

APPENDICES

APPENDIX I

RESOLUTION

Be it resolved by the House of Assembly as follows:

WHEREAS the seacoast fisheries of Newfoundland and Labrador were brought into this nation with Newfoundland and Labrador's accession to Canada;

AND WHEREAS the Government of the Dominion of Newfoundland held and exercised responsibility for the management of seacoast fisheries prior to Confederation;

AND WHEREAS the *Constitution Act, 1867* vests in the Government of Canada exclusive authority over the fishery;

AND WHEREAS under current International Law an independent Newfoundland and Labrador would control its adjacent resources including the fishery;

AND WHEREAS federal management of seacoast fisheries since 1949 has failed to adequately protect or develop the principal fisheries adjacent to Newfoundland and Labrador;

AND WHEREAS failed federal fisheries management has led to the complete collapse of the Northern Cod fishery and other ground fish stocks, the basis for Newfoundland's colonization and the mainstay of its economy for 500 years;

AND WHEREAS the federal government has failed to adopt a comprehensive plan for stock recovery since the groundfish moratoria were declared in the early 1990s;

AND WHEREAS it is recognized and accepted that the Government of Newfoundland and Labrador has maintained and continues to exercise primary regulatory authority over the fish processing industry in this Province;

AND WHEREAS new fisheries for species such as crab and shrimp have developed in the wake of the collapse of ground fish stocks and solid, sustainable management practices are vital to the future of these fisheries;

AND WHEREAS it is accepted that the regulation of fish harvesting and processing should occur in a seamless and integrated way;

AND WHEREAS the Government of Newfoundland and Labrador has consistently requested a greater say in fisheries management since 1949 and has identified this as a priority in *Securing our Future: The Renewal Strategy for Jobs and Growth*;

AND WHEREAS the fishery remains an economic mainstay and principal industry of Newfoundland and Labrador and the economic and social foundation of most of its rural communities;

AND WHEREAS federal management of fisheries adjacent to Newfoundland and Labrador does not give due regard to local experience and considerations;

AND WHEREAS the advice of the Fisheries Resource Conservation Council (FRCC), which was established to integrate practical knowledge derived from local experience and scientific information on resources, has been largely ignored in the federal government's recent declaration of a moratorium for 4RS3Pn Gulf cod;

AND WHEREAS the recent decisions of the Government of Canada on 2J3KL Northern Cod and 4RS3Pn Gulf cod were undertaken without proper consultation with the Government of Newfoundland and Labrador and the people who depend upon these resources and with disregard for the recommendations of the Fisheries Resource Conservation Council;

AND WHEREAS these decisions have further undermined the confidence of Newfoundlanders and Labradorians in the effectiveness of federal fisheries management;

AND WHEREAS other provinces control their main resource industries;

AND WHEREAS significant and decisive action is required to address this concern;

THEREFORE BE IT RESOLVED THAT this House call on the Government of Canada and direct the Government of Newfoundland and Labrador to begin negotiations leading to the establishment of a joint management regime over the fisheries adjacent to Newfoundland and Labrador;

AND BE IT FURTHER RESOLVED that the principal elements of such a joint management regime include

(1) the establishment, through an amendment of the Terms of Union, of shared, equal, constitutional authority by the Province of Newfoundland and Labrador and Canada over the fisheries adjacent to the province;

(2) the establishment through an amendment of the Terms of Union of a joint fisheries management board and the delegation to that board by the governments of Newfoundland and Labrador and Canada of sufficient of their authority to permit that board to successfully implement this joint management regime.

(3) the development and implementation of a conservation and re-building plan aimed at the achievement of long-term sustainability of the fisheries in the waters adjacent to Newfoundland and Labrador and in particular a plan that would achieve the recovery of the ground fish stocks;

(4) the development and implementation of fisheries harvesting plans, including the establishment of Total Allowable Catches, based on the principles of conservation, sustainability, adjacency and the long-term well-being of the fishing communities of rural Newfoundland and Labrador;

(5) the establishment of programs in Newfoundland and Labrador to enhance knowledge and understanding of the ocean ecosystems adjacent to Newfoundland and Labrador through the encouragement and support of scientific research and the utilization of customary and experiential knowledge of the fisheries possessed by fish harvesters.

