this point, it should be made clear that under the Constitution Act a process has been established in consultation with aboriginal people and the provinces with a view to defining aboriginal and treaty rights; and it is in that context, and not through amendments to the Fisheries Act, that such rights will be defined.

Furthermore, existing aboriginal and treaty rights are already protected by the Constitution, which takes precedence over all statutes, including the Fisheries Act.

However, in view of the concern that has been expressed, the government has added at report stage a qualifying clause—it appears as clause 4 in the bill—which explicitly states that nothing in the bill shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal people of Canada.

This has been done to make it crystal clear to native peoples that there is no attempt on the part of the government to alter their rights through the passage of this bill. It is worthwhile adding that at no time has this been the bill's intent or purpose.

I would like now to pass to the second category of amendments, namely those in clause 3 of the bill. Rather than affecting the scope or definition of the act, they affect the actual workings of fishery management.

The essence of good fisheries management is control. To avoid overfishing, we must be able to turn fishing effort on and off, and we must be able to do it quickly—because if we are too slow, weak stocks can be wiped out.

As the act is currently written, fishery officers now have on-site authority to open and close large areas to fishing. But to open or close sub-areas, they must obtain an order in council, and that is a slow process. By the time the order in council comes through, the need for it has passed. So the officer on the spot—he is the fishery officer—really is left with only one option, aside from letting the fishing continue, and that is to close the entire area. That could mean that fishing is prevented in parts of the area where the stocks are not endangered.

Clause 3 of the bill gives fishery officers the authority to open or close portions of a management area and to vary the size and weight limits of the fish that can be caught. This provision will allow more flexible site specific management throughout the country.

For the Pacific coast, this amendment has special urgency. Besides improving management of the Pacific coast commercial salmon fishery, it lets us meet our commitment under the Canada-U.S. salmon treaty. The treaty, ratified by Canada and the United States in March of this year, calls for a coastwide management plan, under which Canada and the United States will restrict catches selectively, by species, area and gear; and for Canada to honour this commitment in future years, it must rely upon the management powers specified in the bill.

These management powers will be welcomed not only in connection with the treaty, but also by fishery managers across the country, including those who work for provincial governments and to whom authority is delegated under the Fisheries Act.

As I have noted, these amendments will apply only for this year and in 1986. Again, this time limit emerged as a result of representation by opposition members in the other place. But we recognize that it provides an opportunity for a fuller review of the Fisheries Act and further working out of the means of consultation, which Parliament may then spell out more fully in legislation. Meanwhile, these amendments allow us to get on with the urgent business of managing the fisheries.

In summary, I am confident that the amendments proposed to the Fisheries Act are of benefit to all Canadians, and I hope, indeed I know, that I can rely on the support of this chamber in agreeing to them as expeditiously as possible.

Hon. Roméo LeBlanc: Honourable senators, I do not expect to speak at great length, because I was heading for the showers when suddenly I was asked to use baseball parlance, pinch-hit and to become the designated hitter in this debate.

I believe that we can support the principle of the bill and the amendments, including some of the rhetoric which I understand makes good speeches but, I am told by my legal friends, makes bad laws.

[*Translation*]

Honourable senators, I would be remiss in not welcoming the new senator, our colleague from New Brunswick, Senator Simard.

I had the opportunity to read tributes made at what I was going to describe as the end of a career. I must say that his opponents were quite generous in wishing him more peaceful moments in this house than in the forum where he used to be heard.

I understand now why on the evening of September 4 last, when we spent a few hours together on a television program, he smiled on leaving the studio. This is no longer a deceptive smile, since the announcement was made a few days ago. We greet him and extend to him our heartiest welcome.

[*English*]

Honourable senators, Bill C-32 follows upon a court decision and the powers of the Minister of Fisheries to regulate as to time, place and particularly as to fleet type, seem to have been put in jeopardy.

I must confess, as one who has exercised the powers of the Minister of Fisheries for a number of years, that the one word that describes them is the word awesome. Yet to contend with all of the problems of the industry—even with the very real and great powers that have existed since Confederation—we felt that as late as the 1977-78 period we had to go back to Parliament and ask for additional powers to protect the fish which were still eggs in the spawning grounds.

In fact, one has to look at the origin of the Fisheries Act, going back to the very beginnings of this country, to understand that the Fathers of Confederation had an extraordinary understanding and knowledge of the particular problems of the fishery; and I might say that I wish some present day judges