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REVIEW OF THE FISHERIES ACT: POLICY AND LEGISLATIVE CONSIDERATIONS AND RECOMMENDATIONS

Report of the Standing Committee on Fisheries and Oceans

Honourable Hedy Fry, Chair

NOVEMBER 2026
45th PARLIAMENT, 1st SESSION

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Hon. Hedy Fry
Chair

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Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON FISHERIES AND OCEANS

has the honour to present its

SEVENTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied the review of the Fisheries Act and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Department of Fisheries and Oceans provide fishery officers with a code of ethics to ensure their professional independence and establish their professional obligations. **21**

Recommendation 2

If the government proposes amending the *Fisheries Act*, that the Government of Canada amend existing Section 2.5 so that it reads:

2.5 Except as otherwise provided in this Act, when making a decision under this Act, the Minister may consider, among other things,

(a) the application of a precautionary approach and an ecosystem approach;

(b) the sustainability of fisheries;

(c) scientific information;

(d) Indigenous knowledge of the Indigenous peoples of Canada that has been provided to the Minister;

(e) community knowledge;

(f) cooperation with any government of a province, any Indigenous governing body and any body — including a co-management body — established under a land claims agreement;

(g) social, economic and cultural factors in the management of fisheries;

(h) the preservation or promotion of the independence of licence holders in commercial inshore fisheries;

(i) the intersection of sex and gender with other identity factors;

(j) harvester knowledge; and

(k) principles of adjacency, historical dependency and economic benefits. 27

Recommendation 3

That the Government of Canada introduce amendments so that the *Fisheries Act* explicitly recognizes the social, economic, and cultural dimensions of fisheries management, ensuring that licensing decisions prioritize the independence of small-scale, owner-operated fishing enterprises. Pending these legislative amendments, the Department of Fisheries and Oceans should integrate these considerations into all licensing policies and decisions in Pacific fisheries. 28

Recommendation 4

That the Department of Fisheries and Oceans improve its communication tools and practices with commercial harvesters and Indigenous communities for changes to fisheries, quotas, gear, and opening and closing dates. 28

Recommendation 5

That the Department of Fisheries and Oceans increase its capacity to enforce the 2019 changes to the *Fisheries Act* so that proper administration of the Act can fully take place. 38

Recommendation 6

That the Government of Canada review its enforcement of the *Fisheries Act* and realign resources and provide other tools required for optimum enforcement. 38

Recommendation 7

That the Department of Fisheries and Oceans review the powers of fishery officers and training programs of fishery officers to ensure that officers have the tools, training, and authorities necessary to conduct their duties safely and effectively. 46

Recommendation 8

That the Department of Fisheries and Oceans review training materials for fishery officers and fishery managers to ensure that they contain comprehensive information about Aboriginal and treaty rights in order that fishery officers feel confident in enforcing the *Fisheries Act* in situations involving Indigenous harvesters. 46

Recommendation 9

That the Department of Fisheries and Oceans evaluate the current designation of "fishery officers" and examine the process and feasibility of reclassifying fishery officers as "peace officers" to ensure greater flexibility in their response and safety in the field. 46

Recommendation 10

That the Government of Canada review the compensation and retirement provisions for fishery officers within the Department of Fisheries and Oceans, with particular attention to eligibility for early retirement at 25 years of service, consistent with comparable federal operational and enforcement occupations such as the Canadian Coast Guard, Parks Canada, and federal correctional services. This review should take into account the operational risks, enforcement responsibilities, and remote and high-risk working conditions associated with fishery enforcement duties, and assess options to improve recruitment, retention, and long-term workforce stability, including appropriate adjustments to retirement provisions to better reflect the nature of fishery officer service. 46

Recommendation 11

That the Government of Canada clarify whether the consent of the chief of a community's band council must be obtained before the Public Prosecution Service of Canada can initiate proceedings under the *Fisheries Act* or to issue a ticket to a member of that band council. 50

Recommendation 12

That the Department of Fisheries and Oceans and the Public Prosecution Service of Canada commit to enforcing the *Fisheries Act*, and other related laws, in a way that prohibits discrimination based on race, ethnicity, or any other immutable characteristic, as failing to do so undermines trust in Department of Fisheries and Oceans and ongoing reconciliation efforts. 51

Recommendation 13

That the Government of Canada increase fines and penalties for unauthorized fishing substantially so that they appropriately match the crime, and can act to deter bad actors in the fishery. 52

Recommendation 14

That the Government of Canada adopt legislation and policies ensuring that commercial fishing licences remain a privilege tied to active participation, with measures preventing vertical integration between fishing and processing sectors. Pending these legislative amendments, the Department of Fisheries and Oceans should implement policy and regulatory safeguards to ensure active use of licences where appropriate, taking into account fishery-specific biological, economic and management constraints, while safeguarding against unintended adverse impacts on independent harvesters in fisheries that are inactive or not economically viable, and to promote that reinvestment benefits continue to flow to coastal communities. 58

Recommendation 15

That the *Fisheries Act* be amended to require full transparency in licence ownership, including identification of all beneficial owners and, for corporate licences, disclosure of all shareholders. Pending these legislative amendments, the Department of Fisheries and Oceans should collect and publicly report detailed information on licence and quota ownership in Pacific Region fisheries. 59

Recommendation 16

That the Department of Fisheries and Oceans review the current legislation and regulations regarding owner-operator in Atlantic Canada and Quebec to remove loopholes that allow for controlling agreements to exist within the fishery through communal commercial licences. 59

Recommendation 17

That the Department of Fisheries and Oceans mandate stricter, more frequent, and more proactive enforcement of the anti-controlling agreement provisions, including more rapid enforcement and limiting windows for compliance. 59

Recommendation 18

That the Department of Fisheries and Oceans adopt policies to prevent and roll back corporate consolidation, anti-competitive behaviour, and market oligopolies emerging in the fishing industry across Canada, as well as introducing other policies that enable open and fair competition of independent fishers on both the Atlantic and Pacific coasts. 59

Recommendation 19

That the Department of Fisheries and Oceans immediately undertake to halt any licence or quota transfers that would lead to vertical integration between the harvesting and processing sectors in the Pacific Region and to ensure that any licence or quota transfers lead to beneficial ownership by independent Canadian harvesters or wholly Canadian owned small enterprises. 59

Recommendation 20

That the Government of Canada recognize the need for a robust independent Canadian-owned fishery on Canada's Pacific Coast. 62

Recommendation 21

That the Department of Fisheries and Oceans conclude expeditiously its review of the modernization of the fishery in the Pacific region so that protections for a built to fit owner-operator system on Canada's Pacific Coast can be enshrined within an updated version of the *Fisheries Act*. 63

Recommendation 22

That the Government of Canada introduce amendments to the *Fisheries Act* to establish fleet separation as the policy foundation for all owner-operated coastal and small-boat commercial fisheries, modeled on the Atlantic fisheries framework, to prevent licence concentration and protect local economic benefits. Pending these legislative amendments, the Department of Fisheries and Oceans should pilot policies and transitional measures in Pacific fisheries

to gradually implement fleet separation and limit speculative consolidation of licences by large or international organizations. 63

Recommendation 23

That the Government of Canada amend the *Atlantic Fishery Regulations* and the *Maritime Provinces Fishery Regulations* to clearly define the term "family member," without reference to the *Income Tax Act*, and to explicitly include spouses or common-law partners, children, brothers and sisters, as well as nephews, nieces, uncles, aunts, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law, while officially recognizing family-owned inshore fishing corporations in order to facilitate intergenerational transfers, ensure harmonization with applicable tax rules, and confirm that these family relationships continue even after the death of the individual who created those family relationships. 65

Recommendation 24

That the Government of Canada correct the drafting errors in the *Atlantic Fishery Regulations* and the *Maritime Provinces Fishery Regulations* by replacing the expression "a licence holder" with "the licence holder," by harmonizing the French and English versions in order to ensure a consistent legal interpretation, and by explicitly clarifying that a fisher may be the beneficiary of their own family trust and may also hold non-voting shares in a family-owned inshore fishing corporation. 66

Recommendation 25

If the government proposes amending the *Fisheries Act*, that the Act be amended to include a declaration that wild fisheries are a national strategic asset. 68

Recommendation 26

That the Government of Canada introduce amendments to the *Fisheries Act* to establish net gain of fish habitat as a mandatory outcome for all authorizations and habitat regulations, supported by offset ratios of 2:1 or higher, aligned with Department of Fisheries and Oceans science to ensure increased habitat quantity, ecological function, habitat value, and productivity. Pending these legislative amendments, the Department of Fisheries and Oceans should

amend its policies and practices to require net gain of habitat for all authorizations. **79**

Recommendation 27

That the Department of Fisheries and Oceans revise its offsetting framework to enable third-party habitat banking, and that the Government of Canada introduce amendments to section 42.1 of the *Fisheries Act* to permit such banks on a permanent basis. Pending these legislative amendments, the Department of Fisheries and Oceans should pursue pilot projects for habitat banks using existing powers.

Recommendation 28

If the government proposes amending the *Fisheries Act*, that

- **the Department of Fisheries and Oceans revise its offsetting framework to enable third-party habitat banking, and that the Government of Canada amend section 42.1 of the *Fisheries Act* to permit such banks on a permanent basis; and**

- **habitat bank credits only be produced, transferred, and applied within the same ecologically connected zones, watersheds, and estuaries, wherever possible; and**

- **pending this legislative amendment, the Department of Fisheries and Oceans should use existing powers to pursue pilot projects for Indigenous and industry led habitat banks.** **79**

Recommendation 29

That the Government of Canada establish a national fees-in-lieu program for fish habitat offsetting, allowing proponents to fund large-scale, expert-led habitat restoration while reducing regulatory delays and improving ecological outcomes, and that these changes initially be implemented by policy and later entrenched through regulation (under section 13, for example) and/or amendments to the *Fisheries Act*. **80**

Recommendation 30

That the Department of Fisheries and Oceans require small and medium-sized projects that harm fish habitat to offset their impacts through fees-in-lieu or habitat banking credits, and that the *Fisheries Act* be amended to ensure all harmful activities achieve net gain of habitat. **80**

Recommendation 31

That the Department of Fisheries and Oceans strengthen monitoring, compliance, and transparency by creating a public registry of offsets and requiring corrective action when offsets underperform, while supporting community-led participation in restoration and stewardship activities. **80**

Recommendation 32

Regarding offsetting policies and regulations derived from the *Fisheries Act*, that the Department of Fisheries and Oceans apply flexibility in offsetting policies and regulations for older power generation facilities that have already completed significant upgrades. **80**

Recommendation 33

That the Department of Fisheries and Oceans work to streamline, where possible, the approval processes for low-risk *Fisheries Act* authorizations to ensure the continued growth of Canadian industry, while maintaining robust protection for critical habitat and species at risk. **80**

Recommendation 34

That the Department of Fisheries and Oceans update the *Policy for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat* and the *Interim Policy for Establishing Fish Habitat Banks to Support the Administration of the Fisheries Act and the Species at Risk Act* to streamline the *Fisheries Act* Authorization review process for habitat bank withdrawals as offsetting by establishing clear criteria and pre-approved conditions for using habitat credits, reducing administrative delays and uncertainty. **80**

Recommendation 35

That the Department of Fisheries and Oceans develop a plan, with timelines, to implement the *Prescribed Works and Waters Regulations*. **81**

Recommendation 36

That the Department of Fisheries and Oceans better manage the risks of cumulative effects on fish habitat through multiple small projects and allow for a proper offsetting mechanism. **81**

Recommendation 37

That the Department of Fisheries and Oceans develop a tool to assess and manage the risk of cumulative effects harmful to fish habitat and that, 12 months from the tabling of this report, the Department of Fisheries and Oceans report to the Standing Committee on Fisheries and Oceans the department's progress in implementing this recommendation. **81**

Recommendation 38

That the Department of Fisheries and Oceans develop a tool to assess and manage the risk of cumulative effects within DFO policies and procedures governing authorizations and other directions to project proponents, and that, 12 months from the tabling of this report, the Department of Fisheries and Oceans report to the Standing Committee on Fisheries and Oceans the department's progress in implementing this recommendation. **81**

Recommendation 39

That the Department of Fisheries and Oceans work in collaboration with all levels of government, Indigenous communities and partners to remove barriers and/or implement cost-effective measures that allow fish migration. **81**

Recommendation 40

That the Department of Fisheries and Oceans

- **continue its work to implement the *Cabinet Directive on Regulatory and Permitting Efficiency for Clean Growth Projects*, which includes driving culture change within the department that reflects the urgent action required to accelerate clean growth; and**

- **be supported with the appropriate level of resources to effectively implement the actions stemming from this review and their efforts to accelerate processes for clean growth projects.** **81**

Recommendation 41

If the government proposes amending the *Fisheries Act*, that the Act be amended by adding the following definition of aquaculture: "the breeding, rearing, and harvesting of fish, shellfish, algae and other organisms in all types of aquatic environments." 91

Recommendation 42

That the Department of Fisheries and Oceans reinforce that fishing closures that necessarily entail job losses and devastating impacts to fish harvesters, their families, and coastal communities, must be restricted to genuine conservation concerns grounded in empirical data and backed up by core fishery science. 91

REVIEW OF THE *FISHERIES ACT*: POLICY AND LEGISLATIVE CONSIDERATIONS AND RECOMMENDATIONS

INTRODUCTION

The *Fisheries Act* is one of the oldest federal laws in Canada, dating back to the early days of Confederation in 1868. It has undergone a number of revisions since that time. The most recent set of significant changes, passed in 2019 through Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence,[1] included a new purpose article, which describes the Act as "a framework for (a) the proper management and control of fisheries; and (b) the conservation and protection of fish and fish habitat, including by preventing pollution."[2] Bill C-68 also reinstated provisions relating to the "harmful alteration, disruption or destruction of fish habitat," commonly referred to as "HADD." The House of Commons Standing Committee on Fisheries and Oceans (the Committee) studied Bill C-68, having previously reviewed the impact of earlier amendments to the *Fisheries Act*.[3]

Generally, the *Fisheries Act* sets out the Minister of Fisheries and Oceans' authorities and obligations, the powers of fishery officers and fishery guardians, prohibitions, offences and punishment, and the Governor in Council's regulation-making authority.

This Committee's review of the *Fisheries Act* started during the 44th Parliament when, on 8 February 2024, the Committee adopted the following motion:

> That pursuant to Standing Order 108(2), the committee undertake a study of up to eight meetings to conduct a comprehensive review of the Fishery Act 2019 [*Fisheries Act*]; that the committee report its findings and recommendations to the House; that the committee invite a wide array of stakeholders to comment on the act since its last update in 2019, including but not limited to a) industry experts and harvesters and representatives from labour organizations, b) [I]ndigenous harvesters and

1 An Act to amend the Fisheries Act and other Acts in consequence, 42nd Parliament, 1st Session.

2 *Fisheries Act*, R.S.C., 1985, c. F-14, section 2.1.

3 House of Commons, Standing Committee on Fisheries and Oceans (FOPO), *Review of the Changes made in 2012 to the* Fisheries Act*: enhancing the protection of fish and fish habitat and the management of Canadian fisheries*, 42nd Parliament, 1st Session, February 2017.

> community representatives, c) representatives from environmental and conservancy organizations; that the committee invite stakeholders to submit written submissions regarding the Fishery Act [*Fisheries Act*], beginning at the time this motion is adopted and concluding at the end of the meetings assigned to this study and that these submissions be entered into the record as part of the study; that the committee dedicate two of the meetings to representatives from northern and remote regions; that the committee begin this immediately after the study on wrecked and abandoned vessels proposed by MP Barron; and that, pursuant to Standing Order 109, the committee request the government issue a comprehensive response to the committee's recommendations.[4]

The Committee's work on the study ceased after seven meetings with witnesses when the 1st Session of the 44th Parliament was prorogued on 6 January 2025. When the Committee was re-established during the 45th Parliament, the Committee agreed to continue its review of the *Fisheries Act* and adopted the following motion on 17 June 2025:

> That whereas a modern *Fisheries Act* is essential to a robust, well managed fishery; it is mandatory for the *Fisheries Act* to be reviewed every five years; this committee engaged in vital work toward updating the *Fisheries Act*, including hearing testimony from harvesters in Atlantic Canada and Quebec, Indigenous leaders, and key industries whose growth will help build a strong Canadian economy; dozens of written statements were submitted to the committee on vital changes needed in the *Fisheries Act*; pursuant to Standing Order 108(2)(a), the committee agree to bring forward the work completed on the review of the Fisheries Act during the first session of the 44th Parliament, including testimony and written submissions, and resume its statutory review of the *Fisheries Act*; furthermore, the committee shall allot no fewer than five additional two hour meetings to this study; furthermore, pursuant to Standing Order 109, the committee asks that the government provide a comprehensive response to its report.[5]

Finally, on 18 November 2025, the Committee adopted a motion to extend the study and include additional meetings specifically relating to enforcement of the *Fisheries Act*:

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4 House of Commons, Standing Committee on Fisheries and Oceans (FOPO), *Minutes of Proceedings*, 8 February 2024.

5 FOPO, *Minutes of Proceedings*, 17 June 2025.

> 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 Fisheries and Oceans Canada;
>
> c) the Deputy Minister of Fisheries and Oceans Canada and her Associate Deputy Minister;
>
> d) representatives of the Royal Canadian Mounted Police;
>
> e) the Minister of Justice;
>
> f) the Deputy Minister of Justice;
>
> g) retired fisheries officers; and
>
> h) any other witnesses the committee deems relevant.[6]

In total, the Committee held 15 meetings with almost one hundred witnesses and received more than forty written briefs which have been posted on the Committee's website.[7] Public participation is essential to the Committee's ability to make recommendations to the Government of Canada that reflect the perspectives of all those who respect and protect this resource, particularly those whose lives and communities centre around it. The Committee is sincerely grateful to all those who shared their knowledge and concerns. The Committee also wishes to thank fishery officers for their essential role in supporting fisheries.

The main issues brought to the Committee relate to decision-making under the *Fisheries Act* (including transparency and ministerial discretion), the enforcement of the *Fisheries Act* and its regulations, fleet separation and owner-operator protections, the sustainability of fisheries, habitat protection, and Indigenous rights and reconciliation. These issues are the focus of this report.

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6 FOPO, *Minutes of Proceedings*, 18 November 2025.

7 Note that briefs received during the 44th Parliament, 1st Session are posted on the Committee's website for that session.

It is important to note that while many individuals or organizations described challenges with the existing Act and proposed recommendations to address perceived shortcomings, some submissions to the Committee advocated that the Act be left as is. For example, Morley Knight, Fisheries Management Consultant who appeared as an individual, observed that "there has not been adequate time, application of or assessment to consider if the revisions as implemented in 2019 are effective or not,"[8] and Bruce Chapman, Executive Director of Canadian Association of Prawn Producers, was of the opinion that the existing Act "provides the [M]inister with both the direction and the discretion necessary to deliver its mandate for the well-being of the resource as well as the fishery."[9] In its brief, the Fisheries Council of Canada recommended "that no further legislative changes to the *Fisheries Act* be made at this time."[10] Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology with the Canadian Wildlife Federation also told the Committee that no amendments to the *Fisheries Act* were needed, but observed that "[d]espite the strength of the *Fisheries Act*, after five years the department is not achieving its purpose."[11] Similarly, Kate Lindsay, Senior Vice President and Chief Sustainability Officer for the Forest Products Association of Canada, stated that "[t]he lack of progress on behalf of DFO [Fisheries and Oceans Canada] in implementing the 2019 *Fisheries Act* is really not acceptable, and it falls short of commitments made by the government when the new act came into force."[12]

TRANSPARENCY IN DECISION-MAKING UNDER THE *FISHERIES ACT* AND SCOPE OF MINISTERIAL DISCRETION

Many witnesses spoke about decision-making under the Act. They were concerned both with how decisions were being made, including how harvester knowledge was considered, as well as how the basis for those decisions was communicated. In a brief, Trevor Swerdfager and Derek Armitage from the University of Waterloo School of Environment, Resources and Sustainability summarized their concerns with decision-making, discretion and transparency as follows:

8 Morley Knight, Fisheries Management Consultant, as an individual, *Evidence*, 28 October 2025.

9 Bruce Chapman, Executive Director, Canadian Association of Prawn Producers, *Evidence*, 18 November 2025.

10 Fisheries Council of Canada, *Brief*, 31 October 2025.

11 Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology, Canadian Wildlife Federation, *Evidence*, 25 November 2024.

12 Kate Lindsay, Senior Vice President and Chief Sustainability Officer, Forest Products Association of Canada, *Evidence*, 11 December 2024.

> There is no requirement for the Minister to share scientific information or data with respect to fisheries. There is no direction to a Minister to consider socio-economic aspects of their decisions or broader socio-economic aspects of fisheries management. From an accountability perspective, there is no requirement for a Minister to set any fisheries or fish habitat conservation targets, no statutory requirement for fish harvesters to report on their catch and no requirement for a Minister to report to Parliament and Canadians on the status of Canada's fish stocks or progress in conserving them. The combined effects of these challenges are substantial. Marine biodiversity does not receive the legislative and programmatic attention it deserves. Indigenous organizations are cut off from decisions directly affecting their traditional territories, practices and rights. Fisheries management decisions often lack a focus on sustainability and broader ecosystem concerns and public confidence in the integrity of those decisions is sub-optimal at best.[13]

Todd Williams, Senior Director, Resource Management—Operations at DFO, told the Committee that he has explained to harvesters during meetings that he is unable to tell them how the information that harvesters have shared will be conveyed to the Minister as that advice is protected under the *Access to Information Act*.[14] The challenge, Lyne Morissette, fisheries and marine mammal specialist, explained, is that "[p]eople need to feel that their views are taken into account," observing that the *Fisheries Act* could be improved by "set[ing] up a framework that fosters a relationship of trust."[15] Tim Kennedy, President and Chief Executive Officer of the Canadian Aquaculture Industry Alliance proposed that the Act "be modernized to increase decision-making transparency and transform the current black-box approach the minister and DFO utilize." He recommended that the Act be amended to require the Minister to make public the scientific data and information that is used to make decisions, commenting that doing so "would dramatically increase decision-making integrity and credibility and focus debates on real issues rather than political posturing."[16]

Discussing *Fisheries Act* section 35 authorizations for projects that could result in the harmful alteration, disruption or destruction of fish habitat (discussed later in this report), Pierre Gratton, President and Chief Executive Officer of the Mining Association

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13 Trevor Swerdfager and Dr. Derek Armitage, School of Environment, Resources and Sustainability, Faculty of Environment, University of Waterloo, *Brief*, 21 November 2024.

14 Todd Williams, Senior Director, Fisheries Resource Management Operations, Fisheries and Oceans Canada (DFO), *Evidence*, 25 November 2024.

15 Lyne Morissette, Doctor of Marine Ecology, Fisheries and Marine Mammal Specialist, M-Expertise Marine Inc., *Evidence*, 2 December 2024.

16 Tim Kennedy, President and Chief Executive Officer, Canadian Aquaculture Industry Alliance, *Evidence*, 20 November 2024.

of Canada told the Committee that the application for authorization "goes into a bit of a black box, and you can keep following up, but you're in a queue."[17]

With respect to improving transparency, in their brief, Trevor Swerdfager and Derek Armitage propose adding a "transparency" section to the *Fisheries Act*, which would require the Minister to, among other things: "Consider the best available information (e.g., scientific) in all fisheries decision making with the proviso that appropriate guidelines for safeguarding the privacy and integrity of Indigenous knowledge are developed" and "[p]ublicly share all data collected by DFO or agents of DFO within twelve months of its collection."[18]

Derek Butler, Executive Director of the Nunavut Fisheries Association, explained to the Committee that:

> Predicting what will happen and what Mother Nature will do in the future is very difficult. Crab in the Newfoundland and Labrador context bottomed out in mid-2015 or 2014, and now it's resurged. We could not have foreseen that. We went through a colder phase of an overall warming regime.
>
> I think the [A]ct is responsive as long as we have flexibility in the minister's discretion and have adequate science to measure as we go. […] I teach graduate-level fisheries policy and sustainability, and I tell the students that counting fish is easy, except they move and you can't see them.[19]

Pointing to the need for stability in allocation decisions, Alberto Wareham, Chair, Board of Directors of the Fisheries Council of Canada stressed the importance of "transparent, consistent frameworks that recognize the importance of predictability in fostering long-term success."[20]

Sections of the Act that were specifically referred to in the context of ministerial discretion included section 2.5 (ministerial considerations in decision-making), section 7(1) (fishery leases and licences), and section 9.1 (fisheries management orders). Witnesses differed about which sections of the Act should be amended to address perceived challenges relating to ministerial discretion.

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17 Pierre Gratton, President and Chief Executive Officer, Mining Association of Canada, *Evidence*, 25 November 2024.

18 Trevor Swerdfager and Dr. Derek Armitage, School of Environment, Resources and Sustainability, Faculty of Environment, University of Waterloo, *Brief*, 21 November 2024.

19 Derek Butler, Executive Director, Nunavut Fisheries Association, *Evidence*, 27 November 2024.

20 Alberto Wareham, Chair, Board of Directors, Fisheries Council of Canada, *Evidence*, 11 December 2024.

As mentioned above, some witnesses discussed section 2.5 of the *Fisheries Act*. That section sets out a number of factors that the Minister may take into consideration when making a decision under the Act. Among other things, the Minister may consider:

(a) the application of a precautionary approach and an ecosystem approach;

(b) the sustainability of fisheries;

(c) scientific information;

(d) Indigenous knowledge of the Indigenous peoples of Canada that has been provided to the Minister;

(e) community knowledge;

(f) cooperation with any government of a province, any Indigenous governing body and any body—including a co-management body — established under a land claims agreement;

(g) social, economic and cultural factors in the management of fisheries;

(h) the preservation or promotion of the independence of licence holders in commercial inshore fisheries; and

(i) the intersection of sex and gender with other identity factors.

