

Update on the Class Action Suit against DFO:

With respect to our Class Action Law Suit, hopefully you weren't expecting a quick outcome. It was expected that the crown would use every method at its disposal to delay or derail this action.

The DFO's first line of defense is a technical argument about the lack of jurisdiction by the British Columbia Supreme Court to hear our damage claims. The DFO argues that we were (are) required to apply to Federal Court for judicial review of the Minister's actions PRIOR to making any claims for financial damages in Provincial Supreme Court. This defense has been used by the Department of Justice in a large number of cases against the Federal Court, some of which have now made their way to the Supreme Court of Canada. The Supreme Court of Canada heard a group of these cases on January 21, 2010 and the ruling is reserved and outstanding. We expect it later this year.

Our lawyers appeared in British Columbia Supreme Court in January and February of 2009 to defend the DFO's motion to strike our pleadings based on the Federal Court jurisdiction issue. Madame Justice Griffen presided over the hearings and has decided to hold her judgment until the Supreme Court of Canada makes its ruling. The ruling by the Supreme Court of Canada should clarify the issue in our B.C. case.

On a related note, we recently assisted East Coast fishermen in a leave to appeal application to Supreme Court of Canada from a negative judgment by the Newfoundland Court of Appeal. The NCA decision held (2/1) that the Minister had unfettered discretion to deal with fishing licenses and quota and could not be held accountable for any claims of breach of contract or negligence. The East Coast fishermen asked Fishing For Freedom to support its application for leave to appeal to the Supreme Court of Canada and we provided an affidavit of support as a prospective intervener in that case. Detailed information on this case is posted on the web site.

Fishing For Freedom asks all members and non-members to submit membership fees and or donations in support of actions and efforts of our Society. None of the Board Members including myself have taken or received any funds from the society, and have contributed our own funds and our time. This also includes considerable voluntary hours of our website manager.

If you have an interest in protecting our fishing industry or our fisheries resources, please, we need your support. Membership forms are on our website under membership.

www.fishingforfreedom.ca