

Fisheries Commission Recommendation

of the Queen Charlotte islands from the annex to the convention had been accepted by the government of Canada.

In opposing this motion I should like to deal briefly with the background, referred to by the hon. member, the north Pacific fisheries commission, and show that the government has acted under authority which had been granted to it by this parliament. The international convention for the high seas fisheries of the north Pacific ocean was signed in Tokyo on May 9, 1952, by the Canadian representative pursuant to order in council 2282 dated April 17, 1952. The convention was tabled in the house on March 27, 1953. Implementing legislation was then brought before this chamber and approved on April 2, 1953. It appears as chapter 44 of the 1952-53 statutes. On June 12, 1953, the Canadian instrument of ratification was deposited with the Japanese government pursuant to order in council 1953/696, dated May 7, 1953.

Under the convention, Japan agreed to abstain from fishing salmon, halibut and herring of north American origin. The convention provides that after a five-year period, the north Pacific fisheries commission, established pursuant to the convention, will annually determine, on the basis of scientific evidence, whether these stocks of fish continue to qualify for abstention within the terms of the convention. This week, at this very moment, the convention is holding its tenth annual meeting in Vancouver.

As the house knows, the commission has so far made four recommendations with respect to the removal of stocks of fish from the abstention list. The first was made in 1959 when the commission recommended that herring off the coast of Alaska be removed from the list. The second was made in 1961 when the commission decided that herring off the coast of the mainland United States no longer qualified for abstention. Both these recommendations were approved by the three governments concerned and the annex to the convention was amended accordingly. As a result of an exhaustive study of the scientific evidence, the commission determined at its annual meeting in Seattle in 1962 that the stock of halibut in the eastern Bering sea and the stock of herring off the west coast of the Queen Charlotte islands no longer met the qualifications for continued abstention. It accordingly recommended to the three governments concerned that these stocks of fish be removed from the abstention annex of the convention.

Mr. Barnett: Would the minister permit a question? If I understood him correctly, he just said the authority was granted under the terms of chapter 44 of the revised statutes of that year. I wonder if he could be a little

[Mr. Robichaud.]

more specific. Just where and how, in this particular act, is that authority granted?

Mr. Robichaud: As will be seen at page 310 of the 1952-53 statutes, chapter 44, entitled *An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean*, section 4 reads as follows:

The governor in council may make regulations for carrying out and giving effect to the provisions of the convention and any recommendations of the commission, and without restricting the generality of the foregoing, may make regulations—

Then the act specifies the regulations that can be made. The hon. member stated in the course of his remarks that no documents were produced by the government and that the only documents available were cabinet minutes. I stated in the house in reply to a question by the hon. member for Queens on May 28, 1963, as reported on page 352 of *Hansard*:

The government has accepted the commission's recommendations and has advised the commission accordingly. It has also approved by order in council the amendment to the northern Pacific halibut fisheries regulations as recommended by the commission. The decision was taken on May 7 and the order in council was passed on May 23.

I have here a copy of the order in council which reads as follows:

Northern Pacific Halibut Fishery Convention Act
International Pacific Halibut Fishery Regulations
P.C. 1963-772

At the Government House at Ottawa

Thursday, the 23rd day of May, 1963.

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, pursuant to the provision of section 2 of article II of the convention between Canada and the United States of America for the preservation of the halibut fishery of the northern Pacific ocean and Bering sea, is pleased hereby to approve the annexed regulations made by the international Pacific halibut commission.

The hon. member made reference to a telegram which was sent by the Secretary of State for External Affairs (Mr. Martin) under date of May 10 stating—

Mr. Barnett: Before the minister proceeds to deal with that telegram, I wonder whether he would permit another question.

Mr. Robichaud: Certainly.

Mr. Barnett: He referred to an order in council which I understand was made under the terms of the act in respect of the northern Pacific halibut convention. I understand that what is involved in the question is the north Pacific fisheries convention. Arising out of section 4 of the act which he quoted and which as he said gives the governor in council the authority to make regulations in respect of the north Pacific fisheries convention, I should like to know where the regulations are in respect of the subject matter of my