Sonia Strobel, Co-Founder and Chief Executive Officer, Skipper Otto Community Supported Fishery observed that "the [A]ct should ensure that the [M]inister's discretion does not override her obligation to take into consideration social, economic and cultural factors."[21] She also recommended that ministerial discretion in the context of shared-decision making be examined to "help ensure community members are consulted, not only licence owners."[22] Michael Barron, President of the Cape Breton Fish Harvesters Association, told the Committee that " [w]e need a transparent framework that guides ministerial discretion. Decisions should be consistent, accountable and based on fairness, not confidential agreements."[23] He also observed that decisions should not be

21 Sonia Strobel, Co-Founder and Chief Executive Officer, Skipper Otto Community Supported Fishery, *Evidence*, 9 December 2024.

22 Ibid.

23 Michael Barron, President, Cape Breton Fish Harvesters Association, *Evidence*, 30 October 2025.

"made behind closed doors. Agreements impacting fisheries must involve coastal communities, provinces and industry, not exclude them."[24]

Other witnesses supported the current discretion and flexibility the Act offers the minister. For example, Derek Butler observed that "the flexibility provided for in the [A]ct around the fish stock provisions, including the [M]inister's discretion, is crucial."[25]

With respect to section 2.5, a number of witnesses recommended that the language, "the Minister may consider" be amended from permissive to mandatory, so that the Minister either "must," "will" or "shall" consider certain factors.[26] This was particularly of concern in relation to section 2.5(g), "social, economic and cultural factors in the management of fisheries." As Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, explained:

> The Minister of Fisheries and Oceans must be explicitly mandated to consider socio-economic factors when making decisions regarding fisheries management. In particular, when DFO makes a decision that affects specific fisheries, the socio-economic impacts on local communities, harvesters and related industries must be fully accounted for. These considerations include the impact on local employment, the livelihood of harvesters and the broader community economy, including dependent industries such as processing and support industries such as boatbuilding, machine shops, rigging companies and the like.[27]

It was also recommended that adjacency (meaning that communities closest to the resource should be given priority) be added to the list of considerations under section 2.5. Specifically, Alastair O'Rielly, Executive Director of the Northern Coalition Corporation, explained:

> Access and allocation should be based on a predictable, coherent and consistent policy framework that not only offers a reasonable period of assured access but also enables the minister to optimize the public good when responding to substantive socio-economic and ecosystem shifts.

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24 Ibid.

25 Derek Butler, Executive Director, Nunavut Fisheries Association, *Evidence*, 27 November 2024.

26 See for example: Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025; Skipper Otto Community Supported Fishery, *Brief*, 9 December 2024; and Sonia Strobel, Co-Founder and Chief Executive Officer, Skipper Otto Community Supported Fishery, *Evidence*, 9 December 2024.

27 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024. Note that Carl Allen appeared twice, first for the Canadian Independent Fish Harvesters Federation and then on 18 November 2025 as Vice-President, New Brunswick, Maritime Fishermen's Union.

> Accordingly, we recommend that section 2.5 of the [A]ct be amended to require that the cornerstone principles of adjacency, historical dependency and economic benefits to be incorporated as mandatory legislative considerations in all access and allocation decisions, and that the minister must report how these principles have been applied. These amendments would improve consistency, predictability, transparency and accountability in access and allocation decision-making without fettering the minister's discretion.
>
> We note that these proposed amendments are consistent with the 2019 amendments to the fish stocks provisions of the act, which require ministerial actions and responses to sustainability risks.[28]

While not referring specifically to amending section 2.5, Dwan Street, President of the Fish, Food and Allied Worked Union (FFAW), who appeared on this study on 11 December 2024 as the Inshore Member Representative of Area 3Ps and President-Elect of the FFAW, also recommended "enshrin[ing] the principle of adjacency directly in the [A]ct, [to] ensur[e] that coastal communities have priority access to nearby fish stocks."[29] Bruce Chapman, Executive Director of the Canadian Association of Prawn Producers, however, offered a different perspective:

> FOPO has received presentations from some groups about their relatively low share of adjacent resource. At the core of that issue, the Independent Panel on Access Criteria concluded that, in the case of inshore fisheries, the application of adjacency is compelling. However, as the fishery becomes midshore and offshore fisheries, it's harder to justify, in particular when historic dependence is based on the premise that fishers who have historically fished a particular stock should enjoy continued access to that resource as well as that of the coastal communities from which they come.
>
> To explain this more fully, each of the 17 offshore northern shrimp licences have been allocated an equal share of the quotas in each of the respective shrimp areas. The model was explicitly designed to achieve an economically viable year-round offshore shrimp fishery in areas mostly far away from local ports, facing seasonal ice coverage to a greater or lesser extent. Clearly, imposing adjacency on this model will render the model unviable.[30]

When asked about section 2.5 and changing "may" to "must," Jim McIsaac, Executive Director of the BC Shrimp Trawlers' Association, indicated that it was language in section 7(1) that should be amended: "[S]ubsection 7(1) […] refers to the minister's 'absolute discretion'. We would have that replaced by 'with independent harvesters' and

28 Alastair O'Rielly, Executive Director, Northern Coalition Corporation, *Evidence*, 23 October 2025.

29 Dwan Street, Inshore Member Representative of Area 3Ps and President-Elect, Fish, Food and Allied Workers Union, *Evidence*, 11 December 2024.

30 Bruce Chapman, Executive Director, Canadian Association of Prawn Producers, *Evidence*, 18 November 2025.

coastal communities' support', and, after the word 'law', add 'or is not authorized to independent harvesters or coastal communities'."[31]

Similarly, in its brief, Skipper Otto Community Supported Fishery explained:

> Currently, section 7(1) other areas of the [A]ct give the Minister "absolute discretion" which can have the consequence of making the department a top-down, absolute decision-making and policing institution rather than a collaborative institution:
>
> […]
>
> If, on the other hand, the [A]ct were to specify "shared decision-making" with local harvesters, First Nations, and adjacent coastal communities, this could transform the department into being a supportive institution that strengthens local stewardship by ensuring fish harvesters, First Nations, and adjacent communities play key roles in decision-making.[32]

Martin Mallet, Executive Director of the Maritime Fishermen's Union, recommended "enhancing co-management and consultation. Fishermen often feel that management decisions, particularly in crisis situations—such as the right whale crisis in Atlantic Canada and the Atlantic mackerel moratorium—are made for them, not with them."[33]

Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton, who appeared as an individual, proposed that a code of conduct be established "for people in positions of authority with major discretionary power," including for "resource managers, since their discretionary power directly affects how decisions are perceived. That can undermine public confidence in the system."[34] With respect to establishing a code of conduct for fishery officers, she explained that:

> Fishery officers have major powers, but there is no binding code of conduct enforced by an independent entity to regulate their work. Such a framework would clarify the officers' roles and responsibilities. It would help protect the public in the event of a breach and support officers in the performance of their duties as a way to limit the influence of external pressures.[35]

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31 Jim McIsaac, Executive Director BC Shrimp Trawlers' Association, *Evidence*, 18 November 2025.

32 Skipper Otto Community Supported Fishery, *Brief*, 9 December 2024

33 Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

34 Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton, as an individual, *Evidence*, 23 October 2025.

35 Ibid.

Recommendation 1

That the Department of Fisheries and Oceans provide fishery officers with a code of ethics to ensure their professional independence and establish their professional obligations.

Claudio Bernatchez, Director General, Coopérative des Capitaines Propriétaires de la Gaspésie, suggested that the exercise of discretion is complicated by the frequent change in fisheries ministers, observing that he did not "believe that any of them ha[d] had enough time to develop the knowledge and expertise required to make sufficiently informed decisions about the most important issues."[36] Claire Canet, Project Manager with the Regroupement des pêcheurs professionnels du sud de la Gaspésie, also suggested the Minister's discretion was too broad:

> Fisheries management and access cannot be a subjective art—as we've heard—left entirely to the discretion of one individual or one administration without that discretion being objectively framed by fundamental principles. Otherwise fisheries management and access will become politicized and will be based on shifting and subjective criteria.[37]

Another section proposed for amendments in relation to ministerial discretion was section 9.1(1), which authorizes the Minister to make a fisheries management order if they are "of the opinion that prompt measures are required to address a threat to the proper management and control of fisheries and the conservation and protection of fish." Emily Orr, Business Agent from the United Fishermen and Allied Workers' Union—Unifor recommended amending that language from "of the opinion that" to "is able to factually or empirically justify that."[38]

With respect to accountability of the Minister, Kim Elmslie, Senior Campaign Director from Oceana Canada proposed that DFO report annually to Parliament "on the status and trends of all federally managed fish stocks."[39] She observed that:

> Canadians, including the members of this committee, have no regular and systematic access to information about the status of all federally managed fish stocks, how

36 Claudio Bernatchez, Director General, Coopérative des Capitaines Propriétaires de la Gaspésie, *Evidence*, 2 December 2024.

37 Claire Canet, Project Manager, Regroupement des pêcheurs professionnels du sud de la Gaspésie, *Evidence*, 30 October 2025.

38 Emily Orr, Business Agent, United Fishermen and Allied Workers' Union—Unifor, *Evidence*, 28 October 2025.

39 Kim Elmslie, Senior Campaign Director, Oceana Canada, *Evidence*, 23 October 2025.

> management decisions have been made or how scientific information and other forms of evidence have been used to support these decisions.[40]

She noted that the United States, Australia and the European Union are all required to provide these reports.[41] Other witnesses and authors of briefs also called for annual reporting to Parliament.[42] In addition to this proposed annual report, a brief submitted jointly by a number of non-governmental organizations recommended that the Act be amended to require:

> [E]very three to five years, an additional report to Parliament outlining a systematic assessment of key fish habitats, including changes and trends in ecosystem health, identification of stressors, and management actions, throughout Canada. If the report indicates declines and gaps, the Act should require a government response and action plan to address the report's recommendations, and follow-up monitoring of fish habitat. This is especially important in the context of cumulative effects.[43]

Scientific Information and Harvester Knowledge

One of the factors that the Minister may take into consideration when making a decision under the Act is scientific information (section 2.5(c)). Many witnesses spoke to the importance of scientific information in the decision-making process, with ideas relating to science at DFO generally and improving data collection. It is important to note that in February 2023, the Committee released a report on this topic: *Science at the Department of Fisheries and Oceans*.[44]

Speaking for the department, Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management at DFO, indicated that DFO was "collecting more data on fish stocks; dedicat[ing] effort to set new reference points for sustainable stock management and rebuilding plans; performing new stock assessments; and studying freshwater habitats to inform policy and regulatory decisions."[45]

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40 Ibid.

41 Ibid.

42 See for example Trevor Swerdfager and Dr. Derek Armitage, School of Environment, Resources and Sustainability, Faculty of Environment, University of Waterloo, *Brief*, 21 November 2024; and Canadian Wildlife Federation et al., *Brief*, 18 June 2024.

43 Canadian Wildlife Federation et al., *Brief*, 18 June 2024.

44 FOPO, *Science at the Department of Fisheries and Oceans*, 44th Parliament, 1st Session, February 2023.

45 Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management, DFO, *Evidence*, 20 November 2025.

He also noted that DFO uses "the Canadian Science Advisory Secretariat process to provide peer-reviewed science advice to inform decision makers."[46]

In contrast to Adam Burns' testimony that DFO is "taking action and doing the science needed to support decisions in alignment with the 2019 changes to the *Fisheries Act*,"[47] a number of witnesses pointed to areas in which they felt that DFO science falls short. For example, Alberto Wareham summarized the importance of science to fisheries and stated:

> Science is the bedrock of effective fisheries management, ensuring that decisions are informed by robust data and evidence. It supports not only sustainability, but also market access, as our international reputation depends on science-driven stewardship. Addressing gaps in stock assessments, integrating ecosystem-based approaches and fostering [I]ndigenous co-management are all critical areas requiring attention and investment.[48]

Jason McLinton, President of the Fisheries Council of Canada, stated that "the Government of Canada [needs] to conduct robust core fisheries science, which is essential for sustainable fisheries management,"[49] and Dwan Street observed that there were "definitely" gaps in fisheries science.[50] Kim Elmslie and Jeramy Boudreau, President of the Maritime Gaspereau Industry Association, indicated that more funding for science was needed,[51] while Bruce Chapman explained how that funding should be allocated:

> We believe DFO expenditures should be prioritized for applied science that should focus on sustainable utilization. We are asking DFO in this hard time to improve its stock assessment capacity and, if necessary, to finance that improvement through redirection of funds from other science programs.[52]

Colin McMillan, Council Chair of the Fisheries Council of Canada, shared an example of how gaps in science can impact markets:

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46 Ibid. For more information about the Canadian Science Advisory Secretariat or to consult its publications, see: Government of Canada, *Canadian Science Advisory Secretariat (CSAS)*.

47 Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management, DFO, *Evidence*, 20 November 2025.

48 Alberto Wareham, Chair, Board of Directors, Fisheries Council of Canada, *Evidence*, 11 December 2024.

49 Jason McLinton, President, Fisheries Council of Canada, *Evidence*, 23 October 2025.

50 Dwan Street, Inshore Member Representative of Area 3Ps and President-Elect, Fish, Food and Allied Workers Union, *Evidence*, 11 December 2024.

51 Kim Elmslie, Senior Campaign Director, Oceana Canada, *Evidence*, 23 October 2025; Jeramy Boudreau, President, Maritime Gaspereau Industry Association, *Evidence*, 6 November 2025.

52 Bruce Chapman, Executive Director, Canadian Association of Prawn Producers, *Evidence*, 18 November 2025.

> Some years ago, the Pacific salmon fishery had MSC certification. I'm sure everyone's familiar with the Marine Stewardship Council and their work around the world certifying fisheries to the benefit of customers, heavily the European and U.K. retailers. The market has spoken. These days you must have certification in a number of markets to be successful.
>
> Several years ago, our science was lacking, and the Marine Stewardship Certification process is relentless. The lack of science led us to have to abandon that certification. At the time, it was livable. Now, fast-forward to today's environment. Certification by some body, not necessarily Marine Stewardship, needs to be sanctioned by the GSSI-UN, the Global Sustainable Seafood Initiative. Without that, we're locked out of markets.[53]

Talent retention was discussed by Mia Parker, an Executive Board Member with the Canadian Aquaculture Industry Alliance, who observed:

> [W]hat we really need to do with DFO science is recruit more scientists.
>
> We have an avalanche, a waterfall, of really high-quality scientists retiring and very few new scientists being recruited to take their place. We're about to have a massive gap in our body of knowledge when it comes not just to aquaculture, but to fisheries management in general, because good management should be evidence-based and it should actually be based on sound science.
>
> We've been speaking about a transition here today and the interactions between wild and farmed fish, but you need to know the stock status and the best ways to conserve wild fish if you're going to manage interactions.[54]

Some witnesses raised issues with the scientific information considered by the Minister.[55] For example, Gideon Mordecai, Research Associate at the Institute for the Oceans and Fisheries, University of British Columbia, who appeared as an individual, told the Committee that:

> [C]oncerns about industrial and political interference undermining scientific integrity at DFO have been raised by [F]irst [N]ations, academics, NGOs and the DFO scientists' union.
>
> While there are many excellent scientists within DFO carrying out world-class research, it's the structural processes for reviewing and summarizing science that can be the issue. DFO's internal science advice has diverged from international scientific consensus on certain issues. The fisheries minister and other decision-makers can receive advice

53 Colin McMillan, Council Chair, Fisheries Council of Canada, *Evidence*, 23 October 2025.

54 Mia Parker, Executive Board Member, Canadian Aquaculture Industry Alliance, *Evidence*, 20 November 2024.

55 Science at DFO was the subject of a House of Commons Standing Committee on Fisheries report in the 44th Parliament: *Science at the Department of Fisheries and Oceans*, March 2023.

> portrayed as science, yet it isn't evidence-based, impartial or independently reviewed—essential components of trustworthy, high-quality scientific practice.[56]

Referring to a paper he co-authored, he recommended establishing an independent scientific body. He noted that this has been previously recommended, pointing to other independent scientific advisory bodies, like the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).[57] He commented that "[s]cience needs to be just science, based on evidence and free of political and economic influence. This will ultimately help to rebuild trust in DFO decision-making and guard against regulatory capture."[58] Gideon Mordecai also pointed to the importance of transparency and science in the decision-making process, observing that

> [i]ncreased openness would allow external scientists to assess the quality and relevance of the advice being applied. While it's understandable that economic and social considerations play a significant role in these decisions, they should be weighed alongside the science, not used to influence the interpretation of the science itself.[59]

Witnesses proposed ways to improve data collection. For example, Claudio Bernatchez proposed "recruiting fishers to acquire scientific data, which would foster co-operation…A greater understanding of the fishing environment and the many factors that define it will position us to give the industry the predictability it needs to become more resilient."[60] Carl Allen echoed the importance of harvester knowledge, observing that "[i]t is vital that the Department of Fisheries and Oceans continue to enhance the integration of traditional knowledge and harvester expertise in scientific assessments and studies."[61] Referring to the "invaluable insights into the ecology, behaviour and social patterns of fish populations that cannot easily be captured through standard scientific methodologies" harvesters possess, he proposed amending the *Fisheries Act* to explicitly require including "harvester

56 Gideon Mordecai, Research Associate, Institute for the Oceans and Fisheries, University of British Columbia, As an individual, *Evidence*, 9 December 2024.

57 Ibid.

58 Ibid.

59 Ibid.

60 Claudio Bernatchez, Director General, Coopérative des Capitaines Propriétaires de la Gaspésie, *Evidence*, 2 December 2024.

61 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024.

knowledge in all scientific assessments and studies conducted by DFO."[62] Doing so would also foster trust and collaboration between harvesters and scientists.[63]

Claire Canet also considered that fisheries management should include all knowledge sources,[64] and Michael Barron echoed the importance of local knowledge, observing that "[s]cience must guide fisheries management alongside local knowledge. That means better support for industry-led science and consistent application of precautionary principles."[65]

Pointing to why harvester knowledge was important, Jim McIsaac expressed that

> It's great that we should be led by science—there's no doubt—but science takes time and, quite often, it's five or 10 years behind what's going on in the ecosystem. The ecosystem changes in a heartbeat.
>
> If you look at the west coast, we have atmospheric rivers coming in and changing the ecosystem. We have blobs, heat waves and, then, on on top of that, we have the usual variability—the Pacific decadal oscillation, El Niño, La Niña. Those are happening all the time and, to keep up with that, science needs to be tempered with harvester knowledge from those who are on the water.[66]

To formally integrate harvester knowledge, Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association recommended establishing "formal, mandatory co-management advisory panels for all major fisheries."[67] Melanie Sonnenberg, President of the Canadian Independent Fish Harvesters Federation had a similar recommendation,[68] and Skipper Otto Community Supported Fishery suggested amending the reference to "community knowledge" in section 2.5(e) to include "harvester knowledge."[69]

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62 Ibid.

63 Ibid.

64 Claire Canet, Project Manager, Regroupement des pêcheurs professionnels du sud de la Gaspésie, *Evidence*, 30 October 2025.

65 Michael Barron, President, Cape Breton Fish Harvesters Association, *Evidence*, 30 October 2025.

66 Jim McIsaac, Executive Director BC Shrimp Trawlers' Association, *Evidence*, 18 November 2025.

67 Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association, *Evidence*, 6 November 2025.

68 Melanie Sonnenberg, President, Canadian Independent Fish Harvesters Federation, *Evidence*, 18 November 2025.

69 Skipper Otto Community Supported Fishery, *Brief*, 9 December 2024.

Getting to more technical aspects of improving data, Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association recommended the mandatory use of electronic logs:

> I think we all understand that, if we're going to protect the resource and make that paramount, there needs to be as much real-time data collection as possible. This is for our international certifications, but it's also for a lot of other reasons. […] If we can collect data for science and make that more timely, hopefully the people in resource management have more tools at their fingertips to make cases for when a stock is declining, but also for when a stock is rebounding.[70]

Recommendation 2

If the government proposes amending the *Fisheries Act*, that the Government of Canada amend existing Section 2.5 so that it reads:

2.5 Except as otherwise provided in this Act, when making a decision under this Act, the Minister may consider, among other things,

(a) the application of a precautionary approach and an ecosystem approach;

(b) the sustainability of fisheries;

(c) scientific information;

(d) Indigenous knowledge of the Indigenous peoples of Canada that has been provided to the Minister;

(e) community knowledge;

(f) cooperation with any government of a province, any Indigenous governing body and any body — including a co-management body — established under a land claims agreement;

(g) social, economic and cultural factors in the management of fisheries;

(h) the preservation or promotion of the independence of licence holders in commercial inshore fisheries;

70 Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

(i) the intersection of sex and gender with other identity factors;

(j) harvester knowledge; and

(k) principles of adjacency, historical dependency and economic benefits.

Recommendation 3

That the Government of Canada introduce amendments so that the *Fisheries Act* explicitly recognizes the social, economic, and cultural dimensions of fisheries management, ensuring that licensing decisions prioritize the independence of small-scale, owner-operated fishing enterprises. Pending these legislative amendments, the Department of Fisheries and Oceans should integrate these considerations into all licensing policies and decisions in Pacific fisheries.

Recommendation 4

That the Department of Fisheries and Oceans improve its communication tools and practices with commercial harvesters and Indigenous communities for changes to fisheries, quotas, gear, and opening and closing dates.

ENFORCEMENT AND PENALTIES

Enforcement of the *Fisheries Act* and its associated regulations was a dominant theme during the Committee's study. Jesse Zeman, Executive Director of B.C. Wildlife Federation postulated that "the application of the *Fisheries Act* is perhaps more important than the *Fisheries Act* itself."[71] He added that "[w]ithout enforcement, the *Fisheries Act* is merely a paper [tiger],"[72] and that "we can have all the laws we think will change the outcome and take care of fish, but if we have no enforcement of those laws, the laws don't mean anything."[73] Former DFO fishery officer and director Randy Nelson, whose career with DFO spanned more than three decades, appearing as an individual opined that "you can always improve the existing act, but enforcing it properly solves most of the problems."[74]

According to Peter Lambertucci, National Chief Enforcement Officer at DFO, fishery officers enforce the *Fisheries Act* and associated regulations using an "evidence-based"

71 Jesse Zeman, Executive Director, B.C. Wildlife Federation, *Evidence*, 9 December 2024.

72 Ibid.

73 Ibid.

74 Randy Nelson, as an individual, *Evidence*, 6 November 2025.

approach that is "supported by intelligence"[75] and free from political interference. He noted that a leading consideration in operational planning is officer safety.[76]

When he appeared before the Committee on the Supplementary Estimates (B), 2025–26, Peter Lambertucci explained that enforcing the *Fisheries Act* was more nuanced and complex than simply laying charges:

> We take a very progressive approach […] as we are enforcing. We do have, and we often do perform, education throughout the continuum of enforcement activities, but if it's unauthorized, we do move to an enforcement position.
>
> We have the right to protect the rights-based fisheries, and we do so. They have to have an orderly and safe season, as do all commercial harvesters. That is the very basis of our approach. When we take the enforcement continuum approach, it's evidence-based; it's based on ground truth, and we move forward based on that being intelligence-supported as we approach these enforcement initiatives. Whether it's a rights-based approach or a commercial harvest approach, unauthorized is unauthorized, and we follow that at every season, regardless of open or out-of-season fishing.[77]

Providing more details about which activities would generate what type of enforcement activity, he advised that:

> If there was a straightforward, unauthorized activity, and if it was a recidivist type of activity, there would be an enforcement continuum.
>
> On first contact, though, as we are educating the communities, we do sometimes provide educational materials. There are no educational materials provided if, in fact, it's investigative or part of an arrest towards a prosecution.[78]

However, many witnesses felt that the Act was not uniformly enforced across Canada. For example, Francis Bradley, President and Chief Executive Officer at Electricity Canada told the Committee "that there has always been an inconsistent approach to how this Act is administered across the country. There is no consistency from region to region."[79] Similarly, Darren Porter, Spokesperson for the Fundy United Federation explained that:

> The biggest issue with the *Fisheries Act* today is not the failure of the law itself but the inconsistency in its application and enforcement. I urge you to prioritize consistent,

75 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 20 November 2025.

76 Ibid.

77 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 4 December 2025.

78 Ibid.

79 Francis Bradley, President and Chief Executive Officer, Electricity Canada, *Evidence*, 20 November 2024.

> equitable enforcement of the *Fisheries Act* to protect our fisheries, uphold treaty rights and ensure the long-term sustainability of our marine ecosystems and coastal communities.[80]

Witness interventions, including those of Conservation and Protection enforcement officers, also focused on how insufficient enforcement could be tied to lack of funding. In particular, there were too few officers in the field and on the water. Jesse Zeman observed that "[a]s it relates to enforcement, the big picture is funding, capacity, and then outcomes"[81] and Dwan Street stated that "[t]he department is definitely under-resourced."[82] Claire Canet shared that "[w]hile fisheries officers do their work as best as they can even though they are understaffed, they cannot monitor the entire province of Quebec."[83] Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast for DFO, noted that:

> Fishery officers cover a vast geographic area with staffing levels that have not kept pace with modern pressures, including rights-based fisheries, commercial expansion and habitat complexity. Many detachments operate with minimum staff, leaving capacity for proactive patrols or complex investigations difficult.[84]

Jeramy Boudreau shared an example of how a lack of resources significantly impacts the ability to enforce the *Fisheries Act*:

> 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.[85]

In relation to resources and staffing, when the Honourable Joanne Thompson, Minister of Fisheries, appeared before the Committee on the Supplementary Estimates (B) 2025–

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80 Darren Porter, Spokesperson, Fundy United Federation, *Evidence*, 11 December 2024.

81 Jesse Zeman, Executive Director, B.C. Wildlife Federation, *Evidence*, 9 December 2024.

82 Dwan Street, Inshore Member Representative of Area 3Ps and President-Elect, Fish, Food and Allied Workers Union, *Evidence*, 11 December 2024.

