



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

# *A Guide to the* **Atlantic Fisheries Licence Appeal Process**



Consult DFO policies regarding commercial licensing at:

[www.dfo-mpo.gc.ca/communic/lic\\_pol/index\\_e.htm](http://www.dfo-mpo.gc.ca/communic/lic_pol/index_e.htm)

Canada

# A Guide to the Appeal Process

If you participate in the East Coast inshore commercial fishery and you are dissatisfied with a licensing decision made by Fisheries and Oceans Canada (DFO), you have the opportunity to appeal.

## Reasons for Requesting an Appeal

Reasons for appealing a decision must relate to an alleged incorrect application of licensing policies, extenuating circumstances or a change in policy. Questions and discussions on whether the appeal policy itself is reasonable or appropriate should be addressed through the fisheries management advisory process.

## Appeal Process Levels

The Appeal Process consists of two separate levels.

### The first level of appeal is:

#### Regional Licensing Appeal Committee (RLAC)

RLAC is composed of senior DFO officials at regional offices. This Committee reviews your claims and makes a recommendation to the Regional Director General (RDG) who then makes a decision. All requests for appeals should go through this first level.

If the decision is negative at RLAC you may appeal to the second and final level. Appeals denied at the first level will not automatically be transferred to the second level unless you apply.

### The second level of appeal is:

#### Atlantic Fisheries Licence Appeal Board (AFLAB)

AFLAB is at arms-length from DFO and hears the claims of fishers whose appeals were denied at the first level (RLAC). AFLAB then makes a recommendation to the Minister of Fisheries and Oceans who makes the final decision.



## DEADLINES

For **RLAC**, an appeal must be requested within **three (3) years** from the date that a licensing decision has been made by DFO or from the date of a change in policy.

For **AFLAB**, an application must be filed within ninety (**90**) **days** from the date on the decision letter from the RDG at the first level (RLAC).



## Withdrawing an Appeal

You may withdraw your appeal at any time by notifying DFO in writing.

## Appeal Procedure

If you are planning to request an appeal here are the steps to follow:

### STEP 1 BEFORE REQUESTING AN APPEAL

Before requesting a formal appeal fully explore each aspect of the complaint with local and/or regional licensing officers first, to see if they can help to resolve the situation.

### STEP 2 REQUESTING AN APPEAL


If you wish to request an appeal, the appeal request must be in writing. In some regions a form is available. If applying by letter you must include detailed reasons for the appeal and any additional relevant information.

Your information, including the letter/form, can be presented in person or sent by registered mail to the area licensing administrator at your regional DFO office.

Assistance in filing your appeal can also be obtained from your DFO office.

You will find a contact list is at the end of this brochure.

### STEP 3 HEARING NOTIFICATION



After your letter/form has been received by DFO you will be notified as to the status of your request. Appeal requests from inshore fishers concerning licensing decisions or changes to policy will be forwarded to the appropriate level of appeal (RLAC or AFLAB).

A letter will then be sent to you including the date, time, and location of the appeal hearing.

### STEP 4 HEARING PREPARATION

A copy of all the departmental information related to your appeal will then be sent to you. You are strongly advised to review this material carefully and to bring it to the hearing.

If you have other documents or relevant information, for example, fish sales receipts, etc., which you feel should be examined by RLAC or AFLAB then you should provide a copy of the information to DFO at least **fifteen (15) days** before examination of your case/hearing by RLAC or AFLAB.

You may choose another individual(s) to represent you in submitting a request for an appeal or attending the hearing(s). The decision made by RLAC and/or AFLAB applies only to you. Your participation, therefore, is strongly encouraged.

### STEP 5 HEARING ATTENDANCE

Hearings may be held in your community, a nearby community or in a central area depending upon the region where you live. Hearings may also be scheduled by conference call, if preferred.

If scheduled hearings present a conflict for you and you are unable to attend or if you have special needs contact the regional DFO office within **ten (10) days** from the date shown on the hearing notification letter. Cases can be rescheduled, if justified.

### STEP 6 APPEAL DECISIONS

**RLAC** : You will be notified, in writing, of the decision at the first level by the RDG.

**AFLAB** : You will be notified, in writing, of the decision of the Minister of Fisheries and Oceans, if you have requested an appeal at the second level AFLAB.

## For More Information:

You may find more information about the licence appeal process and policies regarding licensing by referring to the website of Fisheries and Oceans Canada [www.dfo-mpo.gc.ca/index.htm](http://www.dfo-mpo.gc.ca/index.htm) or from the licensing appeal administrator at your regional DFO office:

### Gulf Region

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Address: 343 University Avenue  
P.O.Box 5030  
Moncton, New Brunswick E1C 9B6

Internet: [www.glf.dfo-mpo.gc.ca](http://www.glf.dfo-mpo.gc.ca)  
Email: [GulfLicensing@dfo-mpo.gc.ca](mailto:GulfLicensing@dfo-mpo.gc.ca)  
Telephone: (506) 851-7810  
Fax: (506) 851-6705

### Maritimes Region

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Address: 176 Portland Street  
P.O. Box 1035  
Dartmouth, Nova Scotia B2Y 4T3

Internet : [www.mar.dfo-mpo.gc.ca](http://www.mar.dfo-mpo.gc.ca)  
Email: [info@dfo-mpo.gc.ca](mailto:info@dfo-mpo.gc.ca)  
Telephone: (902) 426-9966  
Fax: (902) 426-5010

### Newfoundland and Labrador Region

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Address: 80 East White Hills Road  
P.O. Box 5667  
St. John's, Newfoundland/Labrador A1C 5X1

Internet: [www.nfl.dfo-mpo.gc.ca](http://www.nfl.dfo-mpo.gc.ca)  
Email: [NFLDLABLicensing@dfo-mpo.gc.ca](mailto:NFLDLABLicensing@dfo-mpo.gc.ca)  
Telephone: (709) 772-3657  
Fax : (709) 772-5133

### Quebec Region

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Address: 104 Dalhousie, 3<sup>rd</sup> floor  
Québec, QC G1K 7Y7

Internet: [www.qc.dfo-mpo.gc.ca](http://www.qc.dfo-mpo.gc.ca)  
Email: [info@dfo-mpo.gc.ca](mailto:info@dfo-mpo.gc.ca)  
Telephone: (418) 648-5891  
Fax : (418) 649-8002

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