



House of Commons  
CANADA

## Standing Committee on Fisheries and Oceans

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FOPO • NUMBER 044 • 2nd SESSION • 40th PARLIAMENT

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EVIDENCE

**Tuesday, November 17, 2009**

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**Chair**

**Mr. Rodney Weston**



## Standing Committee on Fisheries and Oceans

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• (1540)

[English]

**The Chair (Mr. Rodney Weston (Saint John, CPC)):** I will call this meeting to order.

Mr. Hearn, thank you very much for taking the time out of your busy schedule to come and appear before our committee today. We really do appreciate your time. I know you're quite familiar with the proceedings of our committee and other committees. Generally, we allow about 10 minutes for presentations or any opening remarks, and then, as I'm sure you're well aware, we move into questioning. Our members are constrained by certain time limits for questions and answers as well.

Without any further ado, Mr. Hearn, if you'd like to make any opening comments, please proceed.

**Hon. Loyola Hearn (As an Individual):** Thank you very much, Mr. Chair and members of the committee, first of all, for the invitation to attend. It's not that I necessarily wanted to come to appear before the committee, but it's a great chance to get back and see some old friends, including many of the people around the table. When I say "many" instead of "all", it's because there are some new members, not to slight some of the older members here. It's just great to see you all again.

I have intentionally not prepared an opening statement because I spent five years, I believe, on the committee with some of you as members, by the way. I thoroughly enjoyed it. I believe it was a committee that did a tremendous amount of work. One of the things we always complained about when people came to visit was that they used up as much time as they could to avoid getting into the actual questions and answering them.

What I think we should do, Mr. Chair, is get right into the questions, because it is a forum for the members, not for somebody from outside to come in and waste your time.

**The Chair:** Thank you, Mr. Hearn.

Mr. Byrne, I believe you're up first.

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Thank you kindly.

Thanks, Honourable Hearn, or should I call you Senator Hearn? I hope you had an opportunity to get the background check done, or is that the other Loyola? It's great to have you back among friends.

We do have some serious business. It was indeed your Conservative colleagues, former colleagues, who asked you here today. I think there's going to be some good value for us all, indeed.

I think it's fair to say that when you leave office, you leave office. It's not necessarily prudent or appropriate to drag those who have left public office back into the public limelight, but you were indeed asked here, so we'll take advantage of that.

Loyola, one of the things in the hearts and minds of people from Newfoundland and Labrador as they look back over the history of this issue, and your political career as well, is that you were a very strong critic of NAFO, especially in your opposition days. You were a very strong critic of the Government of Canada's handling of foreign overfishing. You said in your past career that NAFO was fundamentally broken, that it could never be fixed, and that Canada has to get out of NAFO, and you were a very passionate spokesperson for custodial management.

One of the things that's caught Newfoundlanders and Labradorians off guard is that in your tenure of office as fisheries minister you had labelled NAFO and foreign overfishing as just that, but before you left office as fisheries minister, you said that Canada actually had custodial management of the nose and the tail of the Grand Banks. In fact, the Conservative Party of Canada made that statement in its 2008 election platform. It is now the official policy of the Government of Canada that custodial management is not required to be achieved because we already have it.

Given the fact that there is nothing that has changed in NAFO—the convention has not changed at all, although there are amendments before NAFO and before Canada for revision to the convention—and you made these comments and the Government of Canada made this commitment that custodial management of the nose and the tail of the Grand Banks is policy and always has been, how does your past criticism of NAFO and of Canadian governments' handling of foreign overfishing mesh and jibe with the fact that you now believe we've always had custodial management? How can the two relate? It seems to me you were incorrect either now or then. Which is it?

**Hon. Loyola Hearn:** Let me first say that in relation to statements on custodial management of foreign overfishing, yes, I was certainly involved. In fact, when I came to Ottawa in 1980 and was on the fisheries committee probably a year or so later, one of the biggest issues this committee dealt with over a five-year span was foreign overfishing and dealing with ways to try to prevent that.

As you'll remember quite clearly, because you supported the motion, I even presented in the House a motion saying that Canada should take custodial management because of the frustrations we were having in relation to dealing with the raping of our stocks. You supported that. You were in the House. Your government, at the time, did not. The government voted against it. And I checked to see if you were in cabinet at the time and you weren't. The Newfoundland cabinet minister absented himself. He did not support the motion.

So if you want to get into the political spin of it, I have statements here that I can roll out from former Prime Minister Martin, saying "We will take custodial management", etc.

The question you're asking is, do we have custodial management and did we get it or did we not? Let me differentiate first. And I will answer the question. I'll answer any questions you ask.

**Hon. Gerry Byrne:** But did we get it or do we have it?

**Hon. Loyola Hearn:** Well as I said, I will answer that for you.

First of all, there are two major issues. There is NAFO and there was the inability of NAFO, as it existed at the time, to deal with a problem that was facing the country. But when I say "the country" here, it's more or less our province, Newfoundland and Labrador. And let me say to you that for every decision made in relation to our dealings with the fishery or with NAFO, we had Newfoundland's problems in mind because Newfoundland was the prime beneficiary of any changes, or if they were the wrong, they would be hurt most.

If you ask me, do we have custodial management, as you just did, my clear-cut answer to you is that it depends. And why I say that is it depends on what custodial management is. I don't know what your definition of custodial management is. I have never seen one. I have not seen a definition from your party of what custodial management is, so how can we judge whether we have it or not? I do know that in international law there is no definition. I couldn't find it, and I don't think anybody can, and I've heard some top-notch lawyers say there is no definition of custodial management. So when you ask somebody, do we have it or do we not, it sort of depends on what you're talking about.

I'll read very briefly a definition given by a former colleague of yours, and the Liberal lead on the committee, Mr. Matthews, when he said, "If we could get all contracting partners of NAFO to fish under the same system, especially one that was acceptable to Canada, then we pretty much would be where we wanted to be"—in relation to custodial management.

If that is custodial management, my answer to you would be, yes, we can say we have custodial management.

For this very committee, the definition was:

The essential purpose of custodial management would be to establish a resource management regime that would provide comparable standards of conservation and enforcement for all transboundary stocks, inside and outside the 200-mile limit. In other words, precisely the kind of regime promised by UNFA but delivered by Canada rather than NAFO. By implementing such a regime, we would impose no greater burden on others than on ourselves nor would we demand less of others than ourselves.

If you wanted to dig into that, you could say yes, we've achieved that or are pretty close to it if we haven't fully achieved it.

There are other definitions, including one from Tom Rideout, and including at least two...or however many times Minister Hedderson appeared here, you have a different definition. So there are some. Under many of them, we have achieved custodial management.

Is this what people think custodial management is? Complete control? In other words, have we supplanted NAFO? Can we go out there and take charge? Of course we can't. We are not there yet. Can we ever get there? Maybe.

But let me say one thing to you, as members of the committee. Mr. Blais and Mr. Stoffer are here. These guys were there when we debated some of this. In the two years that we were in government, we made more progress in reforming NAFO and in improving NAFO, and in improving their surveillance and the way we treated those who broke the rules out there, than others had done in the 20 years previous to that.