83 Claire Canet, Project Manager, Regroupement des pêcheurs professionnels du sud de la Gaspésie, *Evidence*, 30 October 2025

84 Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

85 Jeramy Boudreau, President, Maritime Gaspereau Industry Association, *Evidence*, 6 November 2025.

26, she noted that “more resources for conservation and protection operations” have been invested.[86] Peter Lambertucci also indicated that “investments in capacity are ongoing and constant.”[87]

Enforcement issues were raised in relation to the owner-operator provisions, the habitat protection provisions (both discussed later in this report), and unauthorized fishing.

With respect to the habitat protection provisions, Nick Lapointe noted that between approximately 2012 and 2022, there were only about 10 charges.[88] He pointed to this as an example of inconsistency in enforcement, observing that “[c]ommercial fishers are frustrated that they're getting charged for having the wrong mesh size or catching a few extra fish. Meanwhile, the people who are destroying the habitat that supports those fisheries are not being charged.”[89] In a brief, Lachlan Riehl claimed that as of November 2024, “there has not been a conviction of a work, undertaking or activity [that harmed fish or fish habitat] other than fishing in Nova Scotia in at least a decade yet fishers are commonly convicted, even for clerical errors.”[90]

Darren Porter explained the significance of not enforcing habitat protection provisions: “Where habitat-related convictions are almost non-existent, activities other than fishing essentially have the equivalent of impunity.”[91] He requested “consistent and clear enforcement tools for habitat provisions, which can likely be achieved only if a dedicated group of conservation and protection officers are assigned to focus solely on fish and fish habitat provisions under the *Fisheries Act*.”[92]

With respect to illegal or unauthorized fishing, Véronique Chadillon-Farinacci shared that through access to information requests, she documented “dozens and dozens of reports from fishing businesses [that] saw people engaged in illegal fishing,” who reported

86 Hon. Joanne Thompson, Minister of Fisheries, *Evidence*, 4 December 2025.

87 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 4 December 2025.

88 Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology, Canadian Wildlife Federation, *Evidence*, 25 November 2024.

89 Ibid.

90 Lachlan Riehl, *Brief*, 25 November 2024.

91 Darren Porter, Spokesperson, Fundy United Federation, *Evidence*, 11 December 2024.

92 Ibid.

"apparent inaction by fishery officers."[93] Emily Orr also flagged illegal sales that were reported but that were not addressed "appropriately:"

> In many cases, there are examples of advertisements online for sale of fish that is not commercially in season. Members will phone me or email me with images or reports in real time demonstrating that these sales are occurring.
>
> Those members and, in some cases, I, will connect with fishery officers. We are generally met with a reluctance to interfere. In most cases, it would seem that it's an [I]ndigenous person selling the catch, and the fishery officers are very unwilling to interfere with that.
>
> In some cases, I think that is due to some confusion on the part of C and P [Conservation and Protection] as to what is legal or not, in terms of sale of catch.
>
> Predominately, that is what I hear from members. In some cases, that extends to processing companies.[94]

During the Committee's earlier study on illegal, unreported and unregulated fishing, Jim McIaac, who at that time was Coordinator for the B.C. Commercial Fishing Caucus, gave a specific example of advertising fish for sale in 2022 during a time that the commercial fishery was not open:

> There was no commercial fishery anticipated on the Fraser River, but there was fishing going on, all the way up the lower part of the Fraser River. There were pickup trucks selling sockeye salmon. There were Facebook advertisements of where to purchase sockeye salmon along the Fraser. Then, unexpectedly, the department opened the commercial fishery—a six-hour opening. That gave some legitimacy to the illegal sale of fish along the river.[95]

A number of witnesses who stressed the importance of increased enforcement pointed to challenges relating to the interpretation and assertion of First Nations fishing rights. For example, commercial fisher and former fishery officer (2001–2008) Jean-Sébastien Vacher, who appeared as an individual, felt that enforcement was not applied equally to Indigenous and non-Indigenous fishers. He explained that as a former fishery officer,

> [w]e were told to let [I]ndigenous people go unchallenged. They were new to the fisheries and challenging them could lead to legal disputes. The authorities didn't want to deal with these types of situations. We overlooked offences and never reported

93 Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton, as an individual, *Evidence*, 23 October 2025.

94 Emily Orr, Business Agent United Fishermen and Allied Workers' Union—Unifor, *Evidence*, 28 October 2025.

95 Jim McIsaac, Coordinator, BC Commercial Fishing Caucus, *Evidence*, 5 December 2023.

> offences committed by [I]ndigenous fishers. In contrast, we were mandated to report offences committed by other non-[I]ndigenous fishers, particularly commercial fishers.
>
> The issue lies in the fact that most poaching networks are operated by [I]ndigenous fishers who don't necessarily have the authorization of their band council. Sometimes, they aren't even associated with a band council, but they have the title of [I]ndigenous fisher. They often run networks that engage in poaching and the illegal sale of seafood products. This undermines both the enforcement of the *Fisheries Act* and proper fishery management, because we don't have all the catch data. Moreover, other non-[I]ndigenous fishers, who aren't treated the same way, feel a sense of injustice. Yet they too have a public right to fish in tidal waters. They have traditions and a culture.[96]

He explained that, as a fisher, he had no success in reporting what he perceived to be illegal fishing:

> I often report illegal fishing to Fisheries and Oceans Canada. I have called fisheries officers to tell them that so-and-so is out there in such-and-such a boat. Quite often, I know the person's name. I simply report them. The only time fisheries officers intervened was in the case of a person who did not have [I]ndigenous status.[97]

He explained the impact this has on his fishing area:

> to avoid conflicts with fishers, I end up abandoning the areas where they're present. So it's as if my fishing area is becoming smaller and smaller because I'm giving them space. I try not to disturb them, because I don't want to be negatively impacted in terms of my fishing rig.[98]

In terms of the scope of illegal fishing, he indicated that "[i]n my sector, I had the only commercial fishing licence in my zone. These are small zones. Suddenly, I estimated a number of cages equivalent to another licence, but it was illegal."[99]

When he asked DFO why no action was taken when he reported illegal fishing, he was told it was due to insufficient resources.[100] With respect to the direction he had been given to not intervene, Jean-Sébastien Vacher told the Committee that he could not confirm that that direction was currently being given to fishery officers. He had,

96 Jean-Sébastien Vacher, Commercial Fisherman, as an individual, *Evidence*, 2 December 2025.

97 Ibid.

98 Ibid.

99 Ibid.

100 Ibid.

however, “noticed that when a complaint is made about an [I]ndigenous poacher, nothing happens.”[101]

In correspondence to the Committee, Pascal Harvie, who was employed by DFO from 1998 to 2005, including as a fishery officer, shared one of his experiences when enforcing the *Fisheries Act*.[102] The captain of a docked vessel explained that he was transporting catches under two licences – one was his own and the other belonged to a First Nations fisher. Dockside monitoring showed that the captain’s cargo contained three undersized lobster and that the First Nations fisher’s cargo contained 15 undersized lobster and one egg-bearing female lobster, which was in contravention of the *Atlantic Fishery Regulations, 1985*. Pascal Harvie reported this to his supervisor, and it was agreed that charges would be laid against both the captain and the First Nations fisher. He later found out that only the non-First Nations individual was prosecuted. Pascal Harvie objected but was told that the direction to not prosecute the First Nations fisher came “from the top.”

Trevor Lushington, DFO Fishery Officer, indicated that “[w]e've never been told not to intervene.”[103] Similarly, responding to a question about whether direction was coming from either the Department of Indigenous Services or the Department of Justice to not intervene in alleged unauthorized fishing by Indigenous fishers, Kaili Levesque, Interim Deputy Minister at DFO, advised the Committee that “[t]he resource conservation and protection program is independent. It's based on activities on the ground and the judgment of fisheries officers.”[104]

Referring specifically to lobster harvested for food, social and ceremonial purposes (FSC),[105] fisher Nigel Buote explained that for many years, FSC lobsters “have increasingly been used for unregulated commercial sale.”[106] Despite harvesters reporting this “through advisory committees, letters, emails, calls and meetings with the Department

101 Ibid.

102 Pascal Harvie, Correspondence to FOPO, distributed 27 April 2026.

103 Trevor Lushington, Fishery Officer, DFO, *Evidence*, 9 December 2025.

104 Kaili Levesque, Interim Deputy Minister, DFO, *Evidence*, 4 December 2025.

105 The DFO page, Food, social and ceremonial fisheries explains: “The right to fish for food, social and ceremonial (FSC) purposes is protected under section 35 of the Constitution. It is a collective right, not an individual one. Designated Indigenous harvesters can catch what is needed for themselves and/or their community for FSC purposes. FSC fishing does not provide an opportunity for the sale of catch. It may also occur at various times of the year, which are not always aligned with commercial fishery seasons or areas. Decisions about when a fishery is opened or closed are made through the fish management process.”

106 Nigel Buote, Fisherman, as an individual, *Evidence*, 2 December 2025.

of Fisheries and Oceans and members of Parliament," he stated that this concern had not been addressed:

> We are asking for monitoring, transparency, conservation-based limits and eco-enforcement. We seek the same rules for everyone. The single most important principle in fisheries management is fairness. Conservation cannot succeed when different groups operate under different sets of rules. The lobster stock does not distinguish between sectors and neither should the enforcement of conservation measures. FSC fishing either occurs during the commercial fishing season, or it must have 100% third-party independent dockside monitoring. This ensures legitimately harvested FSC lobster is respected while preventing illegal commercial sale and protecting lobster stock health.
>
> Communal commercial licences issued to [I]ndigenous communities are intended to benefit the community directly. Leasing these licences to third parties undermines transparency, fair access and conservation-based management. DFO must enforce the prohibition on licence leasing consistently across all sectors.[107]

With respect to enforcement against the sale of fish that are alleged to have been harvested for FSC purposes, Martin Mallet explained that every year, DFO indicates that they are trying to address the situation by negotiating with First Nations.[108] He indicated that selling FSC fish is contrary to agreements that are signed with First Nations.

Colin Sproul, President of the Unified Fisheries Conservation Alliance (UFCA) expressed similar views:

> Some people would believe this is a frontline issue or that there's animosity at the front line between DFO, C&P [conservation and protection] officers and our harvesters, but that couldn't be further from the truth. We share the communities and we're equally frustrated. I'm hesitant to speak for them, but we know them and we're in a position of trust with them. They tell us they are prevented from doing their job by their superiors because of political considerations.
>
> This isn't an accusation on our part. It is widely understood in our communities that we view the law being broken day after day. We see fishery officers observe it taking place, yet nothing happens.
>
> That's the bottom end of it, but the top end of it is certainly that the former national director of enforcement, Heather McCready, was influencing fishery officers and their command structure to not enforce the law against indigenous people who were violating the *Fisheries Act*. That's our accusation, and we firmly believe it.[109]

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107 Ibid.

108 Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

109 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 18 November 2025.

Kent Spencer, a retired DFO Aboriginal Affairs Advisor who appeared as an individual, also referred to challenges associated with investigating alleged illegal activity in the context of FSC fisheries:

> First [N]ations individuals are treated differently from recreational and commercial fishermen simply because of their right to fish for food.
>
> The way the situation works now in the Pacific region and in the marine areas is that if a [F]irst [N]ations individual is found in an investigation to have violated their communal licence, an investigation must be completed. This may take anywhere from 100 to maybe 1,000 hours of investigative time. This includes getting search warrants and accumulating statements—all those things put together. This is submitted to the Department of Justice for review. After that, it usually takes between four months and two years for a decision on whether charges will go ahead.
>
> However, the key factor in moving ahead with charges is based on support from the [F]irst [N]ations chief and council. If they support it, then the DFO will move forward on charges. If not, in most cases, charges are never put forward. As a consequence, fishery officers are not willing to put the time and effort into building a case for which charges won't be approved.[110]

It was also Geoff Thorburn's understanding that, to proceed with a charge, band approval was required:

> [U]ltimately it comes down to support from the [F]irst [N]ation whose member we are charging. That's a common theme. We've been in many situations in which we have found illegal harvesting taking place and have not been able to get the appropriate approvals from a local [F]irst [N]ation.
>
> When it comes to charge approval, because anything.... For an [I]ndigenous person, when we're charging them, it has to go through the charge approval process. On that requirement, they usually come back to us and ask, "Do you have the support of the person whose member this is?" That's usually where we get push back.[111]

Peter Lambertucci disagreed that consent from a chief and council was necessary to proceed with charges.[112]A follow-up response from DFO stated that "PPSC [Public Prosecution Service of Canada] has sole discretion in determining if a prosecution will be

110 Kent Spencer, Aboriginal Affairs Advisor (Retired), as an individual, *Evidence*, 9 December 2025.

111 Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

112 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 9 December 2025.

pursued and the factors contributing to such a decision."[113] The PPSC provided information on this point to the Committee by letter dated 18 February 2026:

> The reasonable prospect of conviction component of the test requires PPSC prosecutors to assess defences available to the accused on the evidence. This assessment includes, where applicable, defences based on the exercise of an Aboriginal or treaty right protected by section 35 of the *Constitution Act, 1982*. Section 35 recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada, defined as Indian, Inuit and Métis peoples.
>
> While the case law in this area continues to evolve, its application in criminal law is clear. If the Indigenous accused person can prove that they were exercising an unextinguished Aboriginal or treaty right at the time of the alleged offence, that the legislative provision in question infringes upon the right, and the infringement cannot be justified by the Crown, then the accused person cannot be convicted of the offence and there is no reasonable prospect of conviction.
>
> In light of the development of the case law in this area in the 1990s and 2000s, the DFO's Pacific Region developed a Standard Operating Procedure (SOP) in respect of charge approvals for Indigenous individuals. The SOP requires that fishery officers submit specific information to the PPSC when requesting charge approval so that reviewing prosecutors can determine whether a section 35-based defence may apply to the proposed charges. It includes a checklist of information that the fishery officer must fill out, including whether the individual's First Nation was consulted about the charges and if so, the response.
>
> This information is not provided because the First Nation's response is determinative of whether the prosecution will proceed. Instead, this information is provided because it may assist with the reasonable prospect of conviction assessment, as section 35 rights are collective in nature. If the proposed charges satisfy the decision to prosecute test, then the PPSC will proceed with a prosecution, even where the accused person's First Nation does not support charges being laid.[114]

Despite this, Kent Spencer felt as though that ambiguity in regulations was a hurdle faced by fishery officers in the context of First Nations fishers under previous versions of the Act:

> First [N]ations have the first kick at the [can], if you will, or the first right to harvest fish for FSC. The issue then is when and how much they can harvest, especially if we have low runs. It's hard for C and P to enforce something when it's not specifically defined.
>
> We can try to say, "You can harvest so many pieces of fish", but if the person goes over that, it's difficult for us to charge, in the sense that maybe they'll make the argument

113 DFO, Written Response to Questions, received 9 April 2026.

114 Public Prosecution Service of Canada (PPSC), Written Response to Questions, 18 February 2026.

> that the extra fish is needed for additional people within the community and they need the food to survive.
>
> I'm not disagreeing with any of that, but it makes it very difficult for a fishery officer, who needs to be able to know what is right and what is wrong in order to enforce the act.[115]

With respect to concerns about the perceived lack of enforcement involving Indigenous fishers, Peter Lambertucci explained that:

> we have a right to protect the rights-based fisheries and FSC as well. These are sometimes highly charged situations, and our fisheries officers do an outstanding job in those situations and implement their best judgment on what part of the enforcement continuum to implement, be it education, ticketing or further elements of that enforcement continuum.[116]

Recommendation 5

That the Department of Fisheries and Oceans increase its capacity to enforce the 2019 changes to the *Fisheries Act* so that proper administration of the Act can fully take place.

Recommendation 6

That the Government of Canada review its enforcement of the *Fisheries Act* and realign resources and provide other tools required for optimum enforcement.

Fishery Officers

The powers of fishery officers are set out in the *Fisheries Act*, including powers of inspection, arrest and seizure. Many witnesses applauded the efforts of fishery officers, including Daniel J. Fleck who, prior to his role with Brazil Rock 33/34 Lobster Association worked for more than 30 years with DFO, starting as a fishery guardian. He described fishery officers as "highly trained, fully capable, eager, intelligent people who want to serve the public and do the job they've been trained to do."[117]

Morley Knight described some of the challenges to enforcement and the hurdles fishery officers face:

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115 Kent Spencer, Aboriginal Affairs Advisor (Retired), as an individual, *Evidence*, 9 December 2025.

116 Peter Lambertucci, National Chief Enforcement Officer DFO, *Evidence*, 20 November 2025.

117 Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association, *Evidence*, 6 November 2025.

> The greatest challenge with any enforcement organization is effectively applying the powers, and that requires training, supervision and leadership. That's an ongoing process. What I also know, and what I guess most of the committee members know, is that the operations that fishery officers carry out are often very complex and very controversial. They often find themselves in the middle of groups and disputes. They have the appropriate powers; it's a matter of applying what's in the [A]ct effectively.[118]

Rae McCleave, Program Officer, Onsite Training Coordinator with DFO, described concerns about resourcing and underpayment:

> Doing more with less is not practical in our line of work. We used to have detachments with 10 or more officers. Now we try to operate with half that or less. Fishery officers cannot possibly respond to every complaint. We operate with limited resources, in terms of both finances and personnel, to protect Canada's fishery resources along the longest coastline in the world. The retention of personnel is an ongoing issue. It doesn't help matters that wages are based on a 1969 job description for glass-blowers. Once trained, new officers often decide to pursue alternative law enforcement careers with a federal or provincial law enforcement agency, which pays substantially more.[119]

With respect to recognizing the value of fishery officers' work, Randy Nelson proposed that fishery officers be eligible for early retirement at 25 years of service, similar to Coast Guard, Parks Canada and corrections staff.[120]

Geoff Thorburn pointed to a lack of fishery officer input into decision-making as a barrier to enforcement:

> Many policy and operational decisions are made without meaningful input from the officers tasked with implementing them. This disconnect leads to policies that cannot be practically enforced, unclear operational expectations and inconsistent application of the act across regions. Frontline enforcement and management insights should be built into decision-making rather than added after the fact.[121]

The Committee heard conflicting evidence about whether fishery officers felt supported by their management. Discussing her research, Véronique Chadillon-Farinacci explained that:

> In recent years, I have studied the discrepancies in reporting of lobster-related offences between officers and citizens, the internal Fisheries and Oceans Canada exchanges on

118 Morley Knight, Fisheries Management Consultant, as an individual, *Evidence*, 28 October 2025.

119 Rae McCleave, Program Officer, Onsite Training Coordinator, DFO, *Evidence*, 9 December 2025.

120 Randy Nelson, as an individual, *Evidence*, 6 November 2025.

121 Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

> illegal elver fishing that led to the 2023 fishing season closure, and the ways fishers organize themselves when the regulatory authority is absent or discredited.[122]

With respect to a reporting structure for fishery officers, she observed that:

> There should be a clear hierarchy of the people to whom fishery officers report. Could the officers be influenced by managers? Fishery officers should be protected from these potential influences. That could repair or improve the relationship with the communities that are likely to report offences and problematic situations.[123]

She also explained that she shared her research with fishery officers and asked them to speak with her confidentially. However, she stressed that that most of the fishery officers she spoke with told her "that they were terrified of their employer or their managers."[124] In response to a question, she confirmed that some fishery officers were concerned with facing disciplinary measures if they exercised their authority. She added "[t]here is a generalized fear of hierarchical authority" among fishery officers.[125]

On the other hand, Morley Knight expressed that in his experience as both a fishery officer and a manager, he "never really felt that there was any real concern about reprisals for people who were doing their jobs appropriately."[126] He continued:

> As a manager and a director of the conservation and protection program, I was always able to push back to my supervisor. I felt safe in doing so and saying, "You shouldn't get involved with that. If you do, you could be the one ending up in court and giving evidence as a witness with the fishery officers, their supervisors and the Crown prosecutors.[127]

He noted that as a manager, there were times that he directed officers not to intervene because "it was too tense and that it was not in the public interest;"[128] that in some exceptional cases, due to the volatility of a situation and potential risks to fishery officer's safety, officers were directed to "back away" from a situation.[129]

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122 Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton, as an individual, *Evidence*, 23 October 2025.

123 Ibid.

124 Ibid.

125 Ibid.

126 Morley Knight, Fisheries Management Consultant, as an individual, *Evidence*, 28 October 2025.

127 Ibid.

128 Ibid.

129 Ibid.

In the context of support for fishery officers within DFO, Peter Lambertucci explained that he takes his "accountabilities very seriously when it comes to legislation around harassment and violence in the workplace. To hear that there are reports of fear of reciprocity amongst the officers.... I can say that we would approach anything of that nature with ferocity."[130]

Some witnesses alleged that political interference impacted fishery officers' ability to enforce the *Fisheries Act*. Telling the Committee that "[o]ften, fishery officers can't go out and do their job," Randy Nelson pointed to the elver fishery as an example of political interference.[131] In response to a question about whether a supervisor might intervene to prevent an officer from acting, he agreed:

> [t]hat 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.[132]

In response to a question about political interference, Peter Lambertucci explained that:

> law enforcement independence is something we enjoy in [Conservation and Protection]. It is based in the rule of law that the judgment exercised by our fisheries officers on the ground is independent. The way we form that independence is through solid standards, practices, policies, guidelines, training and development, and that independence is a key function of their using their judgment in how they operate in the field.[133]

He later added that "we enjoy law enforcement independence in terms of how we implement our enforcement and judgment in these instances. That independence is free of political interference."[134]

When asked about political interference in the public prosecution service, Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, also stated "[w]e do not take political direction. There's not political influence in how the director advises, guides and directs prosecutors."[135]

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130 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 20 November 2025.

131 Randy Nelson, as an individual, *Evidence*, 6 November 2025.

132 Ibid.

133 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 20 November 2025.

134 Ibid.

135 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

With respect to enforcement directives, Jean-Sébastien Vacher told the Committee:

> We had to deal with fishermen who were fishing illegally, unless it was too complicated. Our supervisors often told us to do what they call "compliance analysis" in industry jargon, which meant going to see the fishermen at the dock, the commercial fishermen with licences, and checking the boxes for compliance with regulations. Was their logbook filled out? Were their licence conditions on board? Had they made their hail outs and hail ins? That's what we did instead of working on poaching cases, because they are more complicated and require more resources.[136]

Randy Nelson had suggestions for improving working conditions for fishery officers, including designating fishery officers as full-time peace officers. He stated that this was needed because:

> 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.[137]

This assertion was supported by some DFO witnesses, including Neil Jensen, Chief of Recruitment, Training and Standards for the DFO Pacific Region:

> For many years, the *Criminal Code*'s definition of fishery officers as peace officers has been unclear, creating confusion about when they hold that status while on duty. Recent opinions leave officers uncertain about liability coverage and legal authority. At times, they may be viewed as private citizens, despite being armed and in uniform. Other times, they're acknowledged as full peace officers. It's not something that can just be turned on and off with a switch. Officers do not feel supported in their authority and protections. Uncertainty could cause hesitation at critical moments, leading to harm or other negative outcomes. Clear, consistent peace officer status is essential for officer safety and public trust.[138]

Rae McCleave also raised concerns over fishery officers being peace officers only for the purpose of the *Fisheries Act*,[139] and Geoff Thorburn noted the importance of this designation to more effectively deal with organized crime in fisheries:

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136 Jean-Sébastien Vacher, Commercial Fisherman, as an individual, *Evidence*, 2 December 2025.

