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Chair

Mr. Ken McDonald

Standing Committee on Fisheries and Oceans

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• (1530)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): I call the meeting to order.

Good afternoon, everyone.

Pursuant to the standing order reference of Wednesday, May 1, 2019, we are considering Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation and exportation of shark fins).

We have a number of witnesses with us here today. From the Department of the Environment, we have Carolina Caceres, who is the manager of international biodiversity in the Canadian Wildlife Service.

From the Department of Fisheries and Oceans, we have Paul Gillis, director general for strategic policy.

From the Department of Foreign Affairs, Trade and Development, we have Doug Forsyth, director general of market access, and Helen Fyche, director of procurement, trade and environment.

Welcome to all of you, and thank you for taking the time to be here today.

I want to welcome back Mr. Donnelly, who is subbing in for his friend Mr. Johns.

I'd also like to welcome Senator MacDonald, who sponsored this bill in the Senate and is here today for the proceedings.

We'll start with the presentations from our witnesses. I believe, Mr. Gillis, you are going to use the time allocated.

Mr. Paul Gillis (Director General, Strategic Policy, Department of Fisheries and Oceans): Yes, I will, for just a few minutes.

The Chair: All right.

When you're ready, you'll have seven minutes or less.

Mr. Paul Gillis: Good afternoon.

I'd like to thank the committee for its invitation to speak to Bill S-238, an act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act with reference to importation and exportation of shark fins. As originally introduced by Senator MacDonald, the bill's original sponsor in the Senate, Bill S-238 proposed to prohibit shark

finning in Canada and ban the importation of shark fins and their derivatives into Canada. As you know, it was subsequently modified by the Senate to also ban the export of shark fins from Canada. The bill also provides for exceptions by ministerial permit if the importation is for scientific research and benefits the survival of the species.

Before I address the substance of Bill S-238, I would like to review the context in which the bill has been introduced.

The practice of shark finning refers to the removal of fins from sharks at sea, often while the shark is still alive, and discarding the remaining carcass. It is widely recognized that shark finning and the impact of the trade in shark fins has had a devastating impact on the global shark population. Driven by high prices of whole fins, sharks represent a commercially profitable catch. Outside of Canada, the shark trade is not well controlled and is often the result of illegal, unregulated and unreported fishing.

According to the International Union for Conservation of Nature, 25% of the world's shark and ray species are threatened by extinction. In fact, it's estimated that more than 63 million sharks are killed each year, and scientists estimate that they're being killed 30% faster than they can replace themselves. The most recent statistics from the Food and Agriculture Organization of the United Nations on trade in shark products conservatively put the average declared value of the total world shark-fin trade at \$273.3 million U.S. per year from 2011 to 2015.

Canada represents a very small share of the global market in shark fins. In 2018, Canada imported \$3.24 million Canadian worth of shark fins, mainly from Hong Kong and China, which represents around 1.9% of the reported global shark-fin imports of \$173.9 million. Canadian shark-fin imports have declined by over 50% since 2005, when the value of imports was \$6.4 million Canadian. Currently, Canada does not export any shark fins.

I would also like to note at this time the amendments introduced by Senator Harder to Bill C-68, which were approved by the Standing Senate Committee on Fisheries and Oceans on May 14, 2019. Senator Harder's amendments have incorporated the policy intent of Bill S-238 within the Fisheries Act; however, instead of banning the import and export of shark fins with the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, WAPPRIITA, it is proposed to enact these provisions through the Fisheries Act.

Fisheries and Oceans Canada is committed to the conservation and sustainable management of shark stocks and strongly opposes shark finning. It is worth noting that since 1994, Fisheries and Oceans Canada has effectively banned the practice of shark finning by Canadian vessels through fish licence conditions.

Canada does not have a directed commercial fishery for pelagic sharks, and the harvest of pelagic sharks in Canadian fisheries waters is primarily as incidental catch, or bycatch.

Since 2018, the licence conditions have been tightened, and the fleets that have been permitted to retain incidental catch are now required to maintain the fins attached to the carcass until after the shark is offloaded from the vessel. This is an internationally recognized best practice, and key trade partners such as the United States and the European Union have changed their domestic management measures to move to a fins-attached landing requirement.

To strengthen and further support these efforts, Bill S-238 proposes amendments to the Fisheries Act that would explicitly prohibit shark finning in Canada.

•(1535)

That concludes my opening remarks. I thank you once again for the invitation to speak today. My colleagues and I are happy to answer any questions you may have.

The Chair: Thank you, Mr. Gillis.

We'll now go to the government side and to Mr. Hardie for seven minutes or less, please.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair.

Explain if you can, then, the difference between Bill S-238 and how it appears in Bill C-68, or how it's covered by Bill C-68.

