



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

45th PARLIAMENT, 1st SESSION

Standing Committee on Fisheries and Oceans

EVIDENCE

NUMBER 011

Thursday, November 6, 2025

Chair: Patrick Weiler



Standing Committee on Fisheries and Oceans

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• (0820)

[*Translation*]

The Chair (Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.)): Good morning.

Welcome to meeting number 11 of the House of Commons Standing Committee on Fisheries and Oceans.

[*English*]

I want to start by acknowledging that we are gathered on the ancestral and unceded territory of the Algonquin Anishinabe people and express gratitude that we're able to do the important work of this committee on lands they have stewarded since time immemorial.

Pursuant to Standing Order 108(2), the committee is going to continue its study on the review of the Fisheries Act.

[*Translation*]

Today's meeting is taking place in a hybrid format. Pursuant to the Standing Orders, members are attending in person and remotely using the Zoom application.

[*English*]

Before we continue, I would like to ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio and feedback incidents and to protect the health and safety of all participants, particularly the interpreters. You will also notice a QR code on the card, which links to a short awareness video.

Pursuant to our routine motions, I would like to advise committee members that all witnesses appearing virtually today have successfully conducted the required technical testing. However, it is great for our first panel that we have everybody here in person.

I would like to make a few comments for the benefit of the witnesses and members.

Please wait until I recognize you by name before speaking. Those participating by video conference, click on the microphone icon to activate your mic, and please mute your microphone when you are not speaking.

[*Translation*]

For interpretation, those on Zoom have the choice, at the bottom of their screen, of floor, English or French. Those in the room can use their earpiece and select the desired channel.

[*English*]

I will remind you that all comments should be addressed through the chair.

[*Translation*]

For members in the room, if you wish to speak, please raise your hand. The clerk and I will manage the speaking order as best we can.

We appreciate your patience.

[*English*]

With that, I would like to welcome our witnesses.

As individuals, we have Mr. Jimmy Lee Foss, fisherman; and Randy Nelson, former fishery officer and now director of conservation and protection. We also have, from the Maritime Gaspereau Industry Association, Jeremy Boudreau, president; and Troy Doucet, vice president.

We will start with opening statements of five minutes each or less from the witnesses.

Mr. Foss, we're going to start with you. I'll give you the floor for five minutes.

Jimmy Lee Foss (Fisherman, As an Individual): Thank you.

First of all, I'd like to start off by saying that I don't have higher education or anything like that. I feel pretty out of place here today, but I'll give it my best shot. Thanks to the committee for giving me the opportunity.

I'm a fisherman from La Scie, Newfoundland. I've fished pretty much all my life, like my father and grandfather before me. The fishery is very dear to me.

Long story short, a fishing boat went up for sale back home in La Scie. At the time, the prices were through the roof, with record prices to buy, to get in, so there weren't a lot of people jumping after this deal. I got approached after running boats and stuff back home, skipping on boats, and starting to make a name for myself, I guess. I got approached to get into this enterprise.

It all started with the owner, I guess, setting up a meeting between me and Mr. Quinlan from Quinlan Brothers. The rest is history. I went in there. I know that the only way in right now is through a merchant. It's sad, but true. I went in and entertained the meetings and stuff like that. My old man—my father—went with me for support. Mr. Quinlan was in charge of everything. He got the financing. The banks came to his office. We didn't go to the banks. He was in charge of everything. He picked the financier, with all kinds of fake backing to me, you know. It was, "Run along. We'll roll together, Jimmy. I've got your back. You're signing with the biggest crab producer in the world", which he is. It was, "Run along. We'll roll together. We're business partners". That gave me, I guess, the final push to go in. I knew I had good backing. I knew there wasn't much money in the business, but with Robin Quinlan behind me, I thought I would be okay.

Anyway, I caught my quota and did what I could. The first year, with record prices at \$7.60 a pound, I could barely pay the interest on the thing. It was pretty much an impossible deal from the start. Quinlan knew that, but I was qualified to hold the quota because I'm a level II fisherman. He didn't want to lose that product in his plant is my belief. He buttered me up and convinced me to go into this deal. After a year or so.... I didn't know much about controlling agreements when I signed this deal. All I knew was, wow, I have a chance to get a longliner, my own own boat.

After a year or so in business with Robin, I wasn't happy at all with how things were going and how much control he had over what was supposed to be my business. I couldn't handle any money. I couldn't disburse money. I had to beg, actually, to get enough money to pay for fuel for the next trip. He ran the show. I wasn't happy about it. I did a bit of research on controlling agreements and corporate concentration, and I knew that this was a prime example of that. It doesn't take a genius to figure out that I was used—head-hunted—and my family paid the price.

I mean, it's not something to be proud of, but eight or nine years ago, I had a side-by-side accident. My femur came out through the back of my leg and my arm came out. I spent 16 days in the Health Sciences Centre. I was off work for two years. I was forced to claim bankruptcy. I walked into Quinlan's office, still in bankruptcy, and walked out with \$3.8 million. I'm not sure how that works, but that's a fact. I was still in bankruptcy and I walked out with \$3.8 million to purchase this boat.

I don't want this to happen to someone else. My family has suffered more than any of you guys can even begin to imagine. My name took a big hit. My career took a big hit. The fact that I'm here doing this is going to cause me more hits to my career. Quinlan has so much control that there are many boats that won't take me now, just because of what I'm doing. It's nothing to do with my work or anything like that, but because they may be close to Quinlan or maybe Quinlan has quota on their boat, and they don't want to send my name in on the share arrangements anymore. I'm taking a big hit for this.

● (0825)

The other day, I believe it was Mr. Morrissey who asked Mr. Berry for an example of this corporate control and corporate con-

centration. Well, here it is. I'm right here and willing to answer anything.

The DFO investigation team wanted my quota frozen. I have that from the ATIP information I got from DFO. This was the best case that ever fell across the lead investigator's desk, but the upper management in DFO worked against their own investigation team every step of the way.

The Chair: Mr. Foss, I'm afraid I'm going to have to step in here because we're over the five-minute mark. Please wrap up very quickly as we need to go to the next witness.

Jimmy Lee Foss: I'd just like to say that I'm available for any questions, to provide any information and contacts, or whatever. I'm the example, so use me.

The Chair: Thank you very much, Mr. Foss.

Next, we're going to Randy Nelson.

You have the floor for five minutes or less.

Randy Nelson (As an Individual): Thank you for the opportunity to share my insights as a former fishery officer and director of DFO. My goal is to highlight practical improvements that would strengthen enforcement of the existing Fisheries Act. I have provided two supporting documents outlining several concerns in more detail.

I have a number of recommendations.

One, designate fishery officers as full-time peace officers. This change is essential to improve officer safety and public protection. Across North America, resource officers face three to four times the likelihood of being killed on duty as compared with police officers. Currently, fishery officers are peace officers only when enforcing the Fisheries Act. For example, if officers board a vessel for a fisheries inspection and discover illegal drugs, their authority to act is legally uncertain. Any hesitation in such high-risk situations can be dangerous, and may leave officers without legal coverage if they intervene. Full peace officer designation would enhance safety and strengthen Canada's border security efforts.

Two, add fishery officers to the 25-year early retirement eligibility. Recent changes have extended this benefit to some Coast Guard, Parks Canada and corrections staff. Fishery officers deserve better treatment given the high risk and demanding nature of their duties.

Three, reduce the organizational structure of C and P, or conservation and protection. DFO's own reports have repeatedly recommended that enforcement officers report only to those with enforcement experience. I successfully helped advance a change at the area level to support this model, but a broader national review is needed.

Four, establish a committee reporting to DFO or to this committee, the Standing Committee on Fisheries and Oceans, with direct access to officers. A committee providing unfiltered, direct access to fishery officers across the country would ensure that the minister receives accurate information from the field. Most of DFO is managed by scientists and biologists. Those are essential roles, but operational decisions often lack frontline enforcement input or concerns for safety. As Véronique Chadillon-Farinacci testified here on October 23, officers are often afraid to speak out. This measure would fix that. I would be willing to assist in selecting members to ensure balance and credibility.

Five, re-establish an undercover special investigations unit within DFO. DFO Pacific previously operated an undercover enforcement unit twice in history, but both times it was disbanded due to budget cuts. Large-scale illegal fishing continues. This capacity should be reinstated nationwide.

Six, increase officer positions in the middle and upper Fraser River. This is the only Pacific region request. As shown in the documents provided, the Fraser River currently has fewer officers present in the summer than it did 50 years ago. This shortage must be addressed immediately.

Seven, strengthen relationships through restorative justice and indigenous partnerships. Promote such programs as restorative justice, liaison officers for each first nations band, and canoe journeys in all regions. These initiatives have proven highly effective in building trust and co-operation with stakeholders. I helped implement these measures in the Pacific region. We were the first resource agency in the world to use restorative justice to deal with violators.

Eight, improve pay and recruitment conditions for fishery officers. Recruits currently earn \$350 a week for a 19-week training period, well below the poverty line. This deters qualified applicants. Competitive pay and better entry-level compensation are needed to attract and retain capable personnel.

Nine, place enforcement officers on all Coast Guard vessels. Canada's Coast Guard is likely the only major fleet in the western world without enforcement officers on board all vessels. Although DFO has improved midshore and offshore patrols with officers present, all Coast Guard vessels should carry enforcement staff to improve fisheries protection and national coastal security. Assigning Coast Guard vessels to Defence does not increase security unless enforcement personnel are part of the crew.

During my 35-year career, I testified on three major inquiries. I received over 25 national and international awards for my work. I wrote a book, *Poachers, Polluters and Politics*, about my career. It's been described as essential reading for DFO staff. I will have a number of copies, for those who want one, at the break. My second book, *The Wildest Hunt*, evolved into a television series that I host and narrate. It's about poaching all across North America.

