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## Williams Inquiry – Transcript of Proceedings January 19, 2005 - Richmond

**JUSTICE WILLIAMS:** Would it be possible for Fisheries to develop a plan that would require aboriginal fishers to report their FSC catch? ...

**MR. IONSON:** The only thing that I was going to comment a little bit further on, of course we've got -- we do have a special relationship with First Nations, and if this was to be put in place, it would be seen as an infringement. And then the department is -- is -- there's a whole host of questions that have to be asked. For example, is the infringement justified. And were there -- are there other means that are available to minimize that infringement.

**JUSTICE WILLIAMS:** Well, isn't it an infringement to ask a commercial fisherman how many fish he caught?

**MR. IONSON:** Quite frankly, we don't care. What we're after is catch information, so -

**JUSTICE WILLIAMS:** But aren't we after catch information from natives, though, just like we are from non-natives?

**MR. IONSON:** But, again, because of the constitutional -- because of the constitutional -- at least the -- some of the jurisprudence that's occurred around this, yes, we are very, very interested in what that catches are. But, again, we have a series of questions. We can't just go and close an area. We can't just go and demand that they use a specific type of gear because we think it's a good idea. We have -- on behalf of the Government of Canada, we have to ensure that the rules that we put in place meet with the -- meet with -- specifically one of the court cases we have to deal with called the Sparrow case.

**JUSTICE WILLIAMS:** Sparrow doesn't say that you can't ask a fisherman how many fish he's caught.

**MR. IONSON:** No, but what it does say is that you can't infringe if it is an aboriginal right. And so -- and I think -- well, I think -- and I haven't taken it that much further to see if it's the department's view specifically. But I would guess it's the department's view that it would be an infringement on a person to make sure that he fills out a specific piece of paper and to send it in...

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