Mr. Paul Gillis: The amendments introduced by Senator Harder during the committee stage at the Senate transferred the content of Bill S-238 directly into Bill C-68. Proposed subsections 32(1) and 32(2) for the Fisheries Act were transferred from Bill S-238 into Bill C-68, as well as proposed subsection 6(1.1), proposed paragraph 10(1.1)(a) and proposed paragraph 10(1.1)(b) for the WAPPRIITA, with the exception of the derivatives element of the bill. The policy content of Bill S-238 was transferred into Bill C-68, with the exception of the word "derivatives".

Mr. Ken Hardie: There was obviously some intention of having.... It says here, "regulation of international and interprovincial trade". Is any influence on the international trade in shark fins preserved in Bill C-68?

Mr. Paul Gillis: Could you repeat that last part of the question?

Mr. Ken Hardie: Well, the headline is "An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade", and then importation and exportation of shark fins. That is Bill S-238. I'm wondering if Bill C-68 actually has any influence at all on the international and interprovincial trade in this product.

Mr. Paul Gillis: The importation and exportation prohibitions in Bill S-238 were transferred into Bill C-68, so yes, that policy intent of prohibiting the import or export of whole shark fins or parts of shark fins was transferred into Bill C-68.

Mr. Ken Hardie: Do we have other examples in the Fisheries Act of that same sort of provision, a provision that affects international and interprovincial trade, or is this new territory for Fisheries and Oceans?

Mr. Paul Gillis: No, it's not. There are sections of the Fisheries Act that ban the importation of certain fish products. That's primarily related to the prevention of aquatic invasive species. There are also prohibitions within the Fisheries Act on the exportation of fish for the production of feed or fertilizer, or processing of fish for those types of uses.

Mr. Ken Hardie: The rules, as they exist now in Canada, are that you have to land the whole shark.

Mr. Paul Gillis: That's correct. In Canada, a fisherman who catches a shark through bycatch is required to land the entire shark before the fish is processed.

Mr. Ken Hardie: Do we currently import whole sharks at all?

Mr. Paul Gillis: Not that I am aware of.

Mr. Ken Hardie: Okay.

What happens to the rest of the shark, if we land a whole shark? There's obviously a market for the fins. I know some people make soup from them. Is that the only use for them?

•(1540)

Mr. Paul Gillis: There are markets for shark products, domestically and internationally. If a shark is landed in Canada, the fins could be used in domestic markets. The meats could be exported. There are markets, primarily in Europe, where we ship the meats, and those could still be exported. It's the fin itself that is prohibited from importation and exportation.

Mr. Ken Hardie: It's the fin by itself, not attached to a shark.

Mr. Paul Gillis: It's the fin, and any parts of the fin.

Mr. Ken Hardie: If all of a sudden we start to see whole sharks—and obviously we have, if they've been brought in as part of a bycatch—and if this industry takes off, although it sounds like it's a very niche market at the best of times, will our processors be in any position to make any commercial use of the carcass, or are we simply encouraging shark finning, except that instead of disposing of the body at sea, the animal is brought in?

Mr. Paul Gillis: This legislation would not impact the market opportunities of Canadian fishermen for shark products. Once this measure is implemented, it would not have an impact on the markets they are currently pursuing. They are still allowed to—

Mr. Ken Hardie: That question was kind of inside out to the answer you were giving. Is there enough of a market? Will the processors be interested in processing a shark carcass? Does it take anything special, or is it something they can put into their process with very little, if any, adjustment?

Mr. Paul Gillis: I would argue that the legislation would not have any impact on their markets.

Mr. Ken Hardie: Okay, because if there is no market for it, then all we're really saying is that they have to bring in the whole shark, which may make it totally uneconomical if the origin is China or Hong Kong, for example. Even if there is a market for that, if the rest of the shark is going to be wasted anyway, I wonder what net value this initiative will have.

I would get the impression that if we require the importation of the whole fish—the whole shark—from Asia, it's going to make it highly uneconomical, unless there is some kind of market for the other parts of the shark.

This will do one of two things: It will either spur a new line of business for somebody, or it will make it really quite uneconomical to import whole sharks just to get the fins. Is that a fair assessment?

Mr. Paul Gillis: Yes, that could be an impact.

Mr. Ken Hardie: Okay. Thank you.

The Chair: Thank you, Mr. Hardie.

As a point of clarification, you said that a fisherman can bring it in if it's part of a bycatch. Do they need any special licence if it's part of a bycatch? I know that if some fishermen are fishing cod in Newfoundland, for example, and they catch halibut as part of a bycatch, they are not allowed to bring it in. Whether it's dead or alive, they have to throw it back in the water. Really, there's no licence needed, but if they do catch a shark, they have to bring the full one in.

Mr. Paul Gillis: Unfortunately, my colleague from fisheries management wasn't able to be here today with me, but my understanding is that through the licensing policy....The main fishery that the bycatch comes from is a longline with a hook, like a swordfish fishery, and part of that licence for the swordfish fishery is that they are allowed to land and bring back certain species of shark.