My experience has given me deep insight into illegal fishing and wildlife activities across North America. These changes I have proposed would strengthen Fisheries Act enforcement; improve officer safety, morale and retention; and build stronger relationships with all stakeholders.

● (0830)

I retired 13 years ago, but I still care about Canada's fisheries resources.

I'm open to any questions you might have.

The Chair: Thank you very much, Mr. Nelson.

Next, we're going to go to Jeramy Boudreau. You and Mr. Doucet together have five minutes collectively for an opening statement.

I'll hand the floor over to you.

Jeramy Boudreau (President, Maritime Gaspereau Industry Association): My name is Jeramy Boudreau.

I'd like to thank the standing committee for the invitation today to discuss the Fisheries Act. I personally bring 25 years of experience in the fishery and business related to fishery. I started a boat shop in the last 10 years as an entrepreneur. It's family-run, owned and operated.

With that, in the last five years, my kids and I have invested in the gaspereau industry. Knowing that my kids were going to invest in the industry motivated me to really do some research on the long-term growth and health of the gaspereau industry. That led me to realize that there are a lot of issues that have been there for a long time. It also motivated me to start the Maritime Gaspereau Industry Association with other local fishers.

Once we started the association, Troy and I were appointed as vice president and president. Troy brings 40 years of experience to the table in this particular fishery and anything related to the Tusket River. In that time, he's also been a gaspereau buyer for 20 years. It makes up approximately 90% of his income and livelihood throughout the year. This has given him a big motivation to really study the impact on the ecosystem of the gaspereau fishery.

Along with taking in some history, Troy's knowledge and mine, doing investigations and other things, we found some key issues within this industry.

The lack of fish passage sometimes results in the death of fish. Section 34 of the Fisheries Act both mandates free passage of fish and regulates against the death of fish. This seems to be pretty clear. However, it's still a very big ongoing problem. There are a lot of dams without fish ladders. The ones that do have fish ladders don't have effective fish passage. This will often lead to fish backing up at the dams, at the ladders, moving back down and getting run out. They're not able to make their spawning ground. Sometimes, as in May 2022, this has led to hundreds of thousands of fish dying from lack of fish passage.

There's a lack of conservation and protection officers in the field. In my five years, there have been zero fishery officers able to make it on the water. There are very few in the actual field to enforce parts of the Fisheries Act, such as section 29. We know that this is definitely a lack of boots on the ground.

There's also the science. Science is a very important part. Under "Considerations", paragraph 2.5(c) includes science in decisions for management options, yet we have very underfunded science. Every year we deal with one of a two-man team of scientists being laid off, potentially due to budget cuts. We're always working on decisions that are based on reactive instead of proactive science. That definitely needs to change.

We have recommendations from MGI for consideration. Add a definition to section 34 of the Fisheries Act in "Fish and Fish Habitat Protection and Pollution Prevention" that satisfies the minister on a timeline. Right now there's nothing there that says what that timeline is. It should be based on the life cycle of a fish. The timelines of how we get these things done are all based on protecting fish and fish habitat.

In section 34, we should also give a clear and concise maximum timeline to an "owner or person who has the charge, management or control of an obstruction" to become compliant once it's been deemed that an obstruction does not allow free fish passage. Over a decade of a migrating fish should not be an acceptable timeline with still no plan to actively deal with this obstruction.

Add a section in section 34.3 that the minister will take charge of an obstruction or repair it if the owner doesn't become compliant within a timeline that satisfies the minister.

On the enforcement side, for any open seasons of a fishery, it should be mandatory to have some form of enforcement. We know the C and P officers are understaffed.

● (0835)

On science—

The Chair: Mr. Boudreau, I'm afraid I have to interject. We are over the time. If you could, please wrap it up. There will be time to get to this in the question rounds too.

Jeremy Boudreau: I'd like to thank the panel for inviting us. We're open to any questions related to any of this.

Thanks.

The Chair: Thank you very much, Mr. Boudreau.

With that, we'll go to the first round of questioning, which is the six-minute round, starting with Mr. Small.

Clifford Small (Central Newfoundland, CPC): Thank you, Mr. Chair.

I extend a warm welcome to the witnesses for coming here this morning for this study.

My first question is for Mr. Foss.

Based on your dealings with the folks who were trying to prosecute your case, was it ever said that the Fisheries Act was weak in protecting the owner-operator principle?

Jimmy Lee Foss: The vibe I got is that there is a good system in place—if only it was enforced. It's pretty simple. Nobody has been charged over the years for this. From the vibe I got, Cliff, it's there if we want to enforce it, and that falls on DFO.

Clifford Small: Would you like to explain a bit more about what happened in your situation and how far the investigation went?

Jimmy Lee Foss: It went to the top levels, as far as I know. It was here in Ottawa. The fisheries minister... It went as far as it could. The investigation team and DFO brought it to the Public Prosecution Service of Canada. We left no stone unturned, but it didn't seem to make a difference. Upper management at DFO simply went against its own investigation team every step of the way. I'm not sure why, and I don't think the investigation team knows why.

Clifford Small: How widespread are these controlling agreements throughout the industry? I don't mean in just Newfoundland and Labrador; I'm sure you know people in other parts of Atlantic Canada as well.

Jimmy Lee Foss: They're very widespread. They're very hard to talk about, mostly because of the repercussions of talking about them. It affects your career.

These merchants have so much control that there are lots of boats now that I'll never get on again just because of my fight. It's everywhere, Cliff, but you finally have someone who's willing to speak about it. I've lost everything. I lost my business and they tried to take my home. I have nothing left to lose.

I have a young boy who's addicted to this stuff—and by "addicted", I mean addicted—so I feel like I have to try to make some sort of difference for him. The quota belongs with the people, not the merchants. It's just not the way it's supposed to be.

● (0840)

Clifford Small: In your opinion, is there a need to reopen the Fisheries Act to protect owner-operators, or is it sufficient the way it is, other than the enforcement of the act?

Jimmy Lee Foss: For me, it's the complete lack of enforcement. I think the investigation team felt pretty useless and frustrated. They were fair to me the whole way through, but their higher-ups couldn't do their job, Cliff. That's what I got out of it. They were shut down every step of the way.

Clifford Small: Do you think there's possible political interference?

Jimmy Lee Foss: I was actually told by a very good source within DFO that there was political interference at a very high level. I don't know any more than that, but that's what I was told, and it's the only conclusion the investigation team could come to, I think.

Clifford Small: Thank you, Mr. Foss.

My next question is for Mr. Boudreau.

Is there a problem with the act in its current form, or is there a problem with the enforcement of the act?

Jeramy Boudreau: I would say that when it comes to the fish passage, there is definitely a problem with enforcement. I've studied the act for the last week and a half, and I see very little holes in what should be there for fish passage. It seems pretty clear in section 34 of the Fisheries Act, but there doesn't seem to be any mandatory enforcement of it. There's even a spot that spells out how much should be charged on the first, second or third offence, whether it's a corporation, a small corporation or an individual, yet as far as I'm aware, there's never been a charge laid for this, even with the deaths of hundreds of thousands of fish.

Clifford Small: What's been the impact on your livelihood or what you perceived your livelihood would be at this time based on what you've told us here this morning?

Jeramy Boudreau: For us, personally, on the Tusket River and surrounding areas—they use the Tusket River as an indexing river for all of Yarmouth county— currently the combined fish ladders that Nova Scotia Power has don't have the capacity to do 10% of what the upward watershed area has for a spawning ground. The DFO science says that above the fish ladders in the spawning area, there are 22 million fish. The maximum capacity we have is about 2.5 million, so we're not even 10%, and they continuously take away days from us to try and keep a healthy stock.

Clifford Small: Thank you, Mr. Boudreau.

Mr. Nelson, is there a problem with the act or is there a problem with the act being carried out to its fullest potential?

Randy Nelson: I would agree with what people on either side of me have said. Sure, you can always improve the existing act, but enforcing it properly solves most of the problems.

Clifford Small: Has there been political enforcement with DFO C and P? Have their hands been tied in doing their job?

Randy Nelson: There are many examples of that, most recently with the elver fishery back in the east and the first nations fishery on the west coast. Often fishery officers can't go out and do their job.

The Chair: Thank you, Mr. Small.

Next we're going to Mr. Morrissey for six minutes.

Robert Morrissey (Egmont, Lib.): Thank you, Chair.

Thank you, Mr. Foss, for coming to the committee today and providing this testimony.

Chair, I've been on this committee for some time, as have some other members. We have heard very damaging testimony given to this committee over the years as it relates to enforcement, as it relates to this type of agreement you've referenced, and a host of oth-

er areas. Quite frankly, it appears to have fallen on deaf ears within the bureaucracy at DFO. Really, it's time for these issues to be addressed. We've had very detailed testimony given at this committee over those years.

Chair, does the committee have the ability to request the documents, all documents, that may be within DFO or within Justice as they relate to the case of Mr. Foss? You don't have to answer right now, but I want some direction to the committee on its ability.

I, for one, would like to examine the paper trail as it went through, as you articulated, because at this stage it's your word in here. I trust what you're putting before the committee, but at the same time, I would like it if this committee could follow the trail and look at the records on how we got here.

Chair, could you give some direction on that?

I'll go back to Mr. Foss.

You referenced going into an office and coming out with \$3.8 million. Could you elaborate a bit more? You were bankrupt at the time you said—

• (0845)

Jimmy Lee Foss: I was bankrupt and I'm still in bankruptcy, actually.

Robert Morrissey: Okay.

Jimmy Lee Foss: Yes, I walked into Quinlan's office. Now that's a bit of a short story when I said it. We had three different banks. I came to the office in Atlantic Place. We didn't go to the bank's office. They came to Robin's office. Yes, he got the money. In his own words that I have in a text, he is good at getting money. I've got that in a text message—

Robert Morrissey: Where did the \$3.8 million go?

Jimmy Lee Foss: It was the cost of the enterprise they put me in.