• (1545)

**Hon. Gerry Byrne:** I appreciate that, Mr. Chair—

**Hon. Loyola Hearn:** Perhaps it's a vague answer, but it's a very vague question, and I think it's as direct an answer as the question was.

**Hon. Gerry Byrne:** In the spirit of our witness' opening testimony, we'll try to move on and actually get some questioning in.

But I will say this. Loyola, you were saying that since before you were in government and after you were in government nothing has changed at NAFO, absolutely nothing, in terms of the convention or the regulations or anything else. Yet we've gone from stark criticism to now, apparently, custodial management.

I will, Mr. Chair, turn the rest of my time over to my colleague.

**The Chair:** You have 30 seconds.

**Hon. Loyola Hearn:** Could I respond to that, Mr. Chair? Mr. Byrne is wrong on this.

One of the reasons I came here was because I have.... Well, I haven't had to listen; I can always turn off the radio, which is good. Mr. Byrne spends more time on the talk shows down in Newfoundland than I'm sure he does in the House, unless he has changed.

The thing is that much of what you are saying is just not factual. NAFO is not the same NAFO that was there two years ago. Mr. Thibault, actually, started making some of the changes. We made a tremendous amount more. The convention, which he's trying to scuttle, will make some major changes that will be beneficial, particularly to Newfoundland and Labrador. He and some others who are not in tune with what is really going on are trying to scuttle the deal. It mystifies me, Mr. Chair, and it's one of the reasons I'm here.

• (1550)

**The Chair:** Thank you, Mr. Hearn.

*Monsieur Blais.*

[Translation]

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Thank you very much, Mr. Chair.

Good afternoon, Loyola.

I can see that you have been a parliamentarian for some time. You are still very skilful in your answers, whether the questions are vague or direct. I know very well that you have a position and that you are sticking to it. I am going to try something else. As I understand it, the negotiations we are discussing took place in 2007. In my opinion, and I am not alone, the negotiations became a kind of bargain basement sale. We did not get our money's worth and we gave up more than we got. That is my impression, that is the impression of a lot of people, including several of our witnesses.

There is talk of a new text, but the basic problem remains. For several years, NAFO failed—everyone agrees that it did—in the case of cod. We could not say that our international organization succeeded in resolving great challenges. The results, unfortunately, were not there. So, we had to ask ourselves—as we eventually did—whether we ought to remain part of NAFO. When you were minister, you decided to cooperate, to take part in negotiations designed to improve NAFO. I do not feel that there has been any improvement.

I understand that there have been negotiations, but can you account for the feeling that we gave up more than we got there? We are discussing a new text. But the people from Newfoundland and Labrador who are involved are very familiar with the matter. You are very well acquainted with the people who have testified; you know them perhaps better than I do. These are credible people; their opinions about the amendments are not purely partisan or political. There are facts, and they have their views on them.

Against that background, I would like to hear what you have to say about what you did, about your successes. I cannot say whether you were the chief negotiator, I do not know exactly how things proceeded. But you were the one responsible, you were the minister at the time.

[English]

**Hon. Loyola Hearn:** Thank you very much, Mr. Blais.

The questions you raise are certainly very good ones. I'm not sure how close you are to what has gone on in NAFO. I don't think NAFO is something that would be very high on your agenda. I don't think it will come higher than seals, for instance, or small craft harbours. I'm sure, being part of the committee, you're well aware of what goes on.

Number one, I completely disagree with you when you say that nothing has changed. A tremendous amount has changed. I don't agree with you when you say that we gave away more than we got. We gave away nothing—absolutely, positively nothing. Unlike the case years ago, when you had the voting system, which some of the people who have been here want to get back to—you voted on everything, but in order to get enough people supporting you, you had to buy the votes, and we gave away fish many times, and that's well known—we gave away absolutely nothing to get the changes that have been made.

You talked about people from Newfoundland who have been here who know the fishery well and are concerned, and about their credibility. I have nothing to say about the credibility of anybody; I don't know them well. But let me say a couple of things to you about your three points; first of all, that nothing has changed.

When I came on the committee, as you well remember, you heard me rant many times—and I had the support of a lot of you, as you had my support on many issues. In those days, the committee operated mainly on consensus, and I doubt if we even had a vote on committee. We had very few, if any, because the committee worked together. Most of our reports, except one or two that had one person at a time, I think, dissenting on some major issue.... Other than that, they were all unanimous.

The thing was, we had around 300 citations issued by a very small surveillance fleet, some of which were tied up in port in St. John's—again, read Hansard—because they didn't have enough fuel, as a result of their budgets being cut by the former government, to go out and do the work at sea. We have seen the number of citations reduced tremendously, particularly the major ones. However, the few that have been issued in the last couple of years since the changes in NAFO.... Somewhere, Hansard says it's like a warning ticket on the highway: the cops stop you and give you a warning ticket; the next day, you're speeding again, and they give you another warning ticket, and nobody ever does anything. These boats continued to fish, and nothing ever happened.

Now, the boats—all of them—have been taken out of the fishery zone immediately. The first one, some time ago, was kept out for between six and eight months. We're talking about those big draggers that spend up to four months at sea. If you take those boats out of the fishery and leave them out for six or eight months, you know what it does to the bottom line. Besides that, there were fines and punishments for those who ran the ship. In the last couple of incidents that happened, some of them only fished for three or four weeks out of three months. Imagine what that does to your bottom line. So to say that nothing has been done.... A tremendous amount has been done.

Did we give away anything? No, absolutely nothing: there were no deals, no extra fish, absolutely nothing.

In relation to the people who appeared, let me just ask you one question. How is it that in the committee we're against this, when everybody directly affected, representing the industry, is in favour? The people representing the deep-sea fishery, who catch this fish and depend on it, are in favour; the people who represent all the fishermen, because of the inshore effect of trans-boundary stocks.... Mr. McCurdy not only is in favour, but was part of putting the package together. And the deputy minister from Newfoundland and Labrador, who is an integral part of this.... The Newfoundland government supported it solidly, up until a month or so ago, when certain things happened. For two years, they were part of creating the plan we had and supporting it.

To say the people of Newfoundland and Labrador are against everybody...? Everybody connected with the industry is supporting it. Those who are not—the ones you've had here—haven't been connected with the fishery for years. It's something like bringing back—and I'm a Leafs fan—the last Stanley Cup-winning Toronto Maple Leafs team to play in the Olympics. That's what we're doing.

It's a whole new ball game. It's a new NAFO; it's a new league, and you're playing with the same old rules and hockey sticks and skates. It can't work.

•(1555)

That's why we have the confusion. But there is nobody directly connected to the fishing industry in the province of Newfoundland and Labrador who is not supporting the changes, because they see the benefit of the changes to the province, and that is why we forced the changes that are there today.

**The Chair:** Thank you, Mr. Hearn.

Mr. Stoffer.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Thank you very much.