APPENDIX II

BILL

**An Act Respecting Joint Management Of
The Fisheries Adjacent To The Province
Of Newfoundland And Labrador**

A BILL

AN ACT RESPECTING JOINT MANAGEMENT OF THE FISHERIES ADJACENT TO THE PROVINCE OF NEWFOUNDLAND AND LABRADOR

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*Be it enacted by the Lieutenant-Governor and House of Assembly
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as the *Canada-Newfoundland and Labrador Fisheries Management Board Act*.

**PART I
INTERPRETATION**

Definitions

2. In this Act

- (a) "adjacent fisheries" includes all fishing activity in the NAFO Convention Area Divisions 2G, 2H, 2J, 3K, 3L, 3O, 3N, 4R and Subdivisions 3Pn and 3Ps
 - (i) that occurs within the territorial sea of Canada as defined in the *Oceans Act* (Canada),
 - (ii) that occurs within the exclusive economic zone of Canada as defined in the *Oceans Act* (Canada), where the province historically has the preponderant share of the total allowable catch in a fishery, and
 - (iii) for sedentary species.
- (b) "board" means the Canada-Newfoundland and Labrador Fisheries Management Board established by the joint operation of section 5 of this Act and the federal Act;
- (c) "chief executive officer" means the chief executive officer of the board appointed under section 28;
- (d) "federal Act" means the Act of Parliament that jointly with this Act establishes the board;
- (e) "federal government" means the Governor-General in Council;
- (f) "federal minister" means the Minister of Fisheries and Oceans of Canada or another minister of the Crown in right of Canada that may be designated under the laws of Canada as the minister responsible for the federal Act;

- (g) "fish" includes
 - (i) parts of fish,
 - (ii) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
 - (iii) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals;
- (h) "fishing" means fishing for, catching or attempting to catch fish by any method;
- (i) "fundamental decision" means a decision made by the board
 - (i) approving or amending an integrated fisheries management, conservation harvesting or recovery plan that increases or decreases the total allowable catch for a fish stock,
 - (ii) to open or close a fishery,
 - (iii) respecting the issuance, transfer, or cancellation of a harvesting or processing licence,
 - (iv) establishing or amending the principles governing allocation of resources described in section 34; and
 - (v) respecting the exercise of a power or the performance of a duty under the regulations that expressly provides that it is to be exercised or performed subject to section 25 of this Act;
- (j) "government" means the federal government, the provincial government or both, as the context requires;
- (k) "minister" means the federal minister, the provincial minister or both, as the context requires;
- (l) "NAFO" means the Northwest Atlantic Fisheries Organization established under the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries;

- (m) "provincial government" means the Lieutenant-Governor in Council;
- (n) "provincial minister" means the minister of the Crown in right of the province appointed under the *Executive Council Act* as the provincial minister for the purpose of this Act; and
- (o) "sedentary species" means a species of living organism that, at the harvestable stage, either is immobile on or under the seabed or is unable to move except in constant physical contact with the seabed or subsoil.

Application

3. (1) This Act applies to adjacent fisheries.

(2) The federal government and the provincial government may jointly make regulations prescribing the statutes and regulations of the province and of Canada which shall not apply to adjacent fisheries.

Approval for making regulations

4. Before a regulation is made under this Act, the provincial minister shall consult the federal minister with respect to the proposed regulation and a regulation shall not be made without the approval of the federal minister.

Precedence over other Acts

5. In case of an inconsistency or conflict between

- (a) this Act or regulations made under this Act; and
- (b) any other Act of the legislature that applies to adjacent fisheries or regulations made under that Act,

this Act and the regulations made under this Act take precedence.

PART II BOARD

Jointly established board

6. (1) There is established, by the joint operation of this Act and the federal Act, a board, to be known as the Canada-Newfoundland and Labrador Fisheries Management Board.

(2) The board shall be treated as having been established under a law of the province.

(3) The board has the legal powers and capacities of a corporation incorporated under the *Canada Business Corporations Act* (Canada), including those set out in section 20 of the *Interpretation Act*.

(4) The board may only be dissolved by the joint operation of an Act of the Parliament of Canada and an Act of the Legislature.

Members of board

7. (1) The board shall consist of 7 members.

(2) Three members of the board are to be appointed by the federal government, 3 by the provincial government and the chairperson of the board is to be appointed by both the federal government and the provincial government.

