



# DEBATES OF THE SENATE

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## **FISHERIES ACT**

**BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED**

Speech by:

The Honourable Patricia Bovey

Thursday, November 8, 2018

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### FISHERIES ACT

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DEBATE CONTINUED

**Hon. Patricia Bovey:** Honourable senators, I rise to speak on Bill C-68, which proposes to better protect marine and freshwater fish and fish habitat while better recognizing Indigenous with respect to fisheries.

At the outset, I thank our colleague Senator Christmas for his eloquent and inspiring speech as sponsor of Bill C-68. His opening remarks were thought-provoking and exactly on point. I agree with Senator Christmas when he says he sees his sponsorship of “. . . this endeavour through a lens that supports improvements to law and policy that can yield benefits to the sea, its marine inhabitants and the people whose living comes from the oceans.”

This is certainly my view as sponsor of Bill C-55, which proposes improvements to marine and coastal protections; Bill C-68 and Bill C-55 have similar goals.

In my view, Bill C-68 is a product of a robust process. Two rounds of consultations were held on Bill C-68. In both rounds, Canadians were invited to offer advice, suggestions and comments on the proposed legislation. Canadians, including Indigenous peoples, industry and environmental groups, shared their key areas of interest, their support and concerns.

These consultations produced this legislation, legislation which would ensure that all fish, and fish habitat, are protected with meaningful, modern safeguards. Importantly, Bill C-68 also respects the importance for commercial interests, crucial for Canada's economy. Bill C-68 provides measures to better define projects requiring ministerial permits.

[Translation]

Honourable senators, in our study of a long-term sustainable fishery, no one can deny that the economy and the environment not only can, but must, go hand in hand. If we want to have fish in the future, we must maintain, protect and develop fish stocks; otherwise there won't be any fish left to catch.

Bill C-68 provides a better framework for authorizing businesses and activities. Not all businesses have the same impact. Guidelines must be put in place to determine which projects are major and which are minor. For major projects, the bill sets out a licence issuance process; for minor projects, it sets out a code of practice. The code of practice would ensure that industries, farmers and other businesses involved in commercial activities that could have an impact on fish habitat will implement simplified directives on how to carry out their projects. For big industries, this means that if entities have to bid on projects, they will have greater certainty as to how to satisfy the requirements.

[English]

When the minister considers impacts, the effects on Indigenous peoples' rights, the fishing industry, and fish and their habitat

must be considered. The minister must also consider whether proposed projects will ensure that the economy, resource development and the environment are balanced.

When making decisions, the minister must show both accountability and transparency. To further transparency, this bill proposes introducing an official public registry. That registry would show what plans are in place to support, protect and safeguard industry as well as the actions government is taking to protect fish and fish habitat resources.

Canadians will be able to see the plans and provide feedback on these plans, both steps being critical to secure public trust in the decisions made on key issues. The public registry would include all permits issued and specify conditions.

The minister would also be responsible for ensuring that fish stocks are managed sustainably. Further, if the stocks are depleted, there must be a plan in place to rebuild them. Safeguarding Canada's fisheries is imperative in conserving and protecting biodiversity and in supporting a sustainable fishing industry. Given the environmental issues facing the world, now more than ever, we must continuously plan ahead.

The recently published *Canada's Arctic Marine Atlas* shows alarming shifts in that ocean, making action even more urgent.

Colleagues, we have heard Senators Richards, Mockler and McIntyre speak passionately on the decline of the Atlantic salmon stock, specifically in the Miramichi and Restigouche Rivers in New Brunswick. As a former resident of British Columbia I, too, have concerns regarding the survival of salmon on the West Coast due to the practice of open-pen salmon aquaculture. I have seen the results of escaped salmon on the wild population. It has been disastrous for the ecosystem in British Columbia. I would like to see the Minister of Fisheries and Oceans take action on this file and use his powers within Bill C-68 to protect and restock the salmon on both coasts.

Bill C-68 also has some important new provisions that support the viability of the inshore commercial fishing sector in Atlantic Canada and Quebec. These amendments will help to ensure that benefits flowing from the fishing activity remain with the licence holder and their coastal communities. Livelihoods of local residents and businesses are important.

Bill C-68 also introduces two important ways in which area-based management can be addressed under the Fisheries Act. How will these new tools address key issues?