Loyola, welcome back to Ottawa. It is good to see you again, sir.

I'm just going to read you a statement that was read by Tom Hedderson, Minister of Fisheries and Aquaculture. Just a simple question, is he right or is he wrong?

The Minister of Fisheries and Aquaculture for the Province of Newfoundland and Labrador, the Honourable Tom Hedderson, said, and I quote:

The amended NAFO convention can serve as a vehicle for other nations to impose their management of overstocks inside Canada's sovereign 200-mile limit.

Is he right or is he wrong?

**Hon. Loyola Hearn:** He is wrong, completely wrong.

**Mr. Peter Stoffer:** Okay. By the way, have you had an opportunity to thoroughly read the text of the new NAFO?

**Hon. Loyola Hearn:** Of course.

**Mr. Peter Stoffer:** And have you had a chance to read or listen to the testimony of people like Bob Applebaum?

**Hon. Loyola Hearn:** I've read what I could get of the meetings.

Yes, to a certain extent they are, in the sense of jeopardizing our sovereignty. It's not going to happen. It won't happen and can't happen, because of the protections involved.

They made two or three points, but I won't get into them because it would use up all your time. When I mentioned the Leafs playing in the Olympics, I was referring somewhat to the group.

NAFO has changed completely. As NAFO operates today, it's mainly dealing with an ecosystem approach rather than with specific species. It's dealing with consensus rather than voting. In that system there was yes and no, and if we didn't have enough votes, we had to buy them by giving away fish.

Let me ask you something. You say these are credible individuals, and I have absolutely no doubt that they are. They all come from responsible positions. We had people representing us at NAFO in 2006 and 2007, the two years that we're dealing with here in relation to the convention. Mr. Etchegary says that DFO has no involvement in NAFO, that it's all done by Foreign Affairs, that those who go are only on the subcommittee, and that type of thing.

Our people from DFO were the people who were directly involved. We have very little dealings with DFAIT, except the courtesy thing internationally. Our people call the shots.

Was the minister's office involved directly? We were on the phone directly at the NAFO meetings, telling them that if we didn't get what we were after, to come home. It got down to that on the last Friday morning. Because of my visit to Belgium—well, actually, I met Mr. Borg in France—a commitment had been made to me that they would support us in what we wanted to do with cleaning up and bringing in an enforcement regime that would take the boats out of the fishery and punish them for the negative work they were doing or for any rules they were breaking, and when we weren't getting that, we told our crowd to go in and tell them to deliver on their promises or to come home. Did they deliver? They cooperated with us.

I'll name a few people we had at that meeting. You're talking about these four experts; we had our own experts, just as good, just as high-ranking—higher-ranking, in some cases—and just as credible, but they were a whole lot more tuned in to what's going on than any of these people you had in front of you.

We had David Bevan, who I think you will agree is the best head that's been around for quite some time in relation to fisheries, whether local, national, or international. We had Earle McCurdy. We had Ray Andrews, who was a deputy minister of fisheries from Newfoundland and worked in the federal system with Crosbie for quite some time. We had the head of the delegation, David Bevan. His co-partner in fighting for our reforms was the regional minister, Wayne Follett, a Newfoundlander, and not one of the bureaucrats who had been representing us before. We had Earle McCurdy, Ray Andrews.... We also had Bruce Chapman there. We had Lorne Wheeler representing my office. If you don't know him, anybody who knows him will never question his integrity. These people are all from Newfoundland. They're not just good Canadian reps, but from Newfoundland. They were looking after Newfoundland's interests because they wanted it, number one, and because they were given direction to do it, number two.

If you're going to say that these people are saying one thing, well, the people who were directly involved were just as high-ranking and were more involved. David Bevan was actually the chair of NAFO for a couple of years, as you know. If you want to talk about rank in any way at all, these are the people who are working in today's game. They know who the players are. They know what the moves are. They know the changes that have been made and have adapted with them.

We spent hours and hours and hours discussing this. I know I'm long-winded, but this is the crux of it all, Peter, and that is why when I hear people saying, "These experts say...", well, we have another bunch of experts.

Earle McCurdy represents every fisherman in Newfoundland and Labrador, and others besides, and you know him well. He's not out there saying what he's saying because he likes me or the government or anything else. Earle has been pretty independent through it all. He sees the benefit of this to the fishermen and to the fishery, especially in Newfoundland and Labrador, and so does every other industry rep.

So who's wrong here—a bunch of people who have been out of it and who are talking about how these changes would have played in their game years ago, or the people who are currently playing and the people directly affected?

•(1600)

To me, look, it's a no-brainer. And that's what really concerns me when I hear some of the stuff that's thrown out.

•(1605)

**The Chair:** Thank you, Mr. Hearn.

Mr. Kamp.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Thank you, Mr. Chair.

Thank you, Loyola, for coming.

As you know, I got to work with you during those years, so I'm kind of familiar with many of the things you did and the focus you had on these.

You've tried to clarify the statement that nothing really has changed in NAFO. As you've explained, there are changes that have been made that are sort of regulatory changes rather than, say, legislative changes, which these amendments to the convention would be. In fact, we had other witnesses here telling us, on the enforcement side, for example, how their body had enacted some changes in 2006 and so on.

When you took office in 2006, one of the things you used to say was that you wanted to give NAFO teeth. I know you've shared a story or two with me about some meetings that you've had with European ministers, and so on, about the approach you took. Can you tell us a little bit more about that, and how you think you accomplished giving NAFO teeth?

**Hon. Loyola Hearn:** Thank you, Mr. Chair.

Thanks, Randy.

Again, rather than go over it all, a lot of what we did I have already probably included in my answer to Mr. Stoffer. But we were confused, as you know, and people around this table who were here know how confused and disgusted we were with the lack of activity. We were blaming the then ministers, whether it was Minister Thibault or Minister Regan, in the House, and Minister Thibault, to his credit—and I guess followed up by Minister Regan, but I had more dealings with Mr. Thibault on the issue—started to move on the surveillance aspect.

What's the old saying we have? The proof of the pudding is in the eating. All we have to do is go back three years, five years, and look at what was happening on the nose and tail and the Flemish Cap in relation to activity by foreign countries. Look at the number of citations. Look at the amount of surveillance we had. You've had people in here who have already placed it on the record, I believe.

We have 800 dedicated coast guard patrol days in that zone—800 days. That means we have two boats out there—more than two boats, two and a half boats, practically, every day. We have three boats dedicated to that—“we”, being Canada. The EU also, by the way, helps out there, and the Americans every now and then. We have 23 seagoing Canadian inspectors, 200 to 250 at-sea inspections annually; 250 inspections, and how many major citations? We were issuing 300 citations over a period of a few years when we had nobody out there. Now we have all kinds of people out there and we

only issued one I think last year—no, not last year, I believe the year before—and four or something this year.

For daily surveillance patrols we have Provincial Airlines, the best air surveillance company in the world. They've picked up contracts all over the place because of the work they've done here.

