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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 call this meeting to order.

I thank our guests for joining us here today. I appreciate you taking the time out of your busy schedules to come to Ottawa and meet with us.

I think the clerk has already advised you that we generally allow about ten minutes for opening comments and statements, and then we proceed with questioning by the members. The members are aware of the time constraints they're under for questions and answers.

Mr. Rhyno, Mr. Angel, I'm not sure who is to make your opening comments, but if you wish to proceed at this time, please go ahead.

Mr. John Angel (As an Individual): Thank you very much, Mr. Chairman.

Mr. Rhyno and I would like to thank the committee for inviting us to appear to clarify matters surrounding the issue of a crab fishing licence to Mr. Rhyno in 2009. We are pleased to be here today to set the record straight on that event. I will make a presentation that should take about 12 minutes, so I hope you'll bear with me. I will leave that submission with the committee, together with the supporting information I will reference during the presentation.

Tim Rhyno has been a professional crab fisherman for some 20 years and has devoted considerable time and resources to the development of the snow crab fishery. He was one of the first to explore the slope of the Scotian Shelf in crab fishing areas 23 and 24. Until recently, he did not hold a snow crab licence. He fished crab for other quota holders. The information on this case that has been circulated in this committee, in the House of Commons, and in the media by various individuals has been largely inaccurate and misleading, causing great distress to Mr. Rhyno and his family.

I'm sure that many of you live in small towns and villages and understand how fast information travels and the impact it can have on the citizens of those communities. Mr. Rhyno has tried to ignore these flare-ups in the hope that over time they would go away. He is now at the point at which he feels he can no longer stand by and tolerate these inaccurate accounts being circulated.

There are five issues that are important for a full understanding of how this licence was issued. The first issue is the process for the expansion of the slope fishery. In the year 2000, DFO sought to expand the crab fishery on the slope area of the Scotian Shelf in crab

fishing areas 23 and 24 through the use of the emerging fisheries policy. This policy consists of a three-step process: a science-based evaluation, an exploratory fishery, and finally, a commercial fishery. The intent of the policy is to award commercial licences to the participants of the first two stages, should the fishery indicate commercial potential.

Mr. Rhyno participated in the scientific stage and was one of a few who satisfactorily completed the 2000 DFO survey of area 23. By 2003 it was evident that an increase in effort was warranted, and DFO decided to go to the second step, an exploratory fishery. A public, open process was conducted. Criteria were published. A call for proposals was made and submissions were evaluated. A public draw from among the qualified candidates was held, and the names drawn were put in order of priority for entry into the fishery. Mr. Rhyno was second on that list.

The then Minister of Fisheries and Oceans, the Honourable Robert Thibault, issued a permit to the first person on the list for the 2003 season, and further decided that a second permit was to be issued to the second person on the list, Mr. Rhyno, for the 2004 season, assuming a positive stock assessment. That intention is outlined in a hand-written note by the DFO assistant deputy minister in a briefing note to the minister dated May 30, 2003. I have that with me today, and I'll leave it with the committee.

Unfortunately for Mr. Rhyno, in May of 2004 Mr. Thibault's successor, the Honourable Geoff Regan, chose not to proceed to issue the second exploratory permit. Mr. Rhyno was never informed why Mr. Regan chose not to proceed as planned.

The second issue surrounds the Gardner panel. The next step was begun by a letter from the assistant deputy minister to Mr. Rhyno in May of 2004 confirming that the licence would not be issued but that Mr. Rhyno's situation, and I quote, "as the next in line for access will be considered when the long-term plan for 2005 and out years is established".

At DFO's suggestion, Mr. Rhyno and his representative made a presentation to the ad hoc panel created by the minister to develop advice for 2005—that was the Gardner panel. In its final report, the Gardner panel addressed Mr. Rhyno's case in recommendation number eight:

If the slope edge is integrated into CFA 23-24 as recommended, no additional access should be permitted into this CFA,

—and this is the point I would highlight for the committee—

subject to the outcome of the application process of the next in line for access. The Panel heard a submission from an individual who presented a case for access based on what was described as a commitment in writing from the Department. The Panel was not struck to adjudicate individual cases, but this application seems to be a matter the Department must resolve.

• (1545)

Now remember, this was in early—

The Chair: Could I ask you to slow the pace down just a little bit for the translators?

Mr. John Angel: Sure. I'm a Cape Breton Newfoundlander, you know.