137 Randy Nelson, as an individual, *Evidence*, 6 November 2025.

138 Neil Jensen, Chief of Recruitment, Training and Standards, Pacific Region, DFO, *Evidence*, 9 December 2025.

139 Rae McCleave, Program Officer, Onsite Training Coordinator, DFO, *Evidence*, 9 December 2025.

> We see increased involvement of organized crime groups using [I]ndigenous harvesters and their rights as a means to launder illegal fish. Individuals from [I]ndigenous communities who participate in this laundering take food away from their own people and, in the long term, the necessary conservation and protection measures to ensure a moderate livelihood. Our officers often lack the investigative resources, the inter-agency communication and, most importantly, the support needed from [I]ndigenous communities to confront these networks.
>
> To combat organized crime, fishery officers require peace officer status. This will allow us to enforce legislation outside the confines of the *Fisheries Act*, providing needed tools to meet organized crime head-on. Our current enforcement structure is not built to counter the sophistication and scale of our criminal groups active in the fisheries sector. Therefore, we need peace officer status to give us the tools to reach outside the authority of the Fisheries Act.[140]

With respect to organized crime in fisheries and the impact on enforcement, Peter German, President and Executive Director, Vancouver Anti-Corruption Institute, shared:

> Internationally, agencies such as the UN Office on Drugs and Crime warn that the fishing sector is structurally vulnerable to organized crime because of opaque ownership structures, international vessel movement and high-value commodities that are easily moved. Canada is not immune. Our experience with elvers, lobster and illicit vessel activity reflects these global patterns.
>
> A particularly galling example of what is occurring involves the illegal harvesting of crab on the west coast and its sale to processors. This is a cash business, and the profits are huge. Although there has been enforcement, the fines are simply insufficient to curb the activity. Fines are simply viewed as the cost of doing business.
>
> The involvement of organized crime shifts fisheries issues from being simple regulatory challenges to being public safety and national security issues. Organized crime is not a distant or hypothetical concern; there is now substantial evidence of the presence in Canadian fisheries of organized crime and money laundering, which is the back office of organized crime.[141]

Addressing the assertions from some witnesses relating to a lack of enforcement by fishery officers, Rae McCleave stated:

> This committee has heard allegations that fishery officers did not take action against potential illegal fish harvesting or that they failed to use information provided to them by members of the public, including industry. It needs to be clarified that although

140 Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

141 Peter German, President and Executive Director, Vancouver Anti-Corruption Institute, *Evidence*, 20 November 2025.

> members of the public may not feel that the work is being done in relation to illegal fish harvesting, the actions that are taken cannot be shared with the public outside proceedings that have been put in front of the court. Doing so would be a severe violation of a person's charter rights, which we must uphold if there's to be any hope of achieving a successful prosecution.[142]

In a follow-up response to his appearance, Trevor Lushington also flagged that file preparation impacts fishery officers' ability to be in the field:

> Once Officers have concluded an investigation, file preparation begins. This takes Officers out the field and places them behind desks to complete files to be sent to [the Public] [P]rosecution Service of Canada.
>
> File management is a key function of Enforcement work but again takes Officers out of the field, which in turn results in less Officer presence on the wharves and rivers, which is already at a scarce level due to staffing issues, to deter and intercept illegal fishing activities.
>
> The prolonged time invested in file management and unauthorized fishing investigations causes noncompliance issue in many other fisheries that [are] otherwise compliant, but now being neglected causing increases in illegal fishing. File management is a key function of Enforcement work but again takes Officers out of the field, which in turn results in less Officer presence on the wharves and rivers, which is already at a scarce level due to staffing issues, to deter and intercept illegal fishing activities.[143]

Specifically in the context of offences and Indigenous individuals, Trevor Lushington provided details relating to recent enforcement history, and how enforcement could be better supported:

> Let's go back to 2020, 2021 and 2022. Fishery officers were doing their job. We were actively enforcing the acts and the regulations. Because the matter was coming in, [F]irst [N]ations were trying to get a position in a fishery that was fully subscribed. We had to look at our files through a very strict lens to make sure we were not committing any infringements on their constitutional rights.
>
> Going forward, where are we today? We really haven't received a lot of guidance or directions from lawmakers, from the Department of Justice. We would like to see more files progress through the system for two reasons. A file that progresses through the system and is found guilty will help us design our law enforcement operations, and we want those operations to be parallel to people's constitutional rights. If we're a long

142 Rae McCleave, Program Officer, Onsite Training Coordinator, DFO, *Evidence*, 9 December 2025.

143 Trevor Lushington, Written Response to Questions, 16 December 2025.

> time getting those directions—if we can call them directions—from the court, in fact, we could be repeatedly infringing on their rights.[144]

Regarding recent enforcement of the *Fisheries Act*, some witnesses noted increased action taken by fishery officers and a lowering of tensions in some fisheries. When asked about recent enforcement action, fishery officer Trevor Lushington said:

> We've looked at what has happened in the last five years. Now I would like to take a second to look at what's happened in the last five months. We've seen a significant change. We are able to demonstrate that now with the work that we've done and that's being posted and shared with you guys.
>
> […] We've seen a number of pieces of equipment that have been handed over to fishery officers to make our work much safer. These include drones and body-worn cameras. We have more operational vessels that we're able to use and put in key strategic areas, where they need to be and when they need to be.[145]

With respect to investments in protection, Peter Lambertucci noted that:

> There's also a data investment plan going on, because data is at the base of how we enable those core capacities. Those are things like growing out our body-worn cameras pilot program and the drones, as well as initiatives in terms of overall strategic assignment of where we focus on those capacities to the highest need.[146]

When asked about the use of new technologies and traceability to close gaps used for money laundering within the elver fishery, Peter Lambertucci said, "traceability would enhance our abilities and fisheries officers' abilities in enforcement. […] Traceability is in place in the elver enforcement continuum."[147]

With respect to the distinction between the roles of fishery officers and the Royal Canadian Mounted Police (RCMP), Véronique Chadillon-Farinacci observed:

> RCMP officers, they sometimes lack knowledge about how fisheries work. That can lead to some explosive situations and inhibit their ability to respond. It might be good to work on that. They could be offered training, or partnerships could be created.
>
> It's also important to clarify the roles in grey-area situations, that is to say the situations where it's unknown whether the RCMP officers or the fishery officers are supposed to

144 Trevor Lushington, Fishery Officer, DFO, *Evidence*, 9 December 2025.

145 Ibid.

146 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 4 December 2025.

147 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 9 December 2025.

intervene. Those responsibilities should be clarified in the Fisheries Act and assigned to one agency or another.[148]

Recommendation 7

That the Department of Fisheries and Oceans review the powers of fishery officers and training programs of fishery officers to ensure that officers have the tools, training, and authorities necessary to conduct their duties safely and effectively.

Recommendation 8

That the Department of Fisheries and Oceans review training materials for fishery officers and fishery managers to ensure that they contain comprehensive information about Aboriginal and treaty rights in order that fishery officers feel confident in enforcing the *Fisheries Act* in situations involving Indigenous harvesters.

Recommendation 9

That the Department of Fisheries and Oceans evaluate the current designation of "fishery officers" and examine the process and feasibility of reclassifying fishery officers as "peace officers" to ensure greater flexibility in their response and safety in the field.

Recommendation 10

That the Government of Canada review the compensation and retirement provisions for fishery officers within the Department of Fisheries and Oceans, with particular attention to eligibility for early retirement at 25 years of service, consistent with comparable federal operational and enforcement occupations such as the Canadian Coast Guard, Parks Canada, and federal correctional services. This review should take into account the operational risks, enforcement responsibilities, and remote and high-risk working conditions associated with fishery enforcement duties, and assess options to improve recruitment, retention, and long-term workforce stability, including appropriate adjustments to retirement provisions to better reflect the nature of fishery officer service.

148 Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton, as an individual, *Evidence*, 23 October 2025.

Prosecution

Shannon O'Connor described the PPSC as "a national, independent and accountable prosecuting authority whose main objective is to prosecute federal offences:"

> As set out in the *Director of Public Prosecutions Act*, the Director of Public Prosecutions acts under and on behalf of the Attorney General of Canada in, among other things, initiating and conducting prosecutions, advising law enforcement agencies and issuing guidelines to prosecutors on the conduct of prosecutions.
>
> […]
>
> Along with conducting prosecutions, PPSC prosecutors provide advice and support to regulatory enforcement agencies through training initiatives and bilateral meetings. Prosecutors also provide advice to our regulatory partners at the investigation stage and receive support from them at the trial stage. This regular collaboration with our regulatory partners promotes dialogue and improves investigations and prosecutions.[149]

She noted that rules and guidelines for PPSC prosecutors are contained in the PPSC Deskbook, which "sets out the principles that all federal prosecutors must follow in the exercise of their prosecutorial discretion."[150] Guideline 2.3 of the PPSC Deskbook sets out that the decision to prosecute is based on a reasonable prospect of conviction and it being in the public interest to do so.[151] Shannon O'Connor explained that the Guideline was updated in 2023, "prompted by an ongoing assessment of our policies that focused on providing clear guidance to prosecutors on how to be more proactive and conscious about recognizing bias, discrimination and other factors that contribute to overrepresentation in the criminal justice system."[152] Specifically, one of the listed factors to consider when determining whether a prosecution is in the public interest is Indigenous identity:

> Crown counsel must consider the ongoing impacts of colonialism, residential schools, over-representation, and systemic discrimination in the criminal justice system when the accused is First Nations, Métis, or Inuit. These factors may shed light on the

149 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

150 Ibid.

151 *Public Prosecution Service of Canada Deskbook*, Guideline of the Director Issued under Section 3(3)(c) of the *Director of Public Prosecutions Act*, Revised March 7, 2023.

152 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

> accused's moral culpability, and may weigh against a prosecution when considered with the totality of the relevant factors.[153]

In Shannon O'Connor's opinion, Indigenous identity is not an "overwhelming" factor in determining whether to prosecute. Rather, "the weight it will be given depends on the facts and circumstances of the alleged offence."[154]

For *Fisheries Act* offences, Peter Lambertucci described the distinct roles of fishery officers and prosecutors:

> Fisheries officers are responsible for investigations, case packaging, material preparation and investigating to the best evidence possible. Those submissions are then made to the Public Prosecution Service of Canada, with whom we have a very active relationship and partnership. […] We forward our materials on the recommendation that we are seeking charge approval, and PPSC is the one that independently makes that decision as to what goes forward.[155]

There is continuing dialogue between DFO and the PPSC during both the investigative and the prosecution stages. All files that are brought to the PPSC are assessed based on the circumstances of the case.[156] Factors to be considered in a particular case include available admissible evidence (which is the primary factor), along with "available defences and possible Charter applications."[157]

With respect to overrepresentation in the criminal justice system and systemic discrimination as a factor to consider when determining whether a prosecution is in the public interest, Shannon O'Connor observed that it is still "important to act independently and enforce Canada's laws," noting that "[w]hen an accused is [I]ndigenous, their situation is considered to see if it may have been affected by discrimination or racism."[158] With

153 *Public Prosecution Service of Canada Deskbook*, Guideline of the Director Issued under Section 3(3)(c) of the *Director of Public Prosecutions Act*, Revised March 7, 2023, paragraph 4.2.1(b) ("Circumstances of the Accused").

154 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

155 Peter Lambertucci, National Chief Enforcement Officer, DFO, *Evidence*, 20 November 2025.

156 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

157 Emma Beauchamp, Director and General Counsel, PPSC, *Evidence*, 27 November 2025.

158 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

respect to possible Indigenous rights under section 35 of the *Constitution Act, 1982*,[159] she gave the example that an Indigenous person charged with a *Fisheries Act* offence "may raise a defence that it's a charter right—an aboriginal or a treaty right."[160] When weighing systemic discrimination as a factor in the decision to prosecute, she explained that this consideration applied not only to Indigenous individuals, "but also for persons from other communities affected by racism or systemic discrimination. We also consider a range of factors such as the person's age and whether or not it is their first offence."[161]

Addressing concerns that had been raised that PPSC prosecutors had been directed to not prosecute individuals from certain population groups, Shannon O'Connor advised the Committee that there was no such direction, and that an internal investigation was conducted:

> [W]e asked a general counsel to review a number of files to ensure that it was not happening. The investigation concluded that it was not happening. Each case had been considered individually, and prosecutions had been launched against individuals from various backgrounds.[162]

When asked to provide a copy of the report on the internal investigation, Shannon O'Connor indicated that the records which formed the basis of the internal investigation could not be shared. In response to a follow-up up question about whether the investigation report could be shared, given that there had been a media leak, she responded that she would discuss that request with her director.[163] A follow-up written response dated 18 February 2026 states that "[t]he internal review is subject to solicitor-client privilege and cannot be released. The PPSC has released documents related to the

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159 Section 35 of the *Constitution Act, 1982* states:

> 35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
>
> (2) In this Act, aboriginal peoples of Canada includes the Indian, Inuit and Métis peoples of Canada.
>
> (3) For greater certainty, in subsection (1) treaty rights includes rights that now exist by way of land claims agreements or may be so acquired.
>
> (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

160 Shannon O'Connor, Deputy Director, Public Prosecutions, PPSC, *Evidence*, 27 November 2025.

161 Ibid.

162 Ibid.

163 Ibid.

internal review pursuant to an Access to Information request. Members are welcome to request this document via Open Government."[164]

Shannon O'Connor acknowledged that the *Director of Public Prosecutions Act* provides the Attorney General with the authority to issue either a general or a case-specific direction to the PPSC, and that any such direction must be made public and published in the *Canada Gazette*. There had not been any case-specific direction made.[165]

Some witnesses were critical of the PPSC in the context of fisheries-related offences. For example, Daniel J. Fleck shared:

> 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.[166]

Fishery officers also expressed frustration. For example, Geoff Thorburn maintained that:

> One of the most consistent obstacles is in obtaining charge approval for investigations involving unauthorized harvest by [I]ndigenous individuals or groups. While we respect treaties and rights-based fisheries, some activities clearly fall outside established agreements, jeopardizing the conservation and protection of fish for all Canadians, including other [I]ndigenous peoples. However, the threshold for prosecution is so high that many files do not receive charge approval despite months and years of effort by fishery officers. This creates inconsistent enforcement and undermines our officers' abilities to apply the law fairly and uniformly.[167]

Recommendation 11

That the Government of Canada clarify whether the consent of the chief of a community's band council must be obtained before the Public Prosecution Service of

164 PPSC, Written Response to Questions, 18 February 2026.

165 Ibid.

166 Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association, *Evidence*, 6 November 2025.

167 Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

Canada can initiate proceedings under the *Fisheries Act* or to issue a ticket to a member of that band council.

Recommendation 12

That the Department of Fisheries and Oceans and the Public Prosecution Service of Canada commit to enforcing the *Fisheries Act*, and other related laws, in a way that prohibits discrimination based on race, ethnicity, or any other immutable characteristic, as failing to do so undermines trust in Department of Fisheries and Oceans and ongoing reconciliation efforts.

Penalties

Many witnesses pointed to the need to increase penalties as a deterrence measure. Véronique Chadillon-Farinacci observed that the value or conservation status of some species make those species more vulnerable to criminal activity.[168] She suggested that the Act could include a specific penalty for those species. Referring to deterrence elements in studies on recidivism, she explained that

> there's the proportionality of the fine amount. It's important to ask whether the amount corresponds to the seriousness of the offence. That can be asked for all fisheries and species.
>
> That said, the element better associated with deterring offences is the risk of getting caught. It's important to think of consequences that will influence this calculation of pros and cons. Fines can be imposed, but there are also other deterrents, such as targeted patrols. The measures to stop or arrest and fine an offender aren't always criminal in nature, but those two elements can work together.[169]

Martin Mallet advised that a review of penalties for all fisheries offences should occur, noting that "as some resources on fisheries have become more lucrative, financial penalties have not followed increased income levels from the fisheries."[170] Carl Allen supported the position that current fines do not match the possible benefit of illegal fishing:

> When you do the cost-benefit analysis and ask about the cost of getting caught, it's way smaller than the benefit of breaking the rule, so let's break the rules. The amount I'd get

168 Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton, as an individual, *Evidence*, 23 October 2025.

169 Ibid.

170 Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

> away with before I even get caught would more than compensate for the fine for being caught.
>
> Once upon a time if you were found guilty of serious offences, you lost time on the water. Somehow it got to be a case of, "Oh, well, but that's impacting his livelihood". However, if I'm affecting the sustainability of the resource, I may be affecting your livelihood and someone else's livelihood.[171]

Martin Mallet pointed to the need to address repeat offenders,[172] with Trevor Lushington describing challenges relating to repeat offenders to the Committee:

> We have a lot of repeat offenders. This tells us that we are out there doing our job, but the fact is they're coming back to break the law again, even sometimes during a time of arrest. They're making statements to us such as that they'll see us tomorrow night. It's frustrating for the officers. It's not providing the protection to the resource that we want.
>
> We have to look at the rights for our [F]irst [N]ations. If the resources are damaged, so are their rights. We need higher fines and more of a deterrent, and we need to be having conversations about more suspensions and having a conversation about where we could release with restrictions, just so we don't see them there the next night when there is a delay before they get through the court system. In that way, we won't be dealing with multiple repeat offenders.[173]

Referring to penalties relating to owner-operator and fleet separation provisions, Bernie Berry, Senior Fisheries Advisor with the Coldwater Lobster Association, indicated that:

> Penalties should range from the cancellation of the fishing licences, the forfeiture of monies gained in a fraudulent illegal scheme and the cancellation of licences for brokers who participate in activities against the regulations to investigating legal firms that are developing agreements circumventing policy and regulation that could have ramifications from the law societies if these allegations were proven.[174]

Recommendation 13

That the Government of Canada increase fines and penalties for unauthorized fishing substantially so that they appropriately match the crime, and can act to deter bad actors in the fishery.

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171 Carl Allen, Vice-President, New Brunswick, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

172 Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

173 Trevor Lushington, Fishery Officer, DFO, *Evidence*, 9 December 2025.

174 Bernie Berry, Senior Fisheries Advisor, Coldwater Lobster Association, *Evidence*, 30 October 2025.

FLEET SEPARATION AND OWNER-OPERATOR PROTECTIONS

When fisheries consultant Richard Williams appeared before the Committee, he referred to an excerpt from a Regulatory Impact Analysis Statement[175] that summarizes the importance of fleet separation and owner-operator protections:

> Progressive fisheries policies that prevent vertical integration between the fishing and processing sectors and that prevent the concentration of licences in the hands of a few corporations or individuals have been pivotal in the maintenance of the wealth distribution across the [Atlantic] region and small communities. Without these policies, wealth from fishing licences would be concentrated in the hands of ineligible third parties resulting in fewer or lower paying fishing jobs available in rural coastal areas and in a decrease of economic benefits being maintained in the coastal communities.[176]

What had previously been departmental policies on fleet separation and owner-operators for Atlantic Canada became part of the *Atlantic Fisheries Regulations, 1985* and the *Maritime Provinces Fishery Regulations* following 2019 amendments to the *Fisheries Act*. These amendments to the regulations came into force in 2020 and 2021. Fleet separation aims to promote locally owned, independent fishing enterprises and prevent the corporate concentration of inshore licences by only issuing licences to eligible harvesters or community-based fishing organizations. Under owner-operator requirements, licence holders must be on board the vessel, or have "boots on the boat," when a licence is being fished and are limited to holding one licence per given species.

Issues raised during witness testimony and in written briefs related primarily to strengthening the owner-operator protections in the *Fisheries Act* and improving enforcement of existing provisions. It is important to note that the Committee has considered owner-operator provisions in past reports.[177]

Carl Allen told the Committee that "[t]he current wording in the *Fisheries Act* does not provide a concise level of protection for the owner-operator principle, which leads to a situation in which the sustainability of small boat harvesters and coastal communities is at serious risk."[178] He proposed that section 2.5 of the *Fisheries Act*, which lists factors that may be considered in ministerial decision-making, be amended to include "additional

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175 The Regulatory Impact Analysis Statement was included when the *Regulations Amending the Atlantic Fisheries Regulations, 1985 and the Maritime Provinces Fishery Regulations: SOR/2020-246* were registered.

176 Richard Williams, Fisheries Consultant, As an individual, *Evidence*, 2 December 2024.

177 See for example, FOPO, *Foreign Ownership and Corporate Concentration of Fishing Licenses and Quota*, 44th Parliament, 1st Session, December 2023.

178 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024.

wording that provides harvesters from coast to coast the protections that we believed would come from the 2019 review."[179] In his words, doing so

> would help prevent corporate consolidation, foreign ownership and absentee ownership to ensure that coastal communities remain at the heart of fisheries management. Additionally, stronger owner-operator provisions will ensure that the benefits of the fishery remain local and that connection between harvesters and their resources is maintained, thus protecting the resource for future generations.[180]

Melanie Sonnenberg recommended amending the *Fisheries Act* "to explicitly define and legally mandate the principles of owner-operator and fleet separation."[181]

Daniel J. Fleck expressed that one weakness relating to the owner-operator provisions was that they are in regulations, not the *Fisheries Act* itself:

> 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.[182]

Richard Williams observed that "[o]verall, the industry leaders in the harvesting sector that I'm in touch with strongly appreciate what has been done since the new *Fisheries Act* and the regulations" came into force, but said improved enforcement was needed.[183] Dwan Street told the Committee that "little has been done by the DFO to utilize these new provisions. It's clear that additional strengthening is desperately needed."[184] She recommended

> allocating more resources for monitoring and enforcement, and implementing a transparent reporting process for infractions. We also urge the committee to reinforce fleet separation within the [A]ct, explicitly prohibiting vertical integration of harvesting and processing sectors in the inshore fishery.[185]

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179 Ibid.

180 Ibid.

181 Melanie Sonnenberg, President, Canadian Independent Fish Harvesters Federation, *Evidence*, 18 November 2025.

182 Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association, *Evidence*, 6 November 2025.

183 Richard Williams, Fisheries Consultant, As an individual, *Evidence*, 2 December 2024.

184 Dwan Street, Inshore Member Representative of Area 3Ps and President-Elect, Fish, Food and Allied Workers Union, *Evidence*, 11 December 2024.

185 Ibid.

Emphasising the need for improved enforcement to protect owner-operator and fleet separation principles, Michael Barron told the Committee that "[l]icences and quotas must be held by people who are actively fishing, with boots on the boat, and who live in the communities sustained by the resources. This is how we protect independent family enterprises and secure long-term coastal resilience."[186] Bernie Berry explained that "[t]he small boat sector and, in particular, the lobster fleet of independent small business owners still face pressures from corporate entities attempting to gain more access and control of the commercial fishery."[187] He called for a "vigorous regulatory regime [to] be established to review all licence transfers and to evaluate all licence renewals."[188] While acknowledging that DFO had made some sporadic attempts to investigate who controls licences, he told the Committee that

> [t]here needs to be a much more robust and consistent system applied to stop the leakage of licence control to corporate interest. Without it, this will lead to the demise of the independent fishermen in our coastal communities over time. Policy changes must twin with regulatory changes to put in place real enforcement capabilities concerning the owner-operator and fleet separation policies.
>
> Everyone must be held accountable in this fraudulent transfer of licences to corporations. It starts with the companies that use monetary enticement to independent fishermen to sell their licences to them. Once that financial temptation is presented, the corporations then draft a misleading paper trail that gives the false impression that the licence is controlled by the fisherman who, by now, is no longer independent.[189]

He explained that "[i]t just seems like folks are reluctant to actually lower the hammer, if I can describe it like that, and take out a lot of this stuff that's in policy. Anything that's in policy certainly can be circumvented very easily by lawyers. It's a gray area. There are really no penalties involved."[190] Bernie Berry believed that turning policy documents into regulations might increase accountability of laws firms: "[T]he onus becomes a lot higher on the legal firms because they'd actually be circumventing the law."[191] Fisherman

186 Michael Barron, President, Cape Breton Fish Harvesters Association, *Evidence*, 30 October 2025.

187 Bernie Berry, Senior Fisheries Advisor, Coldwater Lobster Association, *Evidence*, 30 October 2025.

188 Ibid.

189 Ibid.

190 Ibid.

191 Ibid.

Jimmy Lee Foss told the Committee 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."[192]

With respect to enforcement and inshore licences, Adam Burns told the Committee that "[a] number of licences have been put under review since the regulations were brought into effect. The way the regulations are crafted is meant to bring people into compliance with the regulations."[193] With respect to licence transfers, he explained:

> [W]e look at each and every transaction that is brought to us, in terms of transfers in particular, in order to ensure that those are compliant. In cases in which they're not, we do not issue the transfer, and we work with the harvester to ensure that they are not subject to control that is contrary to the regulations.[194]

Other issues raised relating to owner-operator and fleet separation included the need for increased flexibility of the substitute operator policy to accommodate time off[195] and the need to monitor use of the substitute operator policy by requiring "an independent, DFO-approved medical professional opinion" when the licenced harvester is unable to fish for medical reasons.[196]

Some witnesses raised concerns about owner-operator and fleet separation protections and First Nations. Colin Sproul explained that the UFCA was

> most concerned about nominal [I]ndigenous ownership of fishing licences. Proposed changes to communal commercial fisheries and to the [A]ct would see the department begin to issue fishing licences to [I]ndigenous companies and corporations, and not just to [F]irst [N]ations themselves. This is a very ominous thing, and we know that it's already taking place. We know that some of the vertically integrated companies that have been violating owner-operator policy have been transferring their licences to [I]ndigenous entities and, then, signing long-term lease agreements to fish the access back from the [F]irst [N]ations. That's certainly the nexus of where we see the problem, but that's not to ignore the problem with non-[I]ndigenous vertical integration. It's certainly an issue as well, but the new frontier of violation of owner-operator policy is the [I]ndigenization of the access.[197]

192 Jimmy Lee Foss, Fisherman, as an individual, *Evidence*, 6 November 2025.

193 Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management, DFO, *Evidence*, 20 November 2025.

194 Ibid.

195 Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

196 Bernie Berry, Senior Fisheries Advisor, Coldwater Lobster Association, *Evidence*, 30 October 2025.

197 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 18 November 2025.

Ian Macpherson wanted the "direct operational involvement of owner-operators and [F]irst [N]ation vessels that are crewed by band members."[198] In its brief, the Fundy United Federation requested "an update to the owner operator policy to allow First Nations to continue to access the fishery through moderate livelihood but limit the ability to also collect multiple commercial licences of the same species" to limit broader impacts on local communities.[199]

Dwan Street described the challenges of controlling agreements:

> Corporate entities—multinational processing companies—have a long and clearly documented history of subverting owner-operator and fleet separation. They illegally buy up inshore licenses, take advantage of financially vulnerable individuals and take control of the resources and industry, one small vessel at a time. In 2007, PIIFCAF [Policy for Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries] was announced because controlling agreements were recognized as a threat to the viability of the inshore. PIIFCAF had no teeth, and controlling agreements continued to proliferate. That led to 2019, when Bill C-68 was passed successfully through the House of Commons, providing important modernizations and improvements to the [A]ct.[200]

With respect to controlling agreements, Martin Mallet told the Committee that "loopholes in the regulations and ineffective enforcement remain a problem:"

> As such, controlling agreements or other creative legal workarounds are still used by fish processors and outside interests to exert effective control over fishing licenses and the proceeds from the catch, undermining the independent fishermen.
>
> It should be mandated to have stricter, more frequent and more proactive enforcement of the anti-controlling agreement provisions. This may include following the money to trace the ultimate beneficiary of the catch and increasing penalties like fines, licence suspensions and cancellations for confirmed violations by non-harvesters who exert control.[201]

Harvester Jimmy Lee Foss described his experience with what he stated was a controlling agreement, and the impact it has had on him and his family:

> After a year or so in business with Robin [Quinlan], 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

198 Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

199 Fundy United Federation, *Brief*, 26 November 2024.

200 Dwan Street, Inshore Member Representative of Area 3Ps and President-Elect, Fish, Food and Allied Workers Union, *Evidence*, 11 December 2024.