We have port inspections. Our observers inspect any boats that happen to land in our area. And when boats are taken back to port, whether it be Spain, Portugal, Russia, whatever, our inspectors are there when they arrive. They're either on the boats or with secured hatches, and they're there when they arrive.

In fact, in one case, when a Russian boat landed in Portugal, they wouldn't unload the boat. Our inspectors stayed there, and they stayed there over the weekend. I guess the Russians figured they'd go home, but they didn't, so they didn't unload the boat the next week. And it was Easter, the week after, so they figured the boys would go home for Easter, and they did. But before they came home, we had two more over there waiting. They waited up until the middle of the summer, when Russia finally gave in. On the couple of offences that Russia has had recently, they have really nailed their boats, crews, and companies.

So that's the kind of stuff it takes.

And we cooperate with others. One of the things we did right from the start—and you were part of this and you were with me—is we went over and we met with the various ministers. We didn't go begging for help. My statement to Mr. Borg—and you can check it out—the head of the EU fisheries, was that we cannot continue to do what we're doing with the stocks. It is our intention to clean them up. So you can either work with us in doing that or we're going to do it for you. To my surprise, he looked at me and said, in a room full of witnesses, “I agree with you.”

People can criticize him if they want to, but from that day until certainly when I left, and I would say still, he has delivered, on behalf of the EU, on any commitments they made. And when we say there are no changes in NAFO, the proof of the pudding is in the eating. Look at what's happening on the ground. That's what it was all about. We weren't into this racket to worry about which definition are we using to describe what we're doing or in relation to who is getting the credit, because, as I've said before, the minister before me started some of this, but what we did do was force a tremendous number of changes. But the other thing we did, Mr. Chair, is we made it possible to do this kind of surveillance.

•(1610)

So instead of having the coast guard boats tied up in St. John's with no fuel to do the work, we put billions, not millions but billions of dollars—in fact in my last two budgets over \$1 billion each year—into the coast guard for new boats: two new science boats, new oceanographic boats, and  $x$  number of surveillance boats. In other words, we gave them the money to do the work.

If you want to talk about this in reality, bring in the people involved and bring in the people from industry—and you've had maybe a few of them. Bring in the people who are actually out there. Bring in the observers and ask them what the changes are. You can play all your little politics you want with this and bring in people who are against it. You may have some radio stations that will only call or have people call who are negative, who are against it. That's one of our problems, and that's a big problem. The only solution we have is to fight it.

We can make changes in NAFO—the best organization by the way, recognized as the best regional fisheries management organization in the world. You might say whoop-de-doo, the rest of them must be pretty bad—and some of them probably are. NAFO was once too, but it has come a tremendously long distance in a short time. It's not just in the two years I was there but starting previous to that. But they have come a long way. When you hear people saying that nothing has happened, bring in the people who were directly involved and are affected by all of this.

If we can make the changes in NAFO to stop the overfishing so that the stocks can rebuild... Ask the scientists what's happening to our yellowtail stock. Ask them what's happening to our American plaice stock. These were the stocks we worried about...and even our cod stock, though that is rebuilding more slowly. The American plaice is rebuilt to the point where they are probably going to have to either increase bycatch or open the season because it's affecting other fisheries.

There are good things happening on the ground, and that's what we set out to do. That's what we talked about, and that's what we set out to do. Whatever the ammunition we used along the way, and the threats we used and everything else, they're all perhaps part of the process. It worked because we got changes made.

Did we get what we want? Of course not. I was there two years. This government has been in power for three years, roughly, a little bit over. Rome wasn't built in a day. And when you look back at the previous government, during their 13 years, and ask what progress was made during those 13 years.... When these same people, by the way, that you talk about as being the great expert witnesses...who was at the helm when our stocks were being devastated out there? When we were giving away fish to get deals, when the coast guard was rusting out and had no fuel at the ports, who was at the helm? These very people. Who was running the fish companies? Some of the rest of them who were out on spawning grounds catching whatever they could. I understand that Mr. Byrne might have gotten into trouble by saying that same thing.

That's where it rests. What have we done? We did what we said we would do, and that is, we went there to clean up NAFO, which

we did. Is it perfect? Is there more work to be done? Absolutely. That challenge is not mine any more; it's yours.

Mr. Chair, I'll leave it at that.

•(1615)

**Mr. Randy Kamp:** Thank you very much. I think my time is just about up.

**The Chair:** Mr. Andrews.

**Mr. Scott Andrews (Avalon, Lib.):** Thank you, Mr. Chair.

Thank you, Mr. Hearn, for coming in today.

I'm glad you provided some context and quotes of what custodial management is, and it depends on who you speak to. I'd like to read you a quote:

...give the coastal provinces, particularly Newfoundland and Labrador, an increased role in the management of the fisheries. ... Early in our mandate, will seek to conclude a bilateral agreement with the government of Newfoundland and Labrador for this purpose. And we will make moves to extend [the] 200-mile limit to the edge of the continental shelf, the nose and tail of the Grand Banks, and the Flemish Cap in the North Atlantic, and to exert Canadian custodial management over this area.

That was Prime Minister Stephen Harper, when he stood on a wharf in Petty Harbour and defined what custodial management meant to him.

Sir, I have two questions. Can you look us in the eye here today and in your heart of heart say that we have accomplished custodial management as we promised?

My second question is, could you please elaborate on any attempts or bilateral agreements you made with the province of Newfoundland and Labrador's department of fisheries on custodial management?

**Hon. Loyola Hearn:** Do you mean on management of the fisheries?

**Mr. Scott Andrews:** No, I mean custodial management—not management of the fisheries, but custodial management.

**Hon. Loyola Hearn:** I think what you read, and what you will say the commitment was about, was shared management with the provinces—

**Mr. Scott Andrews:** No, it was to exert Canadian custodial management over this area.

**Hon. Loyola Hearn:** That's the second part. In the first part you mentioned about management of the fisheries, but it doesn't matter, because it ties in anyway. I'll answer the question both ways, if you want.

First of all, let me talk about the custodial management aspect. When I was in your position and came up here in opposition, conditions out there were such that you could hardly turn on the radio without hearing about some abuse by foreign boats, day after day after day. In fact, if you want to do a bit of research—

**Mr. Scott Andrews:** I'd just like an answer to this question. You can give your political rhetoric and you can talk your way out of this, but I'd like an answer.

**Hon. Loyola Hearn:** Well, listen, I know you're a rookie and I know you don't understand—

**Mr. Scott Andrews:** I appreciate that too, and Senator Manning thinks I'm a rookie, but—

**Hon. Loyola Hearn:** The first thing you learn to do in Ottawa is to listen, and once you listen—

**Mr. Scott Andrews:** Well, I can listen, but you're doing all the talking.

**Hon. Loyola Hearn:** —and you understand what's going on, you might learn something. But to answer it and cut to the chase and save you some time, when we came up and got involved, we were in such a position that it was almost desperation. Nothing was happening. We had the foreign boats raping the stocks. We didn't have the surveillance, because our coast guard didn't have fuel. Citations were being issued that were like warning tickets. They had no effect. It was frustrating, so we threatened to do whatever we had to do.