You must remember that this was in early 2005, I believe. Minister Thibault's decision was in 2003, the licence was to be issued in 2004, and this was in early 2005.

There was no dispute that the panel was referring to Mr. Rhyno's case. Mr. Rhyno and his representatives interpreted this passage as an indication that the panel was sympathetic to his case.

The next issue is what I call the confirmation of the decision. In an attempt to ensure that the facts were clear, Mr. Rhyno's representative spoke to and wrote to former minister Thibault to confirm the understanding that Mr. Thibault had indeed decided to issue an exploratory licence to Mr. Rhyno. I've included that in an attachment to the committee as well.

Mr. Thibault wrote to Minister Regan stating that the facts, as outlined, were essentially correct—i.e., the decision to issue an exploratory permit in 2004 was the clear intention.

I'd just like to read to you the excerpt from the letter to Mr. Regan:

The original recommendation by DFO officials was to increase by two licences in 2003. To be cautious, I decided to ensure the viability of existing licenses by increasing their quota and issuing one additional license.

It was the stated intent that should stock advice support additional effort, that the second additional license would be added in 2004, and further that any additional allocation would be divided equally amongst all license holders.

Mr. Rhyno and I were hopeful that this might clarify the situation and solve the problem. However, despite this verification that the clear purpose was to proceed with the issue of a licence, the department refused to fulfill the condition.

The next issue is the Atlantic Fisheries Licence Appeal Board. Mr. Rhyno was next informed by DFO that he had the right to appeal his case to the Atlantic Fisheries Licence Appeal Board, or AFLAB. Mr. Rhyno and his representative made a written submission and appeared before the panel in July 2005. The panel recommended to the minister that Mr. Rhyno's appeal be allowed and the licence issued. Once more we were optimistic.

However, yet again, despite a recommendation from the minister's own third-party panel, the department still refused to issue the licence. In a letter to Mr. Rhyno in August 2005, a copy of which I have here to leave with you, the assistant deputy minister confirmed that AFLAB recommended that the appeal be granted, but that Mr. Rhyno could not be issued a commercial licence because he did not participate in the exploratory part of the fishery.

Now, I'll just get you to bear with me for a moment, because that reply simply stands logic on its head. The very basis of Mr. Rhyno's

appeal was that an exploratory licence should have been issued in 2004. If that had been done, and AFLAB recommended that it should have been, Mr. Rhyno would have participated in the exploratory fishery and would have received the commercial licences, as did the other participants who received commercial licences. The logic of now refusing him a licence on the basis that he did not participate in the exploratory fishery, when that was the very subject of his appeal, simply does not stand up to reasonable analysis.

The last issue is the issuance of the licence. I can assure you, Mr. Chairman, that Mr. Rhyno is a very determined fellow. He simply refused to quit. Over the next few years, Mr. Rhyno and his representative contacted and met with numerous officials and pressed the case. The details outlined in this brief were forwarded and presented to many DFO officials, MPs, MLAs, ministers and their staff. All expressed support, and many did so to the federal minister or his staff.

• (1550)

Two aspects of this case particularly troubled Mr. Rhyno. Firstly, the DFO was not following the spirit of its stated policy of openness, including the principle outlined in its policy framework: "Fisheries management decision-making processes must be, and must be seen to be, fair, transparent and subject to clear and consistent rules and procedures".

Here was a case that followed that principle. The entire process was squeaky clean, conducted in the public eye, under close scrutiny of the stakeholders. A decision was made, and that decision was widely known. To not proceed seemed to Mr. Rhyno to be a complete abandonment of principle, fairness, and transparency.

The second and much more fundamental issue strikes at the very heart of our system of government. A minister of the crown made a decision; that decision was communicated to the parties involved by senior officials, ministerial staff, and the former minister himself. Mr. Thibault's letter confirms that intention. An independent panel appeared sympathetic, and the minister's own appointed appeal board recommended that the minister proceed to issue the licence to Mr. Rhyno.

Yet despite this process and independent reviews, the department continued for some reason to refuse to implement the decision. It seemed a total breach of faith to Mr. Rhyno. Finally the case was brought to the attention of staff in Minister Hearn's office. After a long period of verification within and outside of DFO, they came to the conclusion that an injustice had occurred. In 2009, when Mr. Rhyno appeared to be at the end of the line, Mr. Hearn recognized the merits of the case and took the action that should have been taken five years earlier. Mr. Rhyno was issued a snow crab licence for the 2009 fishing year.