Robert Morrissey: It didn't go to you. You didn't get the \$3.8 million.

Jimmy Lee Foss: No. It went to the bank, I guess, or it went to the owner of the boat that I took over.

Robert Morrissey: Okay.

Jimmy Lee Foss: How did a man in bankruptcy get a \$3.8-million loan?

Robert Morrissey: It would be interesting to see the paper trail on that, I agree.

Jimmy Lee Foss: DFO has everything. It has all the contracts, the paperwork. It has everything.

Robert Morrissey: What are you doing now?

Jimmy Lee Foss: I'm still fishing, yes, running boats off and on, being a skipper off and on, or jumping on boats when I can. I've got nothing steady right now. Like I said, this fight has affected my career big time.

Robert Morrissey: How long have you been in the fishery?

Jimmy Lee Foss: I've been in it all of my life.

Robert Morrissey: What would that be...? How long have you been actively on a boat, fishing?

Jimmy Lee Foss: I would say 20 years, I guess, give or take.

Robert Morrissey: With regard to what you've given to the committee in this testimony, are you the only case, do you think, or is this happening...?

Jimmy Lee Foss: No, I'm not the only case.

I'm one of the only ones with enough gumption to come here and talk about it, I guess, but I'm far from the only case. People have reached out to me. I'm far from the only one.

There are many instances like this, not only working through certain fishermen but.... Someone has to take a look at these native groups as well. The merchants are working through them a lot as well. They're controlling half of the quota in the industry, and then we wonder why we can't get a fair price in the spring of the year.

Robert Morrissey: I'm sorry. Could you repeat that comment that you said? What groups are they working through?

Jimmy Lee Foss: I'm not sure of the actual groups, but there are native groups that they're working through. I know this. I've seen the log books.

In turn, that means.... Whenever a company owns quota, the fishermen fish for less. They fish for lease rates, blah, blah, blah, whatever. It's affecting us every way we turn. The control needs to stop.

Robert Morrissey: In your words, how does a company control the quota?

I have a perspective, but I want to hear from you.

Jimmy Lee Foss: They own it. They buy it, and they stick it with an existing boat that may have room for another—

Robert Morrissey: Are they allowed to do that under the regulations?

Jimmy Lee Foss: No, they're not allowed.

It's illegal for companies to own quota, but they have all kinds of ways around it. The big shots in the DFO, in government, know this. They know this is happening. There's yet to be a charge laid. What is the point?

Robert Morrissey: Do you mean a charge laid specific to what you're talking about?

Jimmy Lee Foss: Well, I mean the DFO laying a charge on a harvester for overestimating a fish log, something so simple as that. All these merchants are screwing with people's lives and owning quota and everything else. There's never been a charge—no charges—through controlling agreements, and there are many of them.

Robert Morrissey: Would you say this would be one of the greatest threats to the viability of the inshore fishery?

Jimmy Lee Foss: It's the greatest threat to the small boat fishery, in my opinion. It's an easy way to create a huge monopoly.

In my opinion, there's already a huge monopoly created. A lot of times now, when an enterprise goes up for sale, the common man doesn't even get access to it. The company buys it up before it even

goes to market. They'll split up the enterprise and stick so much quota on this boat and so much quota on that boat.

All you gotta do is follow the money.

• (0850)

Robert Morrissey: Thank you for coming in.

The Chair: Thank you very much, Mr. Morrissey.

Before we go to Mr. Deschênes, I'll say that we would need a clear motion to do that, and the clerk would be happy to work with Mr. Morrissey or any other member who would like to move that kind of a motion on this.

[Translation]

Mr. Deschênes, you have the floor for six minutes.

Alexis Deschênes (Gaspésie—Les Îles-de-la-Madeleine—Lis-tuguj, BQ): Thank you, Mr. Chair.

My question is for you, Mr. Nelson. You just said something quite important. You testified to the fact that fishery officers often can't go in the field and do their job. I'd like to hear your opinion. For weeks now, we have been wondering whether fishery officers are free to fight illegal fishing. From what we hear, that doesn't always seem to be the case.

Your testimony is very enlightening because you provide a lot of solutions. However, before talking about solutions, I need to understand the problem better. From what I understand, you have 35 years of experience, and you were a director and an officer.

Here is my first question: Is there any pressure from the superiors of fishery officers preventing them from taking action against illegal fishing?

[English]

Randy Nelson: It's a combination.

Budgets are really an issue. There's not enough money. If you read the one document I had, you'll see that it shows a very clear example of a cycle: an inquiry happens, the department comes up with some additional funding to.... Enforcement is always a short-fall. Money is put into enforcement, and then over the course of six or eight years, it's pared back until the next inquiry. This has happened four times in the Pacific region.

It's a serious problem in that.... It's a structural issue, for one. People in the DFO are going to shake in their boots because I changed it at an area level, but I think it has to be looked at at a higher level. Enforcement officers should not be reporting to people with non-enforcement experience. You don't put a biologist in charge of the RCMP. Why do we—

[Translation]

Alexis Deschênes: Concerning that, I noted that you were proposing that fishery officers report to people who already have experience in enforcing the law.

What is the current problem? What's going on? You talked about the budget, but how does having a fishery officer report to someone who has no enforcement experience prevent them from doing their job?

[English]

Randy Nelson: Somebody with a biology and science background can do a good job, but they're more inclined to support their own thoughts and ideas of making science better and making biology better, and they don't understand the complexities of what enforcement entails. If they take the time they can understand, but in my 35 years of experience, it only happened once or twice where a senior person truly took the time to understand enforcement and deal with it.

The structure does not allow.... The enforcement decisions have to be made by enforcement people, and they have to work closely with science and biology. They have to work together. As it is right now, though, decisions are made so often where some politics does get involved sometimes, but it's often the misunderstood managers who make a decision that sounds good biologically, but it's not enforceable. This isn't just a Canadian thing. It happens everywhere.

[Translation]

Alexis Deschênes: I don't have much time left.

Mr. Nelson, you said that politics sometimes plays a role in deciding whether or not to continue an investigation.

What do you mean by that?

[English]

Randy Nelson: Politics does get involved sometimes. That happens in police enforcement, too. You have sensitive issues. The elver fishery is the most recent example. Statements were made about fishery officers by the minister that were not informed. That created a very dangerous situation for those officers in the field and for the first nations and the public. It's those uninformed decisions made by people in the system, whether they be politicians or managers, that make it dangerous.

• (0855)

[Translation]

Alexis Deschênes: To fully understand, I need to visualize what happened, and perhaps you can give us some information. When you say that politics gets involved, I understand that, when something is reported or an investigation is launched by a fishery officer, a superior of that officer closest to the political decision-makers may intervene to prevent the officer from taking action.

Is that what's happening?

[English]

Randy Nelson: That is what happens sometimes. Sometimes it's the political direction given to prosecution, too. The Department of Justice has.... Right now on the Fraser River, for example, with the illegal fishing going on, officers don't even want to go out on patrol sometimes because they know the charges won't be approved, and that comes from politics, in my view.

[Translation]

Alexis Deschênes: What are the political reasons for not enforcing the Fisheries Act?

[English]

Randy Nelson: I guess I'd have to ask the politicians. It's very complex. It's not cut and dried. There are a lot of things in the air. First nations have rights, and it's trying to define those rights. We're trying to rely on the courts too much to define them. We have to do a better job of working with first nations and finding a resolution rather than pushing everything into the court, too.

I don't want to go down that road of saying we just need more enforcement. It's has to be working together. It's a complicated situation.

[Translation]

The Chair: Thank you very much, Mr. Deschênes.

We've completed the first round of questions.

[English]

We're going to start the second round of five minutes, starting with Mr. Arnold.

Mel Arnold (Kamloops—Shuswap—Central Rockies, CPC): Thank you, Chair.

Thank you to all four witnesses. It's great to have you here and to hear your testimony.

All of you have stated that the current act seems sufficient in language to protect fish and fisheries if it were enforced.

I'll start with Mr. Nelson.

Why, in your experience as an enforcement officer, is it not being enforced the way it should be?

Randy Nelson: I think the biggest reason is the structure. I really do. When you have managers who don't know what enforcement entails making decisions for the enforcement staff, that's the biggest structural problem.

Budgets are another problem. They continually get pared down. As I explained, I am serious when I say the number of officers doing enforcement on the Fraser River is lower than it was 50 years ago. When I left the department 12 years ago, after the Cohen commission, there were adequate resources to do the job and things were working well, but that was 12 years ago, and it's been pared down to being non-existent. Some of it is with C and P making the wrong decisions too.

People are frustrated. They don't have the resources and they're trying to do the best they can. It's like playing whack-a-mole. We have orca whales we're trying to deal with. We have midshore patrol vessels we're trying to deal with. You take from one and give to the other, because there are no new resources.

Mel Arnold: In your experience—and you have a lot of it—what are the effects on the on-the-water enforcement when changes to the enforcement and protection clauses are made in the act? Is there a training process or a consumption of time and resources when those things change in the act?

Randy Nelson: Yes, there is. I think the last changes were some positive changes to the habitat, but from what I hear, I don't know if the training has been completed.

Again, the act is close, but there's not the capacity to do the enforcement that needs to be done. I think we can do a better job with what we have. Opening it up, there are always things that can be tweaked and you can always make it better, but you could advance it so much more if officers were able to their job and had the support and the resources to do it.

Mel Arnold: From what I've heard, it sounds like the enforcement members would prefer to be in the field doing their job rather than in a training room or in training sessions. Can you talk about that a bit?

• (0900)

Randy Nelson: Obviously, the people who sign up to do fisheries officer work absolutely want to be in the field, but they also recognize that they have to be properly trained. In changing the act, the officers can probably understand the changes more readily than the system can. The managers in the system are often the ones who don't understand the changes and how to direct them down to the field.