The Chair: Thank you.

Now we go to Mr. Doherty for seven minutes or less, please.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you, Mr. Chair.

Thank you to our guests for being here.

I will direct my question to Mr. Gillis. I believe he would be the person who can, hopefully, answer this question.

Previous iterations of Bill S-238 have come before the House and have not passed. That would be Bill C-380 in the 41st Parliament, Bill C-251 in this Parliament and now Bill S-238. Would you have studied the previous iterations of the ban on shark finning, and if so, could you tell us primarily where the difference between those—

Mr. Paul Gillis: Unfortunately, that predates me. I'm not able to respond to that question.

Can we follow up with you on that?

• (1545)

Mr. Todd Doherty: Sure, absolutely. Thank you.

Our colleague across the way could probably tell me.

It's just interesting to know what the differences and little nuances were in the previous pieces on this issue.

Mr. Gillis, you mentioned in your presentation that shark-fin imports have declined over 50% since 2005. What's the primary driver of that decline? Is it public perception? Is it a turn in the public...?

Mr. Paul Gillis: I'll turn to my colleague from Global Affairs Canada to speak to that.

Mr. Doug Forsyth (Director General, Market Access, Department of Foreign Affairs, Trade and Development): I think it's fair to say that all of those have had an impact on it. There are a number of factors, but I think you have certainly highlighted the primary ones.

Mr. Todd Doherty: Going back to the question that our colleague asked—and forgive me, but I didn't have my earpiece in place, so I missed a good portion of what you were saying—we know that Bill C-68 has adopted a lot of this bill's content.

How much of Bill S-238 has it primarily adopted? Did I hear you correctly that subsections 32(1) and 32(2) of the Fisheries Act have been amended completely?

Mr. Paul Gillis: Proposed subsections 32 (1) and 32(2) have been implemented verbatim, as well as clause 3, which is proposed new section 6(1.1), and clause 4, which is proposed new paragraphs 10 (1.1)(a) and 10(1.1)(b), with the exception of the term “or any derivatives of shark fins”.

Mr. Todd Doherty: Okay, so they didn't include any derivatives.

Mr. Paul Gillis: No, the derivatives element was not included in Bill C-68.

Mr. Todd Doherty: I'm going to be very blunt and just ask the question.

In your opinion, is Bill S-238 needed to bring this up?

Mr. Paul Gillis: Is it needed to...?

Mr. Todd Doherty: Is it needed to bring us up to international standards?

We've said that Bill S-238 has been primarily adopted by another piece of legislation. Is it failing in any areas? Is Bill C-68 failing in any area that is captured by Bill S-238?

Mr. Paul Gillis: I'll use the term that I used at the outset. I think that the policy intent of Bill S-238 has been adopted in Bill C-68, and that Canada now has among the best practices when it comes to deterring shark finning.

Mr. Todd Doherty: Okay, so the intent of Bill S-238 has been met in other pieces of legislation.

Mr. Paul Gillis: In my opinion, yes.

Mr. Todd Doherty: Okay.

I think you captured that this would also not impact any Canadian fishery. Is that correct?

Mr. Paul Gillis: No, it will not.

Again, there have been no exports of shark fins from Canada in years. The markets for Canadian-caught shark meat will still be available to Canadian fisherman.

Mr. Todd Doherty: Okay.

Does the shark-fin industry—again, pardon my ignorance—have something like sustainable cod?

Fogo Island is an area of Newfoundland where they line their cod in. It's now sustainably caught. Does the shark industry or the shark finning industry have a sustainably caught product? Is there a way that this product could come into Canada through a loophole because it has been sustainably caught?

Mr. Paul Gillis: I am not aware of an industry practice that could prove that the fins being imported were sustainably and responsibly harvested.

Mr. Todd Doherty: Okay. Thank you.

The Chair: Thank you.

Now we'll go to Mr. Donnelly for seven minutes or less, please.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thank you, Mr. Chair.

Thank you, departmental officials, for being here and providing your testimony today.

I'd like to start by thanking the government for amending Bill C-68 to include the shark-fin ban. I've been working on this issue for eight years, and I'm glad that the government has recognized this. I'm glad we've heard that this will be included if Bill C-68 becomes law.

I'd also like to thank Senator MacDonald for his efforts on Bill S-238. I think he has championed this through the Senate and the upper house and done an admirable job of raising awareness about this issue in Canada.

As I mentioned, I've been working on this issue for the past eight years, so I'm happy to see it finally get to this point. We're almost there. We're not quite there.

I also think we'd be remiss if we didn't thank all the organizations and individuals who have helped to get this legislation on the government's radar to this point. There was HSI Canada, Oceana, Rob Stewart, and his parents certainly, just to name a few. As well,

many municipalities across the country have also implemented shark-fin bans.