In fact, when I became minister, the foreign affairs department got a number of calls asking who this guy was and what he was up to, because of some of the threats we had made. However, if you look at the policy statement that I helped write in 2004 in leading up to our election—and it may have gotten changed in transcript somewhere along the way—it said that we will commit to end foreign overfishing or take custodial management. There was an “or” in there.

**Mr. Scott Andrews:** Well, this says we're going to exert custodial management.

**Hon. Loyola Hearn:** Exactly. There may not be an “or”.

**Mr. Scott Andrews:** So did you do it or not?

**Hon. Loyola Hearn:** Exactly, but that was our commitment.

**Mr. Scott Andrews:** Did you do it? Did you exert custodial management? Yes or no?

**Hon. Loyola Hearn:** It depends.

**Mr. Scott Andrews:** It depends?

**Hon. Loyola Hearn:** Exactly.

**Mr. Scott Andrews:** So is it yes or no?

**Hon. Loyola Hearn:** You tell me what custodial management is—

**Mr. Scott Andrews:** I like Mr. Harper's definition. I really do.

**Hon. Loyola Hearn:** Okay, tell me what it is.

**Mr. Scott Andrews:** We will exert Canadian custodial management to the edge of the continental shelf, period.

**Hon. Loyola Hearn:** But that's not the definition of custodial management—

**Mr. Scott Andrews:** It will be to the 200-mile limit and have a bilateral agreement with the province.

**Hon. Loyola Hearn:** Yes.

**Mr. Scott Andrews:** That's your definition and that's the Prime Minister's definition, neither of which was accomplished, but you won't fess up and say, “Yes, we accomplished this” or “No, we didn't”.

**Hon. Loyola Hearn:** I don't know whether you understand what you read or not, but that is not a definition.

**Mr. Scott Andrews:** Your leader said that.

**Hon. Loyola Hearn:** He is saying.... Gerry Byrne was there as a member of the government, voting against custodial management. The government was voting against it. Paul Martin was saying we will do exactly—

**Mr. Scott Andrews:** I'm saying what Stephen Harper, your leader, was saying.

**Hon. Loyola Hearn:** What the Prime Minister is saying—and he wasn't Prime Minister then—is we will extend custodial management—

**The Chair:** Gentlemen, one at a time, please—

• (1620)

**Hon. Loyola Hearn:** What I'm saying is if we did it.... You're asking me if we did it. I'm asking you what custodial management is, so that I can answer your question. You don't even know what custodial management is.

**The Chair:** Gentlemen—

**Mr. Scott Andrews:** I like that definition there.

**Hon. Loyola Hearn:** Do you? But that's not the definition. Read it out again for the record. Read it out.

**Mr. Scott Andrews:** I did read it. If you can't understand what I'm reading, maybe you need to go back and read the record.

**Hon. Loyola Hearn:** I can understand perfectly, but it's not the definition.

**Mr. Scott Andrews:** Well, tell that to Stephen Harper, then.

**Hon. Loyola Hearn:** If I said I will extend my visit for half an hour, I'd better define what I'm going to do.

**The Chair:** Mr. Hearn, thank you.

Mr. Byrne, you have a point of order. State your point of order, please.

**Hon. Gerry Byrne:** The point, Mr. Chair, is that this is a very serious issue. Perhaps we can move more quickly for the benefit of the committee. I don't know what value this particular witness is now providing. I don't know what value the answers to the questions are providing.

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** I have a point of order.

**Hon. Gerry Byrne:** We have an opportunity to actually decide the issue. The witness doesn't appear to want to stick to the facts. I think it would be much more valuable to everyone's time to get on with this.

**The Chair:** That's not actually a point of order, Mr. Byrne. That's more or less a statement at this point.

Monsieur Blais, you have the floor.

[*Translation*]

**Mr. Raynald Blais:** About what Gerry just said, I feel that we ask the questions and you give the answers. I do not think that there is any more to it.

I do not think that your answers are particularly satisfactory. But I will say two things. First, your recent stay in Florida did you a world of good. You are in top form. Second, you do not have the H1N1 virus. You clearly have no problem with flu. But I do feel that you are a little defensive and the best way to deal with that is to attack. That is what you are doing. I know you well enough to know that it is a good strategy. I accept that you are very good at defending yourself. But I would like to ask one question, given that you were the person responsible for the negotiations in 2007.

I was actually wondering if it was the Minister of Foreign Affairs who was in charge or the Minister of Fisheries and Oceans. The Minister of Fisheries and Oceans? That is what I thought.

One of the amendments requires that, if other changes are to be made, or if the interpretation of a rule is applied, a two thirds majority is needed, not a simple majority, as was the case before. I would like to understand your view and to find out why you accepted the two thirds majority rather than the status quo, the simple majority. As I see it, if the time comes when the amendments are passed, we are going to have to work with this two thirds majority. If that is the case, let me tell you that it is going to be extremely difficult to change things from now on.

If you decided that the two thirds formula was better than a simple majority, I imagine that you had thought about it. I would like to hear your comments.

[English]

**Hon. Loyola Hearn:** Thank you very much, Mr. Chair.

If I rambled a bit before, it was simply because I was provoked, as you know. I'm not the attack-dog type. However, when I'm asked a question that isn't clear and I can't get a definition, what can I do?

Mr. Blais, let me make this clear to you. You asked a question and I nodded my head. During the NAFO negotiations, the Minister of Fisheries—certainly in my case, and I presume it's true right along—is the one in charge. I mentioned others saying “You're a pawn for Foreign Affairs”, but they had very little to do with it. In fact, I didn't talk to any of them about any of the things we did. The bureaucrats talked about negotiations or meeting with other countries—you know, the protocol stuff—but not the substantive stuff; that came from us. The direction came from us, even though we had our team and the minister doesn't go to NAFO. Even though we had our team at the meetings, I quarterbacked when I was there.

You're asking about this change to the two-thirds voting. The people who are raising this are not the ones directly involved today. The people who are directly involved today are the people who are affected.

On why we did what we did in relation to surveillance...there are two divisions to the changes to NAFO. There's the convention reform we're talking about now and the conservation and enforcement measures that were taken. Even though the convention hasn't passed, this has been in effect for quite some time in the countries that have buy-in, which has been very positive for Canada and Newfoundland.

But on the two-thirds, we consulted heavily. The NAFO delegation is not just a bunch of bureaucrats. You go to NAFO

prepared with what changes you want to make. If you're smart, you do your homework beforehand with some of the other countries, with the EU, Norway, or whatever. If they go there prepared, if you don't surprise them and try to force something, and if they understand that you're protecting the stocks, not just for Newfoundland and Labrador, not just for Canada.... I mean, the Spanish, the Portuguese, and the French fished out there before there was a Canada. They have rights, and everybody recognizes those rights. So when we go to NAFO prepared, we make changes that benefit our people.

