

Backtrack on shark fin ban; Mississauga votes to repeal its ban, at least temporarily, before talks with Ottawa

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Illustrations: Fishermen transport a load of fins cut off live sharks in the Philippines.

The movement to have cities ban shark fin products experienced a setback Wednesday as Mississauga councillors repealed the ban they passed in October.

It's unclear if the ban on the sale or consumption of shark fin is simply being postponed, or will have to be passed all over again. The bylaw passed Wednesday stated the ban "is no longer in force and effect until June 30, 2012, to allow time to meet" with representatives of the federal government.

Councillor Pat Mullin, the driving force on council for the ban, said she isn't sure if the ban will now automatically go into effect in June or would have to be reintroduced for a vote.

In any case, the Mississauga Chinese Business Association, which held a protest after the ban was imposed, saw Wednesday's move as a capitulation.

"They listened to us," said the group's president Stephen Chu, who sat on a municipal steering committee struck after the original bylaw was passed. He believes Wednesday's move is a victory and not a simple postponement.

"We don't want it to be an emotional decision. We will continue to tell council that this type of bylaw cannot be enforced because they have no authority, basically.

"It's not fair to ban all products if most are imported legally."

Chu says that since the federal government has not banned them, "we assume that the shark fin products are being imported legally." He suggested that other municipalities that have imposed similar bans should follow Mississauga's move to repeal.

He warned that a legal challenge is likely if Mississauga tries to revisit the ban - and suggests Toronto could expect the same in response to its recently passed ban.

Mullin insisted the repeal was simply to allow the federal government time to weigh in on an issue that has been taken up by numerous cities. She insisted the ban should go into effect again June 30, after city and federal officials meet.

"I wanted to give it time till June," she said, adding that the transition period would allow business owners to prepare for the ban, which was not yet being enforced. "I fully intend to go forward in June. It gives us time to do our homework."

As to why council didn't move more slowly in the first place, Mullin said: "I think it was important to take a position."

Mississauga's decision helped get other municipalities on board, she added. "I don't think we jumped the gun at all."

She also said the city will now have time to consider how to enforce and pay for the ban.

It's not clear why the city didn't just phase in enforcement, giving restaurants and other businesses time to use up existing inventory, as Toronto is doing.

"I didn't hear anyone say it shouldn't be done," Mullin said of the ban, acknowledging that some people do have an issue with whether it's in the city's jurisdiction to impose and enforce a ban.

Back in October, a group of lawyers, including municipal law expert George Rust-D'Eye, who has served as Mississauga's integrity commissioner, issued a statement saying that in their opinion, municipalities do have such authority.

"They have left a door open," Chu said, referring to the June 30 date. "If they're out of their authority, they may face some legal challenge."

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