I have just two questions. One is on enforcement.

Once Bill C-68 or Bill S-238 becomes law, could you describe the implications for our border officials? In other words, once this becomes law, how does this law affect them? How do they enforce this law?

● (1550)

Mr. Paul Gillis: This would be enforced by our CBSA and Environment Canada officials at the points of entry into Canada. As people come across the border, as shipments come across the border, they would be inspected for the range of products that CBSA currently looks for. This would be added to their list of prohibited substances coming across the border.

Mr. Fin Donnelly: Any shark fin of any type or part of a shark fin that a CBSA officer comes across would not be allowed entry into the country at all?

Mr. Paul Gillis: That is correct.

Mr. Fin Donnelly: Great. Okay, thank you.

My second question is along the lines of what my colleague earlier talked about in terms of changes.

If Bill C-68 becomes law, what will be the changes in Bill C-68 if Bill S-238 becomes law?

What I'm hearing is nothing, that it's mirrored, except that the derivatives and the words "live sharks" were removed from the definition. Other than that, it's essentially exactly the same. There is no difference.

Is that correct?

Mr. Paul Gillis: That is correct.

Mr. Fin Donnelly: Okay. I think what it comes down to is that we have to hope that Bill C-68 gets out of the Senate and comes back to the lower house and gets royal assent before the House rises next month. That's where we're at.

Mr. Paul Gillis: That would be correct.

Mr. Fin Donnelly: Okay, great. Thank you very much.

The Chair: Thank you, Mr. Donnelly.

We go back now to the government side. We have Mr. Fraser for seven minutes or less, please.

Mr. Colin Fraser (West Nova, Lib.): Thank you, Mr. Chair.

Thank you for being here today.

I want to pick up on a couple of points from Mr. Donnelly.

Regarding the enforcement, the CBSA officials obviously have the job, if this bill becomes law, to ensure there's no importation of shark fins. What is the penalty for anyone contravening any aspect of Bill S-238, and are Bill S-238's penalties the same as what would be in Bill C-68?

Mr. Paul Gillis: The penalties would be the same. I'm going to ask my colleague here from Environment and Climate Change Canada to comment on the penalties, but yes, the penalties would be the same, whether the legislation is stand-alone legislation in the private member's bill or in Bill C-68.

Ms. Carolina Caceres (Manager, International Biodiversity, Canadian Wildlife Service, Department of the Environment): Thank you.

I'm referring back to some previous information, some previous testimony from my colleagues who are in charge of wildlife enforcement. They indicated that the penalties under WAPPRIITA, the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, range from a maximum penalty of \$500,000 to five years in prison as a maximum, as an indictable offence.

I think there was a recent change, so this might not be 100% accurate, but as a summary offence it's \$100,000 and two years in prison.

Mr. Colin Fraser: Okay. Do you have any sense of similar types of infractions in the Fisheries Act already, and how they're actually dealt with by the courts?

My fear here is that we could include this in law, but given the fact that it's quite a lucrative industry, I just wouldn't want it to be the cost of doing business if someone feels that they're going to be able to pay a penalty and only get caught some of the time. Is that a realistic concern, given this framework, or is this sufficient?

• (1555)

Mr. Paul Gillis: That's a challenging question for me to answer, but I would actually like to focus on the fact that the importation would be prohibited, so when it's caught it's not that it gets in under a fine; it's that it's refused entry into the country. It's keeping the shark fins out of the country.

Mr. Colin Fraser: I understand, but if when people are caught they feel like the fine is not sufficient to prevent them from doing it again, or whatever, then in practice is it going to be effective? That's the question.

Mr. Paul Gillis: Again, I'd say that's a challenge. I don't understand the economics of the industry enough to know, but for me, I think a \$500,000 fine would be sufficient to deter me from doing that.

Mr. Colin Fraser: That's the maximum, right? There's no minimum penalty, correct?

Mr. Paul Gillis: I'll have to ask my colleague.

Ms. Carolina Caceres: I'll have to check. I'm reviewing really quickly. Right now I don't see a minimum.

Mr. Paul Gillis: Is that something we can follow up on? I'm sorry, but we don't have that information on hand.

Mr. Colin Fraser: Sure. You can get back to me on that.

Do you know whether CBSA would have the ability or the enforcement mechanism, if they became aware of a practice in a restaurant or of some other person using shark fins, to investigate whether things have been imported?

Mr. Paul Gillis: Through the WAPPRIITA, we would have the ability to enforce that.

Mr. Colin Fraser: Okay.

I want to move on now. You said that Bill C-68 implements everything that Bill S-238 does, except for derivatives. Can you tell me what you mean by derivatives or what was meant by derivatives in that context? That's not clear.

