

STANDING JOINT COMMITTEE
FOR
THE SCRUTINY OF REGULATIONS

c/o THE SENATE, OTTAWA K1A 0A4
TEL: 995-0751
FAX: 943-2109

JOINT CHAIRMEN

SENATOR CÉLINE HERVIEUX-PAYETTE
GURMANT GREWAL, M.P.

VICE-CHAIRMAN

PAUL MACKLIN, M.P.



CANADA

013 743 2109 F.04

SOR/89-93

COMITÉ MIXTE PERMANENT
D'EXAMEN DE LA RÉGLEMENTATION

c/o LE SÉNAT, OTTAWA K1A 0A4
TEL: 995-0751
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CO-PRÉSIDENTS

SÉNATEUR CÉLINE HERVIEUX-PAYETTE
GURMANT GREWAL, DÉPUTÉ

VICE-PRÉSIDENT

PAUL MACKLIN, DÉPUTÉ

April 14, 2004

The Honourable Geoff Regan, P.C., M.P.
Minister of Fisheries and Oceans
Room 107, Confederation Building
House of Commons
OTTAWA, Ontario
K1A 0A6

Dear Mr. Regan:

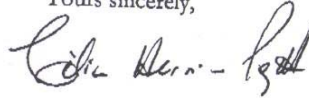
We thank you for your recent letter in relation to the reintroduction of the legislative proposals included in Bill C-43.

You have asked for the Committee's views "on whether the amendments as proposed in Bill C-43 address the Committee's issues". We are pleased to confirm that the proposed amendments would, if adopted, remove the basis for the Joint Committee's objections to the *Aboriginal Communal Fishing Licences Regulations* and to SOR/89-93, the *Ontario Fishery Regulations, 1989*. We would appreciate your advice as to when you propose to reintroduce this proposed legislation.

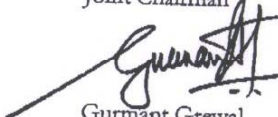
Our acknowledgement that the amendments included in Bill C-43 would resolve the Committee's objections to the legality of the relevant regulatory provisions does not imply an endorsement of those amendments. Particularly as regards the proposed section 10(1), which would impose a legal duty to comply with the terms and conditions of a licence, we can conceive that some parliamentarians might object to subjecting such non-compliance to penal sanctions that include imprisonment. To deprive a citizen of his liberty on the ground that the citizen has failed to abide by a requirement imposed by a public official in the exercise of an administrative power, such as a term or condition of licence, could be thought undesirable as a matter of legislative policy.

Given that the matter is one of policy and, as such, lies beyond the remit of the Joint Committee, we do not wish to be perceived to be taking a position on the desirability of those legislative amendments. We trust this will be satisfactory and remain

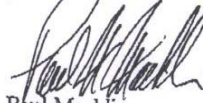
Yours sincerely,



Céline Hervieux-Payette
Joint Chairman



Gurmant Grewal
Joint Chairman



Paul Macklin
Vice-chairman

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