The first area management tool is the Fisheries Management Order. Last year, a number of North Atlantic right whales, out of an already small global population, died in Canadian and U.S. waters. These deaths were unprecedented and extremely alarming.

Fellow senators, the death of North Atlantic right whales serves to illustrate and underscore the need and urgency with which we need to enact modern ecological safeguards, including by the allowance for targeted, short-term orders to address urgent threats to the conservation and protection of marine life.

The B.C. coast has also suffered loss of whales, most recently the young J50 from J-pod off Trial Island where I kayaked this summer to watch the pod itself.

Clause 11 of Bill C-68 further modernizes the Fisheries Act by adding specific provisions for the proper management and control of fisheries to the minister's authority, so licence conditions can be amended once a fishery is under way. For example, through the use of Fisheries Management Orders, Bill C-68 would provide the authority to adjust the management of fisheries to help protect transiting North Atlantic right whales, while simultaneously minimizing the impact on ongoing fisheries.

These Fisheries Management Orders would be used to allow Fisheries and Oceans Canada to respond to emergent issues affecting the conservation and protection of marine life, including right whales, in a targeted, area-based and time-sensitive manner. The orders allow for establishing a broad range of specifications that may be imposed as conditions with which to comply. A Fisheries Management Order may provide that it applies only to a particular class of persons who fish using a particular method or who use a fishing vessel of a particular class, and to holders of a particular class of licence.

These orders are meant to be of limited duration when time is of the essence. Hence Fisheries Management Orders apply only for a 45-day period, but they are renewable if and when necessary.

As we've seen with the North Atlantic right whales, government action often needs to be swift, but it also needs to be comprehensive, strategic and long term. While government often needs to act urgently and, given the impact and rapidity of climate change and species moving north into new territories, it may well need to act even more urgently in future to protect and rebuild a healthy and sustainable population. We owe it to future generations and we owe it to the whales.

The second of Bill C-68's management tools are the Biodiversity Protection Regulations. This new authority allows for new Biodiversity Protection Regulations to be put in place to restrict specified fishing activities for the purposes of conserving and protecting marine biodiversity over the long term. These new regulations would establish marine refuges complementing the Oceans Act Marine Protected Areas proposed under Bill C-55.

Marine refuges and marine protected areas are both used to protect important species, habitats and features. The key difference between these two tools is that the new Fisheries Act Biodiversity Protection Regulations would only be used in cases where fishing activities alone pose a specific threat to the important elements of biodiversity identified in a specific area. By contrast, the Oceans Act Marine Protected Areas would be used to manage risks posed by a wider range of human activities.

[*Translation*]

Under this bill, the proposed new powers in the Fisheries Act would provide added flexibility to determine fishing prohibitions that protect specific areas, which ensures long-term protection. These regulations will also help differentiate measures designed for long-term biodiversity protection from short-term fisheries management measures. They will establish a clear distinction between measures taken in the interest of marine conservation.

[*English*]

Clause 49 of Bill C-68 provides for a five-year review of the act by the Fisheries Committees of both the Senate and the House of Commons. Knowing the work of our Standing Senate Committee on Fisheries and Oceans, this review will be a thorough one and should provide confidence in the review process.

Senators, we need these protections now. We need these protections for the future.

Senators will be aware of the World Wildlife Fund's *Living Planet Report*, released last week, which referred to the ongoing loss of species occurring across the planet, as Senator Harder referred to in his Bill C-55 speech this afternoon.

Between 1970 and 2014, the vertebrate populations — fish, birds, mammals, and amphibians — on the planet declined by 60 per cent. In Canada, the barren-ground caribou and the North Atlantic right whales saw serious decline.

The reasons attributed to this remarkable decline in a 44-year period includes climate change, of course, but human activity is also a major factor as it contributes to habitat loss.

As signatories to the United Nations Convention on Biological Diversity, a credit to the previous Conservative government, Canada has committed to protecting 10 per cent of marine areas and 17 per cent of lands and inland waters. Bills C-55 and Bill C-68 will help us get to those objectives and hopefully help reverse the alarming trend of species population loss and extinction.

The WWF report refers to our generation as being the first generation that has a clear picture of the value of nature and of our impact on it. We may also be the last generation that can take action to reverse this trend.

I encourage all honourable senators to support Bill C-68 and, like Bill C-55, to focus our attention on debating and proceeding with these important marine protection initiatives. May the committee discussions be rich and soon. Thank you.

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