Mr. Paul Gillis: The concept of derivatives was introduced into the bill during the committee stage in the Senate. While the definition of derivatives wasn't provided at that stage, it's my understanding that derivatives involve the materials being processed. For a fin itself to be processed into a derivative, I'm assuming it would be in some type of powder or a collagen or something like that. It would be something that would be processed.

The challenge with derivatives is that it's difficult to enforce the derivative. We don't know if it's something coming across the border that is labelled as bone meal or something. It's challenging to enforce the derivatives like that.

The other element is that sometimes shark derivatives, and not necessarily from fin, are used in cosmetics for collagen, or in vaccines. Again, I think the policy intent of the bill was to deter the practice of shark finning, which is why we focus on shark fins or their parts in the legislation.

Mr. Colin Fraser: Thank you.

The Chair: Thank you, Mr. Fraser.

Now we go back to the Conservative side.

Mr. Arnold, go ahead for five minutes or less, please.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair.

I'm just looking for a little bit of clarification, and then I'll share my time with Mr. Calkins.

Mr. Gillis, I picked up on one word you used this afternoon, and that was “naturally” attached. The term could have significant meaning in this bill. When I read the latest publication of the bill, it simply says:

...parts of shark fins that are not attached to a shark carcass, or any derivatives of shark fins.

Did you use the word “naturally” attached?

• (1600)

Mr. Paul Gillis: That was not strategic.

Mr. Mel Arnold: It was not strategic. Could that potentially be a problem with this bill? Could someone simply use a big safety pin to attach fins to a shark if they are unnaturally attached?

Mr. Paul Gillis: No. I should have stuck with the language in the legislation and just said “not attached”.

Mr. Mel Arnold: Thank you.

I am sharing my time with Mr. Calkins.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Thank you, Mel.

Thank you to the officials for being here. This is interesting.

First I would like some clarification. We've had the discussion about the difference between Bill S-238 and Bill C-68, but what is the difference between Bill S-238 and Bill C-68 and the current regulatory environment? Is there enough of a discrepancy that we're actually substantively changing anything in the Canadian practice insofar as shark finning is concerned?

Mr. Paul Gillis: For the Canadian practice, there isn't.

Mr. Blaine Calkins: It could be said, then, that the legislation is simply enshrining in the legislative framework what we already have in place as a regulatory practice. Would that be a fair summation?

Mr. Paul Gillis: I would say that the policy intent behind Bill S-203 is to prohibit importation and exportation of shark fins.

Mr. Blaine Calkins: It's Bill S-238, but that's fine. Bill S-203 is a whale of a story.

Mr. Paul Gillis: You guys did that already.

Mr. Todd Doherty: That's all right; we get confused too.

Mr. Paul Gillis: The policy intent is to deter shark finning, the importation and exportation. That is incremental.

Mr. Blaine Calkins: Okay. That's what I am asking you.

Are you saying this legislation, either through Bill C-68 or Bill S-238, if they pass, will actually enhance the current environment and strengthen the regime?

Mr. Paul Gillis: Yes, that's correct.

Mr. Blaine Calkins: That's fine. Great.

The question I have for you is this. You mentioned that the enforcement would probably lie strictly with the Environment Canada officials and the Canada Border Services Agency officials. However, you did indicate that commercial fishermen or other fishermen may find that they have caught a shark. I've caught many sharks deep-sea fishing myself in Canada's coastal waters.

What is the opportunity for a fisheries officer from the Department of Fisheries and Oceans to enforce any of this legislation, and do they have ex-officio status for the wild animal and plant protection legislation, or do they simply have status under the Fisheries Act?

Mr. Paul Gillis: The DFO fisheries enforcement officers would be dockside to monitor the domestic fishery and the regulations, the fisheries licence policy.

Mr. Blaine Calkins: Okay. It's not illegal to catch a shark because, as you've said, bycatch is allowed, so then we're to assume that the only shark meat in the Canadian marketplace, should this bill come to pass, would be fish caught in Canadian waters, period.

Mr. Paul Gillis: Well, as Member Hardie mentioned, a foreign exporter could choose to export a shark as a whole—

Mr. Blaine Calkins: You mean as a whole carcass. All right. Good.

Do we have any idea of whether there is any IUU for sharks in Canadian waters?

Mr. Paul Gillis: I don't have that information.

Mr. Blaine Calkins: Okay, that's fine.

We've established that there's no conflict if Bill C-68 and Bill S-238 both pass. There's no statutory conflict. Is that correct?

Just to reaffirm, there's a bit of a differentiation, and this would allow, in theory, law enforcement officials to then choose whichever legislative body they deemed would be most effective. Is that true?

Mr. Paul Gillis: When Senator Harder introduced amendments during the Senate committee process, he introduced a coordinating amendment as well, so that if Bill S-238 receives royal assent before Bill C-68, when Bill C-68 does receive royal assent, it would supersede Bill S-238.