(3) One or 2 members of the board may be designated to be vice-chairpersons of the board if they are so designated by both the federal government and the provincial government.

(4) The designation of a vice-chairperson of the board under subsection (3) is effective after both governments have each made the designation.

(5) Each government may appoint 1 alternate member to act as a member of the board in the absence of a member of the board appointed by that government.

(6) Notwithstanding subsection (2) or (5), a member or alternate member of the board may be appointed by both the federal government and the provincial government.

Qualifications of members

8. (1) A member of the board shall not, during the term of office of that member on the board, be employed in the public service of Canada or be an employee of the province.

(2) In this section, "public service of Canada" has the same meaning as in the federal Act.

Consultation and appointment of chairperson

9. (1) Consultation between the 2 governments with respect to the selection of the chairperson of the board is considered to begin

(a) 6 months before the expiration of the term of office of the incumbent chairperson; or

- (b) where applicable, on the date of receipt by the board of notice of the death, resignation or termination of appointment of the incumbent chairperson,

whichever occurs earlier.

(2) Where the 2 governments fail to agree on the appointment of the chairperson of the board within 3 months after the beginning of consultation between the governments, the chairperson shall be selected by a panel, consisting of 3 members and constituted in accordance with this section, unless, prior to the selection of the chairperson by the panel, the 2 governments agree on the appointment.

(3) One member of the panel shall be appointed by each government within 30 days after the 3 months referred to in subsection (2).

(4) The chairperson of the panel shall be appointed

(a) jointly by the 2 members of the panel appointed under subsection (3) within 30 days after the later of the 2 appointments made under that subsection; or

(b) where the 2 members of the panel fail to agree on the appointment of the chairperson of the panel within the 30 day period referred to in paragraph (a), by the Chief Justice of Newfoundland and Labrador within 30 days after the expiration of that period.

(5) The chairperson of the board shall be selected by the panel within 60 days after the appointment of the chairperson of the panel.

(6) The decision of the panel selecting a chairperson of the board is final and binding on both governments.

Terms and conditions of appointments

10. (1) The salary and other terms and conditions of the appointment of the chairperson of the board or other members or alternate members appointed by both governments, including the effective date of the appointment, shall be fixed by an order of the federal government and an order of the provincial government after agreement has been reached by both governments on the salary and other terms and conditions.

(2) The salary and other terms and conditions of the appointment of a member appointed by either the federal government or the provincial government shall be agreed on by both governments.

Absence or incapacity of chairperson

11. The board shall designate a member to act as chairperson of the board during an absence or incapacity of the chairperson or vacancy in the office of chairperson, and that person, while acting as chairperson, has and may exercise the powers and perform the duties and functions of the chairperson.

Term of office

12. (1) The first chairperson of the board shall be appointed for a term of 7 years.

(2) The first 3 members of the board to be appointed by each government shall be appointed for terms of 4, 5 and 6 years, respectively.

(3) On the expiration of the initial terms of office referred to in subsections (1) and (2), the chairperson and members of the board shall be appointed for terms of 6 years.

(4) A member of the board, including the chairperson, shall hold office during good behaviour, but may be removed for cause

(a) where that member is appointed by either government, by that government; or

(b) where that member is appointed by both governments, by both governments.

(5) On the expiration of a term of office, the chairperson or a member of the board is eligible for reappointment.

Conflict of interest and insurance

13. (1) Members of the board, including the chairperson, and the chief executive officer appointed under subsection 28(1) shall be subject to conflict of interest guidelines established jointly by the federal minister and provincial minister and are not subject to conflict of interest guidelines established by the provincial government.

(2) The board shall purchase and maintain insurance for the benefit of a person who is a present or former member, officer or employee of the board, and the heirs and legal representatives of that person, against any liability incurred by that person in the capacity of such

a member, officer or employee, except where the liability relates to a failure to act honestly and in good faith with regard to the best interests of the board.

(3) The expenditures of the board associated with purchasing and maintaining the insurance referred to in subsection (2) shall form part of the budget or revised budget of the board in respect of a fiscal year.