If I may conclude by returning to the comments made by various individuals about this case over the past year, and most recently in the past few weeks, firstly, comments that Mr. Rhyno received this licence out of the blue or as a gift are incorrect. It followed a long, open, transparent process concluding in a public draw before all participants and observers.

Secondly, comments that Minister Hearn issued the licence contrary to the advice of his own independent licensing board are incorrect. That comment is on the record several times in the House of Commons, in this committee, and in the press. In fact, the decision of the Atlantic Fisheries Licence Appeal Board was to allow Mr. Rhyno's appeal and issue a licence.

Thirdly, comments that Mr. Rhyno did not deserve this licence are particularly hurtful. Mr. Rhyno is a professional fisherman who followed a public process and was successful within the strict parameters of that process.

Fourthly, comments that Mr. Rhyno lurked around back doors and behind people's backs to obtain his licence are false. Mr. Rhyno did nothing wrong in this case; on the contrary, he did everything he was told to do and he followed every step outlined by DFO in order to acquire the licence. And he pressed his case relentlessly until he achieved the justice to which he felt he was entitled.

Finally, comments that it was a political decision in the patronage sense are way off the mark. There was nothing political about it. Neither Tim nor I have any political clout whatsoever. What we had was a good case that was recognized on its merits by every independent party that reviewed it.

Mr. Chairman, thank you again for the opportunity to present our case.

Mr. Rhyno would like to say a few words, if that's possible, after which we will answer any questions.

• (1555)

The Chair: Would you like to say a few words, Mr. Rhyno?

Mr. Tim Rhyno (As an Individual): Yes. Can I have some time?

The Chair: Very briefly, Mr. Rhyno. We've already extended our time. There will be lots of opportunity through the questions if you want.

Would you like to briefly say a few words?

Mr. Tim Rhyno: I'd just like to let the committee know that the main reason why I've come here is to set the record straight, because people have been saying some pretty bad things about me. I have five kids and a wife. My wife had a heart attack concerning probably most of this. And if it wasn't for me going out fishing for these associations and catching the crab for them in November and December, those people wouldn't have the quota they have today. They couldn't get any of them to go fish. It was me. I was the guy who went and caught the quota for them that helped them. And here they set up this independent panel, which was in Antigonish, that was appointed by Mr. Regan.

They were told.... I got a call—listen to this—in Fort McMurray, stating that “My conscience bothered me”. This was a panel member, who said, “Tim, we were told not to be fair to you”. Not to be fair to me, and after me going out topping up the quota for all the adjacent groups and non-adjacent groups, because it was a D zone, and I was offshore. I was 143 miles from shore, and they couldn't get anyone to go get the crab. If it wasn't for me—I'm bragging, but I never said anything for eight years—they wouldn't have the quota they have today.

The Chair: Thank you, Mr. Rhyno.

Mr. Byrne.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you, Mr. Chair, and thank you to our witnesses.

I'm very sorry, Mr. Rhyno, to hear of the circumstances of your wife.

Mr. Angel, can you confirm to the committee that you indeed were formerly a Department of Fisheries and Oceans employee, if I remember correctly? Is that correct?

Mr. John Angel: Correct.

Hon. Gerry Byrne: You understand the processes within the department fairly well, then.

Mr. John Angel: Yes.

Hon. Gerry Byrne: You put a lot of merit on the interpretation of some notes. In actual fact, the notes do not appear to be solid or formal correspondence. They're actually informal correspondence.

As a former departmental official, if one were to apply strong merit to those notes, would it be your opinion that the following letter would bind the department to a specific course of action? I'm referring now to the letter that Ms. Joan Reid sent to all snow crab licence holders when she stated:

It is expected that due to the strong recruitment, a TAC exceeding 9700t may be approved in 2009, thus triggering the permanent 50%:50% sharing agreement recommended by the Advisory Panel on Access and Allocation...

That was in 2005.

As a former departmental employee and someone who is very aware of the fishery, should this committee take that as an absolute binding contract, the minister and the department providing letters to crab licence holders that the 50%-50% sharing arrangement will come into place? Should we view that as a binding contract as well, the same way you're suggesting that it should be a binding contract for Mr. Rhyno to receive his licence?

Mr. John Angel: Can I ask you to clarify a few things?