Mr. Blaine Calkins: Okay. I just want to know if it's feasible in theory. If both pieces of legislation pass, a charge could be actually laid under two pieces of legislation for the same act, in theory, and then the Crown would have the ability to determine which piece of legislation is statutory. I think res judicata would say that they can only be charged for the one offence one time through one vehicle.

Is there any scenario whereby somebody would get charged under both pieces of legislation if they both come to pass? How would we handle that in a criminal matter?

• (1605)

Mr. Paul Gillis: The amendments that were introduced by Senator Harder basically provided Bill C-68 with precedence, so if Bill S-238 does pass and Bill C-68 passes, that coordinating amendment would strike down Bill S-238.

Mr. Blaine Calkins: That's how the coordinating amendment is working. Bill C-68 would take precedence.

Okay, thank you.

The Chair: Thank you, Mr. Calkins.

We'll now go back to the government side with Mr. Morrissey, for five minutes or less, please.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, and I may share the remainder of my time with Mr. Rogers.

I just need a clarification, Mr. Gillis. If this legislation is passed, it would have no negative impact on Bill C-68 and it would not take away from the provisions under Bill C-68, correct?

Mr. Paul Gillis: If Bill S-238 passes...?

Mr. Robert Morrissey: They would not conflict.

Mr. Paul Gillis: That's right.

Mr. Robert Morrissey: They would not conflict, so they would not take away from the protection provisions that are anticipated under Bill C-68.

Mr. Paul Gillis: That's correct. If Bill S-238 receives royal assent and Bill C-68 does not, Bill S-238 stands. If Bill S-238 does not receive royal assent and Bill C-68 does, those provisions prevail. If they both receive royal assent, Bill C-68 prevails.

Mr. Robert Morrissey: Okay, so it becomes a moot point.

Just as a further clarification on a question my colleague Mr. Fraser asked, is the enforcement on the importation and exportation the responsibility of the Canada Border Services Agency? Who has the enforcement role?

Mr. Paul Gillis: CBSA would administer these—

Mr. Robert Morrissey: Would they have the ability to audit where a product, a shark fin, was being used in a food establishment? Would they have the ability to audit to trace where it came from?

This is for whomever.

Mr. Paul Gillis: It could be the CFIA.

Ms. Carolina Caceres: Are you asking who would do inspections of that?

Under WAPPRIITA and the products and the species that are regulated under this act, the wildlife enforcement officers and Environment Canada have the authority to do inspections and to ensure that the conditions of WAPPRIITA have been met. In a case like you're suggesting, when there might be a question as to whether something was imported in contravention of the act, it would be the wildlife officers in ECCC.

Mr. Robert Morrissey: Is the ability there to do it?

Ms. Carolina Caceres: They do have that ability, yes, for products that are under WAPPRIITA's regulation.

Mr. Robert Morrissey: I am sharing my time with Mr. Rogers.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): I've just one question, really.

This is so unethical and so wrong, and we're trying to do something about it here in Canada, yet you can see online imports of shark-fin soup used for special occasions or as a luxury item in Chinese cuisine and so on.

Is what we're doing here going to be impacting what's going on in this industry? If we're going to continue to import these kinds of products into our country from other sources and if we ban that, what kind of impact would that have on the international stage?

Mr. Paul Gillis: As I referenced in my opening remarks, Canada is a small portion of the shark-fin global market, but that said, I think that this is one step towards deterring shark finning.

I think I'll let my comments rest there.

• (1610)

Mr. Doug Forsyth: I'm just going to add that it wouldn't have an impact on the soup itself that we were importing. It would have, as Paul said, an impact on the shark fins, but the soup could still be imported, if I understood your question correctly.

The Chair: Mr. Doherty, you have five minutes.

Mr. Todd Doherty: I'm going to ask one question.

Mr. Forsyth, did you say that shark-fin soup could still be imported?

Mr. Doug Forsyth: My understanding is that soup is soup. We don't classify it differently. When soup comes into the country, as it's imported—

Mr. Todd Doherty: That wouldn't classify it as a derivative?

Mr. Doug Forsyth: No, it is soup.

Mr. Todd Doherty: All right. That's interesting.

Soup is soup. For once, the officials have me flabbergasted.

I'm going to pass this off to my friends as I digest this.

Mr. Blaine Calkins: Thank you, Mr. Doherty.

Thank you, Chair. I sure am glad that they don't make ivory soup.

All kidding aside, my understanding is that if we pass this legislation, shark fins in all of their forms would no longer be allowed to be imported into the country unless they were attached to a shark. What I just heard was that shark-fin soup purée, composed of shark fins, whether or not they were harvested ethically or humanely in accordance with the laws and standards of Canada, would still be allowed to be imported.

Did I hear that correctly?