201 Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

> 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—headhunted—and my family paid the price.[202]

He explained that an injury led to him declaring 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.[203]

When Paul Didham, Supervisor, Major Case Management - NL Region was asked about Jimmy Lee Foss' case and whether there was a controlling agreement, he replied:

> Yes, in relation to Mr. Foss's matters, I believe there was evidence that supported our belief that there was a controlling agreement in place. We didn't get to the final conclusion on that, but certainly initially, and moving through our investigation, the information led me to believe that there were issues with the control of his licence.[204]

Recommendation 14

That the Government of Canada adopt legislation and policies ensuring that commercial fishing licences remain a privilege tied to active participation, with measures preventing vertical integration between fishing and processing sectors. Pending these legislative amendments, the Department of Fisheries and Oceans should implement policy and regulatory safeguards to ensure active use of licences where appropriate, taking into account fishery-specific biological, economic and management constraints, while safeguarding against unintended adverse impacts on independent harvesters in fisheries that are inactive or not economically viable, and to promote that reinvestment benefits continue to flow to coastal communities.

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202 Jimmy Lee Foss, Fisherman, as an individual, *Evidence*, 6 November 2025.

203 Ibid.

204 Paul Didham, Supervisor, Major Case Management - NL Region, DFO, *Evidence*, 9 December 2025.

Recommendation 15

That the *Fisheries Act* be amended to require full transparency in licence ownership, including identification of all beneficial owners and, for corporate licences, disclosure of all shareholders. Pending these legislative amendments, the Department of Fisheries and Oceans should collect and publicly report detailed information on licence and quota ownership in Pacific Region fisheries.

Recommendation 16

That the Department of Fisheries and Oceans review the current legislation and regulations regarding owner-operator in Atlantic Canada and Quebec to remove loopholes that allow for controlling agreements to exist within the fishery through communal commercial licences.

Recommendation 17

That the Department of Fisheries and Oceans mandate stricter, more frequent, and more proactive enforcement of the anti-controlling agreement provisions, including more rapid enforcement and limiting windows for compliance.

Recommendation 18

That the Department of Fisheries and Oceans adopt policies to prevent and roll back corporate consolidation, anti-competitive behaviour, and market oligopolies emerging in the fishing industry across Canada, as well as introducing other policies that enable open and fair competition of independent fishers on both the Atlantic and Pacific coasts.

Recommendation 19

That the Department of Fisheries and Oceans immediately undertake to halt any licence or quota transfers that would lead to vertical integration between the harvesting and processing sectors in the Pacific Region and to ensure that any licence or quota transfers lead to beneficial ownership by independent Canadian harvesters or wholly Canadian owned small enterprises.

Pacific Coast

A number of witnesses expressed frustration that the protections for commercial licence holders, which aim to keep the benefits of fishing in local communities, were limited to

the East Coast.[205] Richard Williams told the Committee that "the most significant failure in current fisheries legislation, regulations and licensing policy is the great disparity in support for coastal communities and working fish harvesters on the Atlantic versus the Pacific coasts."[206] He referred to the Committee's 2019 and 2023 reports,[207] observing that those studies "examined these issues in great depth and called on DFO ministers to initiate the transition to a made-in-B.C., owner-operator licensing regime. To date, however, only limited steps have been taken."[208] Carl Allen questioned why there was a gap between protections for the Atlantic Coast and the Pacific Coast:

> I don't understand how you can have a law and a regulation that is applied to only one coast of a country. Why doesn't it apply to the other?
>
> If you look at what has happened to the broader fisheries economy in B.C. as a result of harvesters that are paying 75¢ on the landed value of fish to the licence-holder, who might be living in a condo in Vancouver, it has destroyed the fisheries economy abroad.[209]

Richard Williams noted that section 9.1 of the *Fisheries Act*[210] provides the Minister with the authority to bring in fleet separation on the Pacific Coast.[211] Sonia Strobel was also of the opinion that the Minister had the authority to bring in owner-operator provisions for the Pacific Coast, but observed that it was a grey area.[212] She told the Committee that "[i]f the language in the *Fisheries Act* would change to say that the minister "must" consider socio-economics in her decisions, that would give her the confidence to act immediately."[213]

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205 See for example, Melanie Sonnenberg, President, Canadian Independent Fish Harvesters Federation, *Evidence*, 18 November 2025.

206 Richard Williams, Fisheries Consultant, As an individual, *Evidence*, 2 December 2024.

207 FOPO, *West Coast Fisheries: Sharing Risks and Benefits*, 42nd Parliament, 1st Session, May 2019; *Foreign Ownership and Corporate Concentration of Fishing Licenses and Quota*, 44th Parliament, 1st Session, December 2023.

208 Richard Williams, Fisheries Consultant, As an individual, *Evidence*, 2 December 2024.

209 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024.

210 Section 9.1 of the *Fisheries Act* authorizes the Minister to make fisheries management orders in certain circumstances.

211 Richard Williams, Fisheries Consultant, As an individual, *Evidence*, 2 December 2024.

212 Sonia Strobel, Co-Founder and Chief Executive Officer, Skipper Otto Community Supported Fishery, *Evidence*, 9 December 2024.

213 Ibid.

In its brief, Skipper Otto Community Supported Fishery linked the discussion to section 2.5 of the *Fisheries Act*. Referring specifically to section 2.5(h), which states that the Minister may consider "the preservation or promotion of the independence of licence holders in commercial inshore fisheries" when making a decision under the Act, the brief states that:

> The parameter in "h" of "commercial inshore fisheries" is used by DFO to say that this only applies to east coast fisheries that have defined inshore fisheries. When this was drafted, this concern was presented to then-Minister LeBlanc who assured us that the whole section applied equally to both coasts and that the word "promotion" was added specifically to be inclusive of the west coast. In practice, DFO continues to interpret this as referring only to the east coast. It should read "the preservation or promotion of independent harvesters (owner operators) in commercial fisheries.[214]

Emily Orr advocated for revising section 2.5 to require mandatory rather than permissive language to strengthen section 2.5(h).[215] She explained that:

> The erosion of independent harvesters and the resulting economic damage to coastal communities in the Pacific region is profound. The *Fisheries Act* can and should define Canada's approach to the preservation and promotion of the independence of licence-holders in commercial inshore fisheries consistently and in alignment for all regions of Canada's fisheries, acknowledging that British Columbia does need policy developed with British Columbian needs and situations in mind.[216]

Richard Williams asked that the Committee "recommend amending the *Fisheries Act* to establish fleet separation as the default licensing policy for all owner-operator coastal or small boat commercial fishing fleets in Canada, the template being the fleet separation rules currently in effect in designated Atlantic fisheries."[217] He observed that "because B.C. is made up almost entirely of multispecies enterprises, there probably will need to be much more flexible owner-operator rules, leasing systems and so on, but under a fairer structure."[218]

Echoing the need to expand owner-operator provisions to include the Pacific Coast, Melanie Sonnenberg acknowledged that discussions were being held, but that:

> DFO must accelerate the discussion and collaborate with B.C. stakeholders to design a tailor-made implementation strategy and a B.C. owner-operator policy to decentralize

214 Skipper Otto Community Supported Fishery, *Brief*, 9 December 2024.

215 Emily Orr, Business Agent United Fishermen and Allied Workers' Union—Unifor, *Evidence*, 28 October 2025.

216 Ibid.

217 Richard Williams, Fisheries Consultant, As an individual, *Evidence*, 2 December 2024.

218 Ibid.

> ownership and revitalize independent fishing on the Pacific coast. This must be done in a more timely and efficient manner or there will be little left of our public resource for independent harvesters to sustain.[219]

Not all witnesses who spoke about owner-operator protections agreed that similar regulations should be extended to the Pacific Coast. As Christina Burridge, Executive Director of the BC Seafood Alliance, explained:

> We do not support incorporating any such licensing changes into the [A]ct or into its regulations. Comparisons between the east and west coasts ignore the fact that Atlantic Canada has several high-volume, high-value fisheries that support many participants. The west coast has none. Overcapacity still exists in most fleets, which means that there are more licences that there are fish to support them. ITQs and other measures have significantly improved conservation outcomes, and conservation should not be compromised for social ends.[220]

In its brief, the Fisheries Council of Canada also cautioned about extending such provisions to the Pacific Coast:

> We are aware that FOPO has twice recommended that DFO move toward establishing various elements of "Atlantic-style" licensing policy on the West Coast, including owner-operator, fleet separation, and restrictions on foreign ownership of licences. A brief consultation process on West Coast Commercial Fisheries Modernization (WCCFM) was conducted earlier this year, but Pacific Region has not yet released a "What We Heard" report and further work is underway, including a survey of harvesters and buyers about licences and leasing practices. But perhaps more to the point, the 2019 legislative changes regarding the independent, inshore fish harvesters' sector in Atlantic Canada were based on long-standing policies in that region (fleet separation 1979, owner-operator 1980–1989, PIIFCAF 2007) that had been through a strong consultation process which identified clear principles for exempting certain fleets (e.g., ITQs/self-rationalization, vessel length, gear, species).[221]

Recommendation 20

That the Government of Canada recognize the need for a robust independent Canadian-owned fishery on Canada's Pacific Coast.

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219 Melanie Sonnenberg, President, Canadian Independent Fish Harvesters Federation, *Evidence*, 18 November 2025.

220 Christina Burridge, Executive Director, BC Seafood Alliance, *Evidence*, 28 October 2025.

221 Fisheries Council of Canada, *Brief*, 31 October 2025.

Recommendation 21

That the Department of Fisheries and Oceans conclude expeditiously its review of the modernization of the fishery in the Pacific region so that protections for a built to fit owner-operator system on Canada's Pacific Coast can be enshrined within an updated version of the *Fisheries Act*.

Recommendation 22

That the Government of Canada introduce amendments to the *Fisheries Act* to establish fleet separation as the policy foundation for all owner-operated coastal and small-boat commercial fisheries, modeled on the Atlantic fisheries framework, to prevent licence concentration and protect local economic benefits. Pending these legislative amendments, the Department of Fisheries and Oceans should pilot policies and transitional measures in Pacific fisheries to gradually implement fleet separation and limit speculative consolidation of licences by large or international organizations.

Fisheries Regulations and the *Income Tax Act*

Two witnesses spoke to issues relating to inshore fisheries regulations and the *Income Tax Act*. Lawyer Andrew Campbell told the Committee that he had been part of an inshore fisheries regulations panel prior to the regulations coming into effect. Among other things, the panel "recognized the importance of inshore fisheries in our rural communities, the benefits received by family members from fishing, corporate structures being used by fishers and other corporate structures that should be available to fishers, like any other professional organization."[222] He explained that the amendments to the regulations followed some of the panel's recommendations, including the creation of new eligibility criteria known as "the inshore family fishing corporation, or IFFC, to recognize the importance of families who contribute to the fishing enterprise and to allow fishers the same corporate structures as other professional groups".[223] He continued,

> Inshore licences must be issued in the name of an independent core harvester or in the name of a wholly owned corporation. The licence-holder must own all voting shares issued by the company. The licence-holder must be the only director or trustee of an inshore family trust. The only individuals who can be part of an inshore family fishing corporation are family members, and they can own only non-voting shares. Non-voting shares can be issued only to family members as defined in subsection 251(2) of the

222 Andrew Campbell, Counsel, Cox and Palmer, *Evidence*, 23 October 2025.

223 Ibid.

> *Income Tax Act*, and individuals who qualify are set out in the pamphlet by DFO. They are mainly spouses, children, brothers, sisters and common-law spouses.
>
> […]
>
> Here is the issue that has arisen in relation to the [A]ct. Subsection 19(1) of the Atlantic fisheries regulations states—and DFO has continually stated—that a licence can be issued only to an individual fisher or a wholly owned corporation by the fisher. It does not allow a licence to be issued to an inshore family fishing corporation, which, I would submit, was the true intent of the legislation and was an oversight during the amendment.[224]

To remedy this issue, he recommended "adding the words 'an approved inshore fishing family corporation' to subsection 19(1) of the *Atlantic Fishery Regulations* and to section 29.2 of the *Maritime Provinces Fishery Regulations*" to "give fishers the full and absolute benefit of the legislative amendments."[225] Doing so would allow "for the smoother flow of the licences from father to son, from mother to son, from brother to brother or amongst siblings in the family…and avoid conflict between the *Income Tax Act* and the *Fisheries Act*."[226]

The second witness who raised *Income Tax Act* issues was Chartered Professional Accountant Denis St-Pierre. He noted that there were drafting errors in section 17.2 of the *Atlantic Fishery Regulations, 1985*, and its parallel section 29.01 of the *Maritime Provinces Fishery Regulations*. He explained to the Committee that:

> In the French regulations, non-voting shareholders and beneficiaries of a family trust can only be a "membre de la famille". The regulations, instead of defining what a "membre de la famille" is, invite the reader to look at the definition in the *Income Tax Act*—"personnes liées"—or, in English, "related persons".
>
> The problem under this particular provision of the *Income Tax Act* is that individuals are not related to themselves. As a result, fishers are not allowed to have non-voting shares in their corporations, even if the fisher is the sole shareholder, nor can they benefit from their own family trust. When I pointed this out to the DFO in 2021, everyone that I spoke to seemed to be surprised, and it appeared to be a drafting error.
>
> However, the regulations are completely ignored by the DFO, which allows non-voting shares to be issued to the fisher and for fishers to be beneficiaries of their family trust. This is because the English version reads differently. In that version, the definition restricts ownership and beneficial interests to a specific group, "a member of that

224 Ibid.

225 Ibid.

226 Ibid.

> individual's family". These regulations do not define what a member of that individual's family is; instead, they define "family member". "Family member" is defined, but it is then never used anywhere in the regulations. Absent a definition, what is meant by "a member of that individual's family" is not clear.
>
> […]
>
> I have it in writing that the DFO agrees that the errors are real and that the department is relying on the flaws in the English version to allow what is otherwise contrary to the act in the French version. To my knowledge, the DFO does not allow uncles, aunts, nieces and nephews to own shares, or non-voting shares, or any shares. However, it would seem that the DFO could if it wanted to, because the DFO has decided internally what is meant by "a member of that individual's family", ignoring the French regulations.[227]

Denis St-Pierre noted other issues with the regulations. First, he explained that "to meet the definition of an inshore family fishing corporation, 100% of its voting shares must be held by 'a' licence-holder, not 'the' licence-holder."[228] The effect of this wording is that a licence-holder could control multiple licences through multiple corporations. He recommended that the regulations should refer to "the" licence-holder rather than "a" licence-holder. To better facilitate succession planning, he also recommended that "the regulations should permit the introduction of nephews, nieces, uncles and aunts. […] In-law relations like son-in-law, daughter-in-law, brother-in-law and sister-in-law should continue after death. Now they don't, because of the reference to the Income Tax Act."[229] Finally, he noted that the regulations, which allow only one trustee, conflicted with the *Civil Code of Quebec*, which requires an additional trustee when the fisher is also a beneficiary. He explained:

> Because the law in Quebec requires a second trustee and the regulations force only one, in practice it is impossible for Quebec fishers to use family trusts. This is a nightmare from a tax and estate planning perspective, and it is also a prejudice to fishers in Quebec, who are treated differently from the fishers in the rest of Canada.[230]

Recommendation 23

That the Government of Canada amend the *Atlantic Fishery Regulations* and the *Maritime Provinces Fishery Regulations* to clearly define the term "family member," without reference to the *Income Tax Act*, and to explicitly include spouses or common-

227 Denis St-Pierre, Fellow, Chartered Professional Accountant, as an individual, *Evidence*, 18 November 2025.

228 Ibid.

229 Ibid.

230 Ibid.

law partners, children, brothers and sisters, as well as nephews, nieces, uncles, aunts, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law, while officially recognizing family-owned inshore fishing corporations in order to facilitate intergenerational transfers, ensure harmonization with applicable tax rules, and confirm that these family relationships continue even after the death of the individual who created those family relationships.

Recommendation 24

That the Government of Canada correct the drafting errors in the *Atlantic Fishery Regulations* and the *Maritime Provinces Fishery Regulations* by replacing the expression "a licence holder" with "the licence holder," by harmonizing the French and English versions in order to ensure a consistent legal interpretation, and by explicitly clarifying that a fisher may be the beneficiary of their own family trust and may also hold non-voting shares in a family-owned inshore fishing corporation.

PROTECTING FISHERIES RESOURCES

A number of witnesses made recommendations aimed at protecting fisheries resources, including by declaring it to be a "strategic,"[231] "critical,"[232] or "common property"[233] resource. Several witnesses pointed to recent government actions related to critical minerals as a model that could be followed.[234] Emily Orr proposed amending section 2.5 of the *Fisheries Act* to refer "to fish and fisheries being a common property resource, managed and protected for the benefit of all Canadians,"[235] while Melanie Sonnenberg proposed "introducing a high-level objective into the *Fisheries Act* that formally designates the resource as a national strategic asset […] which would be critical to food sovereignty and regional stability in coastal regions."[236] Freezing licence transfers to non-independent

231 Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association, *Evidence*, 6 November 2025; Melanie Sonnenberg, President, Canadian Independent Fish Harvesters Federation, *Evidence*, 18 November 2025; and Carl Allen, Vice-President, New Brunswick, Maritime Fishermen's Union, *Evidence*, 11 December 2024.

232 Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

233 Emily Orr, Business Agent United Fishermen and Allied Workers' Union—Unifor, *Evidence*, 28 October 2025.

234 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024; and Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

235 Emily Orr, Business Agent United Fishermen and Allied Workers' Union—Unifor, *Evidence*, 28 October 2025.

236 Melanie Sonnenberg, President, Canadian Independent Fish Harvesters Federation, *Evidence*, 18 November 2025.

harvesters,[237] or adopting a ""one licence in, one licence out" approach"[238] were seen as additional ways to protect the resource.

Darren Porter recommended amending section 2.1 to include "the protection of the fisheries" to the purpose of the Act.[239] Christina Burridge made a similar recommendation: that section 2.1(a) "the proper management and control of fisheries" be expanded to "the conservation and sustainable use of fish and fishery resources through the proper control and management of fisheries."[240] She noted that this recommendation was based on New Zealand's law.

Section 6.1 of the *Fisheries Act* requires the Minister to implement measures to maintain major fish stocks at or above the level that promotes the stock's sustainability. One recommendation that was discussed by many witnesses was that, rather than promoting the stock's sustainability, section 6.1 should require the Minister to take measures to keep fish stocks in a healthy zone.[241] Kim Elmslie explained that doing so would provide "clarity and consistency to fisheries management plans and decisions, bringing us in line with other fishing nations. It is entirely consistent with existing DFO policy and will ensure we get the maximum benefit from stocks without overfishing them to the point of collapse."[242]

Several witnesses disagreed with this recommendation.[243] When asked if she supported fishing only in the healthy zone, Emily Orr pointed to limitations with that approach:

> Part of the problem with our ability to assess fish stocks are incapacity and time, and also the nature of many stock populations being difficult to assess. Currently, even in

237 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024.

238 Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

239 Darren Porter, Spokesperson, Fundy United Federation, *Evidence*, 11 December 2024.

240 Christina Burridge, Executive Director, BC Seafood Alliance, *Evidence*, 28 October 2025.

241 Canadian Wildlife Federation et al., *Brief*, 18 June 2024; Oceana Canada, *Brief*, 2 December 2024; and Passamaquoddy Recognition Group, *Brief*, 9 December 2025.

242 Kim Elmslie, Senior Campaign Director, Oceana Canada, *Evidence*, 23 October 2025.

243 See, for example: Alastair O'Rielly, Executive Director, Northern Coalition Corporation, *Evidence*, 23 October 2025; Bruce Chapman, Executive Director, Canadian Association of Prawn Producers, *Evidence*, 18 November 2025; and Morley Knight, Fisheries Management Consultant, as an individual, *Evidence*, 28 October 2025.

> fisheries that we can consider to be doing well, we don't have robust data and stock assessment programs, and there are examples of that.[244]

Jason McLinton echoed that a lack of core fisheries science made fishing only in a healthy zone problematic: "I've heard many times from different quarters that if something is not classified in a certain zone or something like that, then we need to do what? Stop fishing."[245]

Christina Burridge also expressed a negative opinion about fishing only in the healthy zone:

> [I]t's a recipe for shutting down large quantities of fisheries, many of which have been recognized as sustainable by the Marine Stewardship Council. I think it is not flexible. We should be putting our money into proper stock assessment, effective harvest control rules and effective enforcement. That's the way you manage fisheries well, in my view.[246]

Recommendation 25

If the government proposes amending the *Fisheries Act*, that the Act be amended to include a declaration that wild fisheries are a national strategic asset.

FISH HABITAT PROTECTION

As mentioned in the introduction to this report, section 2.1(b) of the Act states that its purpose is to provide a framework for "the conservation and protection of fish and fish habitat, including by preventing pollution." Witnesses and authors of briefs raised concerns relating to habitat offsetting and banking, enforcement and implementation, cumulative effects of small projects, and the lack of compliance tools for industry.

Habitat Offsetting and Banking

With some exceptions, section 35 of the *Fisheries Act* prohibits carrying on work that results in the harmful alteration, disruption or destruction (HADD) of fish habitat. Similarly, section 35.1 prohibits carrying on work on a designated project that the Minister considers is likely to result in the death of fish or HADD without a permit. Stewart Elgie, Jarislowsky Chair in Clean Economy, University of Ottawa, who appeared

244 Emily Orr, Business Agent United Fishermen and Allied Workers' Union—Unifor, *Evidence*, 28 October 2025.

245 Jason McLinton, President, Fisheries Council of Canada, *Evidence*, 23 October 2025.

246 Christina Burridge, Executive Director, BC Seafood Alliance, *Evidence*, 28 October 2025.

as an individual explained that to obtain an authorization in the context of HADD, "proponents have to follow the mitigation hierarchy, but in particular, they can use offsets."[247] He described offsets as "restoring or conserving another area of habitat in order to offset damage you've done."[248] He explained that:

> Since 1986, DFO's policy goal requires offsets to achieve what's called "no net loss". […] To achieve that, an offset must restore more habitat than is damaged. DFO's policy recognizes that. There are a number of reasons. Basically, replacement habitat is rarely as good as natural habitat. There are often delays between a project starting and habitat being restored. There are also risks that it won't work.
>
> There's a lot of research on how much extra habitat is needed. It's known as what ratio is needed. Research by DFO scientists consistently concludes that you normally need a replacement ratio of at least 2:1 to achieve no net loss, and normally more in the 3:1 or 4:1 range. All of the evidence shows that DFO's offsets are not achieving that no net loss goal. There have been four major studies in the last 20 years on this, two by DFO scientists. All of them show that the offsets DFO is requiring are well below that 2:1 replacement goal to achieve no net loss, and it's getting worse. The two studies since 2017 actually found that the latest offsets are all below a 1:1 ratio.[249]

With respect to offsets, the Yukon Salmon Sub-Committee recommended that:

> DFO review the practice of habitat offsets in view of the provisions of the UNDA [*United Nations Declaration on the Rights of Indigenous Peoples Act*]. The practice of allowing the destruction or degradation of salmon habitat through development such as placer mining or development generally (mining road construction) by offsetting naturally occurring habitat with artificially created habitat elsewhere has not demonstrated success in maintaining or improving salmon production in Yukon rivers, and in the context of critically low stock levels, is no longer a viable or responsible conservation tool. The conservation and protection of salmon habitat must be prioritized above development interests, particularly when stocks are imperiled [sic], such as Yukon River Chinook and chum salmon.[250]

In a brief, Ducks Unlimited stated that offsetting plans "provide long-term ecological benefits aimed at achieving net habitat gains, with mandatory and meaningful Indigenous engagement."[251] Similarly, the Vancouver Fraser Port Authority recommended that "DFO's offsetting policy be updated to make the processes for development proponents to use

247 Stewart Elgie, Jarislowsky Chair in Clean Economy, University of Ottawa, as an individual, *Evidence*, 18 November 2025.

248 Ibid.

249 Ibid.

250 Yukon Salmon Sub-Committee, *Brief*, 19 November 2025.

251 Ducks Unlimited Canada, *Brief*, 9 December 2025.

habitat banks clear and straightforward. Such policy changes would streamline project permitting while benefitting the environment."[252]

Stewart Elgie recommends moving from "no net loss" to "net gain" for offsets, observing that this "will not only sustain fisheries; it will also meet our commitments under the biodiversity convention, the latest version of which was signed in Montreal, which requires us to halt and reverse biodiversity loss by 2030."[253] He noted that other countries, such as the United Kingdom, have moved to net gain.[254] The proposed offset recommendation contained in a brief he co-authored with Nick Lapointe is to "revise the offset policy to require net gain, with a minimum ratio of 2:1, but 3:1 on average, consistent with DFO's own science" as well as amend the *Fisheries Act* to require net gain. Doing so "will result in increasing private investment in habitat restorations by community organizations and [F]irst [N]ations across Canada."[255]

Stewart Elgie pointed to fees in lieu and third-party banking as "tools that allow us to get to habitat conservation restoration with less cost and less delay."[256] He described both options and their advantages, including efficiency for project proponents. A fee in lieu goes into a fund instead of a proponent having to arrange for and manage the offset:

> The proponent doesn't have to go through consultation, it doesn't have to go through regulatory red tape, it doesn't have to manage a whole offset project that it doesn't know how to do. That's done by someone who knows how to do it, and the proponent gets on with the business of building their project.[257]

Proponent-led banking is currently permitted by the *Fisheries Act*, but Stewart Elgie explained that it has been used very little and that third party banking is more practical:

> It's one-stop shopping in terms of consultation and regulation, not a number of different individual one-off regulatory consultations. Again, it's way easier for the proponent. They simply go to this bank, which is already established, and say, I'd like to buy 100 credits of fish habitat. I can go forward with my project now, and they don't spend all their time and energy and money worrying about building a fish offset bank. The person

252 Vancouver Fraser Port Authority, *Brief*, 9 December 2025.

253 Stewart Elgie, Jarislowsky Chair in Clean Economy, University of Ottawa, as an individual, *Evidence*, 18 November 2025.

254 Ibid.

255 Ibid. See: Stewart Elgie, University of Ottawa and Dr. Nicolas Lapointe, Carleton University, *Brief*, 9 December 2025.

256 Stewart Elgie, Jarislowsky Chair in Clean Economy, University of Ottawa, as an individual, *Evidence*, 18 November 2025.

