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## News Release

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### **Minister Advised His Changes to Fisheries Act Were “Undesirable”**

OTTAWA—“The Minister of Fisheries was advised in April 2004 that his proposed amendments to the *Fisheries Act* were ‘undesirable,’” said John Cummins, M.P. (Delta-Richmond East).

The amendments to the *Fisheries Act* now before Parliament as C-52 were previously before Parliament as C-43.

On April 14, 2004 the Joint Standing Committee of House of Commons and Senate for the Scrutiny of Regulations refused to endorse the amendments and in fact expressed concerns about desirability of giving bureaucrats unlimited powers to write terms and conditions of the *Fisheries Act* that had the force of law and could land a fisherman in jail. The Committee cautioned:

“Our acknowledgement that the amendments included in Bill-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 license, **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 license, could be thought undesirable as a matter of legislative policy.**”

The Scrutiny of Regulations Committee was uncomfortable with putting fishermen totally at the mercy of unaccountable bureaucrats who would, if C-52 were passed, have the complete authority to act as they pleased.

“I am not prepared to give DFO bureaucrats a blank cheque to write the law. No one in Canada should face jail time unless they have broken a law or regulation authorized by Parliament,” Cummins concluded. “C-52 would have the effect of undermining the accountability provisions in the *Fisheries Act*, legislation that has stood the test of time.”

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