Mr. Paul Gillis: The legislation would prohibit the importation of the fin or any part of the fin into Canada. I think that when it comes to a consommé type of thing, if there's no evidence of fin pieces in it, we could not prohibit it.

Mr. Blaine Calkins: Mr. Forsyth, is that correct? It is. Okay, thank you.

I want to go back to the officers' statuses when it comes to the legislation. Does a CBSA officer or a Canadian Wildlife Service officer have ex-officio status to enforce the Fisheries Act?

Mr. Paul Gillis: I'll have to get back to you. I think it's ex officio.

Mr. Blaine Calkins: I don't know. It probably is, but I don't know.

Mr. Paul Gillis: I think it probably is too, but I don't have that specificity, so I'll have to....

Mr. Blaine Calkins: If the coordinating amendment in Bill C-68 in the Senate actually says that Bill C-68 takes precedence and the CBSA officials and Canada Wildlife Service officials and CFIA officials have no official status under the Fisheries Act, then we have an enforcement issue. Would you agree?

Mr. Paul Gillis: I will have to get back to you, but I think that because it's an importation and exportation challenge, the CBSA is authorized to enforce those exportations and importations.

Mr. Blaine Calkins: I would agree, because the RCMP has broad, sweeping ex-officio status throughout Canadian legislation, and I'm pretty sure that CBSA has the same. I just wanted to get verification. I'm not expecting this to be a hiccup; I just wanted clarification.

What does the department do as a general rule of practice when it comes to policy changes, whether they are drafted by the government or not?

In this particular case, Bill C-68 is government legislation, although it's being amended in the Senate, but Bill S-238 is a private member's bill. Does the department do a socio-economic impact assessment as a matter of process any time a piece of legislation is put before the House that would affect any of the fisheries or anybody in the jurisdiction of the Department of Fisheries and Oceans? If so, was one done for Bill S-238?

Mr. Paul Gillis: It's a private member's bill, so no. Typically there is not a socio-economic impact assessment.

• (1615)

Mr. Blaine Calkins: If it's something that's driven by the government—for example, the recent changes to chinook fisheries on the west coast—was a socio-economic impact assessment done for that?

Mr. Paul Gillis: Yes, socio-economic impacts would be done on other regulations.

Mr. Blaine Calkins: They would be done on other changes.

Mr. Paul Gillis: They would be done on regulations that are introduced, yes.

Mr. Blaine Calkins: All right. Thank you.

Mr. Chair, I would like to move a motion right now, if I may. I move:

That, whereas the public fishery in British Columbia contributes \$1.1 billion to Canada's economy, and whereas the public fishery in British Columbia provides 9,000 jobs while benefiting 300,000 annual license holders, their families and businesses connected to the public fishery's activities and tourism-related spending, and whereas since 2016, the public fishery in British Columbia has been damaged by unrelenting reductions of access to fisheries caused by the federal government's preference to close fisheries rather than support balanced fishery enhancement and habitat restoration to grow fishery populations, that the Standing Committee on Fisheries and Oceans undertake a study of the socio-economic impact of the Minister of Fisheries and Oceans' decisions to close the recreational fishing of chinook salmon to fully understand the impact of this decision on small businesses and coastal communities; and, as part of its study, the Committee travel to the west coast to meet with those impacted including small businesses that have had to decrease staff numbers due to the reduction of opportunities in the public fishery; and, as part of its study, the Committee assess other measures that could deliver increases in chinook salmon stocks.

The Chair: Okay, you've heard the motion.

Do you have copies for everybody, Mr. Calkins?

Mr. Blaine Calkins: I'm of the opinion, or have been told, that there are printing issues and that we can't get paper copies.

Mr. Colin Fraser: Just so I understand, my understanding—and I could be wrong—is that to move a motion, it would have to be related to the topic that we are here to discuss today. Otherwise it could be considered a notice of that motion, which requires 48 hours' notice. Am I correct?

Okay, so this is just a notice of that motion.

Mr. Blaine Calkins: No, I'm actually moving the motion, because we're talking about fisheries and socio-economic impacts of fisheries. My motion is specifically about socio-economic impacts, and I'm hoping that it will be accepted by the chair.

Mr. Colin Fraser: I would suggest, Mr. Chair, that the motion is outside the scope of Bill S-238 for today. Therefore, I would suggest that it be considered a notice of that motion, which requires 48 hours.

The Chair: It is outside of Bill S-238, but it did come up in conversation with the witnesses.

Mr. Colin Fraser: Was that on chinook salmon?

The Chair: It was the socio-economic impact of...

Mr. Colin Fraser: We're here to talk about shark finning, Mr. Chair, and he's talking about looking into chinook salmon.

Mr. Fin Donnelly: On a point of order, Mr. Fraser has asked for a ruling, so I think, Chair, that you need to give a ruling.