257 Ibid.

> who knows how to do it does it. These work, and there are decades of experience in the U.S. and other countries. We just need to implement them here, they're good for the environment and good for the economy.[258]

In their joint brief, Stewart Elgie and Nick Lapointe recommended a two-stage approach to implement both third party banking and fees in lieu: existing powers should be used to pilot an Indigenous-led third party habitat bank and implement fees in lieu; and, as soon as possible, the *Fisheries Act* should be amended to allow third-party habitats banks (section 42.1) and require fees in lieu. Regulations under section 13 could also be used to require the fees in lieu.[259]

Leigh Fox, Advisor with the Indigenous-led Fish Habitat Stewardship, had worked with Stewart Elgie and other NGOs and policy experts to develop recommendations. He explained that "these recommendations prioritize a rights holder-centred approach to restoration and stewardship of critical fish habitat across the country,"[260] and provided details on the recommendations from an Indigenous rights and reconciliation perspective. For example,

> [t]hird party habitat banking presents a critical opportunity for [I]ndigenous communities to lead restoration work in their traditional territories and act as a habitat bank delivering outcomes to multiple project proponents. This will support proponents' objectives, because there will be supply certainty for high-quality, permanent fish habitat outcomes that also meet the government's commitment to "building a renewed relationship with Indigenous Peoples that is based on the recognition of rights, respect, co-operation, and partnership."[261]

Third party banking was also supported by Ducks Unlimited.[262] While SaskPower also supported third party banking and suggested that projects proponents be allowed to accrue and transfer banked habitat credits, it took issue with offsets in some circumstances:

> The application of mandatory offsetting to the death of individual fish and minor HADD is creating regulatory gridlock for both proponents and DFO staff without addressing the sustainability of potentially affected fisheries. Where DFO wishes to pursue net gains for fish and fish habitat or broader fisheries policy objectives including the recovery of species at risk, watershed planning, ecosystem science, and Indigenous reconciliation, it should be done through properly structured and resourced programs and not by

258 Ibid.

259 Stewart Elgie, University of Ottawa and Dr. Nicolas Lapointe, Carleton University, *Brief*, 9 December 2025.

260 Leigh Fox, Advisor, Indigenous-led Fish Habitat Stewardship, RAD Network, *Evidence*, 20 November 2025.

261 Ibid.

262 Ducks Unlimited Canada, *Brief*, 9 December 2025.

> withholding FAAs [*Fisheries Act* authorizations] in the interest of securing disproportionate levels of habitat offsets.[263]

Nick Lapointe pointed to a delay in a tool that would support transparency and offsets:

> In the 2019 changes to the [A]ct, one of the requirements was to establish a registry. This is less on the fishing side and more on the habitat management side. All the authorizations issued by DFO should be posted on that registry. To date, five years later, all that is posted is the names of those authorizations. We still can't obtain the authorizations themselves.
>
> I'm still waiting, since 2021, on the offsetting plans for the set of authorizations issued in 2020, the first year of the new act. Despite legally mandated transparency on the authorizations and other parts of the act, the department is not implementing that. Five years later, that's not happening.[264]

Enforcement and Implementation

Nick Lapointe summarized some of his concerns with the *Fisheries Act* as follows:

> Major challenges remain, stemming in part from DFO's limited implementation of their tools and obligations under the [A]ct. We work closely with the department on conservation solutions and we recognize many excellent programs, including DFO's fish habitat science and the Pacific region's salmonid enhancement program. At the same time, small projects continue to harm fish habitat. Little is being done to enforce or otherwise address known violations of the *Fisheries Act*, particularly for barriers to fish passage.[265]

With some exceptions, obstructing the free passage of fish is prohibited by the *Fisheries Act*. With respect to fish passages, Nick Lapointe explained that the majority of "economically, recreationally and culturally important fish in Canada rely on migration paths between bodies of water."[266] He noted, however, that streams have approximately one barrier every three kilometres, and that these barriers have impacted some migratory species, including wild salmon and American eel.[267] Recommending the establishment of a national fish passage strategy, he observed that "[t]he department has appropriate powers under the *Fisheries Act* to address this, but they are not fulfilling

263 SaskPower, *Brief*, 18 December 2024.

264 Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology, Canadian Wildlife Federation, *Evidence*, 25 November 2024.

265 Ibid.

266 Ibid.

267 Ibid.

their obligations.[268] Jeramy Boudreau agreed that fish passage was a significant issue: "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."[269] He indicated that "there is definitely a problem with enforcement" in the context of fish passage.[270]

Geoff Thorburn observed that "officers still lack a timely, impactful way to address minor violations" of habitat protection provisions.[271] He described a proposed licencing system "to ensure that the work around fish-bearing waters is being carried out responsibly:"

> Each licence would come with conditions of licence, much like those of a commercial fishery, allowing fishery officers to issue tickets for less serious non-compliance issues while having a more immediate impact, ensuring that the conditions of licence are complied with in a more timely manner.[272]

Another area of the *Fisheries Act* that, according to witnesses, was not being implemented related to establishing ecologically significant areas (ESAs). Noting that the first ESA candidate was only announced in October 2024, Susanna Fuller, Vice-President, Conservation and Projects with Oceans North, told the Committee:

> Under subsection 35.2(2), ESAs can be established by the [M]inister. Canada has over two million lakes and rivers that support [I]ndigenous food fisheries and recreational activities and that provide water sources for many of our communities. Despite this ability to designate ESAs and ensure prohibitions to activities other than fishing that could negatively impact such habitat, to date, Canada has not made use of the powers of this [A]ct.
>
> […]
>
> We're not expecting all of these to be fully protected, but we think we need to make progress. We can and must do better in developing an effective and efficient regulatory process that allows us to protect more fish habitat.[273]

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268 Ibid.

269 Jeramy Boudreau, President, Maritime Gaspereau Industry Association, *Evidence*, 6 November 2025.

270 Ibid.

271 Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

272 Ibid.

273 Susanna Fuller, Vice-President, Conservation and Projects, Oceans North, *Evidence*, 2 December 2024.

A joint brief submitted by Nikki Skuce, Director of the Northern Confluence Initiative, and Susanna Fuller recommended developing an ESA regulation to speed up the introduction of candidate areas, as well as to target funding towards ESAs.[274]

Cumulative Effects

With some exceptions, the *Fisheries Act* prohibits carrying on work that results in the death of fish (section 34.4(1)). One of the exceptions is if "the work, undertaking or activity is a prescribed work, undertaking or activity" (section 34.4(2)(a)). Before prescribing such work in a regulation, section 34.1(1)(d) requires that "the cumulative effects of the carrying on of the work, undertaking or activity referred to in a recommendation or an exercise of power, in combination with other works, undertakings or activities that have been or are being carried on, on fish and fish habitat" be considered. Despite this requirement, Deborah Carlson, staff lawyer, West Coast Environmental Law Association, advised the Committee that

> the only public evidence of DFO work to consider cumulative effects in law and policy is the 2025 position statement. This is about a subset of decision-making for authorizations for individual projects. It's hard to say how it is applied in practice, because it's based on how, decision by decision, you would actually consider cumulative effects. There's no reference point. When are the cumulative effects considered to be too great? However, there's a further missing piece with respect to the implementation. The minister is also directed to consider cumulative effects when making regulations. I see no evidence that this has been done and no framework for doing so.[275]

She recommended that DFO "develop a tool to assess and manage the risk of cumulative effects harmful to fish habitat associated with new or updated regulations, with transparent reporting;" that a similar tool be developed for "DFO policies and procedures governing authorizations and other directions to project proponents;" and that DFO report its progress on these back to the Committee within one year.[276]

Other witnesses agreed that the cumulative effects of small projects were not properly considered. Nick Lapointe explained the issue of cumulative effects this way:

> Each year the department reviews thousands of projects, but issues only 100 to 200 authorizations, dismissing harm from the others as low risk. The footprint of the other projects is definitely smaller, but they do cause harm. Because there are so many, the

274 Nikki Skuce, Director of the Northern Confluence Initiative and Dr. Susanna Fuller, Vice-President of Oceans North, *Brief*, 22 October 2024.

275 Deborah Carlson, Staff Lawyer, West Coast Environmental Law Association, *Evidence*, 28 October 2025.

276 Ibid.

> accumulating harm is a major issue. Small projects are individually reviewed, which takes a lot of DFO staff time and results in only informal approval by letters of advice. This inefficient process delays projects and creates costs and uncertainty for industry. The worst part is that this system is not leading to good outcomes for fish and fish habitat.[277]

Industry Concerns

The Committee heard from multiple witnesses representing industries that had projects requiring *Fisheries Act* authorizations (FAAs) who expressed frustration in relation to the HADD provisions of the *Fisheries Act*. Many of these witnesses indicated that a key issue with the amendments was that the focus is now on individual fish, not fisheries.[278] With respect to hydroelectric projects, Francis Bradley observed that the 2019 amendments have negatively impacted existing facilities as well as the building of new ones.[279]

There appeared to be a consensus among these witnesses that compliance and other regulatory tools had yet to be developed,[280] and that this has resulted in many issues. For example, Francis Bradley explained:

> It was suggested that, prior to implementing the changes, a pathway to compliance be developed alongside alternative compliance mechanisms. Unfortunately, here we are, five years later, and key regulations and guidance materials have not been developed and no clear pathway has been established for the hundreds of facilities that became non-compliant overnight. How did they become non-compliant overnight? It's because they were designed to protect fisheries, not individual fish.[281]

He noted that while industry continues to work collaboratively with DFO, "we need to get moving on improving the regulatory environment if we want to meet our climate and economic goals."[282]

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277 Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology, Canadian Wildlife Federation, *Evidence*, 25 November 2024.

278 See, for example: Francis Bradley, President and Chief Executive Officer, Electricity Canada, *Evidence*, 20 November 2024; Peter Gregg, President and Chief Executive Officer, Nova Scotia Power Inc., *Evidence*, 27 November 2024; Lorena Patterson, President and Chief Executive Officer, WaterPower Canada, *Evidence*, 27 November 2024; Manitoba Hydro, *Brief*, November 2024; and Canadian Canola Growers Association et al., *Brief*, 15 November 2024.

279 Francis Bradley, President and Chief Executive Officer, Electricity Canada, *Evidence*, 20 November 2024.

280 See for example Canadian Nuclear Association, *Brief*, 22 November 2024.

281 Francis Bradley, President and Chief Executive Officer, Electricity Canada, *Evidence*, 20 November 2024.

282 Ibid.

Referring to the pre-Bill-68 *Fisheries Act*, Pierre Gratton shared that:

> For a few years, we found that we had a pretty efficient regime, which is why we did not support the reversal to what was essentially the pre-2012 regime, when the government came forward with Bill C-68. We accepted it. It was obvious it was going to happen, but we cautioned them very strongly to prepare for implementation. We also emphasized that the act should not be brought into force until they had the compliance tools developed and put in place. That advice, unfortunately, was not heeded. We are now five years later and still waiting for those tools to be put in place.[283]

Noting that there were still few codes of practice and that "the prescribed works and waters regulations have still not been put in place," he mentioned that the department's position is that those regulations "are complex."[284] He observed, however, that "[i]t's in the best interest of fish, fish habitat and Canada's economy to adequately prepare for coming into force, which they did not."[285] Larry Thomas, Environment Manager, Environment and Sustainability with the Canadian Cattle Association, advised the Committee that their "concerns centre in part around DFO's lack of pace on the implementation regarding regulations, standards and new, expanded and improved codes of practice."[286]

For forestry, Scott Jackson, Director, Conservation Biology at the Forest Products Association of Canada, explained that

> even a very small delay in getting an authorization can have a very significant impact. A lot of forestry operations are seasonal in nature. With winter roads, when the ground has been frozen to reduce environmental impact, you may have a very short window to remove a temporary water crossing. If you're delayed by even a few weeks in getting that authorization, you could lose the entire season, and now you need to come back the next year.[287]

Nick Lapointe pointed to prescribed works regulations as a solution, describing it as an "efficient system" that:

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283 Pierre Gratton, President and Chief Executive Officer, Mining Association of Canada, *Evidence*, 25 November 2024.

284 Ibid.

285 Ibid.

286 Larry Thomas, Environment Manager, Environment and Sustainability, Canadian Cattle Association, *Evidence*, 11 December 2024.

287 Scott Jackson, Director, Conservation Biology, Forest Products Association of Canada, *Evidence*, 11 December 2024.

> [F]or the vast majority of projects, eliminate the need for project review and allow proponents to immediately implement their projects after registering them. It would also follow best practices so that a culvert is replaced with a full span bridge that passes fish. It would really focus those resources not in the bureaucratic review of projects but in the implementation of things that work for fish and fish habitat.
>
> That's one of those key regulations that remain mired in consultation and engagement without progress and without any implementation.[288]

Lorena Patterson, President and Chief Executive Officer of WaterPower Canada, explained how the lack of compliance tools is affecting industry:

> Since the 2019 act was passed, there's been no additional guidance from DFO regarding the application of section 34.4. DFO officials are not required to take into account a reasonableness test when determining whether an application meets the expected standard of care. In the absence of clear guidelines, proponents also struggle to determine whether the standard of care has been met. Further, differing interpretations of the section have resulted in the inconsistent application of standards across the country.[289]

To address these issues, she recommended focusing on fisheries and fish habitat, rather than individual fish; that DFO evaluations consider "the cost of monitoring, mitigating, and delayed application reviews to ratepayers;" and to explore establishing "an arm's-length party that would be responsible for these applications."[290]

With respect to the assertion that the focus of the *Fisheries Act* is now on individual fish, Francis Bradley commented:

> When there is what we refer to as an incidental take—when fish are killed—it is a bad day for my member companies. They have always sought to make sure they operate in a manner that limits that, but they also take action to mitigate those sorts of things by building facilities that now have fish passages, for example. There are a number of examples of that. We have fish hatchery programs. We have habitat enhancement that takes place. In all those cases, the mitigation measures are more than making up for the incidental take—the fish that are killed as a result of our operations.
>
> That doesn't work under the current regime. Under the current regime, we're supposed to be protecting the individual fish as opposed to the overall fishery. For a number of

288 Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology, Canadian Wildlife Federation, *Evidence*, 25 November 2024.

289 Lorena Patterson, President and Chief Executive Officer, WaterPower Canada, *Evidence*, 27 November 2024

290 Ibid.

> our facilities, we're unable to get those FAAs because fish are being killed, even though the mitigation measures more than make up for that, and that is a problem.[291]

Francis Bradley explained that "the way the 2019 [A]ct is being interpreted is resulting in significantly more challenging FAAs. I think we need to address both the interpretation of the act and the resourcing. It isn't one or the other; it's actually both of those that need to be taken into consideration."[292]

Peter Gregg, President and Chief Executive Officer of Nova Scotia Power Inc., felt the issues raised were significant enough to warrant *Fisheries Act* amendments:

> [W]e recommend refocusing the [A]ct to protect fish populations rather than individual fish, and reserving FAAs for high-risk activities. Routine, lower-risk work should be managed through streamlined processes such as codes of practice or letters of advice. We also urge refocusing the [A]ct to protect fish populations rather than individual fish, and reserving FAAs for high-risk activities. Finally, flexibility should be built into offsetting policies for older facilities that have already undergone significant upgrades.[293]

Darren Porter was firm in the belief that some of what industry was asking for should not be considered:

> The death of fish from activities other than fishing is not currently being enforced, and neither is the duty to notify on the death of fish. We are adamant against changing the death of fish provisions from the current definition to the threshold of population-level effects that "works, undertakings and activities" by groups other than fishing are requesting. These groups have continued to enjoy impunity at the expense of our fishery for a very long time. Most are completely unauthorized, such as in my province with Nova Scotia Power.[294]

Adam Burns explained the progress DFO is making in addressing some of the concerns that were raised in relation to projects and habitat protection:

> [W]e are improving regulatory efficiency and decision-making while continuing to protect fish and fish habitat in a way that respects [I]ndigenous rights and advances reconciliation. Specifically, we are streamlining the review of higher-risk projects while simplifying approaches and requirements for low-risk and routine projects. These steps

291 Francis Bradley, President and Chief Executive Officer, Electricity Canada, *Evidence*, 20 November 2024.

292 Ibid.

293 Peter Gregg, President and Chief Executive Officer, Nova Scotia Power Inc., *Evidence*, 27 November 2024.

294 Darren Porter, Spokesperson, Fundy United Federation, *Evidence*, 11 December 2024.

will help to reduce the project review times and ensure that decisions on major projects can be completed in under two years.[295]

Recommendation 26

That the Government of Canada introduce amendments to the *Fisheries Act* to establish net gain of fish habitat as a mandatory outcome for all authorizations and habitat regulations, supported by offset ratios of 2:1 or higher, aligned with Department of Fisheries and Oceans science to ensure increased habitat quantity, ecological function, habitat value, and productivity. Pending these legislative amendments, the Department of Fisheries and Oceans should amend its policies and practices to require net gain of habitat for all authorizations.

Recommendation 27

That the Department of Fisheries and Oceans revise its offsetting framework to enable third-party habitat banking, and that the Government of Canada introduce amendments to section 42.1 of the *Fisheries Act* to permit such banks on a permanent basis. Pending these legislative amendments, the Department of Fisheries and Oceans should pursue pilot projects for habitat banks using existing powers.

Recommendation 28

If the government proposes amending the *Fisheries Act*, that

- **the Department of Fisheries and Oceans revise its offsetting framework to enable third-party habitat banking, and that the Government of Canada amend section 42.1 of the *Fisheries Act* to permit such banks on a permanent basis; and**
- **habitat bank credits only be produced, transferred, and applied within the same ecologically connected zones, watersheds, and estuaries, wherever possible; and**
- **pending this legislative amendment, the Department of Fisheries and Oceans should use existing powers to pursue pilot projects for Indigenous and industry led habitat banks.**

295 Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management, DFO, *Evidence*, 20 November 2025.

Recommendation 29

That the Government of Canada establish a national fees-in-lieu program for fish habitat offsetting, allowing proponents to fund large-scale, expert-led habitat restoration while reducing regulatory delays and improving ecological outcomes, and that these changes initially be implemented by policy and later entrenched through regulation (under section 13, for example) and/or amendments to the *Fisheries Act*.

Recommendation 30

That the Department of Fisheries and Oceans require small and medium-sized projects that harm fish habitat to offset their impacts through fees-in-lieu or habitat banking credits, and that the *Fisheries Act* be amended to ensure all harmful activities achieve net gain of habitat.

Recommendation 31

That the Department of Fisheries and Oceans strengthen monitoring, compliance, and transparency by creating a public registry of offsets and requiring corrective action when offsets underperform, while supporting community-led participation in restoration and stewardship activities.

Recommendation 32

Regarding offsetting policies and regulations derived from the *Fisheries Act*, that the Department of Fisheries and Oceans apply flexibility in offsetting policies and regulations for older power generation facilities that have already completed significant upgrades.

Recommendation 33

That the Department of Fisheries and Oceans work to streamline, where possible, the approval processes for low-risk *Fisheries Act* authorizations to ensure the continued growth of Canadian industry, while maintaining robust protection for critical habitat and species at risk.

Recommendation 34

That the Department of Fisheries and Oceans update the *Policy for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat* and the *Interim Policy for Establishing Fish Habitat Banks to Support the Administration of the Fisheries Act and the Species at Risk Act* to streamline the *Fisheries Act* Authorization review process for habitat bank

withdrawals as offsetting by establishing clear criteria and pre-approved conditions for using habitat credits, reducing administrative delays and uncertainty.

Recommendation 35

That the Department of Fisheries and Oceans develop a plan, with timelines, to implement the *Prescribed Works and Waters Regulations*.

Recommendation 36

That the Department of Fisheries and Oceans better manage the risks of cumulative effects on fish habitat through multiple small projects and allow for a proper offsetting mechanism.

Recommendation 37

That the Department of Fisheries and Oceans develop a tool to assess and manage the risk of cumulative effects harmful to fish habitat and that, 12 months from the tabling of this report, the Department of Fisheries and Oceans report to the Standing Committee on Fisheries and Oceans the department's progress in implementing this recommendation.

Recommendation 38

That the Department of Fisheries and Oceans develop a tool to assess and manage the risk of cumulative effects within DFO policies and procedures governing authorizations and other directions to project proponents, and that, 12 months from the tabling of this report, the Department of Fisheries and Oceans report to the Standing Committee on Fisheries and Oceans the department's progress in implementing this recommendation.

Recommendation 39

That the Department of Fisheries and Oceans work in collaboration with all levels of government, Indigenous communities and partners to remove barriers and/or implement cost-effective measures that allow fish migration.

Recommendation 40

That the Department of Fisheries and Oceans

- **continue its work to implement the *Cabinet Directive on Regulatory and Permitting Efficiency for Clean Growth Projects*, which includes driving**

culture change within the department that reflects the urgent action required to accelerate clean growth; and

- **be supported with the appropriate level of resources to effectively implement the actions stemming from this review and their efforts to accelerate processes for clean growth projects.**

INDIGENOUS RIGHTS AND RECONCILIATION

When making a decision, section 2.4 of the *Fisheries Act* requires the Minister to "consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*."

Witness testimony and written briefs that raised Indigenous rights and reconciliation in the context of fisheries focused primarily on two issues. On one hand, Indigenous individuals, communities and organizations and other witnesses such as non-governmental organizations focused on the importance of recognizing and implementing Indigenous rights, including ones that have been affirmed by the Supreme Court of Canada and are recognized in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). In line with that, witnesses and briefs have proposed specific amendments to the *Fisheries Act*, including recognition of First Nations law, shared decision-making and improved co-management.

On the other hand, as was mentioned in the "Enforcement and Penalties" section of this report, some witnesses expressed concerns about what they perceived to be illegal fishing by Indigenous people that was not being addressed by DFO.

With respect to DFO's work on reconciliation, Adam Burns explained that:

> The department has been advancing a number of measures under its United Nations declaration act action plan through existing policy tools such as co-management agreements, reconciliation agreements and joint management plans, and using policy directions such as the sustainable fisheries framework.[296]

Stu Barnes, Executive Director of the First Nations Fisheries Council of British Columbia, emphasized that the Committee's review of the Act needed to be undertaken with a view to modernizing the Act to be consistent with Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIP Act), which affirms that UNDRIP has

296 Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management, DFO, *Evidence*, 20 November 2025.

application in Canadian law and provides a framework for the federal government to ensure that Canada's laws are consistent with UNDRIP.[297] A brief submitted jointly by a number of non-governmental organizations echoed the need for the *Fisheries Act* to be aligned with the UNDRIP Act.[298]

In a joint brief, the First Nations Fisheries Council of British Columbia, the Island Marine Aquatic Working Group and the Nuu-chah-nulth Tribal Council state that "[t]he current legislation, regulatory and policy framework in Canada remains a barrier to First Nations in BC fully exercising their [section] 35 rights, and largely displaced First Nations governance systems, fisheries and economies." Among other things, they recommend immediately tabling a bill that "recognizes First Nations jurisdiction with respect to fisheries management."[299]

Stu Barnes said that the Act should be amended to "recognize [I]ndigenous law as a contemporary legal framework in Canada and provide for the implementation of legal pluralism," as well as "broaden the purposes of entering into agreements with [F]irst [N]ations and to uphold agreements signed with [F]irst [N]ations as a way to recognize and respect the jurisdiction and authority of nations to share responsibility in the management of fish and fisheries."[300] With respect to agreements, in a joint brief, the First Nations Fisheries Council of British Columbia, the Island Marine Aquatic Working Group and the Nuu-chah-nulth Tribal Council recommends "[d]irecting DFO and CIRNAC [Crown-Indigenous Relations and Northern Affairs Canada] to consult with First Nations in BC to collaboratively advance shared agreements under Fisheries Act section 4.1."[301]

Echoing the need to review agreements, Oceana Canada proposed amendments to section 7 of the *Fisheries Act*. That section refers to fisheries leases and licences, and Oceana Canada notes that the Minister has "absolute discretion" with respect to issuing them.[302] In its brief, Oceana Canada proposed requiring the Minister to enter into co-management arrangements "as opposed to simply authorizing a Minister to enter into

297 Stu Barnes, Executive Director, First Nations Fisheries Council of British Columbia, *Evidence*, 27 November 2024.

298 Canadian Wildlife Federation et al., *Brief*, 18 June 2024.

299 First Nations Fisheries Council of British Columbia, Indigenous Marine Aquatic Working Group and Nuu-chah-nulth Tribal Council, *Brief*, 18 December 2025.

300 Stu Barnes, Executive Director, First Nations Fisheries Council of British Columbia, *Evidence*, 27 November 2024.

301 First Nations Fisheries Council of British Columbia, Indigenous Marine Aquatic Working Group and Nuu-chah-nulth Tribal Council, *Brief*, 18 December 2025.

302 Oceana Canada, *Brief*, 2 December 2024.

various agreements with Indigenous groups should the Minister feel so inclined."[303] It also recommended amending section 7 to "[a]uthorize the Minister to share decision making authority with rightsholders in comanagement arrangements, as opposed to maintaining the Minister's 'absolute discretion' for all fisheries decisions."[304] Trevor Swerdfager and Derek Armitage also observe that section 7 and the "absolute discretion" of the Minister "seem inconsistent with legal obligations (i.e., UNDRIP) and normative shifts in expectations for co-governance with Indigenous people in Canada:"

> More generally, the Act should include provisions for shared governance authority and governance processes that ensure that multiple ways of knowing share more equal footing. Provisions which support principles of shared governance (or co-governance) implemented through specific co-management arrangements that guide, for example, stock assessments, allocation decisions or conflict resolution, would substantially re-position the Act as a tool that supports, rather than constrains, Indigenous engagement in fisheries management and broader reconciliation agendas. Such provisions would need to directly modify section 7(1) which reserves the "absolute discretion" for fisheries decision making to the Minister and in so doing, effectively blocks the establishment of shared governance arrangements with Indigenous groups.[305]

Terry Teegee, Regional Chief of the British Columbia Assembly of First Nations, who appeared with James MacDonald, Director of Fisheries, explained that their submission was on behalf of the Assembly of First Nations (AFN) and mandated by AFN resolution 22 entitled "2024 Fisheries Act 5-Year Review to Ensure Alignment with the United Nations Declaration on the Rights of Indigenous Peoples".[306] Some of Chief Teegee's comments related directly to how the Committee should be undertaking the review of the *Fisheries Act*, such as advocating that the review "be undertaken in full cooperation and consultation with First Nations, including appropriate timelines, and with the purpose of implementing amendments to achieve the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*."[307] Chief Teegee also proposed specific amendments to the *Fisheries Act*, including:

- recognizing UNDRIP and the UNDRIP Act in the Preamble;
- including a primacy clause that states that "[w]here there is any inconsistency or conflict between the provisions of the *Fisheries Act* and

303 Ibid.

304 Ibid.

305 Trevor Swerdfager and Dr. Derek Armitage, School of Environment, Resources and Sustainability, Faculty of Environment, University of Waterloo, *Brief*, 21 November 2024.