Before we decided to go for the two-thirds, we talked to the provinces that were directly affected. I don't know what Newfoundland and Labrador are saying now or what Mr. Hedderson said—somebody read a statement—except for the show we've seen in the last couple of months, and I can get into all of that, but that's neither here nor there. The thing is, the Government of Newfoundland and Labrador solidly, in writing—there's a letter on file and I can get it for you if you want—supported the changes to the convention. But their deputy minister—a very sharp individual who happens to come from my home area generally, so he has to be—is a very good fellow. He was directly involved in every decision that was made—not out in a room somewhere, like Mr. Etchegary said. So were Earle McCurdy and Ray Andrews, our two nominated delegates. And we weren't picky about this; we picked qualified people. But everybody in industry asked for this change.

The biggest concern Canada had on behalf of Newfoundland and Labrador in this case, because they're the ones who benefit most, was having a run at the quota. During two conventions—that one and the previous one—some of the members of the group, led by the United States on a couple of occasions, wanted to change the quota system. For instance, we have 97% of the yellowtail in this area we're talking about. I think all of it goes to Newfoundland and Labrador, because FPI and companies like that fish it. I think we have 53% of the shrimp and 37% of the turbot—significant shares. If there is a run at the quota key and we end up with 60% instead of 90%, or whatever, that will be dangerous.

● (1625)

On the other hand, in relation to something we might want to do with conservation, number one, I don't think it will be a problem because everybody now is conservation-minded. We're being forced into it. That's why we could get cooperation from the EU and some of the other countries.

The World Wildlife Federation has been very supportive of what we have done, and many of the environmental groups like what is happening in going to an ecosystem-based approach. If you harvest too much cod, it's going to have an effect on something else. Whatever you harvest outside, it's going to have an effect inside. All this stuff is very good stuff, and this is where NAFO is headed.

But if it came to a decision, I guess, where somewhere along the line we'd like to conserve whatever.... We might be on the side that would require the two-thirds vote and it might be a positive thing. But on the quota key, that is the most important thing the industry saw in the whole scenario. And if instead of six countries deciding they want a bigger share, it would now be seven, or seven would be eight or whatever, that would make a significant difference. That, to them, was the most important, and that's why it's in there, to protect anybody from taking more of our shares in relation to the stocks.

That covers it.

**The Chair:** Thank you, Mr. Hearn.

Mr. Harris.

**Mr. Jack Harris (St. John's East, NDP):** Thank you, Mr. Chairman.

Welcome, Mr. Hearn. We go back a long way, politically, to our days when we were both in opposition in different parties in the Newfoundland legislature.

I want to commend you for your role, along with my colleague, Mr. Stoffer, for achieving a unanimous committee report from this committee some years ago on the very issue of custodial management. I testified in St. John's along with a number of others during that committee hearing.

I'm not going to get into any political banter here, but I just want to put before you what we were told by two people you know very well, David Vardy and Les Dean. I guess you'd call them experienced senior Newfoundland fisheries bureaucrats. They are senior public servants who are very experienced.

They talked about the notion of custodial management and the custodial state. I'm not going to go into details; it's all on the record of how we would ensure—recognizing the historical rights of others—that the management of the stock was done properly, and not done through this horse-trading and all of the other notions that prevail in NAFO. They also laid out very strongly what Canada could do, and still could do, if it didn't ratify this treaty.

Placed alongside of that we have Mr. Applebaum and Mr. Rowat and others involved in federal fisheries who are saying that this treaty in fact—and particularly the possibility of NAFO management inside—is not a step towards custodial management, but it's a step away.

Mr. Applebaum, for example, said that even if the provision was that Canada could manage in the NAFO area on the straddling stocks, that would at least be a step towards custodial management that we might be able to build on down the road. But they saw this as a backwards step and recommended against ratification.

They also said—and this is important, I think, for all of us who look at these things long term, and I think Mr. Vardy and Mr. Dean

talked about this—that if we ratify this treaty now, we are stuck for a very, very long time with these provisions and the possibility of changing them is extremely limited. So we're back to another long, long time before we can seek to reform NAFO.

I take it from what you're saying that you have absolutely no qualms about this convention. I know that the conservation of stuff certainly sounds positive, and the ecosystem-based management was there, frankly. That's not part of this convention. That didn't come about as a result of this convention. That's been there for some time.

So the ratification process is really an opportunity for a sober second thought as a country. Can we not say that we can't ratify this treaty right now? There are provisions that are unacceptable to Canada as a whole. That's regardless of what Newfoundland said along the way. Newfoundland has taken a very strong position. Mr. Williams has written a letter to the Prime Minister. We've had the Minister of Fisheries here.

Regardless of what happened in the past, is it not a realistic and rational response at this time? We can say that we did not achieve what we wanted to achieve and we can't ratify this convention now. We need to seek different changes.

• (1630)

**Hon. Loyola Hearn:** Mr. Chair, I thank Mr. Harris for his question. As he said, we do go back a long way, and Jack has always handled himself very well.

Certainly, the concerns he raises are very valid ones. My answer is that we have come a long way.

Again, you refer to the experts. I'm not sure if you were here at the time when I mentioned this, but we can list experts comparable to those you had before you, experts who are much more experienced in today's NAFO and international negotiations, and more highly placed, in some cases, than some of those experts ever were, and who will tell you the exact opposite: that we should ratify the agreement.

The reason we should is that we have made so much progress, especially in the surveillance and enforcement end of it. As for our involvement in this from the very beginning, and Newfoundland's concern, the fellow today in Renew, my hometown, is not overly concerned about the word "convention" and all these fancy legal terms that we might kick around, but he is concerned with what's happening to our stocks and what we're doing to preserve them for us for generations to come. We have made major progress there. Also, the countries involved have been acting as if this convention has been agreed to.

In relation to the other rules, I see nothing there. I know you're a lawyer yourself, but in fact I've seen testimony from very experienced lawyers and very experienced people in the fishery. They're saying they see nothing negative, but a whole lot of positives. So my answer would be that when we get this far... And it wasn't easy. If anybody thinks it was easy to get this far, I wish they would relive that couple of years we went through at the NAFO proceedings. You can talk to some of your friends. They can tell you what it was like on the ground. So no, it would be dangerous not to solidify what we have. But go ahead and work on it.

You talk about custodial management. Look, I come from Newfoundland. I come from a fishing community. I grew up in a fishing boat. I know what it means. I have always said that. Nobody can ever point a finger at me and say that I did anything that in any way hurt the fishery. But I can tell you that they can look at a lot of things that happened because we were there to help the fishery, and a lot of them were major things, as you know.

Let me just read a statement from Trevor Taylor, a former minister of fisheries, following an advisory panel on this that was set up by the Government of Newfoundland and Labrador. The panel involved another eminent person, Dr. Art May. It says, "The panel concluded that a custodial management approach to straddling stocks is not possible without advances in international law, but that a new Regional Fisheries Management Organization would be more easily attainable and could achieve the same goals and objectives."