Hon. Gerry Byrne: Sure.

Mr. John Angel: I'm not sure what you meant that these were unofficial documents.

Hon. Gerry Byrne: You mentioned handwritten notes, Mr. Angel.

Mr. John Angel: The first attachment was a handwritten note. All the others are written on either my letterhead, DFO letterhead, or the letterhead of Robert Thibault.

Hon. Gerry Byrne: Which ones are the DFO letterhead ones you're referring to?

Mr. John Angel: The one telling Tim that he would not be getting the licence—

Hon. Gerry Byrne: Okay, that's a good one.

Mr. John Angel: —but encouraging him to participate in the upcoming panel.

Just let me finish. You asked me a question, so let me finish.

The second one is from the Honourable Robert Thibault, on his letterhead—

Hon. Gerry Byrne: Who is not the minister.

Mr. John Angel: No. That's to Mr. Regan.

The third one is from Mr. David Bevan, the assistant deputy minister of fisheries, on DFO letterhead.

So they are not notes. The first one is a note on a briefing note that I had to obtain through the access to information process, which clearly outlines the decision that Mr. Thibault made. So they weren't just handwritten notes.

• (1600)

Hon. Gerry Byrne: Understood.

Mr. John Angel: Secondly, I have no intention of commenting on that letter you mentioned, Mr. Byrne.

Hon. Gerry Byrne: Why not?

Mr. John Angel: That letter was written in 2009, you said?

Hon. Gerry Byrne: Yes, February 18, 2009. Mr. Rhyno is actually referenced specifically in the letter, by the way.

Mr. John Angel: What I'm talking about took place in 2003. I'm talking about a commitment that was made in 2004. I'm talking about a decision that was not implemented.

Hon. Gerry Byrne: Understood.

Okay, we'll move to something else. But I'll just say, for the benefit of my committee members, that the witnesses are making a case based on a trail of evidence as they're presenting it to allow an interpretation of the will of the parties. It seems to me if we were to accept that, given that Mr. Angel is a former Department of Fisheries and Oceans employee—and in his day a senior member of that department as well—if we were to make that assumption that a letter actually rejecting the application is valid.... Anyway, the only correspondence from the Department of Fisheries and Oceans is that it should be rejected. I'll just simply note that it doesn't seem to apply in the reverse direction.

The next point is when Mr. Rhyno went fishing originally, was he under a contract of services to any other organization, and was he remunerated? Was he paid for those services?

Mr. John Angel: I'll have to get Tim to answer that. I don't know.

Mr. Tim Rhyno: Yes. The way the fishery started, there was an offshore fishery for zones A, B, and C, and the farther you go out the higher the number. We were put out in the D zone.

Basically, that year each association.... There were nine associations, and in the infancy of the fishery we would go and catch quota for other associations.

Hon. Gerry Byrne: Thank you, Mr. Rhyno. So you were indeed paid for your services.

Mr. Tim Rhyno: Yes.

Hon. Gerry Byrne: That's important to note.

In terms of the interpretation of the decision, Mr. Angel, as a former departmental official, if you're suggesting that it was the will or the contract of the department to issue the second licence, why didn't Mr. Thibault actually issue it? Because we know he did not.

What he said was that if science merited a decision to actually allow a second licence, then he would do it. In other words, when anyone comes forward who feels as though the minister made a verbal commitment to issue a licence, those licences should all be honoured if we were to follow this pattern.

Mr. Angel, as a former departmental official, you would know better than anyone that until a licence is issued, it's not issued. Would that be correct?

Mr. John Angel: Yes.

Hon. Gerry Byrne: Thank you.

Mr. John Angel: Just a second. Can I deal with the first part of your question?

Hon. Gerry Byrne: I think you did.

Mr. John Angel: No, you were asking me about Mr. Thibault's decision.

First of all, Mr. Byrne, I never mentioned the words “contract” or “binding contract”. I thought I made it clear that this was a decision made by a minister that we felt should have been implemented, and it wasn't.

Secondly, Mr. Thibault did say that it was his intention to issue a second licence the following year if the science was favourable, and nobody has ever disputed that. I just want to make it clear to the committee that the business about the science being favourable has never been disputed, ever.

Mr. Tim Rhyno: They gave 700 licences out—

Mr. John Angel: The quota is continuing to increase. So that is not an issue.