The Chair: I'll allow the motion to stand. We'll vote on it, unless there's further discussion.

An hon. member: I would like a recorded vote, Mr. Chair.

The Chair: Go ahead, Mr. Fraser.

Mr. Colin Fraser: Before we vote on the substance of the motion, I will say that we have an awful lot on our plate between now and when this session ends in a couple of weeks' time. The motion is asking for travel. It would be extremely difficult for staff of the committee to arrange that travel and for all of us to put aside everything else that this committee has already endeavoured to undertake between now and the end of the session. I don't think it is realistic at all for that to happen in the time frame we have.

I note as well that other travel, when there was a lot of time—not that long ago, a few months ago—was not something that the committee decided to do. For those reasons, I'm not going to support the motion. I think it's totally unrealistic.

The Chair: Thank you for that, Mr. Fraser.

Is there any other discussion?

(Motion negated: nays 5; yeas 4)

The Chair: The motion is defeated.

Go ahead, Mr. Calkins.

Mr. Blaine Calkins: Thanks, Chair. Am I out of time?

The Chair: You're way out of time.

Mr. Blaine Calkins: Well, I might be. Thank you, Chair.

The Chair: Mr. Rogers, you were on the list. Are you still going to ask questions, or did you get it done?

You're saying you're done.

• (1620)

Mr. Ken Hardie: Chair, could I have a short question?

The Chair: You have five minutes or less.

Mr. Ken Hardie: I need to clarify this.

You can go online and see these products available from Malaysia and other places. Basically, it's canned shark-fin soup, and we have no way of knowing whether those fins were obtained using what we would consider to be ethical means.

Under those conditions, would we allow that product into Canada? If you don't have a really clear answer and if you don't know for sure, it would be very useful if you can get back to us.

Mr. Paul Gillis: We will provide that information to the committee.

Mr. Ken Hardie: That's fine. Thank you.

The Chair: Thank you, Mr. Hardie.

Now, for three minutes or less, we have Mr. Donnelly.

Mr. Fin Donnelly: Thank you, Mr. Chair.

I want to follow up on the conversation about jurisdiction and the legislation. It's my understanding that import and export is federal jurisdiction, but sale and use is provincial and territorial.

For instance, enforcement related to the sale and use of shark-fin soup would generally be the domain of the provinces and territories, but entry of these products into the country would be the domain of the federal government.

I just want to clarify if that's the case.

Second, we've been talking about two types of legislation under the Fisheries Act and WAPPRIITA. The Fisheries Act is not using WAPPRIITA; it is using specifically Bill C-68, but under Bill S-238, it includes WAPPRIITA.

Mr. Fraser was talking about an issue that was related to investigation that I think, Mr. Gillis, you replied about.

Under WAPPRIITA, the government would have the power to investigate if a product had shark fin in it and was being, let's say, served in an establishment in a province. Under the Fisheries Act, is there the same power, or not? Would a CBSA official or a CFIA official or a department official have the ability to do that similar investigation under the Fisheries Act?

Take your time, although I only have three minutes.

Some hon. members: Oh, oh!

Mr. Fin Donnelly: I don't have any other questions.

The Chair: It's only your time that expires in three minutes, not you.

Ms. Carolina Caceres: I'm discussing the authorities under the different acts with my colleague, because I'm not aware of.... You're asking about the relationship between the enforcement authorities for the Fisheries Act and for the WAPPRIITA, and I'm only aware of the authorities for the WAPPRIITA.

Under the WAPPRIITA, the wildlife enforcement officers in Environment and Climate Change Canada have the authority to investigate claims of non-compliance. In order to have imported—should the bill pass—products and therefore undertake something like the sale of shark-fin soup, you would have had to have met the requirements of the act. Within WAPPRIITA, the enforcement officers can do those types of inspections.

For example, on the CITES element of the WAPPRIITA, to import certain products you need permits. Enforcement officers can investigate and can ensure that those permits are in place if something is on sale that is a regulated species. What I was coordinating with my colleague is how that relates in the Fisheries Act.

● (1625)

Mr. Paul Gillis: I just want to come back to the intent of the policy.

The intent of the policy is to deter shark finning. It's not a ban against shark fins. There still may be situations in which fins are harvested responsibly and under the licensing policy of domestic licensing. This legislation will not prohibit the sale of shark-fin soup in Canada. It still may be served. Again, it's a ban against the import and exportation. When it comes to sale, it will be very difficult for any enforcement officer to prove that the soup was produced from fin that was illegally imported.

The Chair: Thank you, Mr. Donnelly.

I will say thank you to our witnesses for appearing. That concludes our hour of testimony and questioning. Thank you again to the department officials for being here today. It's great to see such co-operation on such short notice. Hopefully, we'll see you all back sometime soon. Thank you.

We're going to suspend for a few minutes while we switch over to committee business.

[Proceedings continue in camera]

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