There's that clause: "without advances in international law". Now, you didn't say that you could get custodial management without changes. I think you recognize that and I agree with you. Would I like to see Newfoundland have more say? Would I like to see Canada have more say? The answer is yes, of course, but we live in the real world, too, and we're dealing with other countries that belong to NAFO, other countries that have rights and duties. They have historic rights to fish. They have shares out there, etc., and they make up this organization of ours.

In the meantime, in relation to the changes we went after in relation to proper surveillance, proper punishments for those who are caught, bringing them back to port, etc., we got that. That was the move. That's the major move. I believe the changes we went after here protect our fishing grounds, protect our stocks, and give us a chance to work with others.

But these were done in a couple of years, Jack. We've been negotiating this for only a couple of years, and to bring any international organization that far in such a short time.... As for all of these people who were complaining to you here, all of them were at the helm for years and years and years and didn't make any advancement with any of this stuff. So if we can make that kind of move now....

What does it take to strengthen Canada's involvement? Canada basically is responsible for the surveillance and the enforcement on the nose and tail, as I mentioned, because these are our boats and our inspectors who do the work and who follow up on it. So basically, the other countries will say, "You know, Canada is the guy who's making sure we live by the rules."

●(1635)

I was told that by the owners of the companies—the people who own boats like the *Brites* and the *Santa Mafalda*. I asked to meet with them when I was in Portugal. I wanted to meet with the bad guys, as we used to call them—the guys who own the boats. They recognized this and said, "Look, we got away with whatever we could, but you guys did too." What could we say? We weren't the holiest people around in those days either.

**The Chair:** Thank you, Mr. Hearn.

**Hon. Loyola Hearn:** We have made major changes, Jack, and to turn this down simply because somebody living in another world thinks we could do better, my answer to that is, let's take what we have and go on from there. Then the challenge is there for somebody else to strengthen it and make more changes. But don't throw out the baby with the bath water.

**The Chair:** Thank you, Mr. Hearn.

Mr. Weston.

**Mr. John Weston:** Mr. Hearn, it's a great honour to meet you in person for the first time. However, there are some in this room who would assail your reputation as being a man of few words, and I would like to help you restore that reputation.

**Voices:** Oh, oh!

**Mr. John Weston:** We're going to race through six questions in five minutes.

Isn't that right, Mr. Chair?

Number one, you said there's no definition in international...of custodial management. Is that correct?

**Hon. Loyola Hearn:** Yes. It's correct that I said it.

**Mr. John Weston:** It's correct that you said it.

**Hon. Loyola Hearn:** And I said it because some very eminent lawyer said it, so I assume it's correct.

●(1640)

**Mr. John Weston:** And the Liberal Party has not offered us a definition of custodial management.

**Hon. Loyola Hearn:** They have not. I asked for it. They asked us to take custodial management but would not tell us what custodial management was.

**Mr. John Weston:** Even though Scott Andrews, my esteemed colleague, read a quote from the Prime Minister about custodial management, there was no definition there, right?

**Hon. Loyola Hearn:** No.

**Mr. John Weston:** There was certainly no definition. I didn't hear it and our witness didn't hear it. But you did say that the regulations have stiffened enforcement over time under NAFO; therefore the preservation of our fish species has been enhanced through NAFO changes over time.

**Hon. Loyola Hearn:** Yes.

**Mr. John Weston:** NAFO is not perfect, we'd all agree, but you said that we've moved to ecosystem, not species, management; we've moved to consensus, not voting. All of that has helped us in our overall goal of preserving the fish stocks.

I'm going to read a quote and then ask if you agree with it or not. Then I'll tell you from whom the quote came.

During the 2007 NAFO meeting in Lisbon, wording was proposed that was generally considered acceptable to the Canadian delegation.

The fact that Canada would have to support a NAFO measure and then request its application in the (200-mile limit) seems to provide the necessary safeguard against any unintended consequence of the amended convention.

This along with securing the Canadian shares of NAFO-managed stocks makes an acceptable package.

**Hon. Loyola Hearn:** I agree with that, and I suggest it was said by the Minister of Fisheries from Newfoundland and Labrador.

**Mr. John Weston:** You've got it. Minister Tom Hedderson himself said it. That gives me confidence, and I'm glad it gives you confidence.

**Hon. Loyola Hearn:** Because if it's the right thing to do. The concern originally was that the other countries.... NAFO, generally, was maybe trying to put a little extra pressure on to have more control than we would want to have. But with our sovereign rights, NAFO can do absolutely nothing—or any country in NAFO, as you well know. The others know it too—they might not admit it—in relation to our sovereignty, the seabed, the sedentary species, the oil, gas, or whatever else. We are preparing to strengthen our case for the Law of the Sea in 2013—hopefully, again, with Mr. Harris, as somebody like him would be very helpful in all of this—so that we can exert more control over the land mass and maybe the high seas. We have just as much control as anybody else in the world. We have our 200-mile limit and can do what we want inside of that. There's nothing in this new convention that will ever affect that.

But there's one thing you didn't mention when you mentioned all the points that were raised. The people most affected by this are the fishermen in Newfoundland and Labrador and every agency directly connected. I will say to the Government of Newfoundland and Labrador, forget the charade of the last couple of months. I followed it and it was just a charade. But I think they've reassessed things, because the premier was asked to come here and declined. I hope they had a sober second thought and looked at another example.

**Mr. John Weston:** I just want to point out—before you continue—that we've gotten through six questions. I want to bring that to the attention of everyone on this committee.

**Hon. Loyola Hearn:** Okay, I'm sorry. But let me just make one point to you.

**Some hon. members:** Oh, oh!

**Hon. Loyola Hearn:** Last night, apparently, the city council of St. John's voted to ask the government to oppose this convention. The story went on to say that they made their decision based on a presentation by one Mr. Gus Etchegary.

Now, if a city council of the main city in your province makes a major decision based upon a presentation, and I don't care by whom—by me, by Earle McCurdy, or by whomever—at least they

should have checked the facts. I'll bet you that not one of them had read the convention and probably had never even seen it.

That is the kind of stuff we have to fight. We're not fighting here because you're Conservatives, you're NDP, or you're Bloc. That has nothing to do with it. This committee generally has been on the topic, but I think it's strayed on this one. Generally we're fighting to protect the rights, the privileges, and the resources for the people of this country. In this case, it happens to be Newfoundland and Labrador. I would suggest that everything we've done has been leading towards doing just that.

**Mr. John Weston:** Thank you.

**The Chair:** Mr. Andrews.

**Mr. Scott Andrews:** On a point of order, Mr. Chair, words are important and definitions are important. So just for the record:

And we will make moves to extend [the] 200-mile limit to the edge of the continental shelf, the nose and tail of the Grand Banks, and the Flemish Cap in the North Atlantic, and to exert Canadian custodial management over this area.

That's the definition the Prime Minister made.

• (1645)

**Mr. John Weston:** If that's a point of order, then I will raise a point of order: there's no definition of the term you use.

**The Chair:** Gentlemen, please. Order.

It's not a point of order. It's a statement.

Thank you, Mr. Andrews. I'll hear no more on that point of order. As I said, it doesn't exist.

