

Fisheries Act

ten, of provincial constitutional jurisdiction and constitutional jurisdiction as we see it in Section 35 for aboriginal peoples, making it clear that it is a recognition of aboriginal rights, and making it clear that provincial jurisdiction is not being tampered with. We must take these kinds of opportunities in Parliament to bring our Acts into the 20th century. It was written in 1867 and now we are adding a purpose section, with reference to marine plants, portions of fish and other new wording. If we do not take the opportunity to make it constitutionally accurate and to reflect the nature of our country, we are not doing our job in this Parliament.

● (1220)

The Minister of Fisheries and Oceans (Mr. Fraser) can go to British Columbia and say that the NDP is stalling the Bill. The fishermen there know that our committee went there, received a lot of evidence and came back here meaning well. They know we mean to amend this Bill to reflect the views of British Columbia fishermen, sports fishermen, native fishermen, trollers, gill-netters, seine boat operators. We want it to reflect that reality.

When the Deputy Minister appeared before the fisheries committee this morning I asked him what user groups he had dealt with in the Atlantic provinces, and he replied "Oh, none." I asked what his dealings had been with Governments in the Maritimes and he replied "Oh, none." Is this the great era of Conservative consultation? A group from this House of Commons went in good faith to British Columbia to hear evidence. We came back with logical proposals based on the evidence given by fishermen in British Columbia. The Tories say we cannot have any of that in there, but that they will throw in "larvae" and a little extra wording. They say they have to get the Bill through because of the Collier decision.

Let me deal for a moment with the Collier decision because it is the crux of the matter. The Minister says that because the Gulf trollers are fishing, he is in a terrible dilemma. He will not be able to allocate to different user groups in British Columbia. That is simply not the case. The facts are clear. The herring fishery proceeded this season.

The Minister has to deal more openly and fairly with the Gulf trollers. The rest of this season's fishing plan is falling into place. This Party does not intend to stall Bill C-32 forever and a day. We want this Bill to contain a consultative and protective mechanism for the user groups, not just in British Columbia, but for all Canadians. We want to be sure that those who have been involved historically in an industry are protected. New users of a resource such as salmonids in British Columbia must be given a protected place within the fishery.

I am a sports fisherman. I do not want to see sports fishermen excluded. The Minister plays games, saying that the NDP is trying to take away from the rights of sports fishermen or from others. The fact is that this Bill is not representative of the evidence that we heard, the constitutional evidence, legal evidence, evidence of user groups and evidence of aboriginal peoples.

The Minister does not urgently require this legislation. It should be redrafted or, during this process of debate, the Minister should put on his consultative hat and demonstrate to Canadians that he is prepared to accept in good faith amendments that are based on logical evidence. The Parliamentary Secretary knows the evidence was given in good faith. We sat early in the morning until late at night. We sat up all night dealing with this Bill. Now we only have "larvae" attached to it. The Minister of Fisheries and Oceans should return to this House and not carry on with this puff piece about the NDP stalling this Bill. We are holding this Bill in an attempt to make it good legislation which represents the user groups of Canada.

Mr. George Henderson (Egmont): Mr. Speaker, I do not intend to speak at any length on this first amendment. I moved the amendment to have the word "larvae" included. I did that because the previous legislation talked about the eggs, spawn, then there was a gap, spat, juvenile stages of fish.

There is a very important stage in the development of fish that was not taken into consideration in the legislation we had before us at the committee at that time. The larval stage as far as musks are concerned for oysters, clams and most shellfish, is a critical stage. I will use oysters or clams as an example. There are male and female oysters. After an oyster develops gonads, it develops the eggs and the sperm. Fertilization takes place in suspension. There is an 18 to 21 day period that is definitely not covered under the old legislation. It is a very critical stage in the development of oysters or shellfish, extremely critical. Indeed, one-half of one per cent of oyster larvae survive to the stage of maturity and indeed come to spat. Why would this be left out of this legislation in the definition? It is a very minor technicality, but one that most biologists would certainly agree to. My understanding is that since that word has been put in, by my request, biologists in fisheries and in other areas have confirmed that it is important to have that included.

I am only going to speak to this motion at this time. We have major concerns about other motions which we will speak to at another time. We will not be supporting the motion to delete the word "larvae" moved by my friend from Comox-Powell River (Mr. Skelly). I presume that my friend probably wanted to remove the word for other purposes. I think he understands the technicalities of it. It was probably to open debate on Clause 1, and that is fine. At this time I am going to stick to the motions we are dealing with here. We will be speaking on further motions later in this debate.

Mr. Ian Waddell (Vancouver-Kingsway): Mr. Speaker, it is always difficult to follow the Hon. Member for Egmont (Mr. Henderson). He usually speaks with a great deal of expertise on anything he debates, especially with relation to the fisheries. In his recent speech he seemed to be an expert in the sex life of oysters. I would not want to debate that too much with him. I know the old Liberal Party believed the state should keep out of the bedrooms of the nation. The new Liberal Party