

## **Minister Murray disregards Federal Court ruling on Class B lobster licence**

**Halifax, NS – Nov. 1, 2022** – Donald Publicover of Brookside, N.S., has been fighting for the right to sell or transfer his lobster fishing licence for nearly five decades. Despite taking his battle to the Federal Court of Canada – and winning – he still finds himself facing a Fisheries and Oceans Minister that is willing to put rationale and empathy aside to deny him this right.

Mr. Publicover is one of approximately 75 remaining Class B lobster licence fishermen across Nova Scotia and New Brunswick who are challenging the government to reverse the incredibly outdated, 50-year-old “moonlighter policy” that prevents them from selling or transferring their licences and retiring. At age 71, he is one of the youngest licence holders remaining. When a Class B licence holder dies, their licence expires with them.

Mr. Publicover is hoping to sell his licence to care for his adult children who suffer from severe and chronic disabilities. Without compensation from his licence, he worries about their ability to receive the necessary care once he passes.

In 2020, Mr. Publicover submitted a request to former Fisheries Minister Bernadette Jordan to transfer his licence. Minister Jordan declined his request, citing “measures for the conservation of fishery resources and measures for the sustainability of the fishery are for the benefit of all Canadians and future generations.”

The federal government was taken to court to review Minister Jordan’s decision. Federal Court Justice Elizabeth Heneghan sided with Mr. Publicover in February 2022, stating that Jordan’s decision “is not responsive to the applicant’s request to transfer his licence. In particular, the decision does not explain how allowing the applicant to transfer his licence to an eligible fisher undermines the goals of the policy.” In other words, there was no proof that Mr. Publicover’s request would have an impact on conservation.

The ruling sent the request back to current Fisheries Minister Joyce Murray for review. In a letter recycling previously used unfounded arguments on conservation, the minister offered no new rationale and refused to acknowledge Mr. Publicover’s difficult situation, ultimately denying the request.

This is unacceptable action from the DFO. To disregard a Federal Court ruling and minimize the hardships of an aging fisherman trying to provide for his family in defence of an arbitrary policy cannot go unnoticed or unchallenged.

“Unfortunately, Mr. Publicover’s situation is by no means a one-off,” says Hon. Michel P. Samson of Cox and Palmer. “These fishermen are suffering as they prepare themselves and their families for hardships that could easily be avoided. We cannot allow Minister Murray to ignore these individuals and a Federal Court ruling as time is literally running out.”

Sadly, just last week a New Brunswick Class B fishermen became the eighth licence holder to pass away this year.

“Every week that goes by we could lose more licence holders,” says Samson. “The DFO has shown it is willing to standby and delay, it’s basically sending the message that they’re just waiting for our clients to die.”

The commercial lobster fishery is healthy and sustainable. The Class B licences provide good jobs in rural Maritime communities and account for less than 1% of total lobster fishing efforts in the Maritimes. Conservation concerns are no longer a justifiable rationale to maintain the policy.

While each individual situation is unique, all Class B licence holders are being impacted in one way or another by the inability to sell their licence. After 50 years, it is past time to do the right thing and end this policy.

### **About Category B Licences**

Category B fishing licences were introduced in 1976. They have a capacity of 75 traps per licence, roughly one-third the capacity of Category A licences, and cannot be transferred, leaving them to expire upon death. After nearly 50 years, these licence holders are fighting to have the policy changed to provide fair treatment to elderly fishers, and beneficial opportunities to multiple parties.

Visit [www.fishing4fairness.ca](http://www.fishing4fairness.ca) to view testimonials from Category B fishermen.

View the November 2 press conference here: <https://fb.watch/gyeQlfmjpg/>

View our Fishing for Fairness video featuring Pat Bates here: <https://fb.watch/gyfdojluSj/>

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