

Deep Sea Fisheries Act

Following diplomatic discussions with the parties concerned, we had the Treaty of 1818, the Treaty of 1854 and, after confederation, the Treaty of Washington of 1871. I believe it is an historic fact that the Treaty of Washington was the first treaty in which a Canadian participated in the negotiations on disputes with a foreign country respecting matters relating to Canada. Under that treaty the provisions relevant to this bill were that United States citizens were given the right to participate in all Canadian North Atlantic sea fisheries while Canadians received similar concessions in United States waters north of the 39th degree of north latitude. It was recognized, however, that the Americans gained much more than they gave away by this—I ask the House to excuse the mixed metaphor—horse-trading in fisheries rights. Provision was made for the setting up of an arbitration board to assess the validity of the Canadian claim and, if that claim was determined valid, to assess damages.

In 1877 the Halifax Fisheries Commission was set up. It consisted of one American, one Canadian and the Belgian ambassador to Washington. The commission recognized that the United States had received more in the way of Canadian North Atlantic fisheries resources than it had surrendered and an award of \$5½ million was made. Some time later this award was paid and Canada received \$4,420,882 for her Maritime provinces while Newfoundland received the balance of the payment, about \$1 million or, to be exact, 203,873 pounds sterling.

The next step was the enactment by Parliament of the Deep Sea Fisheries Act. This act provided for the distribution of the interest on the Halifax award to the deep sea fishermen of Nova Scotia, New Brunswick, Prince Edward Island and Quebec on an annual basis. It should be noted that the United Kingdom government made a separate settlement with regard to Newfoundland; therefore, the deep sea fishermen of Newfoundland are not compensated under this act.

Let us look at what is happening to our Maritime deep sea fishermen under the government proposals in this bill. Let us examine the facts to see what conclusions can be drawn from this government measure. The first fact which stands out like a beacon in the night is that the capital fund, out of which the so-called annual bounties are paid, is not composed of moneys contributed by Canadian taxpayers. These moneys were contributed by United States taxpayers in part

[Mr. Crouse.]

payment for their right to participate in the deep sea fisheries along the coast of the Maritime provinces and Quebec. This is a right they hold and pursue to this day. We have a situation in Atlantic Canada where foreign fleets can fish up to our territorial limit or three miles from our coast while Canadians must stay 12 miles offshore. In my opinion there is an analogy to this situation in respect of the Columbia River Treaty whereby British Columbians are paid by the United States for the United States right to participate in the water resources of British Columbia.

Another fact worth noting is that every Canadian government since 1877—this includes governments of Conservative and Liberal stripe—has recognized that for historic and constitutional reasons the Halifax award is a trust for the benefit of the deep sea fishermen of the Maritime provinces and Quebec. The distribution has always been confined to fishermen of this area of Canada. From time to time fishermen from other areas asked for a share of this award. However, fishermen from British Columbia were advised they were not eligible on the basis that the award was not made in respect of their fisheries resources, and in Newfoundland fishermen were refused on the basis that they were compensated separately before they entered Confederation in 1949.

The fact that the Halifax award moneys are in the Consolidated Revenue Fund, and that the annual bounties are paid out of that fund, does not mean the fund contains public money of Canada which is available for the general purposes of the government. This is a trust fund within the Consolidated Revenue Fund, and the fishing bounty as paid represents the interest on the trust fund; the interest is paid by Canada annually for the use of the moneys in the Halifax award.

• (3:20 p.m.)

If there is any doubt on this point, I would refer the minister and the government to the Financial Administration Act which clearly defines the status. Paragraph (m) of section 2 of the Financial Administration Act reads as follows:

(m) Public money means all money belonging to Canada received or collected by the Receiver General or any other public officer in his official capacity or any person authorized to receive or collect such money, and includes

- (i) duties and revenues of Canada,
- (ii) money borrowed by Canada or received through the issue or sale of securities,
- (iii) money received or collected for or on behalf of Canada, and
- (iv) money paid to Canada for a special purpose.