Hon. Gerry Byrne: But the issue of delivering a licence or not is based on the minister's decision, and he did not grant the licence, and he was not bound by any contract to grant a future licence. He did what he did, and the fact of the matter is, he did not grant a licence. I think those are the facts that you have helped us to make very clear.

In terms of the science—and again I'll come to the point of you being a former senior departmental official—what we heard in this committee is that the science branch does not provide specific recommendations of quota increases or decreases. What we have been told as a committee is that they provide the minister and the department with options that could indeed be exercised. So I don't think it's quite accurate to say that science recommended the new licence. I hope you're not making that inference either. In other words, the science provided a certain range of options, and the minister of the day decided, if I'm interpreting correctly, that a licence would not be issued, because in his or her opinion the science did not warrant it.

• (1605)

Mr. John Angel: Well, you see, Mr. Byrne, that we don't know.

Hon. Gerry Byrne: Exactly. Thank you very much, Mr. Angel.

Mr. John Angel: Just let me finish. We have never been able to find out why that licence was not issued. I have asked countless times. I have asked if it was the science. No, it wasn't the science. Could you please tell me what was the basis of the refusal of the licence? We have never been given that information.

Hon. Gerry Byrne: Mr. Angel, you reference that AFLAB, the Atlantic Fisheries Licence Appeal Board, did indeed provide a recommendation that the licence be issued. An access to information request was indeed forwarded to the department requesting all documentation of communications between the Department of Fisheries and Oceans Canada and Mr. Tim Rhyno of Scottsville, Inverness County, Nova Scotia. There's no mention of any communication from AFLAB in any of the releases. In fact, the release is non-existent. It's a blank page.

According to the information we have received, AFLAB never communicated anything to Mr. Rhyno about any licence approval. Do you have any documentation that you could table, a communication between AFLAB and Mr. Rhyno, the applicant, as to what specifically the recommendation was that they provided?

Mr. John Angel: I just did.

Hon. Gerry Byrne: And what is that?

Mr. John Angel: I tabled it during my presentation.

Hon. Gerry Byrne: Could you read it out to the committee?

Mr. John Angel: Certainly. It's a letter from Mr. David Bevan, assistant deputy minister, dated June 10, 2005.

The Honourable Geoff Regan has asked me to respond to your request for access to the Eastern Nova Scotia snow crab fishery in 2005. As you know, your request was referred to the Atlantic Fisheries Licence Appeal Board (AFLAB) and was heard on July 8, 2005, at the Canadian Coast Guard College in Sydney, Nova Scotia, in which you participated.

Although the board recommended that your appeal be granted....

Is that not clear?

Hon. Gerry Byrne: That's it. Why does that not appear in any of the documentation?

Mr. John Angel: What documentation are you talking about?

Hon. Gerry Byrne: Is there any communication between AFLAB and your client?

Mr. John Angel: No, AFLAB doesn't communicate with clients. AFLAB is there to give recommendations to the Minister of Fisheries.

Hon. Gerry Byrne: This committee, though, can't understand the rationale of AFLAB in this particular instance. We don't have any documentation, just as you don't. That's the point here.

Mr. John Angel: You asked me to read the letter, so just let me finish reading it.

Although the board recommended that your appeal be granted

—it seems clear to me—

the Minister has made a decision based on a thorough review of all available information, including the New Emerging Fisheries Policy....

Am I going too fast?

[Translation]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Chair, if I may, I would like to raise a point of order. I don't think that makes sense. I am not able to understand the letter. I am on a different planet at the moment, honestly. I just mean that I know nothing about the matter and I am going to get to know about it. I know very well, and it's not your fault, that whenever a person reads a document, they think it must be read quickly. For the interpreter, it

is a mad race and for the person listening to the interpreter, it is more than madness, it is sheer insanity.

Please, if you want to read a document, take your time. That will give me time to understand it.

Mr. John Angel: I understand you very well, sir. I have the same problem in French.

[English]

I'm sorry for speaking so quickly.

Although the board recommended that your appeal be granted, the minister has made a decision, based on a thorough review of all available information, including the New Emerging Fisheries Policy, and I regret to inform you that he has denied your appeal.

The New Emerging Fisheries Policy requires active participation in an exploratory fishery and the conversion of the five exploratory licences to commercial status was based upon provisions within this policy. You did not participate in the exploratory fishery and therefore are not eligible for a commercial licence.