More training is needed. The juice isn't worth the squeeze right now, in my opinion, in changing it. There are microchanges and improvements that could be made. The biggest change you could make is having officers be able to do their job with the proper resources and equipment.

Mel Arnold: Thank you.

Mr. Boudreau, you talked a lot about a blockage to the fish passage. Do you know if it's due to the structure owner being reluctant to change, or is it the difficulty in getting permits and approvals through a process that we've heard is extremely backlogged?

Jeremy Boudreau: It's all of the above, depending on the structure. A company the size of Nova Scotia Power has had 15 years to upgrade its blockage. That's plenty of time for permit approvals and design. It's less willing.

A more privately owned dam may not even understand. We have one that's owned by a heritage group and run by private landowners. They don't have a great understanding of what their obligations are. That one's more about funding and approvals. It really varies.

Going back to the enforcement piece, there's nobody holding these people accountable in any form or fashion. I think officers would like to be there, but if you have six or seven officers running 24-7, there aren't enough people on the ground to do any form of enforcement.

The Chair: Thank you, Mr. Arnold.

Next, we'll go to Mr. d'Entremont for five minutes.

Chris d'Entremont (Acadie—Annapolis, Lib.): Thank you very much, Mr. Chair.

As they say, all politics are local. It's good to have a couple of local folks in the meeting today to discuss the challenge we're having in the Tusket River system when it comes to gaspereau.

The first question revolves around the importance of gaspereau to the area. What does the fish do and how is it important to our larger fishery, which is, of course, the lobster fishery?

Jeremy Boudreau: Gaspereau is 95% sold for a bait fishery.

As most people on this panel know, herring stocks and mackerel stocks have been on the decline. Growing a fishery with a fast reproduction cycle to increase the level of that fish by 90% so we can increase the level of bait will take more pressure off some of these other fisheries. That's extremely important to look at because when you get into a position where all the pressure is being put on other species, it's harder on them.

Chris d'Entremont: The challenge, as I understand it, is that as an association, you're stuck between two behemoths, two big organizations. On one side, you have Nova Scotia Power, which is the owner of the dam and controls the water levels and the fish passage on that system, and on the other side, you have DFO, which is supposed to permit and enforce what's going on.

How often do you think DFO actually talks to Nova Scotia Power or charges them for not providing the fish passage that they're supposed to?

Jeremy Boudreau: From the research I've done over the past 15 years, they've talked to them a fair amount. Since 2019, when FFH-PP was formed, they've known about this problem and have been actively working with Nova Scotia Power.

As for charges, I don't think there have ever been any. There was a massive fish kill, which I'm sure you're aware of, Chris, and I hope the rest of you guys look into it. It was basically a slap on the wrist saying that next year, they have to do better. It was a major problem that 200,000-plus fish never made it to the spawning grounds. Nothing has changed, and that was in May 2022.

• (0905)

Chris d'Entremont: Do you think that DFO has sufficient personnel? You're working with biologists. I'm sure you know who your folks are and who you're supposed to be talking to within the department.

Do you think they have sufficient personnel and funding to even do their work?

Jeremy Boudreau: No. Every single year we're dealing with a science program that's underfunded. Our season starts March 15 and runs until May 31, and every single year a two-person science team is waiting until April 1 to find out if one of their science people is going to be laid off.

As for enforcement officers, we all know about the elver fishery down there. That's a big one. Like I said, there are six to eight officers in all of Chris's riding in southwest Nova Scotia who deal with enforcement issues with boots on the ground. They're on call 24 hours a day, seven days a week. If you man that out into 40-hour work weeks and have to pair fishery officers for safety reasons and you have eight officers, that's only four teams. There's no way they can enforce that.

We've called them seeing problems at hand, and there was not a single fishery officer who could act for 12 hours. We told them point blank, "Here is where you can go catch somebody who is buying fish illegally and here's where they are right now." We could not get a fishery officer. They answered, but they'd all been on duty for 20 or 25 hours. They were all "houred out" and on their way home, so nobody could go catch these people.

Enforcement is definitely budget related, as are a lot of these other issues.

Chris d'Entremont: How much of a challenge do you have with illegal fishing in those watersheds?

Jeremy Boudreau: It's a fair amount. We've seen people dipping directly into fish ladders. They back up with pickup trucks and dip gaspereau right out of these fish ladders. You call DFO and you call the hotlines and you get a voice mail. You might get somebody.

The enforcement officers in our area are great people. They want to help. As an association, they've given us a lot of their private cellphone numbers so we can call them directly when they're off duty, but they just don't have the manpower to do it, so the illegal fishery goes up. That means undocumented landings go up and tax dollars go down. It's a catch-22 where we're hurting the fishery and we're not even increasing the tax revenue in order to gain more fishery officers.

The Chair: Thank you, Mr. d'Entremont.

[Translation]

Mr. Deschênes now has the floor for two and a half minutes.

Alexis Deschênes: Thank you very much, Mr. Chair.

Mr. Boudreau, let's follow up on what you just said.

So you have made reports when you found that there was illegal fishing. You contacted fishery officers and there was no intervention.

Is that correct?

[English]

Jeremy Boudreau: That's it, 100%. We have documented times when we've sent emails and phone calls to and fishery officers as individuals. C and P officers always get back to us and are apologetic that they can't be there to help us, but they just don't have the manpower.

[Translation]

Alexis Deschênes: You said that it was a budget issue, but that there were also other reasons.

Do fishery officers give you any other reasons that prevent them from taking action, aside from the fact that they don't have enough staff?

[English]

Jeremy Boudreau: Yes, there are a lot. On our side of it, with Nova Scotia Power, we believe there are some political aspects to that as well. It's a huge company, and upgrading the fish ladders is a massive cost. When it comes down to getting in the rivers to enforce section 29 with blockades of rocks and various different items there, that one is a lot of enforcement, but they're directed at the elvers, so that piece of it you could say is political. We're not given fishery officers to deal with our fishery, because they're chasing after a different fishery, which leaves them extremely exhausted.

About 90% of our fishery is within five minutes of the Tusket detachment, and we don't even see a fishery officer show up on the bank throughout an entire three-month season to check a log book.

[Translation]

Alexis Deschênes: When you say that there would be political interference because there are interests with a major company—if I understand correctly, it's a Nova Scotia Crown corporation—is that an impression? Are fishery officers telling you that? What are you basing it on?

• (0910)

[English]

Jeremy Boudreau: We've heard from some in local politics that the problem in dealing with Nova Scotia Power is that it ties people up legally for a long time. They use the Fisheries Act to delay and delay. I think if there were fines laid and if fishery officers were able to be there more often, regularly... We were at the dam one time, and there were 300,000 to 400,000 fish waiting to get up a ladder, and they never made it.

[Translation]

Alexis Deschênes: I have two seconds.

Mr. Nelson, I have a quick question for you. You said earlier that statements had been made, particularly by fisheries ministers, that had repercussions.

Which statements and which ministers were you referring to?

[English]

The Chair: Give a brief answer.

Randy Nelson: I was referring to the elver fishery and fisheries minister Leboutillier's comment about rampant racism within fishery officer ranks. That was simply an untrue statement, based on the facts that I've heard. That has repercussions across the entire country. It put fishery officers in a very poor light. The first nations jumped on it and ran with it. I believe even Prime Minister Trudeau made a comment on it. Those kinds of statements are absolutely crushing to the morale of officers in the field. It just can't happen.

[Translation]

The Chair: Thank you very much, Mr. Deschênes.

[English]

Given that we only have two witnesses in the next panel, we're going to extend this panel a bit further. We'll have four minutes for both the Conservatives and the Liberals.

I'll hand the floor over to Mr. Gunn for four minutes.

Aaron Gunn (North Island—Powell River, CPC): Thank you, Chair.

Mr. Foss, first of all, I'm so sorry to hear about what has happened to you and your family and everything you've had to endure on a personal level with corporate consolidation and control.

Everyone I talk to in the industry, fishermen and others seem to agree that decisions at DFO are driven by politics and ideology, not by science, common sense or what's better for the fishermen. Even Liberal MPs in the government that's been in power for 10 years seem to say this themselves.

For example, they said, "The Liberals are making politically driven fisheries decisions that ignore the science and put the livelihoods of harvesters at risk." That's Liberal MP Chris d'Entremont.

"This Liberal government refuses to show its homework. We get decisions with no data, no transparency and no explanation." Again, that's Liberal MP Chris d'Entremont.

"The Liberals talk about consultations, but it's a box-ticking exercise. They've already made up their minds before fishermen even sit down." That's Liberal MP Chris d'Entremont.

If Liberal MPs are saying this publicly, why do you think that nothing changes? Why do you think that decisions just continue to be made based on politics and ideology and not on what's best for the fishermen who are out legitimately risking their lives on the high seas to provide an important resource for our economy and to feed themselves and their families?

Jimmy Lee Foss: I can't speak on behalf of other people, but I think it's all political. I think there are politicians in the pocket of merchants. It's just the way I view things.

I got to know the investigation team a little bit throughout the months while working with them and stuff. It seemed like they were almost as hurt over all this as I was. All their hard work pretty much went to waste. That's the way they viewed it.

As I said, they were ready to knock on Quinlan's door and do the rest of the investigation.

Just look at the donations there in the last voting that happened in Newfoundland. Every merchant donated to the Liberal candidacy. Nobody donated to PCs. Those merchants want Liberals in for some reason. I don't know what it is. As I said, I'm just a grade 12 graduate and politics are out of my realm, but they have to stop using people to keep product in their plant. It's just as simple as that.

They're not supposed to own quota, yet they own half the quota that's around the island.

Aaron Gunn: Do you believe there is too much corporate power and corporate consolidation in the industry today?

Jimmy Lee Foss: There is way too much, yes. My God, yes.

There are boat owners who are scared to even call another fish company. The ASP is basically one company.