306 Terry Teegee, Regional Chief, Assembly of First Nations, *Evidence*, 18 November 2025.

307 Ibid.

> the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the provisions of the *United Nations Declaration on the Rights of Indigenous Peoples Act* shall prevail to the extent of the inconsistency or conflict;"

- establishing co-jurisdictional authority; and
- prioritizing fish stock rebuilding measures that are "aimed at stocks or habitat relied on by the Indigenous peoples of Canada for food, social, ceremonial, economic uses and those related to the exercise of their rights recognized and affirmed by section 35 of the *Constitution Act, 1982*."[308]

Observing that "DFO has yet to implement several decisions of the Supreme Court of Canada that support First Nations, such as the Sparrow decision, which gives 'top priority' to section 35 rights under the *Constitution Act, 1982*, over all other uses, after conservation objectives are met," the brief submitted by the Assembly of First Nations contains additional proposed amendments, including adding a requirement to obtain "free, prior and informed consent" if a decision made under the *Fisheries Act* may affect inherent, treaty, or constitutionally protected rights.[309]

In their brief, the Passamaquoddy Recognition Group[310] observed that "[o]pening the *Fisheries Act* up for amendments offers a unique chance to advance Canada's commitment to upholding Indigenous rights."[311] Referring to jurisprudence, they proposed that:

> The *Fisheries Act* ought to be reframed to address Supreme Court decisions, including *R. v. Sparrow* (1990), where it was determined that the Crown has a constitutional obligation to uphold Indigenous (Aboriginal) rights - including to fish for Food, Social, and Ceremonial (FSC) purposes, "and that after conservation, this right takes priority". The purpose of the *Fisheries Act* ought to acknowledge this order - conservation, healthy fish for FSC fisheries, and lastly, managing commercial fisheries sustainably.[312]

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308 Ibid.

309 Assembly of First Nations, *Brief*, 18 November 2025.

310 The Passamaquoddy Recognition Group explains in its brief that it is "the not-for-profit organization which represents the Peskotomuhkati Nation at Skutik in federal negotiations, and environmental monitoring, research, restoration, and conservation efforts."

311 Passamaquoddy Recognition Group, *Brief*, 9 December 2025.

312 Ibid.

The brief contains a number of proposed amendments, including to add self-determination to the purpose section of the Act (section 2.1) and the need for free, prior and informed consent in fisheries and fisheries decisions.[313]

In their brief, the Yukon Salmon Sub-Committee asserted that

> the Act must be interpreted and amended in a manner consistent with Yukon First Nation Final Agreements, which have constitutional protection under section 35 of the *Constitution Act, 1982*. The Act therefore must undergo consistency amendments to properly consider inherent rights, autonomy and the self-governance of Yukon First Nations.[314]

In response to a question about co-development, Stu Barnes told the Committee:

> First and foremost, what we need to do is have all [F]irst [N]ations aligned and in the same spot…Then you go into a conversation with the government. I call it a "tier two sandwich", where you do the work with the Government of Canada and with the [F]irst [N]ations and then go into the room with the stakeholders, the tier three group. Then you come back and convene with the tier two world to go over what you heard from the stakeholders.[315]

This links to the need for improved dialogue and collaboration between Indigenous and non-Indigenous fishers, which was mentioned by several witnesses.[316] For example, Randy Nelson told the Committee, "[w]e have to do a better job of working with [F]irst [N]ations and finding a resolution rather than pushing everything into the court."[317] Colin Sproul expressed a similar sentiment:

> We want to collaborate with the Government of Canada and [F]irst [N]ations to inform and understand viewpoints and ultimately establish regulatory certainty. The UFCA believes that [I]ndigenous and non-[I]ndigenous fishermen can work side by side in the future like they do today in the commercial fishery. We recognize and acknowledge the importance of co-operation with [I]ndigenous communities and that [I]ndigenous fishermen have a right to fish for commercial, food, social and ceremonial purposes.[318]

313 Ibid.

314 Yukon Salmon Sub-Committee, *Brief*, 19 November 2025.

315 Stu Barnes, Executive Director, First Nations Fisheries Council of British Columbia, *Evidence*, 27 November 2024.

316 See, for example: Darren Porter, Spokesperson, Fundy United Federation, *Evidence*, 11 December 2024; and Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 18 November 2025.

317 Randy Nelson, as an individual, *Evidence*, 6 November 2025.

318 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 18 November 2025.

Some witnesses made specific reference to the 1999 Supreme Court of Canada *Marshall* decisions.[319] In *R. v. Marshall*, the Supreme Court affirmed that Mi'kmaq and Wolastoqey Nations have a treaty right to fish, hunt and gather in the pursuit of a moderate livelihood. Some witnesses expressed the opinion that this treaty right was being misinterpreted or used inappropriately. For example, Martin Mallet stated:

> The Marshall decisions and subsequent [I]ndigenous fishing access transfers were never about bands leasing out fishing licences and quotas to non-native interests; they were about giving fishing access to band members so that they could pursue a livelihood in the fisheries.
>
> Currently, bands can purchase and accumulate owner-operator licences, convert them into communal licences, and then lease them out, bypassing owner-operator protections. It should be made mandatory, through policy or regulations, to have [I]ndigenous participation in the prosecution of [I]ndigenous commercial access—boots on the boats.[320]

While not explicitly referring to any specific existing or proposed policies or agreements, Colin Sproul shared the following concerns:

> Changes proposed to [I]ndigenous commercial fisheries by the department and some Atlantic [F]irst [N]ations governments are a clear departure from the scope of rights ratified by the Marshall decisions.
>
> They would see the minister abdicate her authority, an authority that has been clarified by the Supreme Court of Canada, and they would further exclude rights holders from participation in fishing. The wanted changes are a road map for corporatization and vertical integration within rights-based fisheries. They would only serve to dramatically increase the leasing of fishery access to non-[I]ndigenous corporations, access that was granted expressly to implement Marshall rights. Most ominous to our members are proposed changes that would create a back door for a corporate takeover of the fishery in our own communities through nominal [F]irst [N]ations ownership.[321]

In response to questions on this topic, Colin Sproul elaborated further:

> Proposed changes to communal commercial fisheries and to the [A]ct would see the department begin to issue fishing licences to [I]ndigenous companies and corporations, and not just to [F]irst [N]ations themselves. This is a very ominous thing, and we know that it's already taking place. We know that some of the vertically integrated companies that have been violating owner-operator policy have been transferring their licences to [I]ndigenous entities and, then, signing long-term lease agreements to fish the access

319 *R. v. Marshall*, [1999] 3 SCR 456; and *R. v. Marshall* ("*Marshall II*"), [1999] 3 SCR 533.

320 Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

321 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 18 November 2025.

> back from the [F]irst [N]ations. That's certainly the nexus of where we see the problem, but that's not to ignore the problem with non-[I]ndigenous vertical integration. It's certainly an issue as well, but the new frontier of violation of owner-operator policy is the indigenization of the access.[322]

Daniel J. Fleck also expressed concerns about distinctions between Indigenous and non-Indigenous fishers with respect to commercial fishing licensing policies:

> There are presently two versions of commercial licensing policies, one for [I]ndigenous persons and one for non-[I]ndigenous 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 [I]ndigenous 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.[323]

In response to a question about the sale of fish caught for FSC purposes, Carl Allen told the Committee:

> In some [F]irst [N]ations communities it's one of those worst-kept secrets. The same thing has happened in St. Marys Bay, where we've turned a bunch of FSC fisheries into quasi-commercial fisheries. They're out-of-season fisheries and in some cases these fisheries are taking place during a biologically sensitive time of the year when there should be no fishery.[324]

Concerns over DFO not enforcing the *Fisheries Act* and permitting unauthorized fishing by First Nations individuals was discussed in more detail in the "Enforcement and Penalties" section of this report.

Indigenous Knowledge

A number of witnesses emphasized the need for greater consideration of Indigenous knowledge in the decision-making process. For example, Robert Chamberlin, Chairman of

322 Ibid.

323 Daniel J. Fleck, Executive Director, Brazil Rock 33/34 Lobster Association, *Evidence*, 6 November 2025.

324 Carl Allen, Vice-President, New Brunswick, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

the First Nation Wild Salmon Alliance told the Committee that "First [N]ations who reside in their traditional territories, who have their hands in the river and the ocean and know what's going on intimately, can inform management rather than somebody at [DFO's national headquarters in Ottawa]. Let's be serious: That's where the solutions lie."[325]

Going beyond emphasizing the importance of considering Indigenous knowledge in *Fisheries Act* decisions to require that the Minister consider Indigenous knowledge was flagged in a number of submissions. For example, Trevor Swerdfager and Derek Armitage proposed that section 2.5(d), which lists "Indigenous knowledge of the Indigenous peoples of Canada that has been provided to the Minister" as one of the factors that the Minister may consider in making a decision under the Act, should be a mandatory rather than a permissive consideration.[326] Kitasoo Xai'xais First Nation and Oceana Canada make similar recommendations in their briefs.[327]

Kitasoo Xai'xais First Nation also explained the importance of Indigenous knowledge systems in the context of "the *Fisheries Act*'s implications to reconciliation:"

> The knowledge system of the Kitasoo Xai'xais , like all other IKS [Indigenous knowledge systems], is a way of life that is inseparable from the people and places who generate and own that knowledge. IKS intertwine governance, ceremony, ethics, values, laws, observations, harvesting practices, and other elements to support and enrich—spiritually, socially, and materially—the peoples who give rise to such knowledge.[328]

Their brief shared examples of how their Indigenous knowledge system was applied to fisheries management, including working "with 16 other First Nations, Canada, and the province of BC, in the development and ongoing implementation of the Marine Protected Area Network for the Northern Shelf Bioregion."[329] They are also party to the 2021 Fisheries Resources Reconciliation Agreement (FRRA), which supports

> ecosystem-based management frameworks that aim to achieve the coexistence of healthy, fully functioning ecosystems and human communities using all available information including Indigenous Knowledge, scientific information, best practices, and

325 Robert Chamberlin, Chairman, First Nation Wild Salmon Alliance, *Evidence*, 27 November 2024.

326 Trevor Swerdfager and Dr. Derek Armitage, School of Environment, Resources and Sustainability, Faculty of Environment, University of Waterloo, *Brief*, 21 November 2024.

327 Kitasoo Xai'xais First Nation, *Brief*, 4 December 2024; Oceana Canada, *Brief*, 2 December 2024.

328 Ibid.

329 Ibid.

> Indigenous laws and principles (including respect for the natural world, balance and intergenerational equity, intergenerational knowledge transfer, and reciprocity).[330]

They too call for revisions to the *Fisheries Act* "to enshrine into law a strong and meaningful role for Indigenous Knowledge Systems in fisheries advice and decision making."[331] An additional recommendation was made in a joint brief submitted by the First Nations Fisheries Council of British Columbia, the Island Marine Aquatic Working Group and the Nuu-chah-nulth Tribal Council, who recommended that the Act be amended to "reflect the [sensitivities] of ownership [of Indigenous knowledge] and its application by the Minister, and where First Nations can facilitate Canada to understand how to incorporate Indigenous Knowledge into decision-making processes."[332]

With respect to Indigenous knowledge inclusion in the decision-making process, Adam Burns with DFO explained: "We seek their traditional knowledge through a variety of mechanisms, including through advisory committees but also through bilateral engagement with them in order to ensure that we and the decision-makers benefit from that traditional knowledge."[333]

OTHER ISSUES AND RECOMMENDATIONS

While previous sections of this report have focused on the issues raised by multiple witnesses or multiple briefs, other issues raised include:

- amending the *Fisheries Act* to include references to biodiversity[334]
- clearly defining "aquaculture" in the *Fisheries Act* since the Act was not designed to address it;[335]
- addressing the "impacts of climate change on the health of fish and fish stocks and their habitats" by adding it to the list of factors to be

330 Ibid.

331 Ibid.

332 First Nations Fisheries Council of British Columbia, Indigenous Marine Aquatic Working Group and Nuu-chah-nulth Tribal Council, *Brief*, 18 December 2025.

333 Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management, DFO, *Evidence*, 20 November 2025.

334 Trevor Swerdfager and Dr. Derek Armitage, School of Environment, Resources and Sustainability, Faculty of Environment, University of Waterloo, *Brief*, 21 November 2024; and Ecojustice, *Brief*, 28 November 2024.

335 Nico Prins, Executive Director, BC Shellfish Growers Association, *Evidence*, 28 October 2025.

considered in ministerial decision making in Section 2.5 and to the list of factors to consider before passing regulations authorizing habitat destruction under subsection 34.1(1);[336]

- providing resources for research projects "to better understand our marine environment;"[337]
- establishing a national fisheries loan board;[338]
- revising "the current new entrant criteria so that the many men and women who seek a future in the fishery can gain valuable experience and enter the industry when they are ready;"[339]
- improving traceability to avoid fish laundering;[340] and
- amending the *Fisheries Act* to ensure transparency relating to the import or export of cetaceans.[341]

Recommendation 41

If the government proposes amending the *Fisheries Act*, that the Act be amended by adding the following definition of aquaculture: "the breeding, rearing, and harvesting of fish, shellfish, algae and other organisms in all types of aquatic environments."

Recommendation 42

That the Department of Fisheries and Oceans reinforce that fishing closures that necessarily entail job losses and devastating impacts to fish harvesters, their families,

336 Ecojustice, *Brief*, 28 November 2024; and Susanna Fuller, Vice-President, Conservation and Projects, Oceans North, *Evidence*, 2 December 2024.

337 Normand Déraspe, Vice President, Rassemblement des pêcheurs et pêcheuses des côtes des Îles, *Evidence*, 23 October 2025.

338 Carl Allen, New Brunswick Executive Member and Treasurer, Canadian Independent Fish Harvesters Federation, *Evidence*, 11 December 2024.

339 Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association, *Evidence*, 2 December 2024.

340 Neil Jensen, Chief of Recruitment, Training and Standards, Pacific Region, DFO, *Evidence*, 9 December 2025; and Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, DFO, *Evidence*, 9 December 2025.

341 Animal Justice Canada, *Brief*, 13 November 2025.

and coastal communities, must be restricted to genuine conservation concerns grounded in empirical data and backed up by core fishery science.

CONCLUSION

The Committee's review of the *Fisheries Act*, which has spanned two Parliaments, has highlighted a number of issues that the Committee has considered in greater depth in past reports, affirming the importance of the Committee continuing to seek accountability from the Government of Canada in response to its recommendations. Reviews such as this one also provide Canadians with the opportunity to flag new and emerging issues to the Members of Parliament who care deeply about fisheries. The Committee urges all those who reside in Canada to take steps, however small, to promote the sustainability of this valuable resource, and will continue to call upon the Government of Canada to take all possible action within its jurisdiction to ensure that fishing and fishing communities continue for generations to come.

Now more than 150 years after its enactment, the *Fisheries Act* has an important role to play in achieving this goal. While their opinions and recommendations differed, witnesses were united in wanting an effective, efficient and equitable regulatory system to manage one of Canada's most important natural resources. The Committee believes that the Act must balance the economic well-being of stakeholders with the need for environmental sustainability, while also ensuring the rights of everyone involved are protected. To that end, the Committee has made recommendations related to amendments of the *Fisheries Act* that it wishes the Government of Canada to implement.

Witnesses were also unanimously of the opinion that proper implementation of the Act's provisions was critical to achieving the legislation's purpose. As the experience with amendments passed in 2019 have shown, well-meaning changes can fall short where implementation, and the resources needed to achieve it, are lacking. The Committee believes that the Government of Canada, and DFO in particular, can do more to ensure that the good intentions of the *Fisheries Act* result in good outcomes on the ground, and on the water. Therefore, the Committee has made recommendations to the government regarding the implementation of the *Fisheries Act*, and hopes that when it next returns to this subject, substantial progress on implementation will have been achieved.

APPENDIX A:
LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's webpage for this study.

Organizations and Individuals	Date	Meeting
As an individual	2025/10/23	8
Véronique Chadillon-Farinacci, Associate Professor of Criminology, University of Moncton		
Cox and Palmer	2025/10/23	8
Andrew Campbell, Counsel		
Fisheries Council of Canada	2025/10/23	8
Jason McLinton, President		
Colin McMillan, Council Chair		
Northern Coalition Corporation	2025/10/23	8
Garry Best, Board Member		
Alastair O'Rielly, Executive Director		
Oceana Canada	2025/10/23	8
Kim Elmslie, Senior Campaign Director		
Rassemblement des pêcheurs et pêcheuses des côtes des Îles	2025/10/23	8
Normand Déraspe, Vice President		
As an individual	2025/10/28	9
Morley Knight, Fisheries Management Consultant		
BC Seafood Alliance	2025/10/28	9
Christina Burridge, Executive Director		
BC Shellfish Growers Association	2025/10/28	9
Nico Prins, Executive Director		
Ecojustice	2025/10/28	9
Margot Venton, Director, Nature Program		

Organizations and Individuals	Date	Meeting
United Fishermen and Allied Workers' Union – Unifor	2025/10/28	9
Emily Orr, Business Agent		
West Coast Environmental Law Association	2025/10/28	9
Deborah Carlson, Staff Lawyer		
Cape Breton Fish Harvesters Association	2025/10/30	10
Michael Barron, President		
Coldwater Lobster Association	2025/10/30	10
Bernie Berry, Senior Fisheries Advisor		
Regroupement des pêcheurs professionnels du sud de la Gaspésie	2025/10/30	10
Claire Canet, Project Manager		
As an individual	2025/11/06	11
Jimmy Lee Foss, Fisherman		
Randy Nelson		
Brazil Rock 33/34 Lobster Association	2025/11/06	11
Daniel J. Fleck, Executive Director		
Canadian Centre for Fisheries Innovation	2025/11/06	11
Hon. Keith Hutchings, Managing Director		
Maritime Gaspereau Industry Association	2025/11/06	11
Jeramy Boudreau, President		
Troy Doucet, Vice President		
As an individual	2025/11/18	12
Stewart Elgie, Jarislowsky Chair in Clean Economy, University of Ottawa		
Nicolas Lapointe, Adjunct Professor, Department of Biology, Carleton University		
Denis St-Pierre, Fellow, Chartered Professional Accountant		
Assembly of First Nations	2025/11/18	12
James MacDonald, Director of Fisheries		
Terry Teegee, Regional Chief		

Organizations and Individuals	Date	Meeting
BC Shrimp Trawlers' Association	2025/11/18	12
Jim McIsaac, Executive Director		
Canadian Association of Prawn Producers	2025/11/18	12
Bruce Chapman, Executive Director		
Canadian Independent Fish Harvesters Federation	2025/11/18	12
Melanie Sonnenberg, President		
Maritime Fishermen's Union	2025/11/18	12
Carl Allen, Vice-President, New Brunswick		
Martin Mallet, Executive Director		
Unified Fisheries Conservation Alliance	2025/11/18	12
Colin Sproul, President		
Department of Fisheries and Oceans	2025/11/20	13
Adam Burns, Assistant Deputy Minister, Fisheries and Harbour Management		
Rachelle Duval, Director, Domestic Fisheries Policy		
Kate Ladell, Director General, Ecosystems Management		
Peter Lambertucci, National Chief Enforcement Officer		
Bernard Vigneault, Director General, Ecosystem Science Directorate		
RAD Network	2025/11/20	13
Leigh Fox, Advisor, Indigenous-led Fish Habitat Stewardship		
Vancouver Anti-Corruption Institute	2025/11/20	13
Peter German, President and Executive Director		
Department of the Environment	2025/11/27	15
Hannah Rogers, Director General, Environmental Enforcement		
Public Prosecution Service of Canada	2025/11/27	15
Emma Beauchamp, Director and General Counsel		
Shannon O'Connor, Deputy Director, Public Prosecutions		
As an individual	2025/12/02	16
Nigel Buote, Fisherman		

Organizations and Individuals	Date	Meeting
Association des crabiers acadiens	2025/12/02	16
Marcel Hébert, Director General		
Réjean Noël, President		
As an individual	2025/12/09	18
Barry Coultish, Fishery Officer (Retired)		
Kent Spencer, Aboriginal Affairs Advisor (Retired)		
Department of Fisheries and Oceans	2025/12/09	18
Paul Didham, Supervisor, Major Case Management – NL Region		
Neil Jensen, Chief of Recruitment, Training and Standards, Pacific Region		
Peter Lambertucci, National Chief Enforcement Officer		
Trevor Lushington, Fishery Officer		
Rae McCleave, Program Officer, Onsite Training Coordinator		
Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast		

APPENDIX B: LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's webpage for this study.

44th Parliament – 1st Session

Organizations and Individuals	Date	Meeting
Department of Fisheries and Oceans	2024/09/25	118
Jennifer Buie, Director General, Fisheries Resource Management		
Kate Ladell, Director General, Ecosystems Management		
Gorazd Ruseski, Director General, Indigenous Affairs		
Mark Waddell, Director General, Fisheries Policy		
Canadian Aquaculture Industry Alliance	2024/11/20	129
Tim Kennedy, President and Chief Executive Officer		
Mia Parker, Executive Board Member		
Electricity Canada	2024/11/20	129
Francis Bradley, President and Chief Executive Officer		
Canadian Wildlife Federation	2024/11/25	130
Nick Lapointe, Senior Conservation Biologist, Freshwater Ecology		
Department of Fisheries and Oceans	2024/11/25	130
Miriam Padolsky, Acting Director General, Ecosystems Management		
Gorazd Ruseski, Director General, Indigenous Affairs		
Bernard Vigneault, Director General, Ecosystem Science Directorate		
Todd Williams, Senior Director, Fisheries Resource Management Operations		

Organizations and Individuals	Date	Meeting
Environment and Climate Change Canada	2024/11/25	130
Jacinthe David, Director General, Industrial Sectors and Chemicals Directorate		
Mining Association of Canada	2024/11/25	130
Pierre Gratton, President and Chief Executive Officer		
Danielle Morrison, Director, Regulatory Affairs		
First Nation Wild Salmon Alliance	2024/11/27	131
Robert “Galagame” Chamberlin, Chairman		
First Nations Fisheries Council of British Columbia	2024/11/27	131
Stu Barnes, Executive Director		
Nova Scotia Power Inc.	2024/11/27	131
Peter Gregg, President and Chief Executive Officer		
Nunavut Fisheries Association	2024/11/27	131
Derek Butler, Executive Director		
WaterPower Canada	2024/11/27	131
Gilbert Bennett, Senior Advisor		
Lorena Patterson, President and Chief Executive Officer		
As an individual	2024/12/02	132
Richard Williams, Fisheries Consultant		
Coopérative des Capitaines Propriétaires de la Gaspésie	2024/12/02	132
Claudio Bernatchez, Director General		
M-Expertise Marine Inc.	2024/12/02	132
Lyne Morissette, Doctor of Marine Ecology, Fisheries and Marine Mammal Specialist		
Oceans North	2024/12/02	132
Susanna Fuller, Vice-President, Conservation and Projects		
Prince Edward Island Fishermen's Association	2024/12/02	132
Robert Jenkins, President		
Ian MacPherson, Executive Director		

Organizations and Individuals	Date	Meeting
As an individual	2024/12/09	134
Gideon Mordecai, Research Associate, Institute for the Oceans and Fisheries, University of British Columbia		
B.C. Wildlife Federation	2024/12/09	134
Jesse Zeman, Executive Director		
Northern Confluence	2024/12/09	134
Nikki Skuce, Director		
Regroupement des pêcheurs professionnels du sud de la Gaspésie	2024/12/09	134
Claire Canet, Project Manager		
Skipper Otto Community Supported Fishery	2024/12/09	134
Sonia Strobel, Co-Founder and Chief Executive Officer		
Canadian Cattle Association	2024/12/11	135
Larry Thomas, Environment Manager, Environment and Sustainability		
Canadian Independent Fish Harvesters Federation	2024/12/11	135
Carl Allen, New Brunswick Executive Member and Treasurer		
Fish, Food and Allied Workers Union	2024/12/11	135
Dwan Street, Inshore Member Representative of Area 3Ps and President-Elect		
Fisheries Council of Canada	2024/12/11	135
Alberto Wareham, Chair, Board of Directors		
Forest Products Association of Canada	2024/12/11	135
Scott Jackson, Director, Conservation Biology		
Kate Lindsay, Senior Vice President and Chief Sustainability Officer		
Fundy United Federation	2024/12/11	135
Darren Porter, Spokesperson		

APPENDIX C:
LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's webpage for this study.

Alberta Irrigation Districts Association

Animal Justice

Assembly of First Nations

BC Shrimp Trawlers' Association

Canadian Association of Prawn Producers

Canadian Centre for Fisheries Innovation

Ducks Unlimited Canada

ECOncrete

Elgie, Stewart

Environmental Defence Canada

First Nations Fisheries Council of British Columbia

Fisheries Council of Canada

Forest Products Association of Canada

Island Marine Aquatic Working Group

Lapointe, Nicolas

Marine Renewables Canada

Nelson, Randy

Nuu-chah-nulth Tribal Council

Passamaquoddy Recognition Group

Regroupement des pêcheurs professionnels du sud de la Gaspésie

SaskPower

United Fishermen and Allied Workers' Union – Unifor

Vancouver Fraser Port Authority

WaterPower Canada

Williams, Richard

Yukon Salmon Sub-Committee

APPENDIX D: LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's webpage for this study.

