



HOUSE OF COMMONS
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June 16, 2005

Hon. Geoff Regan, P.C., M.P.
Minister of Fisheries and Oceans
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister:

We continue to discuss Bill C-52 with various commercial and recreational fishing interests across Canada. There are few who agree to granting your officials unfettered authority to create licence conditions that could have the effect of sending a licence holder to jail.

In response to these concerns that the fisheries regulatory regime faced by fishermen should be open, transparent and accountable and your department's stated objective of greater user group involvement in the management of the fishery, I propose that Bill C-52 be amended in the following manner:

1. The *Fisheries Act* is amended by adding the following after section 9:

COMPLIANCE WITH TERMS AND CONDITIONS

10. (1) Every one acting under the authority of a permission referred to in section 4 or of a lease or licence issued under this Act shall comply with its terms and conditions.

(2) For greater certainty, those permissions, leases and licences - including their terms and conditions

(a) are not in their first year of operation statutory instruments for the purposes of the *Statutory Instruments Act*, and

(b) shall not be inconsistent with this Act, the Regulations or with the proper management and control of

(i) aboriginal or treaty rights of fishing pursuant to s. 35 of the *Constitution Act, 1982* and

(ii) public rights of fishery.

which already exist in law.

(3) The terms and conditions of a licence, lease or permit shall be approved with a broad consensus of support among licence holders subject to the term or condition, or

2. The *Fisheries Act* is amended by adding the following after section 78(b):

(c) In the absence of approval under section 10(3), the maximum penalty for a violation of a term or condition of a licence shall be \$500.

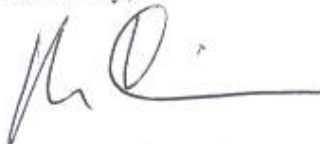
3. This Act comes into force on a day to be fixed by order of the Governor in Council.

In addition I am concerned that Bill C-52 as currently drafted provides officials with the ability to discriminate between licence holders in the same fishery and fails to require publication of licence conditions so that the public can be informed of the conditions that are used in the management of the fishery. I would be happy to work with you and your staff to draft a provision to resolve these problems.

Our common objective must be a fisheries management and enforcement framework that respects our legal and parliamentary traditions while at the same time providing the Department with the necessary tools to protect the fishery resource.

I am sure that Conservative Party approval can be obtained for this proposal and that our Members of Parliament would be prepared to assist in moving this matter through the House of Commons as quickly as possible. I would be pleased to discuss this proposal with you at any time. We all must work together to protect the fishery resource.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Cummins', with a long horizontal flourish extending to the right.

John Cummins M.P.
Delta-Richmond East