We have things going on back home now and the ASP is trying to bury this guy who came in from outside—this outside buyer thing that we all fought for. I actually spoke to the owner of that company a couple of days ago and he is probably not going to survive the legal fees. They have him in court right now because he wouldn't grade crab.

The government has to step in here. Someone smarter than I am has to keep an eye on this stuff.

Aaron Gunn: Mr. Nelson, I hear a lot from commercial and recreational fishermen about the enormous amount of respect they have for frontline DFO officers, which seems to stand in sharp contrast to the near complete contempt a lot of them have for DFO bureaucracy and key decision-makers in Ottawa.

Does that track with your experience? If so, why do you think that is?

The Chair: Could we have a very brief answer? We're out of time.

Randy Nelson: Yes, I agree with that. I will refer back to the structural problem as the main issue and budgets.

The Chair: Thank you very much, Mr. Gunn.

To finish this round, I will now give the floor to Mr. Morrissey for four minutes.

Robert Morrissey: Thank you, Mr. Chair.

For the record, when we took government in 2015, the Department of Fisheries and Oceans was gutted of enforcement personnel in the science department. That's a fact that's easily checked. We have dramatically increased funding in those two areas. In enforcement it was by hiring well over a hundred—a couple of hundred—enforcement officers. More can always be done, but pointing fingers is not going to solve any particular issue.

I commend my colleague, Mr. d'Entremont, for always being articulate and speaking up for the people he represents in the fishery there. I understand that in that area, because of his advocacy, more charges have been laid in the past five weeks than have been done in years.

My question is for each one of you.

What part of the act, for the record, would you like to see changed? The reference was made about the delays that the Fisheries Act puts in place.

I want to go to Mr. Boudreau because it's unacceptable to see what's happening with the gaspereau fishery in that part of Atlantic Canada. It should be unacceptable to anybody. A simple investment in infrastructure could allow the species to get to a habitat they need.

What do we need to be stronger and clearer in the act to avoid simply using the courts to avoid doing what they have to do?

Jeremy Boudreau: It's timelines and a "must enforce". That's—

Robert Morrissey: Could you expand a little more on the timeline and the "must enforce"?

● (0920)

Jeremy Boudreau: Yes. The timeline is related to the species of fish, and that's why I say it should be based on the life cycle of a fish, because they all change. To say 10 years of a four-year life cycle species would be wrong, I think. You're not going to build a new fish ladder in a year. It takes time, but 15 years is unacceptable.

A "must" component is that the Fisheries Act must be enforced, because that will put some of the onus back on the higher-ups in DFO to make sure the budget is there for science and C and P to make it less discretionary.

Robert Morrissey: Thank you for the clarity.

Mr. Nelson, do you have specific changes to the act that could deal with some of the issues this committee was presented with today?

Randy Nelson: There might be some minor changes, but on occasions like he described involving a dam, I was actually involved in a year-long investigation in British Columbia with BC Hydro about a dam. They are very complicated investigations. It's not a simple matter of pulling the plug. There are water management issues. It is really complex, and there are very few officers who would be capable of taking on such an investigation without a whole lot of training. It's more likely an issue of capacity and experts, and not just fishery officers but habitat experts and scientists who can back up the investigation and put the charges forward if they are warranted.

Robert Morrissey: That's fine.

Do you have a final comment, Mr. Foss?

Jimmy Lee Foss: Just let people do their jobs. I'm confident that if the enforcement team in DFO could have, they would have laid charges in my case.

Robert Morrissey: Thank you for your helpful insight.

The Chair: Thank you very much, Mr. Morrissey.

That completes our first panel. I would like to thank our witnesses for appearing today in person and for sharing their stories and experience. Your testimony is going to be incredibly helpful as we finalize a report from this study, which will have recommendations to the government for future action.

Thank you again for being here today.

We are going to briefly suspend while we set up for our next panel.

● (0920)

(Pause)

● (0925)

The Chair: I'd like to resume for our second panel.

Before going further, I would like to make some comments for the benefit of our new witnesses.

Please wait until I recognize you by name before speaking. For those who are participating by video conference, click on the microphone icon to activate your mic and please mute your microphone when you are not speaking.

[*Translation*]

For interpretation, those using the Zoom application have the choice of floor, English or French at the bottom of their screen. Those in the room can use their headset and select the desired channel.

[*English*]

I'll remind you that all comments should be addressed through the chair.

I would like to now welcome our witnesses for the second panel.

Appearing in person we have Daniel Fleck, executive director, Brazil Rock 33/34 Lobster Association.

Appearing by video conference we have Keith Hutchings, managing director, Canadian Centre for Fisheries Innovation.

With that, we're now going to hear opening statements from the witnesses, for five minutes or less, starting with Mr. Fleck.

● (0930)

Daniel J. Fleck (Executive Director, Brazil Rock 33/34 Lobster Association): Good morning, Mr. Chair and members of the Standing Committee on Fisheries and Oceans. I'm the executive director of the Brazil Rock 33/34 Lobster Association, and I thank you for the opportunity to speak today on this critical review of the Fisheries Act.

The legislation before you dictates the future of hundreds of coastal communities and a vital sector of our economy. Our position is simple, that to secure a sustainable, equitable and resilient Canadian fishery, we must institutionalize key protections that currently exist only as vulnerable departmental policies.

We have four recommendations for your consideration.

One is to strengthen owner-operator policy. The owner-operator and fleet separation policies are the economic backbone of Canada's coastal regions. They ensure that the wealth generated by the resource stays in the hands of the independent family enterprises and flows directly back to the communities that depend on fishing. They are the firewall against corporatization and absentee ownership.

The current issue, however, is that this foundational policy only exists as a department regulation. This makes it legally vulnerable and subject to administrative change, which is an unacceptable risk for the thousands of families whose livelihoods depend on it. Our clear recommendation is legal entrenchment. We urge you to amend the Fisheries Act to explicitly define and legally mandate the principles of owner-operator and fleet separation.

Specifically, the act should ensure that commercial fishing licences and quota allocations are held by individuals who are actively engaged in the harvest. By that I mean boots on the boat and residing in the community dependent on that fishery. This amendment provides the legal stability needed to protect independent family enterprises and ensure long-term coastal resilience.

Two is to incorporate the fishery as a strategic national asset. Canada's wild fishery is not just a commodity. It's a strategic national asset. It is vital to food security, a powerful expression of our sovereignty and inseparable from the cultural identity of our coastal towns, and yet the act and extension often manages it primarily through a narrow, short-term commercial lens.

We believe this resource requires strong legal protection.

Three is to ensure harvester knowledge is foundational in DFO science. Independent harvesters are the eyes and ears on the water, possessing decades of unparalleled local ecological knowledge. They see the shifts in stock distribution, the impacts of environmental change and the real-world performance of gear long before scientific models can detect them. This knowledge is indispensable.

The current system suffers from a disconnect where DFO science often operates in isolation. This can lead to management decisions that are scientifically sound on paper but impractical or inaccurate on the water.

Our recommendation is an integration mandate. Legally mandate the integration of harvester knowledge into DFO's scientific assessment and management process.

The most effective mechanism is the establishment of formal, mandatory comanagement advisory panels for all major fisheries. Harvester representatives on these panels must have defined roles and resources to contribute their observational data before stock assessment models are finalized. Critically, DFO must be required to explicitly document how this harvester-provided data was used or why it was reconciled or rejected in the final advice to the minister. This is the only way to improve accuracy and increase the legitimacy of management decisions.

Four is regarding commercial licensing policies. Our final, and perhaps most urgent, recommendation concerns the commercial licensing policies of Atlantic Canada. There are presently two ver-

sions of commercial licensing policies, one for indigenous persons and one for non-indigenous persons.

It is our recommendation that licences issued for commercial fishing should be under one policy. Commercial fishing is just that—commercial—regardless of who is doing the fishing. To allow different policies introduces the very real possibility of the corporatization of the commercial communal fishery or foreign ownership, and it removes the ability for indigenous persons to realize the financial gains derived from the fishery.

The Marshall decisions I and II said the Mi'kmaq have the right to participate in the "pursuit of a moderate livelihood". If allowed to become policy, the proposed commercial communal licensing policy for Atlantic Canada—of which we have only seen a presentation, not the actual draft—will be extremely detrimental to the future of commercial fishing in Atlantic Canada. Our recommendation is to amend the Fisheries Act to require the establishment of one commercial fishing licensing policy.

Mr. Chair and committee, the four recommendations presented today are not simply policy preferences but are structural necessities for a sustainable future: one, legal entrenchment of owner-operator; two, strategic designation of the fishery as a national asset; three, mandatory integration of harvester knowledge into DFO science; and four, one commercial licensing policy for Atlantic Canada.

I thank you for the time to be here. I welcome any questions you may have.

● (0940)

The Chair: Thank you very much, Mr. Fleck.

Next we're going to go to Mr. Hutchings for five minutes or less.

Hon. Keith Hutchings (Managing Director, Canadian Centre for Fisheries Innovation): Thank you, Mr. Chair, for the opportunity to present to the House of Commons Standing Committee on Fisheries and Oceans and your committee's review of the Fisheries Act.

My name is Keith Hutchings. I am the managing director of the Canadian Centre for Fisheries Innovation located in St. John's and driven by an industry-led board of directors representing the harvesting, processing and aquaculture sectors. The centre is a conduit between the fishing sectors, academia, science and research institutions, and companies that support the industry.

In the review of the Fisheries Act, I believe we need to focus on a renewed commitment to the social and economic benefits of the industry while ensuring its continued sustainability through collaborative knowledge sharing that supports innovation, technology adoption and applied research initiatives to maximize the opportunities of the seafood industry. The resource challenges and ecosystem shifts of recent decades have understandably focused our attention on and dedication to ensuring that our resource endowments are being sustainably managed. Though we should never lose sight of the sustainable fisheries imperative, we also need to ensure that we extract the maximum value from our seafood resources.