44th Parliament – 1st Session

Canadian Aquaculture Industry Alliance

Canadian Canola Growers Association

Canadian Cattle Association

Canadian Forest Owners

Canadian Gas Association

Canadian Nuclear Association

Canadian Wildlife Federation

Chadillon-Farinacci, Véronique

Conservation Council of New Brunswick

David Suzuki Foundation

East Coast Environmental Law

Ecojustice

Ecojustice Canada

Ecology Action Centre

Electricity Canada

Federation of Ontario Cottagers' Associations

Forest Products Association of Canada

Fundy United Federation

Kitasoo/Xai'xais First Nation

Living Oceans Society

Manitoba Hydro

Mining Association of Canada

Northern Confluence

Nova Scotia Power Inc.

Oceana Canada

Oceans North

Ontario Federation of Anglers and Hunters

Ontario Waterpower Association

Pacific Streamkeepers Federation

Pathways Alliance

Prospectors and Developers Association of Canada

Riehl, Lachlan

SeaBlue Canada

Silver, Jennifer

Skeena Watershed Conservation Coalition

SkeenaWild Conservation Trust

Skipper Otto Community Supported Fishery

Swerdfager, Trevor

WaterPower Canada

West Coast Environmental Law Association

APPENDIX E:
LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's webpage for this study.

44th Parliament – 1st Session

Illegal, Unreported and Unregulated Fishing

Clarke, Alan Joseph

Global Fishing Watch

International Monitoring, Control, and Surveillance (IMCS) Network

Regroupement des pêcheurs pélagiques professionnels du sud de la Gaspésie

Roman, Andrew

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 8 to 13, 15, 16, 17, 18, 30, 34, 37 to 42, 45 and 48) from the 45th Parliament, 1st Session and (Meetings Nos. 88 to 95, 109, 110, 113 to 115, 118, 126, 129 to 132, 134 and 135) from the 44th Parliament, 1st Session is tabled.

Respectfully submitted,

Hon. Hedy Fry
Chair

Fisheries Act Review- CPC Dissenting Report

Introduction

In September 2024, the Standing Committee on Fisheries and Oceans (FOPO) initiated its review of the 2019 changes to the *Fisheries Act* delivered by Bill C-68 of the 42nd Parliament. The 2019 amendments included the addition of Section 92 that states the provisions and operation of the Act are to be reviewed every five years. As such, FOPO's review of the *Fisheries Act* began well beyond the deadline stipulated by the Act itself, and this caused the tabling of this review to be delayed by over two years.

Seven years after the passage of C-68, it is apparent that the outcomes of the changes to date do not align with what the government stated the changes would achieve. The changes have caused damage to the operations of the Department of Fisheries and Oceans (DFO), to the rule of law, conservation, and benefits of fisheries for the Canadians and coastal communities that rely on them. The 2019 changes have undermined enforcement of the *Fisheries Act* and corresponding regulations to the detriment of conservation of fisheries. The amendments restored antiquated measures that have directly impeded expansion of clean energy and other developments of national interest. The 2019 changes have also eroded the confidence that Canadians have in DFO and its capacity to control, manage, and conserve fisheries and fish habitats.

In this review of the 2019 changes to the *Fisheries Act*, FOPO received evidence that was at times shocking. This dissenting report is necessary because of glaring omissions of witness testimony and additional recommendations in the main committee report.

Introduction of 2019 Changes to the Fisheries Act

In reviewing C-68's changes to the *Fisheries Act,* it is important to first consider the government's stated impetus for the changes. When the Minister of Fisheries and Oceans of the day, the Honourable Dominic LeBlanc, first spoke to C-68 in the House of Commons in February 2018, he cited his mandate from the Prime Minister to "restore lost protections and incorporate modern safeguards into the *Fisheries Act*."[1] Specifically, LeBlanc stated that C-68 was necessary because changes made to the Act in 2012 had removed measures for protecting fish and fish habitats.[2]

However, when pressed for proof of the asserted harms of the 2012 changes to the *Fisheries Act*, the government was unable to provide any proof or anecdote supporting its assertions. In late 2016, an Order Paper Question from FOPO member MP Mel Arnold had pressed the government on its assertions of harms resulting from the 2012 changes and, in section (b) of that query, asked the government what harms or proof of harm, to fish or fish habitats, attributed to the previous government's changes to the *Fisheries Act* and *Navigable Waters Protection Act* existed.

[1] Hon. Dominic LeBlanc, House of Commons of Canada, *Hansard*, 13 February 2018.
[2] Ibid.

In its response, the government did not provide any proof of harm or cite instances in which the 2012 changes had allowed harm to occur but rather timorously stated that "the department has not been either resourced or mandated to conduct this type of comprehensive monitoring and has not undertaken specific monitoring or analysis to compare the impacts of the changes to the act."

Despite this apparent absence of proof, the government charged forward with significant amendments to the *Fisheries Act* that shifted fundamental principles of the *Act* that had anchored fisheries management for over a century and a half. This has undermined the ability of DFO's enforcement branch to consistently enforce the Act's prohibitions that protect and conserve fish and fish habitats.

Legal Ambiguity

With C-68, the government redefined the word "laws" in the *Act* to include "the by-laws made by an Indigenous governing body."[3] This amendment is concerning as it contradicts the primacy of the authority of the Minister of Fisheries— authority that the Minister herself confirmed she holds.[4] There are approximately 630 individual First Nations communities in Canada, and by placing by-laws of Indigenous governing bodies on the same footing as the *Fisheries Act*, the government's redefinition of the word "laws" predictably caused confusion and conflict over management, control, and enforcement of fisheries.

C-68 also provided the Minister with authority to enter into an agreement with "any Indigenous governing body and any body — including a co-management body — established under a land claims agreement."[5] However, tethered to this authority were amendments that seemed to provide for transparency in the Minister's negotiated agreements by requiring the Minister to publish the negotiated agreement or give notice of its availability "in Part I of the *Canada Gazette* and in any other manner that he or she considers appropriate" before entering into the agreement.[6] The Minister is also required to provide a 60 day comment period in which to accept comments on negotiated agreements[7] and then publish the final agreements.[8]

Since C-68 came into force, multiple Ministers of Fisheries have entered into agreements with Indigenous governing bodies without informing the broader public of the contents of those agreements. Even after agreements have been finalized, these ministers have refused to divulge the complete contents of the agreements.

The government's practice of finalizing agreements as "Canada" and refusing to allow Canadians to know the contents of the agreements is undemocratic because it prevents citizens from knowing what their federal government has agreed to on their behalf. The practice is also divisive because it creates uncertainty about which authority is managing, governing, regulating, enforcing, or controlling fisheries or fish habitats. This practice has contributed to

[3] *Fisheries Act*, R.S.C., 1985, c. F-14, section 2 (1).
[4] Hon. Joanne Thompson, Minister of Fisheries, *Evidence*, 9 October 2025.
[5] *Fisheries Act*, R.S.C., 1985, c. F-14, subsection 4.1(1).
[6] *Fisheries Act*, R.S.C., 1985, c. F-14, subsection 4.1(5).
[7] *Fisheries Act*, R.S.C., 1985, c. F-14, subsection 4.1(6).
[8] *Fisheries Act*, R.S.C., 1985, c. F-14, subsection 4.1(8).

tensions and violence in lobster and elver fisheries in Eastern Canada and other fisheries in the Pacific region in recent years. This ambiguity also undermines the preeminent priority of conservation.

There is also an apparent absence of reporting of harvest data from Indigenous rights-based fisheries, and it is unclear whether agreements that fisheries ministers have finalized with Indigenous governing bodies contain any provisions for such reporting. The absence of Indigenous catch data weakens the ability of DFO to quantify overall catch mortality of fish populations and manage the stocks.

In a quest to sort through the turbid new disorder of authorities claiming control of fisheries, the Committee sought and received testimony from retired and active Conservation and Protection (C&P) officers and officials from the Public Prosecution Service of Canada (PPSC). While C&P officers are tasked with enforcing the laws and associated regulations of the *Fisheries Act*, the PPSC has the essential role of prosecuting *Fisheries Act* offences by determining whether a prosecution should proceed.

On 27 November 2025, PPSC Director and General Counsel, Emma Beauchamp, was asked if she was aware that in 2019, Bill C-68 established in the *Fisheries Act* a new definition of the word "laws," and she replied, "I'm not familiar with the new definition, but I would be happy to look at it."[9]

In response to another question about whether the PPSC had access to bylaws made by an Indigenous governing body, which are considered laws for the purpose of the *Fisheries Act*, the PPSC official stated that the bylaws "[have] not been provided directly, but if a recommendation were made to lay a charge with respect to an Indigenous bylaw, they would certainly provide us with the text of the bylaw."[10]

Another senior PPSC official was asked about how a decision can be made about whether a prosecution can proceed if the PPSC is not aware of all the laws and regulations that might apply. The official responded that very complicated legal questions arise if there are bylaws that may be viewed as in contravention or may be in contravention to the *Fisheries Act* or a regulation, but the PPSC will make an assessment.[11]

It was very concerning to hear that a senior official from Canada's "prosecuting authority whose main objective is to prosecute federal offences and provides legal advice and assistance to law enforcement"[12] were unaware that the federal government established parity of the *Fisheries Act* laws and Indigenous governing body bylaws some six years earlier.

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[9] Emma Beauchamp, Director and General Counsel, Public Prosecution Service of Canada, *Evidence*, 27 November 2025.
[10] Emma Beauchamp, Director and General Counsel, Public Prosecution Service of Canada, *Evidence*, 27 November 2025.
[11] Shannon O'Connor, Deputy Director, Public Prosecutions, Public Prosecution Service of Canada, *Evidence*, 27 November 2025.
[12] Public Prosecution Service of Canada homepage, viewed 20 October 2026.

It is equally concerning that none of the six fisheries ministers who have held the role since C-68 came into force have ensured that the PPSC was informed of the significant change to support prosecution of *Fisheries Act* offences.

Recommendation- That the Government of Canada ensure that the Public Prosecution Service of Canada is provided with all Indigenous governing body bylaws governing fisheries and fish habitats so that prosecutorial decisions may be informed of possible contraventions before a decision is made.

Recommendation- That by the end of 2026, the Minister of Fisheries publish all agreements that she and her predecessors have entered into since June 21, 2019.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Government of Canada develop a more collaborative framework for management of fisheries with First Nations by amending Subsection 61.1 (2) by adding a stipulation for the mutual expectation of fishery reporting regarding harvest effort and landings for the purpose of collecting adequate relevant data for stock assessment, stock management, and informed governance.

Recommendation- That the Department of Fisheries and Oceans provide clarity and certainty to fishers and Canadians as to the status of each Indigenous Protected and Conserved Areas (IPCAs), whether they remain open to fishing, and issue a directive clarifying that the Minister remains the decision-making authority for fishery openings and closings.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Government of Canada amend the Act to clearly establish that ocean resources belong to the people of Canada and will do so in perpetuity.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Government of Canada amend Section 2.1 by adding a clear statement of fish and fisheries being “a common property resource, managed and protected for the benefit of all Canadians.”

Inadequate Enforcement

Multiple harvesters shared views of enforcement of the *Fisheries Act* based on what they witnessed on the water. With respect to resources to enforce the habitat provisions, one harvester representative stated that “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.”[13]

Another harvester testified that when he observed what he thought was illegal fishing, he would “call the director of [I]ndigenous fisheries in my region and ask him if a certain person is fishing for food for him, and he tells me that he doesn't even know that person, that they do not fall under his band council's jurisdiction.[14] There were occasions when he intervened himself: I talk to them first to try to get them to co-operate. So, rather than starting by reporting them, I

[13] Jeramy Boudreau, President, Maritime Gaspereau Industry Association, *Evidence*, 6 November 2025.

[14] Jean-Sébastien Vacher, Commercial Fisherman, as an individual, *Evidence*, 2 December 2025.

start by talking to them and finding out what they are doing. [The] attitude they adopt is very clear. They basically tell us to leave them alone: It's their territory and they can do what they want. They also add that, if we ever start playing hardball, they'll simply break our fishing gear or cut our buoys. These are threats."[15]

A harvester representative testified that every year, DFO indicates that they are trying to address the alleged sale of fish harvested for Indigenous Food, Social, and Ceremonial (FSC) purposes by negotiating with First Nations.[16] The sale of FSC fish is contrary to agreements between the Minister and First Nations and this problem was "entirely political."[17]

Discussing enforcement issues on the Fraser River, a retired C&P officer described how there are fewer officers on that river than there were 50 years ago: "When I left the department 12 years ago, after the Cohen [C]ommission, 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."[18]

The Committee also heard how fishery officers are under-resourced and not fairly compensated for challenging work despite covering vast geographic areas with inadequate staffing levels for modern pressures, including rights-based fisheries, commercial expansion and habitat complexity.[19] Mr. Thorburn described how minimum staff levels weaken capacities for patrols and investigations and fishery officers remain significantly underpaid despite being armed and frequently dealing with organized crime, dangerous vessels and high-conflict encounters.[20]

Current fishery officers appeared before the Committee alongside DFO's National Chief Enforcement Officer, Peter Lambertucci, on 9 December 2025. The evidence of one of those fishery officers, Trevor Lushington, raised many questions and was cause for concern.

Lushington was initially scheduled to appear at FOPO as an individual on 2 December 2025 but canceled his appearance after he had a "troubling" conversation with DFO Parliamentary Affairs.[21] He reported that he was advised that his "employment would be affected if [he] testified as an individual on that day."[22] Lushington subsequently appeared on 9 December 2025 as a DFO witness. When asked about the context of that conversation, he replied that "[t]he context of the question was helping me…it provided me with what I believed was my responsibility to review my obligations as a civil servant."[23] The Conservative members of the Committee are concerned that Trevor Lushington felt constrained in sharing his true experience and challenges as a fishery officer when enforcing the *Fisheries Act*.

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[15] Jean-Sébastien Vacher, Commercial Fisherman, as an individual, *Evidence*, 2 December 2025.

[16] Martin Mallet, Executive Director, Maritime Fishermen's Union, *Evidence*, 18 November 2025.

[17] Ibid.

[18] Randy Nelson, as an individual, *Evidence*, 6 November 2025.

[19] Geoff Thorburn, Fishery Officer and Acting Habitat Coordinator, Vancouver Island and Sunshine Coast, Department of Fisheries and Oceans, *Evidence*, 9 December 2025.

[20] Ibid.

[21] Trevor Lushington, Fishery Officer, Department of Fisheries and Oceans, *Evidence*, 9 December 2025.

[22] Ibid.

[23] Ibid.

2019 Changes Undermined Canada's National Interests

C-68 restored antiquated mechanisms of the *Fisheries Act* that reimposed barriers for projects essential to the future of Canada's energy independence and sovereignty.

Both before and after the passage of C-68, the government was advancing national strategies for energy pivots and emission reductions with one hand, but with the other hand it was also frantically restoring barriers for those very developments and others. During FOPO's 2016 review of 2012 changes to the *Fisheries Act*, the committee received testimony from Dr. David Schindler who described the massive amount of power generation that Canada would require to implement the government's climate change action plan. "Three of the four scenarios propose replacing fossil fuel power with 100,000 megawatts of hydroelectric power," stated Schindler. "That's considerably more than all of the hydroelectric power installations built in Canada to date. You could think of it as building 100 facilities the size of Muskrat Falls or Site C between now and 2050."[24]

In 2018, Minister LeBlanc attempted to reassure Canadians that the changes would increase certainty for project proponents when he told the House of Commons C-68 would establish a "new permitting scheme for big projects and codes of practice for smaller ones, so that industry partners, as well as everyday Canadians, can be certain about their responsibilities but not unreasonably burdened when undertaking small, local projects."[25] However, in 2024, the President of Electricity Canada testified at FOPO that "[u]nfortunately, here we are, five years later, and key regulations and guidance materials have not been developed and no clear pathway has been established for the hundreds of facilities that became non-compliant overnight. How did they become non-compliant overnight? It's because they were designed to protect fisheries, not individual fish."[26]

At a time when development of minerals, including critical minerals, was increasingly important for Canada and its allies, such development was also directly hampered by the 2019 changes to the *Fisheries Act.* In 2024, the head of the Mining Association of Canada testified how five years after the passage of C-68, they were lacking draft codes of practice, and prescribed works and waters regulations. "We continue to be told by the department that it's complex," he stated. "Well, if it were so complex that five years later they're not in place, why did you put this into the act in the first place? You should have thought of that before doing so."[27]

Time has shown that Minister LeBlanc's 2018 assertions that C-68 would bring certainty for project proponents were false: the changes have had the opposite effect. In amending the *Fisheries Act* in 2019, the government recklessly ignored warnings of industry partners and the resulting dysfunction has undermined Canada's ability to develop for our security, sovereignty, and future.

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[24] Dr. David Schindler, Killam Memorial Professor Emeritus, University of Alberta, As an Individual, *Evidence*, 7 December 2016.
[25] Hon. Dominic LeBlanc, House of Commons of Canada, *Hansard*, 13 February 2018.
[26] Francis Bradley, President & CEO, Electricity Canada, *Evidence*, 20 November 2024.
[27] Pierre Gratton, President & CEO, Mining Association of Canada, *Evidence*, 25 November 2024.

The government has created a new reality in which a recreational angler fishing by a hydro electric reservoir is authorized to kill a limited number of fish, but the reservoir's operator who produces power for thousands of households is prohibited from killing a single fish. This is unnecessary.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Act be amended by restoring the Act's focus on fisheries rather than individual fish.

Recommendation- That, in the near-term,

• the Minister of Fisheries should issue an Operational Directive with guidance to Department of Fisheries and Oceans staff on the development of compliance tools for low risk, routine activities including Codes of Practice, Standards, Best Management Practices and other measures; and

• that Department of Fisheries and Oceans staff should be directed to require *Fisheries Act* Authorizations only for activities where there is a higher potential for adverse impacts on relevant fisheries and fish habitats; and

• that this Directive should outline a streamlined process to achieve compliance for existing facilities and progress should be monitored; and

• that Department of Fisheries and Oceans consider how these measures (Codes of Practice, Standards, Best Management Practices and other measures) apply to all situations, including those where species at risk are present, if measures can avoid harmful alteration, disruption, or destruction of fish habitat (HADD) and demonstrate alignment or support with Recovery objectives; and

• that Department of Fisheries and Oceans develop clarity through guidance or sectoral engagement, for when authorizations are required.

Recommendation- If the government proposes amending the *Fisheries Act,* that the Government of Canada amend Section 34.1(1)(c) to change it from "(c) whether there are measures and standards" to "whether there are reasonable measures, standards, or Best Management Practices."

Recommendation- That the Government of Canada drive culture change within Department of Fisheries and Oceans that reflects the urgent action required to accelerate clean growth, as outlined by the *Cabinet Directive on Regulatory and Permitting Efficiency for Clean Growth Projects.*

Recommendation- That the Government of Canada acknowledge that fisheries, including commercial, recreational, and aquaculture, deserve and require a greater degree of regulatory certainty from DFO so they can further invest in Canada's coastal communities and continue providing stable employment for thousands of Canadian workers.

Incomplete Implementation Has Hurt Independence of Inshore and Midshore Harvesters

The government promised Canadians that the 2019 amendments to the *Fisheries Act* would support the independence of inshore and midshore harvesters. However, after seven years, this important work is far from complete and Conservatives members of the Committee are very concerned that the government has failed to deploy the 2019 amendments to the *Fisheries Act* to protect independence of harvesters.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Act be amended to explicitly define and legally mandate the principles of owner-operator and fleet separation and establish fleet separation as the default licensing policy for all owner-operator coastal or small boat commercial fishing fleets in Canada to ensure that only those who actively participate in the fishery with boots on the boats are granted access to licences while grandfathering existing arrangements pending ownership transparency.

Recommendation- If the government proposes amending the *Fisheries Act,* that the Government of Canada amend the Act to establish one commercial fishing licensing policy for each species or stock-specific commercial licenses.

Transparency and Accountability in Decision Making

Throughout the Committee's review, a broad range of witnesses spoke to the need for increased transparency and accountability for decisions of the Minister of Fisheries and DFO. Conservative members of the Committee agree.

Conservatives are also concerned with the obvious expansion of influence that some non-government organizations have been granted by fisheries ministers and DFO as their influence has grown to eclipse the voices and livelihoods of Canadians harvesters and the communities and supply chains that harvesters sustain.

During the Committee's review, there were suggestions of habitat offset ratios ranging from 2:1 to 4:1.[28] There is a lack of evidence and testimony during the review to support that offset ratios of 2:1 or higher are necessary levels for net gain of fish habitats as a mandatory outcome for all authorizations and habitat regulations.

Ministerial accountability is a foundational constitutional convention of the Westminster parliamentary system, but successive fisheries ministers have undermined transparency and accountability of their ministries. This troubling trend undermines credibility of the Minister and her department and prevents Canadians from placing greater confidence in them. The Minister and DFO should strike an appropriate balance in each decision they make, and the factors weighed in determining that balance must be provided to Canadians.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Government of Canada amend Section 9.1 (1) by replacing "of the opinion" with "able to factually or empirically justify."

[28] Stewart Elgie, Jarislowsky Chair in Clean Economy, University of Ottawa, as an individual, *Evidence*, 18 November 2025.

Recommendation- If the government proposes amending the *Fisheries Act,* that the Government of Canada add the following after existing Section 2.5 and after proposed Section 2.6:

> 2.7 After finalizing a decision, the Minister shall produce and publicly disclose
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> (a) the scientific data, information, and other factors considered in making
>
> decisions; and
>
> (b) impact assessments of the decision on other values including social,
>
> economic, cultural and ecological values.

Recommendation- If the government proposes amending the *Fisheries Act*, that the Government of Canada amend the Act to establish a requirement for the Minister of Fisheries to table in Parliament an annual report on the status and trends of all federally managed fish stocks.

Recommendation- That the Department of Fisheries and Oceans make regular, systematic, and transparent access to stock assessment data readily available to the public, including online.

Recommendation- That the Department conduct biennial stock assessments on all fished stocks to ensure that Canada's fisheries can continue to maintain Marine Stewardship Council (MSC) certifications.

Recommendation- That the Government of Canada enforce existing laws and adopt new measures to ensure that monetary contributions from foreign nationals, foreign corporations, and other organizations alien to Canada toward activist, non-governmental organizations (NGOs) actively pursuing public policy changes in Canada, are fully transparent to the public, while prohibiting and confiscating any similar contributions directed by a foreign government.

Recommendation- That the Minister of Fisheries ensure that fish harvesters and their organizations receive higher levels of consideration than environmental non-governmental organizations in the making of fishery management decisions.

Summary

There is great uncertainty facing Canada today as persisting trade tensions and global conflicts have reduced opportunities and increased costs for Canadians. At a time when Canadians from coast to coast to coast are seeking more-secure sources of food from closer to home, Canada's fish and seafood supply chains are in states of declines.

These declines can be attributed to myriad factors, including factors within the federal government's jurisdiction. Mismanagement of some fish populations have precipitated closures. Failures to enforce laws and regulations have allowed fish populations declines that necessitate decreased harvests while illegal, unreported, and unregulated fishing has been allowed to expand to supply ever-expanding black-market trafficking of fish and seafood. Over the past decade, law abiding harvesters have been repeatedly constrained and confined by government while illegal harvests and trading have expanded exponentially.

These failures have damaged legitimate livelihoods of Canadians and damaged Canada's national interests.

In the Committee's review of the 2019 *Fisheries Act* changes, Canadians provided volumes of testimony and evidence because fisheries have delivered sustained value for generations, but the future and sustainability of fisheries have been cast into question by ill-conceived government initiatives including the 2019 changes to the *Fisheries Act*.

The government may contend that it was impossible for them to have known in 2019 what challenges and threats Canada would face in 2026 and this is true. But it also true that in 2019 and in the years leading up to their overhaul of the *Fisheries Act,* the government was explicitly told of the interests and needs of harvesters and the many Canadians and sectors that are regulated by the *Fisheries Act.*

The government recklessly chose to bend to the voices of their preferred allies and ignore the warnings of harvesters, scientists, and the sectors fully invested in trying to increase Canada's prosperity, strength, and independence. If the government had conversely elected to balance voices of their preferred allies with the voices of the regulated a decade ago, Canada would be stronger and less vulnerable than we find ourselves today.

Section 2.1 of the *Fisheries Act* states that the purpose of the *Act* is to provide a framework for the proper management and control of fisheries; and the conservation and protection of fish and fish habitats, including by preventing pollution.[29] DFO's homepage states that the department is the "federal institution responsible for the stewardship of Canada's fisheries and marine resources" and that DFO "helps to ensure healthy aquatic ecosystems through habitat protection and sound science, while supporting economic growth and innovation."[30]

It is not enough for the Minister and DFO to only embrace "stewardship of Canada's fisheries and marine resources" and helping to "ensure healthy aquatic ecosystems through habitat protection and sound science;" they must strike balance and embrace "supporting economic growth and innovation."

Canadians and sectors regulated by the *Fisheries Act* could be swiftly assisted if the Minister would simply abide by the *Act* and ensure that her department prioritizes resources for enforcing the *Act*. The Minister must also ensure resources are prioritized for the department to fulfill its functions in executing the administration of regulations and associated processes.

Unprecedented and urgent threats facing Canada require the government to act immediately with precision and decisiveness to allow Canadian harvesters and sectors regulated by the *Fisheries Act* to make contributions they want to make to a stronger and more independent Canada.

[29] *Fisheries Act*, R.S.C., 1985, c. F-14, section 2.1.
[30] Department of Fisheries and Oceans homepage, viewed 21 October 2026.