Anyhow, Mr. Hearn, I want to thank you very much on behalf of the committee for coming in today to meet with our committee. Thank you for taking the time out of your very busy schedule. We certainly do appreciate this.

The committee will take a short recess....

Mr. Byrne.

**Hon. Gerry Byrne:** Thank you.

I too want to thank the witness.

The next session was intended to be in camera, according to our schedule. What I would like to request of you, and of my colleagues, is that we don't go in camera for the next particular session. I don't see any particular need for us to do so.

I also would like to provide adequate notice that I'll be calling my motion, which I gave notice to earlier.

**The Chair:** Notice has already been provided for your motion. If you intend to bring your motion forward, we'll stay public at this point in time.

The in camera session was for consideration of the draft report. Obviously, if we're not going to take into consideration the draft report, we'll stay public and we'll deal with your motion.

Mr. Hearn, once again, on behalf of the committee, thank you very much for taking the time to appear before our committee today.

**Some hon. members:** Hear, hear!

**The Chair:** The committee will recess for a few moments until we move on to new business.

•(1645) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1650)

**The Chair:** I call this meeting back to order.

Mr. Byrne, you wanted to move your motion?

**Hon. Gerry Byrne:** Yes, thank you.

In accordance with my notice of motion given earlier, I would like to read my motion:

That, pursuant to Standing Order 108(2), the Standing Committee on Fisheries and Oceans report the following to the House:

Notwithstanding the motion adopted by the House of Commons Standing Committee on Fisheries and Oceans on October 8, 2009, and given the evidence heard by the Committee in March and May of 2009 as well as the serious concerns expressed by various witnesses during hearings in October 2009, the Committee recommends that the Government of Canada not ratify the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries adopted by the General Council of the Northwest Atlantic Fisheries Organization (NAFO) in 2007, and that Canada notify NAFO of its objection to the amendment as per Article XXI of the Convention.

**The Chair:** You've all heard the motion as read by Mr. Byrne, and I believe it's been distributed to each of you. I'm not going to read the motion again.

Is there any debate on the motion?

Mr. Kamp.

**Mr. Randy Kamp:** I'll be voting against this motion. It seems to me that it ignores much of the testimony that we've heard before this committee. I think it would be a mistake to pass this motion, so we'll be voting against it.

**The Chair:** Are there any other comments or questions on the motion?

Mr. Weston.

**Mr. John Weston:** We've talked a bit about rookies here, and Mr. Andrews and I both share that status, I suppose. I'm disappointed. I feel that I'm here on behalf of a lot of Canadians, including my nine-year-old daughter, who want to see that we preserve the species and pass the fisheries on to them and their children. We've heard a lot of debate, a lot of serious discussion, and I've stepped back, as a thinking person, not as a party member, but as someone who feels that we have a treaty. The treaty is going to be enhanced by the provisions that we've heard about, and we therefore have a duty to all Canadians to make sure that Parliament passes the amendment to the treaty. So I'll be voting against this motion.

**The Chair:** Thank you.

Ms. O'Neill-Gordon.

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** I, too, will be voting against it. I know I'm new on the committee, and I still have a lot to learn, but I feel that over the last few months I have had a chance to hear many witnesses speak about the new NAFO

convention. I've also had a chance to review and read the report prepared by the analysts.

We have heard from legal experts, Ted McDorman and Phillip Saunders, both respected legal experts on the management of the high seas. In addition, we've heard from impressive groups from the industry who support the new convention and think it's good for the fishing industry. We've also heard from our own minister, Gail Shea, and now we've just heard from Minister Hearn. Both are passionate about these reforms.

For these reasons, I'll be voting against it.

•(1655)

**The Chair:** Is there any further discussion or comment on the motion?

**Mr. Peter Stoffer:** I have a question.

**The Chair:** Since there are no further comments, no further discussion, on the motion, I will call the question.

You've all heard the motion as read into the record by Mr. Byrne. The motion is presented before you.

(Motion agreed to)

**The Chair:** Your motion is passed, Mr. Byrne, and I will report it to the House.

Mr. Byrne.

**Hon. Gerry Byrne:** Mr. Chair, would you be able to inform the committee members about when you may be able to report this to the House?

**The Chair:** I'll be able to report it within two days.

**Hon. Gerry Byrne:** We recognize that it is normal procedure to report within two days, given the timeframe the government has designated for discussion of this by the Parliament of Canada. Our own timeframe is quite short—it's assumed we will suspend as of Monday, November 24. Because of these circumstances, would it be possible to ask you to report this to the House tomorrow?

**The Chair:** You've heard the advice that I've obviously just received. It is possible, and certainly the clerk will check to see if it's possible to do it tomorrow. Obviously, if it is at all possible, certainly we can report it to the House tomorrow. But there are other approvals that need to be made before we can do that.

Monsieur Blais.

[Translation]

**Mr. Raynald Blais:** Thank you, Mr. Chair.

I just want to make sure of one thing. Next Thursday, we are supposed to hear from witnesses who are coming from all across Canada to talk about small craft harbours. They will be coming from Canada's five regions. If I understand correctly, we set aside one hour for them, and possibly two. In light of the fact that there will be five people from all across Canada, from the Atlantic and from elsewhere, I would like to make sure that they get two hours. We have to make sure that these people have the time to give us their views on small craft harbours. Given the fact that these people are going to allow us to better grasp what is actually going on across Canada in this matter, I feel that it would be better if the two-hour session were set aside for their testimony.

[English]

**The Chair:** I don't see an issue with that, Monsieur Blais. The second hour is set aside for consideration of the report, so if more time is required and the committee feels it is worthy of continuing, I don't see any issue with that whatsoever. We want to make sure that we hear all testimony and have a thorough hearing of all points of view. We want to make sure that is taken into consideration.

All right. Having dealt with that, now we'll move to consideration of the draft report that you have before you. Does everybody have a copy?

Mr. Calkins.

• (1700)

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Mr. Chair, in light of the fact that we've just moved and passed the motion by Mr. Byrne, the report at this particular point is redundant. Notwithstanding the

excellent work of our analyst, I would suggest we have heard the testimony. A motion has been made. There was nothing in the terms of reference of this study to begin with that required a report to be tabled or a report to be discussed. There are other pressing issues that this committee could be looking at. We've belaboured this issue for long enough, and I would seek the consent of my colleagues at the committee to move on to some other item on the work agenda and be done with this issue for now.

The members opposite have their motion passed. They have the ability now to do what they want with that elsewhere in the parliamentary process. I don't think we need to belabour this issue any more.

**An hon. member:** Hear, hear!

**The Chair:** Thank you, Mr. Calkins.

Mr. Stoffer.

**Mr. Peter Stoffer:** I don't often say this, but I actually agree with my Conservative counterpart, and I want to thank François for the great work he did.

**The Chair:** Is it the wish of the committee that we move on to other business?

**Some hon. members:** Agreed.

**The Chair:** So be it. We will move on to other business.

We will reconvene on Thursday at 2:30.

Thank you. The meeting is adjourned.

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