CCFI has a 30-year proven record of collaboration with industry and academia applied research supporting resource sustainability and increased economic output. As examples, we have supported fish bycatch reduction, innovative and safer fishing vessel designs, catch rate efficiency and reduction in carbon footprint, reduction in ghost gear fishing, development of new products for export and development of brood stock for a cleaner fish in the aquaculture sector to eradicate seal lice and support development of new fisheries.

Fish and seafood are among Canada's most significant exports of food products today, valued at more than \$7.5 billion of the sector's total value of \$9 billion and driving economic development in coastal communities and all regions of our country. Our sector is the leading sector of the blue economy in Canada. For Canada to meet its potential, we need to spur adaptation to changes in world markets, tariff threats, technology, the requirements for sustainable harvesting and conservation methods, skill development, resource management and labour force demographics.

As in transitions in other industries, the potential for transformation lies in technology and information. Automation, robotic technology and AI are key to developing a more competitive, sustainable and integrated business model. However, other technologies can help gain a better understanding of resources, create stronger linkages between consumers and producers, maximize value, reorganize value chains and create the information and knowledge transfer to improve decision-making.

To meet these challenges and seize the opportunities, CCFI is pursuing the establishment of the Canadian fisheries and aquaculture industry network, CFAIN, under the strategic innovation fund with Industry, Science and Economic Development Canada. This network would facilitate industry transition through unprecedented collaboration among participants across the country in Canada's fish and seafood industry. The technology sector, academia, industry players, indigenous groups and research institutions will collectively accelerate change in the industry. The overarching goal will be for the industry to adopt business models that increase output value while reaching full utilization of resources through advanced processing, improved efficiency and sustainability in operations, through collaboration with industry players from across Canada.

Although Canada's seafood industry generates significant economic activity across all coastal regions and is a leading food export sector, it is diverse and fragmented with respect to species, industry structures, jurisdictional overlap and markets. Our industry often lacks a cohesive, collaborative approach to development and value creation. Nowhere is this more evident than in applied research and development. There are issues of scale and focus that lead to piecemeal investments that lack coherence, are diluted in scale and, not surprisingly, have not demonstrated the success of other North Atlantic jurisdictions, including much smaller competitors, such as Iceland and Norway. The need and opportunity for a strategic seafood innovation alliance has never been greater.

A recent consultants report sanctioned by CCFI reflects discussions with over 70 stakeholders from the wild harvest, fish processing companies, aquaculture, technology and gear manufacturers, research and academia from coast to coast to coast to garner feedback on the need and participation levels towards an innovation network.

The overwhelming support was recognized by those we consulted. The discussion was about the opportunity to instill a drive towards greater innovation, increase the adoption of different technologies, and improve productivity, sustainability and production practices with greater utilization of resources.

Certainly, there is a need for provincial and national collaboration, assisting domestic and international trade markets, and the need to attract funding and to bring ecosystem players together, facilitating collaboration, knowledge and innovation from coast to coast to coast. It's truly a nation-building effect with an ability to increase the value, anywhere from 10% to 34%.

I want to thank the committee for the ability to share some thoughts with you. I certainly look forward to any questions as we move forward.

Thank you very much.

The Chair: Thank you very much, Mr. Hutchings.

With that, we'll go into the first round of questioning, starting with Mrs. Anstey for six minutes or less.

Carol Anstey (Long Range Mountains, CPC): Thank you, Chair.

Thank you to the witnesses.

I serve a coastal area in Newfoundland and Labrador, where this industry is extremely important.

We heard quite heartbreaking testimony earlier, with respect to controlling agreements and corporate concentration, and we heard a real-life example of what that meant to a gentleman who was here in the hour before you.

I'd like to direct my question first to Mr. Fleck.

Since he has come and really wants to raise awareness around this issue, I think it's important that we give both witnesses an opportunity to add their perspectives.

His testimony revealed that the act might be sufficient, but enforcement is more the issue, mostly from upper-level management. I'm just wondering if this is something that you see. What is your perspective on the current act, whether it's an enforcement issue or something that needs to be changed?

Daniel J. Fleck: Thank you for the question.

First, I would say that I was moved by his comments. That's a very sad situation that he's found himself in.

I think it's a little of both. I believe that the act does need some amendments to really strengthen that owner-operator and fleet separation policy—the law...the act—because when policy and regulations are made pursuant to the act, they can be massaged and manipulated on a case-by-case basis, and things happen outside of that. The Fisheries Act is here. A regulation can't break an act, and a policy can't break a regulation, so we need it entrenched in the act, right off the bat, so nothing can impede that.

Carol Anstey: Further to that, is this something that you also see where you are? Can you relate to his testimony?

Daniel J. Fleck: Absolutely, I can relate to it. I will say that there are many times when people have complained, and people have become fatigued and tired from complaining because they haven't seen action. After a while, people stop complaining. It's been identified for years, though. It's not hard to see or to find in the local communities, if you know what you're looking for.

Carol Anstey: Thank you, I appreciate that.

You also highlighted the value of harvester knowledge. I hear this a lot in my riding. People who are working on the water don't get an opportunity to provide valuable insight. Can you give an example and describe what the real impacts of that are please?

Daniel J. Fleck: An example right now might be the mackerel fishery. People on the water are seeing mackerel. They're seeing large concentrations, large volumes and schools of mackerel in places, and by the time DFO gets their data from the captains and everything else, it'll probably be 10 years before DFO science will say that the captains were right in what they saw.

Carol Anstey: Mr. Hutchings, I'm wondering if you can also speak to this. You can use the redfish example, if you'd like, or any other instances where you felt that the voices of the people who have investments or the people who are going out on the water every day were being lost. Maybe give some real-life examples of that.

Hon. Keith Hutchings: That's an interesting question. The prior witness spoke to corporate concentration, owner and fleet separation. All of those are fundamental to the industry—I guess a shared industry—in ensuring that all can make a living and that it is shared through the various regions of our country, certainly in coastal and northern communities. It's extremely important. Whether it's in the act or in regulation, there's enough clarity, I think, in the industry as to what needs to be done and how it needs to be done through enforcement. I think that's a key component of it.

Specifically in regard to redfish and those sorts of things, at CC-FI, we're engaged with harvesters as well. We get that upfront knowledge, in terms of reacting to challenges that exist, whether it's related to technology or science, to basically answer those questions and to move the industry on. That local knowledge is just so important in terms of resource management, and from the innovation and technology perspective as well.

• (0945)

Carol Anstey: Just to expand on that, what's the impact to both the industry and the coastal communities when their voices are lost and they don't have meaningful input? What do you see? What are we at risk of there?

Hon. Keith Hutchings: I think we're risking the economic and social well-being of those communities where there are opportunities.

Fundamentally, the department looks at the sustainability of the resource. One of the things I highlighted in my witness statement was that we maximize the economic opportunity, and that's not selling out one on the other. For those communities where there are opportunities to expand fisheries, where there are opportunities for greater utilization of fish, we need to ensure that we're able to do that and create greater wealth for those communities and those participants.

Carol Anstey: I live in a community that's a little bit removed from the coastal communities. Would you agree that it's not just a direct impact to the coastal communities, but potentially also to the other areas outside that feed into the economics of these coastal communities? Would you agree that there's an indirect impact as well when these enterprises are being negatively impacted?

Hon. Keith Hutchings: Certainly, yes. That's a great point and a good correction to what I said. Yes, it's certainly not isolated to rural or coastal communities. They're the centres of commerce and activity that those harvesters and others participating in industry draw supplies and gear and all those other things from. They could be coming from an urban centre.

Yes, the picture is all in terms of the economics and the return to Newfoundland and Labrador and other centres throughout Canada.

The Chair: That's time, Ms. Anstey.

With that, we're going to move to Mr. d'Entremont for six minutes.

Chris d'Entremont: Thank you very much, Mr. Chair.

First of all, I'll start by thanking Mr. Gunn for those comments. My commitment to Acadie—Annapolis has not been diminished, and I hope he has more of those great quotes, because I stand by each and every one of them.

Listen, I'm always honoured to be a partner with Brazil Rock and the associations to help the Nova Scotia lobster fishery in the challenges we've had since 2020 and to continue to make things better.

Mr. Fleck, when we come to the owner-operator situation, we've had some pretty interesting testimony here today. What examples could you provide to us to show how prevalent owner-operator or fleet separation challenges are?

We know that in the licensing or in the transfer of the licence, DFO has the opportunity to review those documents and to approve or not approve them. Is that maybe where part of the challenge is? There has to be a point where DFO has its hands on a trust agreement and either says “yea” or “nay”. What kinds of examples do you have, and how does that process work?

Daniel J. Fleck: Thank you, but it's definitely not a yes-or-no answer.

• (0950)

Chris d'Entremont: I know.

Daniel J. Fleck: If a person or an officer or someone attended a wharf and said, “There's Mr. d'Entremont's boat”, they could then go to the ship registry under Transport Canada. It's open source, so anybody can do it. They punch in the name of the boat, and then it comes up that it's owned by a corporation. Then they go in and they look further in the registry of joint stocks and see who the officers are of that corporation or business, and they see it. It's right there. That's been done many, many times and provided to DFO.

I started my career with DFO as a fishery guardian in Chéticamp, Nova Scotia, in 1984. I finished my career in the spring of 2020 in Barrington Passage, Nova Scotia. Before I retired, there were times when we were directed to provide and compile lists of vessels and people who might be in violation of the fleet owner-operator policy, because lobster is supposed to be “the captain owns it—the captain runs it”.

It was all provided to the area director at the time, David Whorely, and he provided it to regional headquarters. After a couple of months, we asked where this stuff was, and the answer we got back was, “Oh, it was lost.”

Chris d'Entremont: We have a lot of work to do here.

Daniel J. Fleck: It's not.... You know, the dedicated officers of southwest Nova Scotia or the Maritimes region and across the country are smart people and they're well trained. You tell them what you want to enforce and they can do it. It doesn't take them long to figure out what it is, but we have a problem from senior management and political interference, in that the licence conditions they put before them make it impossible.