In its report the board added that it felt you were treated fairly in accordance with the department's policies. The minister concluded that the licensing policy was correctly interpreted and applied by the Department of Fisheries and Oceans in your case.

I regret that this decision....

To me, that's a communication from the ADM to Mr. Rhyno. AFLAB does not communicate with people who appear before it. It gives recommendations to the minister. The minister made his decision. It seems to me clear that the ADM is saying that the board recommended that the appeal be granted, because that's what the plain language says to me.

• (1610)

The Chair: Thank you, Mr. Angel.

Monsieur Blais.

[Translation]

Mr. Raynald Blais: Thank you very much, Mr. Chair. Good afternoon, gentlemen.

You understand that, like I said in my point of order, I am a little bit on Mars. I will be asking really basic questions. I will not get into the pros and cons since I am not up to speed on that. But I would like to understand two things.

First, the file is about Mr. Rhyno. We are talking about issuing a permit to Mr. Rhyno. What is your role in all this, Mr. Angel?

[English]

Mr. John Angel: My French is not what it used to be, so would you excuse me if I reply in English?

I represent Mr. Rhyno. He hired me to present his case to government and I am his representative.

[Translation]

Mr. Raynald Blais: Are you a lawyer, legal counsel?

[English]

Mr. John Angel: I am a lawyer, yes.

[Translation]

Mr. Raynald Blais: Mr. Rhyno, why did you feel you had to be represented in a personal matter?

[English]

Mr. Tim Rhyno: It's because I'm not that good with paperwork and things like that and I can't speak as good as John can. He's a professional and I'm a fisherman, so that's why I did that.

[Translation]

Mr. Raynald Blais: Is it also because you felt caught in the red tape, which you did not understand, and you were afraid of doing the wrong thing depending on what they were going to ask?

[English]

Mr. Tim Rhyno: I can't understand that. Excuse me.

Mr. John Angel: He didn't get the translation.

[Translation]

Mr. Raynald Blais: I want to fully understand.

[English]

Mr. Tim Rhyno: I didn't get that word. What did you say?

It's still not working. It's not working.

[Translation]

Mr. Raynald Blais: Is it working now? All right.

I want to fully understand the dynamics. I understand that someone is representing you and I also want to understand why. Given that you had to make administrative decisions, you thought that, if you did not have someone with you, you would make mistakes or you were afraid that you would make them by giving the wrong answer or document. Is that why you have a representative with you?

[English]

Mr. Tim Rhyno: That's true to an extent. When I started this process to explore the slope at the edge, I was told by different DFO officials that if I found crab offshore 100 or 140 miles, where no one's ever fished before, they could issue me a licence in a company name. So I didn't know the legalities of it or what to do; I was basically fishing.

In the first year when I went fishing in November and December, they couldn't get anyone to fish, so they asked me to go fishing. The DFO official who was in charge of crab in Halifax just put crab onto me to catch for the association, because everybody else had quit. They couldn't get anyone to go out in November. I smashed the windows out of my boat and flooded the wheelhouse. I was told verbally that if I found crab there—and I trusted those people—I would get a licence, but that didn't materialize.

Politics got involved. I tried to get a licence and applied, but the person didn't get back to me. Then they started saying, "Tim, it's over. It's above my head. I know you found the crab." So I said I needed somebody to make a presentation who was a professional. John is a professional and he's honest. That's why I did that.

I was always told I was going to get this licence. I applied and won the draw, but I didn't get it. So there wasn't much trust between me and DFO officials at the time—absolutely none.

•(1615)

[Translation]

Mr. Raynald Blais: I am starting to get a better picture. But I am still a bit foggy, you understand. I would like the fog to go away.

I know that you talked about documents earlier. You read some letters. It is important that you submit them to the committee so that I can see them. Otherwise, I will not be able to make a decision. Just so you know, this is not a courtroom and we do not accuse anyone. On the contrary, we want to make sure that we have the best possible licence conditions and if the rules and regulations or the act can be changed, we will make the necessary recommendations.

By all means, don't be embarrassed to give us all the documents that you have. The more there are, the better it will be in a sense. There are never too many. We are used to having tons of documents. We have translators who will be delighted to translate them. It is their duty and besides, it gives them something to do, which is even better. That will allow me, as a representative, to understand the situation better, to fully understand it. Right now, I am still in the dark. It is neither your fault nor mine, but you understand very well that that's why, if you have documents, you can give them to us.

