

*Halibut Fishery*

Mr. MACKENZIE KING: As the house is aware, a halibut convention between the United States and Canada was agreed to in 1923. That convention was replaced subsequently by a new convention in 1930. The present convention is largely a reenactment of the provisions of the convention of 1930, with some slight changes in phraseology and two important amendments which relate more particularly to procedure. The procedure under the 1930 convention was discovered to permit of advantages being gained by dishonest fishermen to the detriment of fishermen who were honestly complying with all regulations. The commission itself recommended the amendments to overcome this handicap and suggested to both governments that it would be preferable to frame a new convention rather than simply to enact amendments to the existing convention. The few alterations in the new convention which relate to drafting do not in any way affect the principle. I might give in more concrete form an exact statement of the two amendments now proposed.

As I have said, the experience gained by the International Fisheries Commission during the years since the 1930 convention came into force has disclosed certain defects in the existing procedure, and in their report to the two governments of January, 1936 the commission made specific recommendations for new provisions to remedy these defects. For this purpose the commission submitted a draft of a new convention. It was considered that a complete new document, replacing the existing one and incorporating the new amendments, would prove a more convenient procedure than the conclusion of a supplementary convention. After careful consideration the two governments decided to adopt the commission's recommendations, and accordingly they signed at Ottawa, on January 29 last, the new convention which is set out in the schedule to the bill.

As recommended by the commission this 1937 convention will, if ratified, supplant the existing convention of 1930. This follows the procedure of 1930, when the 1923 convention was completely replaced. The 1937 convention incorporates, however, all the provisions of the 1930 convention except to the extent of the few amendments which were recommended by the commission.

It may be noted here that the commission, upon consulting the fishing fleets concerned, found that they largely urged the revision; indeed the changes originated with the fishing fleets as being desirable to facilitate their operations and the enforcement of the law.

The amendments do not establish any new principle. Their purpose is, in two main par-

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ticulars where the commission had found results somewhat unsatisfactory, to improve the carrying out of the original underlying purpose, namely, the preservation and extension of this great fishery. In other words, they may be regarded as amendments of administrative procedure.

The first main amendment concerns the circumstance that during the closed halibut season fishermen may, in halibut areas, fish for other species of fish and that in so doing they may incidentally catch some halibut. Under the existing convention halibut caught incidentally in this manner may be retained and used for food for the crew of the fishing vessel; but any portion not so used must be landed and turned over to the proper officers of the two governments, who sell them to the highest bidder and pay the proceeds into the respective public treasuries. The commission found that, since fishermen object to throwing away good halibut caught in this manner—which is in fact a waste of good fish—there has been considerable violation of the law. It also appears that fishing for less valuable varieties of deep sea fish, such as black cod and red cod, would likely be encouraged if regulations could be made to permit the fishermen under certain conditions to retain such halibut as may be caught incidentally. The commission, in their report, sum this aspect up by stating that:

The existing provisions are therefore, in effect, penalties on the honest fisherman without restraining the dishonest, and are productive of wastage of needed food, when there is no good reason why such small quantities of halibut, probably not exceeding 150,000 pounds for the whole fleet, might not be made legitimate, certainly during the season when halibut is being taken on other parts of the coast.

Accordingly, as recommended by the commission, the retention by the fishermen of halibut incidentally caught is being made lawful, subject to such limitations and prohibitions as the commission may prescribe with the approval of the two governments. The new wording in this respect will be found at the end of the second paragraph of article I of the new convention.

The second main amendment concerns a practical detail as to the method of fixing the limits of the closed season. The convention in its general scheme lays down a certain closed season—from November 1 to February 15—but gives the commission power, subject to approval by the two governments, to suspend or change this season. Under the existing convention, however, it is possible only to fix the date when halibut fishing must cease in any year. The result is that a vessel may be out on the fishing bank with only a