We've heard before of different departments or different agencies operating in silos and not speaking or communicating with each other. I believe that exists within DFO as well. Resource management doesn't speak with conservation and protection or with aborig-

inal fisheries, the indigenous fisheries. By the time it comes down to an officer's hands, it's “What can we do with this?”

Chris d'Entremont: Before I go to another question, I want to follow up a little on this one.

What change to the act would enshrine the policy or the issue you'd like to see?

Daniel J. Fleck: I'd like to see the entrenchment of the fleet separation and owner-operator policy, defining that the licences are protected and must be owned by those people, by that captain. He must operate it; he cannot lease it out.

Chris d'Entremont: Okay.

There are a couple of the other issues you brought forward. You know, you talked about having fisher knowledge involved in DFO science. Does the DFO consult with fishing organizations or fishers, or does it just come talk to you to tell you what it's going to do?

Daniel J. Fleck: I think we run into the thing through the advisory.... To me, the advisory process at the lobster meetings is fractured. It used to be that they had a certain amount of time—a day or two—where everything could be researched and thoroughly discussed and where common ground could be come to. Now, basically, there's no advice exchanged. The industry is told, “This is what you're going to have to do, and this is why.”

Chris d'Entremont: Okay.

I'll ask Mr. Hutchings something on the same run.

Does the DFO consult with industry in a proper manner?

Hon. Keith Hutchings: Well, in our experience, the organization I lead, we have interaction with the DFO, but we always hear from industry and various industry players that they're not getting a consultation, whether it's on resource management, fish catch rates or what they're seeing on the water as opposed to what DFO science is telling them. I mean, that's always a challenge, and we continue to hear that from those who prosecute the fishery.

Chris d'Entremont: I have a quick final question.

When it comes to the one policy issue that I haven't had a briefing on, that would be the corporate communal licensing. Maybe you can speak.... What does that actually mean? What did the presentation give you?

Daniel J. Fleck: If we have a licensing policy for non-indigenous people, there are certain things they can do. For the indigenous group, there are things that they can do that don't apply. However, in a commercial fishery, if it's commercial, it's commercial; it doesn't matter who's doing it. The corporatization could be.... If an individual has a fishing licence, if they can have one lobster licence, that's what they're fishing. A first nations community might have 10 lobster licences, and they can lease those 10 licences out to a corporation or entity. That's the corporatization that goes on there. Let's say an individual—I've known this myself—a gentleman, a member of a first nation, goes to the band council and says, "I'd like to fish a lobster licence this upcoming season," and he's told, "Well, give me \$100,000, and you can have it." When he asks, "Why \$100,000?", the answer is, "Well, that's what the non-indigenous corporation is giving us for it."

The Chair: Thank you very much, Mr. d'Entremont.

I'm sorry. We're going to have to stop it there.

[Translation]

Mr. Deschênes, you have the floor for six minutes.

Alexis Deschênes: Thank you, Mr. Chair.

Mr. Fleck, if I understand correctly, you worked at the Department of Fisheries and Oceans for 26 years, from 1994 to 2020.

Over the past few weeks, the Standing Committee on Fisheries and Oceans has been hearing some rather disturbing testimony about the lack of enforcement and about illegal fishing taking place in full sight of fishery officers, who don't intervene.

Can you give me your point of view on the current situation based on your experience?

[English]

Daniel J. Fleck: I might have misspoken with my years; it's actually 33 and a half years of service that I have had.

With regard to the experience of the officers, right now they're highly trained, fully capable, eager, intelligent people who want to serve the public and do the job they've been trained to do. Recently we have seen an uptick in the action and enforcement levels of activity and stuff. We're hoping that the Public Prosecution Service.... Officers have told me that it has not endorsed some of their cases. The Public Prosecution Service has Crown agents in the province who prosecute these cases. Officers have told me that they've brought very sound, strong cases that should be prosecuted, and they've been turned down. That comes from the Public Prosecution Service. Everyone believes it's from political interference and direction saying to not proceed with those.

• (0955)

[Translation]

Alexis Deschênes: In the examples you brought up, you said that, although fishery officers did their job to document illegal fisheries, Crown prosecutors did not lay charges. You also referred to political pressure.

In those examples, who was supposed to be protected and who gave the order to protect them?

[English]

Daniel J. Fleck: An officer can gather all the information and they can prepare a prosecution package, but they need the Crown's approval before they can actually go to the court and lay the information to proceed with it, and they're not receiving that approval. It dies before the charge is ever laid, because they need pre-approval to lay that charge. It could be against an indigenous person.

[Translation]

Alexis Deschênes: Mr. Chair, I want to submit something. I find it hard to accept the fact that, in a G7 country where the rule of law must be respected, we see that a piece of legislation like the Fisheries Act is not enforced in too many cases.

Again this morning, the program *Enquête* reported that a contra-band network is operating in plain sight.

We've heard a lot of testimony that all points in the same direction: We feel like we're in a country where legislation is not being enforced. The problem is not just theoretical; it concerns the protection of public resources and funds.

I think the Standing Committee on Fisheries and Oceans needs to act, Mr. Chair. I think we need to get to the bottom of this. I want to give notice of the following motion.

My motion reads as follows:

That, in light of the information obtained in the course of this study regarding the law enforcement barriers faced by fisheries officers, the Committee add at least three additional meetings and invite the following witnesses to answer questions on this matter:

- (a) Fisheries officers and/or union representatives for fisheries officers;
- (b) The Conservation and Protection Directorate of the Department of Fisheries;
- (c) The Deputy Minister and her Associate Deputy Minister;
- (d) Representatives of the RCMP;
- (e) Representatives of the Coast Guard; and
- (f) Any other witnesses the Committee deems relevant.

Since this motion is moved on notice, everyone will have time to receive it and think about it. We can discuss it at the next meeting.

The Chair: Thank you very much, Mr. Deschênes.

Your motion has been moved. I stopped the clock while you were reading it. We can come back to this at a future meeting.

You still have the floor for almost three minutes.

Alexis Deschênes: Thank you, Mr. Chair.

Mr. Fleck, let's continue our discussion.

You say that cases have been prepared and that Crown prosecutors have not approved the initiation of legal proceedings. You mentioned that the cases involved first nations members.

How do you explain this situation?

[English]

Daniel J. Fleck: I really wish I could give a good explanation for why that is. I can only assume it's political interference and people don't want to make waves, for whatever reason.

It's not only the indigenous community. There are people in the non-indigenous community who are, perhaps, involved in an illegal activity, and the cases just do not go forward. It impacts people. As we heard in previous testimony, why would someone go out and risk their life to do the job if the cases aren't going to go anywhere?

[Translation]

Alexis Deschênes: I have met with indigenous communities, and we were able to discuss the positive benefits that access to the commercial fishery enables them to enjoy. I'm convinced that there must be a large number of people within indigenous communities who disapprove of illegal fishing.

• (1000)

[English]

Daniel J. Fleck: That is correct. They don't see it with a good eye.

I will say that our association has close to 700 members, and we do have indigenous members and families in our association. We represent them.

It's bad for everyone.

[Translation]

Alexis Deschênes: So Fisheries and Oceans Canada authorities are not showing any political will to fight illegal fishing.

[English]

Daniel J. Fleck: That is correct. There's no willingness from above for the officers to proceed with these cases.

[Translation]

Alexis Deschênes: Thank you, Mr. Fleck.

If I have a few minutes left, I'd like to ask you a question, Mr. Hutchings.

How do you view the whole issue of the lack of enforcement of the Fisheries Act?

[English]

Hon. Keith Hutchings: It comes down to the legislative and regulated authority to do so, and it appears that exists. The question, as the prior witness just spoke to, then becomes why this isn't being instituted and directed as it should be.

It's fundamental to the overall operation of our fishery and resource management going forward. There should be no exceptions in terms of the regulatory framework that governs any fishery. It's tied to resource management. If there's someone breaking the law, they should be prosecuted.

[Translation]

The Chair: Thank you very much, Mr. Deschênes.

I think there are some issues with the screen.

[English]

It looks like the online stream is working fine for the video.

That finishes the first round of questioning.

We're going to move to the second round, and I'll pass the floor over to Mr. Small for five minutes.

Clifford Small: Thank you, Mr. Chair.

My first question is for Mr. Fleck.

Mr. Fleck, you heard Mr. Foss talk about quota and licences being purchased by indigenous groups, and that quota is being made available through controlling agreements. Do you have any thoughts on that? Do you think this exists?

Daniel J. Fleck: Yes, we know it exists. My association only represents lobster fisheries. Lobster licences are bound by the owner-operator and fleet separation policy, which means boots on boats. The licence holder is the captain and has to run the boat, but an indigenous community might have 10 or 15 and some have 17 licences just in lobster. They can lease them out to one corporation, and that corporation will approach people such as Mr. Foss, draw them in, and get them to operate that on an hourly wage or for a pittance, a stipend or whatever you want to call it.

Clifford Small: You were working with DFO conservation and protection in 2015 when the current Liberal government took power.

Do you have any knowledge of these types of things possibly happening in 2015, or has it increased with this current Liberal management after seven different ministers in 10 years?

Daniel J. Fleck: It was occurring before 2015 and during 2015, and it still occurs today.

Clifford Small: Has it gone down?

Daniel J. Fleck: Negative. No sir.

Clifford Small: Has the frequency and prevalence of corporate concentration increased?

Daniel J. Fleck: I will say yes, the reason being, right now, in LFA 33 or 34, in order to buy a licence and a boat and the gear, depending on the condition of the equipment, you're looking at \$1.4 million to \$1.6 million. With the financing that's available now and the economy, most individuals do not have that upfront money to get involved in that, whereas a corporation can front that.

Clifford Small: I understand that you were a fishery officer when the notorious and very sad Burnt Church fiasco happened.