Now, I have a few quick questions about the dates. You said that you were told at one point that you could go fishing. When was that? Could you give me the dates pertaining to the event that you just described to me?

[English]

Mr. Tim Rhyno: In the first years the lobster fishermen in Cape Breton got permits, not quotas. They were allotted 5,000 pounds or 10,000 pounds. I bought an old wooden boat, which I still have. Hopefully I can soon get my own boat, a good boat that will stand it.

They would put 5,000 pounds or 10,000 pounds on us, and we would go out and catch for them. As far as what was going on, say there were 200,000 pounds allotted for the offshore, and in the first year of an experimental fishery, which this was, if the fishermen in general only caught 170,000 pounds of that quota, that's all you would get the next year. So the panic was on for me to help all the fishermen catch that quota to keep the quota up for them. That's what I did.

But I was told they could grant me a licence in a company name—or privately too, because I did find the crab. No one had ever fished that far for crab and found it. That's basically it.

I hope that answered your question, sir.

The Chair: Thank you, Mr. Blais.

Mr. Donnelly.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Chair, I'm wondering if you could come back to me.

The Chair: Sure.

Mr. Keddy.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Thank you, Mr. Chairman. It's a pleasure to be back at the fisheries committee. I didn't realize how much I missed it.

For Monsieur Blais, I appreciate his comments and I understand that he came in late, but this documentation does deserve to be looked at, and I think it requires further study, actually, from the committee.

I find this case extremely troublesome—I really do. As parliamentarians, we're partisan. We belong to different political parties, and we often go into the trenches against one another in the political forum, but we have absolutely no right to attack individuals for any reason whatsoever or to use undue political influence that hurts and directly affects individuals. And I think, quite honestly, that's what's happened here.

I first spoke to Tim Rhyno when he called me. He was working in Fort McMurray. He tried to explain his case over the phone. It was impossible to do. Eventually we got together, and I can tell you I was shocked at the evidence. I was shocked at the evidence. I was shocked that DFO was refusing to deal with this issue. And I still find it shocking that members would question very clear evidence.

I realize that Monsieur Blais needs to have that evidence translated so he can have a chance to study it, but I would urge members of Parliament to look at this evidence and understand what Mr. Rhyno is asking. First of all, the licence that he has should not be in jeopardy by questions in the House of Commons saying that it's out of order, because it is absolutely not out of order.

There are hundreds of licences in the snow crab fishery. We're talking about one individual licence. And it's my understanding that there were licences granted after Mr. Rhyno's request. Is that correct?

• (1620)

Mr. Tim Rhyno: No, we don't know that. I don't think so, no.

Mr. Gerald Keddy: Okay. How many licences...in areas 23, 24?

Mr. Tim Rhyno: There may have been another native licence after—there may have been. There are 60-some licences.

Mr. Gerald Keddy: On the 2000 DFO survey of area 23, during which the necessary groundwork for the slope fishery was laid, who all participated in that survey?

Mr. Tim Rhyno: I did the survey. I was the only one to complete the survey that year, and I think Herbie Nash completed his. Herbie and Robert Truckair want to come up next week to set the political interference straight. They're two fishermen who want to come up, if they can.

Mr. Gerald Keddy: And I appreciate that, but that will be up to the chair and to the committee.

I do think the committee has an obligation here to look at this evidence and to send a report back to the House, because what's gone on here is scandalous.

I just want to go through some points here. Participants were put in order of priority for this fishery. In the emerging fishery policy, there were 17 applicants, 17 proposals drawn. In order of priority, Mr. Rhyno was second. That should have guaranteed him a licence. There was a licence that was given in 2003—

The Chair: Excuse me, Mr. Keddy.

The bells are ringing. There are 30-minute bells for a vote in the House.

As we discussed Monday, when the bells ring we require unanimous consent of the committee to proceed beyond them. Is there unanimous consent? As we discussed the other day, if there's a 30-minute bell, if you wish to proceed for an additional 15 minutes, or whatever the case may be, I need to have unanimous consent.

An hon. member: Proceed.

The Chair: I would ask the committee if there is a will to continue the questioning. Will we proceed?

No? I'm waiting to hear.

There is no unanimous consent, so the committee will adjourn for the vote. The vote will be at 4:52, so it will finish after five. I would say it's not reasonable for us to expect to be able to come back to the meeting.

The meeting is adjourned.

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