Starblanket, President of the National Indian Brotherhood in February, by the senior assistant deputy minister, fisheries and marine service of DFE—Department of Fisheries and the Environment. I begin at the second paragraph. The letter reads:

As you may be aware, responsibility for administration of the Fisheries Act has been delegated to the province of Ontario since 1898.

● (1220)

I believe that that is 1902.

While provincial regulations under the Act must be approved by the federal government, we have not had a direct involvement in the management of Ontario fisheries for over 75 years. Although the minister retains the legislative authority for regulating fisheries, it is his firm position that the delegation of authority to the province to administer the Fisheries Act must be respected. He has indicated that he does not intend to intervene in a matter which is clearly a provincial responsibility.

While the minister is not prepared to overrule any provincial decision regarding sport fishing on the English-Wabigoon, he does support the concept of a fishing ban in that waterway as a useful step to reduce the consumption of contaminated fish by native people. It is also his view that while enforcement of a ban would obviously require the active cooperation of provincial authorities, the opportunity should be provided for local residents to become directly involved in enforcement of the ban to maximize its effectiveness.

I point that out to try to state the particular position and also to argue that my minister has not been hesitant in making very clear his views as the federal Minister of Fisheries and the Environment on what should happen in that area. We have heard many arguments, particularly on occasion from members of the NDP, that we cannot continue to intrude on provincial responsibilities, that we must respect the practice that has been carried on for a number of years.

Clearly for 75 years we said we have the act, you will administer it and we have not intruded. On particular occasions where we believe the cause justifies it and we negate their judgment, surely there will be consequences. I think that is the point that the member for Perth-Wilmot was making, as well as consequences of compensation.

Much more important is the consequence of either giving people at a different level of government responsibility to carry on or not giving them the responsibility at all. I am sure the hon. member for New Westminster is not suggesting we should take back from Ontario the responsibility they have held for 75 years.

**Mr. Speaker:** Order, please. Hon. members know that by hearing the hon. member for New Westminster (Mr. Leggatt) now, he will close the debate.

**Mr. Leggatt:** Mr. Speaker, I wish to respond to two points in the debate. One is that if the federal government took action under this proposed amendment, consequences would flow. That is correct. In fact, there is ample precedent for that. Consequences have flowed from the English-Wabigoon case. In fact, it was not the province of Ontario but the Minister of Indian Affairs and Northern Development (Mr. Allmand) who provided the freezers and the fish.

**An hon. Member:** In Ontario.

**Mr. Leggatt:** In Ontario, too. I am not suggesting any one particular group did it. I do not think it is valid to argue that because consequences flow from these kinds of decisions that there is not the lateral responsibility that goes with that.

Of course, any government would take the consequences of shutting down a stream. If native people were not involved, I would say there is a federal responsibility to those people in