How close do you think we are to seeing another Burnt Church in our fishery with the tensions that are there now between first nations and non-first nations harvesters? Has the act done anything to inflame or de-escalate those tensions?

Daniel J. Fleck: Up to probably six or seven weeks ago, I would have said that we're very close. The associations in southwest Nova Scotia and throughout the Maritimes have worked continuously with the industry to say, "Please stay calm. Do not do anything. Do not take action. Let the legal people, let the fishery officers and the RCMP deal with the criminality and take care of that." In the last six weeks, however, we've seen an increase in enforcement activity in the actions, seizures and arrests, and we're grateful for that.

How close were we? We were extremely close. People are tired of seeing the same thing occur year after year.

Does the act help us right now with that? No.

• (1005)

Clifford Small: If the act doesn't help us, how certain can we be that, if we reopen the act, we'll come out with a finished product that will be the right thing for the time and the job? Is it possible that we'll have something produced, a piece of legislation that does no more for the industry than what we have now?

We've had so many witnesses come here and say that the act in its current form hasn't been enforced over the last five years, so how can we be certain that, if we reopen the act, things are going to be put into it that are going to actually do what needs to be done for owner-operators?

Daniel J. Fleck: None of us can be perfect, but we can always try to do better. That's what I think we're trying to do. We're trying to do better.

Clifford Small: Thank you.

Mr. Hutchings, we've heard a lot of talk today and over the last few meetings, in fact, about corporate control in the Newfoundland and Labrador fishery.

Do you agree that there's a high degree of corporate control in the Newfoundland and Labrador fishery? You've had quite a lot of dealings and you have a lot of connections in the fishing industry on both sides, between processors and fish harvesters, right down there in your neck of the woods on the southern shore in fact.

What's your opinion on the state of the Newfoundland and Labrador fishery in terms of corporate concentration and neglect of the owner-operator policy being enforced?

The Chair: I'm afraid I have to ask for a very brief answer to that, given that we're over the time.

Hon. Keith Hutchings: Thank you.

It's always something that's predominant. You certainly have to have an ear to it.

I'd like a few seconds, but I don't think I have time. Look at our history and how we consolidated it from 250 plants down to where we are today. Any time you consolidate, there's always concern about making sure that everybody is benefiting as they should from the industry.

The Chair: Thank you very much, Mr. Small.

Next, we're going to Mr. Klassen for five minutes.

Ernie Klassen (South Surrey—White Rock, Lib.): Thank you, Mr. Chair.

Thanks to all the witnesses. We've heard some pretty interesting witness testimony here today.

Mr. Fleck, thank you for submitting your statements ahead of time. It was good to have a little time to digest what you were recommending. You had four recommendations in your conclusion, with one of them being the commercial licensing policy for Atlantic Canada. I'm curious about this.

When we're looking at the act, are you suggesting that there would be parts that apply differently in Atlantic Canada and in Pacific Canada?

Daniel J. Fleck: I believe that would be necessary. It's a different fishery on the west coast of B.C. I spent very little time working in B.C., but it's definitely a different fishery.

Ernie Klassen: Yes, for sure, it is a different fishery. Do you think there are other parts of the act that should be separated so that the Pacific fisheries are dealt with differently from the Atlantic fisheries?

Daniel J. Fleck: That could definitely be a possibility, yes.

Ernie Klassen: Do you have any examples of that? Can you think of anything?

Daniel J. Fleck: I can't for the west coast. I'm more familiar with the east coast, having spent the majority of my career in Atlantic Canada.

Ernie Klassen: Okay.

You talked about indigenous licences versus non-indigenous licences. While we talk about owner-operators, commercial harvesters and indigenous knowledge, and how the minister may consider indigenous knowledge, do you think that all of the different harvesters—indigenous and non-indigenous—are equally listened to or included in decision-making?

Daniel J. Fleck: I can't speak on behalf of the indigenous community. However, I believe that many times, the non-indigenous harvesters were not listened to about issues and things they were seeing on the water and in the environment, be it global warming or fish migration.

• (1010)

Ernie Klassen: You also mentioned the de-escalation that's happened in the last number of weeks. I'd like to think that some parts of the act were enforced by the officers. To what would you attribute the de-escalation that's happened in the last few weeks or months?

Daniel J. Fleck: I'd attribute it to a change in leadership at the very top of the government.

Ernie Klassen: That's good to know. Thank you.

Mr. Nelson mentioned that enforcement officers should become full peace officers. I assume they would have additional training. How would you feel about enforcement officers becoming peace officers as well?

Daniel J. Fleck: The additional training, in my opinion, would be minuscule. Fisheries officers are highly trained and very effective.

I believe people are concerned about the liability. What if they don't take action? Perhaps there's an impaired driver and they don't take action, and then that impaired driver kills someone down the road. There's liability because they could have taken action. They wouldn't necessarily be opening themselves up to some form of litigation, because they were acting outside of their powers, but they'd be sworn in to enforce the Fisheries Act as a peace officer.

Ernie Klassen: Lastly, we've heard from a number of witnesses that the act really doesn't need to be changed; it just needs to be enforced more than it has been in the past. You have four recommendations. Do you think there is much more to the act that needs to be changed, or does it mostly need to be enforced a little more strictly?

Daniel J. Fleck: I was only given five minutes to read my statement. I would have provided a longer one. There are some aspects and portions of this that I neglected to read, just to try to stay within my time.

I believe the act needs to be opened, and some portions of it need to be revised to deal with those four items I mentioned earlier.

Ernie Klassen: Thank you.

We only have a few minutes. Mr. Connors has one more question and he would like to share my time.

The Chair: You have 10 seconds, so I don't think it's...

Ernie Klassen: I'm sorry, I was looking at six minutes, not five.

Thank you very much.

The Chair: I'm afraid we're going to have to end it there. I send regrets to Mr. Connors.

I just want to mention to Mr. Fleck and Mr. Hutchings that if there is more evidence you would like to submit to the committee, you can do so in writing afterwards. That will be considered as we're preparing our report.

Daniel J. Fleck: Mr. Chair, I would also invite the committee to pose any questions that they would have for me in writing and I will reply as well.

Thank you.

The Chair: Thank you so much, Mr. Fleck.

[*Translation*]

Mr. Deschênes, you have the floor for two and a half minutes.

Alexis Deschênes: Mr. Fleck, you mentioned in your testimony that the connection between what is happening in the field and the decisions of the Department of Fisheries and Oceans, or DFO, isn't always optimal, and that adequate consultation with fishers and fishing stakeholders is lacking.

You're not the first one to say that. What would you propose to ensure that Fisheries and Oceans Canada can make decisions based more on the reality in the field?

[*English*]

Daniel J. Fleck: I think there would need to be greater communication and formal communication for decisions made in one division of the Department of Fisheries and Oceans, be it on resources management, aboriginal fisheries or licensing. There needs to be more discussion in a formal format.

When they're trying to come up with these decisions that might look great on paper or in theory they think they are going to work, when it gets into the hands of a fishery officer they will say that you don't have the law enforcement experience or the legal training. This is unenforceable. It might sound great, but they've violated a section of the charter or it's just not enforceable. It might sound good, but it will not work in practicality.

[*Translation*]

Alexis Deschênes: Basically, what you're proposing is that office doors be opened within DFO and that people talk to each other more.

[*English*]

Daniel J. Fleck: Yes sir, 100%.

[*Translation*]

Alexis Deschênes: To hear from fishers and fishing industry representatives, would you say that new mechanisms need to be put forward?

[*English*]

Daniel J. Fleck: Technology is always evolving. We're now facing electronic log books and electronic reporting of catch sold and where through the provincial legislation. All of that stuff could be analyzed, compiled and shared so it's not in just one group. We have to open those lines of communication.

It's not only to be heard, you have to be listened to, and vice versa.

● (1015)

[*Translation*]

Alexis Deschênes: I have one last quick question.

Section 2.5 of the Fisheries Act lays out the factors to be considered and indicates that the minister may consider them, but is not required to do so. A suggestion is currently circulating to limit the minister's discretionary power by forcing her to consider the factors provided in section 2.5, including the sustainability of fisheries, scientific information, and social, economic and cultural factors in the management of fisheries.

What do you think of that suggestion?

[*English*]

The Chair: Give a very brief answer. You can expand on that in writing as well.

Daniel J. Fleck: Okay.

Yes, the fish harvesters have to be listened to and they have to be given the equal weight of other people. An ENGO should not have the same weight as a person who is fishing. The ENGOs are well backed, they have lots of money. They can put all of that stuff in, whereas a non-profit is not going to be able to attend these meetings and compile all of this data.

Thank you.

[*Translation*]

The Chair: Thank you, Mr. Deschênes.

[*English*]

I want to thank our witnesses for their testimony today. It's going to be very helpful as we're putting together our report and the recommendations that are going to be flowing to government on the basis of that.

I would like to excuse the witnesses.

I know that Mr. Arnold wanted to bring something forward. Hopefully we can address it very quickly before we adjourn.

Mr. Arnold, I'll turn the floor over to you.

Mel Arnold: Thank you, Mr. Chair.

I have had discussions with all parties. I'd like to seek unanimous support to move the following motion and have it pass, if possible, today.

I move:

That, whereas the Commissioner of the Environment and Sustainable Development tabled reports in Parliament on November 6, 2025, including a report titled "Establishing Marine Protected Areas", the Committee invite the Commissioner of the Environment and Sustainable Development to appear with his officials for a two-hour meeting and provide testimony related to his report titled "Establishing Marine Protected Areas", and that testimony received in this meeting be included in evidence for the committee's upcoming study of marine and coastal protections.

The Chair: Thank you, Mr. Arnold.

Would anybody like to say anything about this?

Are we all in agreement?

(Motion agreed to)

The Chair: Thank you very much, everybody.

With that, the meeting is adjourned.

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