(4) Notwithstanding subsection (2), where the board has established to the satisfaction of the provincial board the impossibility of purchasing and maintaining the insurance referred to in subsection (2), the government of the province shall indemnify a person who is a present or former member, officer or employee of the board, or the heirs or legal representatives of that person, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred in respect of a civil, criminal or administrative action or proceeding to which that person is a party by reason of being or having been such a member, officer or employee, where that person

(a) acted honestly and in good faith with a view to the best interests of the board; and

(b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, believed, on reasonable grounds, that the conduct in issue was lawful.

(5) Where the board has purchased and maintained insurance referred to in subsection (2), the government of the province shall indemnify a person referred to in that subsection, or the heirs or legal representatives of that person, for any liability incurred by that person in accordance with this section to the extent that the insurance purchased for the benefit of that person does not cover that liability.

(6) The government of the province is not obliged to indemnify anyone under subsection (4) against an amount paid to settle an action unless the amount so paid was approved by the government of the province.

(7) Where the Government of Canada has indemnified a person referred to in subsection (4), or the heirs or legal representatives of that

person, under the federal Act, the government of the province may pay to the Government of Canada 1/2 of the amount so indemnified.

(8) An amount payable in respect of indemnification under this section may be paid out of the Consolidated Revenue Fund.

Functions of board

14. (1) The board shall perform the duties and functions that are conferred or imposed on the board under this Act and regulations made under it.

(2) The board may make recommendations to both governments with respect to proposed amendments to this Act, the federal Act and regulations made under those Acts.

Access to information by governments

15. The federal minister and the provincial minister are entitled to access to information or documentation relating to adjacent fisheries that is provided for the purposes of this Act or a regulation made under this Act and that information or documentation shall, on the request of either minister, be disclosed to that minister without requiring the consent of the party who provided the information or documentation.

Meetings of board

16. A meeting of the board shall be held

(a) once a month unless the members of the board unanimously agree to defer a meeting; and

(b) at other times

(i) at the call of the chairperson of the board,

(ii) on the request of 2 members of the board, or

(iii) on the request of the federal minister or the provincial minister to review a matter referred to it by that minister.

Quorum and majority vote

17. (1) Four members constitute a quorum of the board.

(2) Where, in the absence of unanimous agreement, a vote is required to be taken in respect of a decision of the board, the decision shall be made on the basis of a majority vote of the members of the board.

Locations of offices and staff

18. The principal office and staff of the board shall be located in the province.

Storage of information

19. The board shall establish, maintain and operate a facility in the province for the storage and curatorship of all records relating to adjacent fisheries and scientific research in relation to those fisheries and the waters and ocean ecosystems that support them.

By-laws and guidelines

20. The board may

(a) make by-laws respecting

(i) the members, officers and employees of the board,

(ii) the attendance and participation, including voting rights, at meetings of the board of alternate members of the board appointed under subsection 7(5),

(iii) the manner of appointing the officers and employees of the board on the basis of merit, including the holding of open competitions for appointing the officers and employees,

(iv) the procedures to be followed in the performance of the duties and functions of the board,

(v) the conduct of meetings of the board,

(vi) the manner of dealing with matters and business before the board, and

(vii) generally, the carrying on of the work of the board and the management of internal affairs of the board; and

(b) establish conflict of interest guidelines respecting persons employed by the board under subsection 29(1).

PART III BOARD JURISDICTION

Fisheries management

21. (1) The board shall be responsible for all aspects of management of adjacent fisheries in accordance with regulations made under section 35, including

- (a) establishing and implementing integrated fisheries management, conservation harvesting and recovery plans for fish stocks;
- (b) establishing total allowable catches for fish stocks;
- (c) distributing allocations within the allowable catch;
- (d) opening and closures of fisheries;
- (e) conservation and habitat preservation measures;
- (f) issuing, renewing, transferring and cancelling licenses to harvest fish;
- (g) issuing, renewing, transferring and cancelling licences to process fish;
- (h) enhancing knowledge and understanding of the ocean ecosystems supporting adjacent fisheries; and
- (i) integrating scientific research with knowledge and data gathered by resource users.

(2) The board shall make policies respecting the inspection and enforcement responsibilities of the provincial and federal governments and monitor and report on the effectiveness of those activities.

Fundamental principles

22. In carrying out its duties and functions under this Act the board shall promote

- (a) long-term sustainability of adjacent fisheries and in particular the recovery of the ground fish stocks;
- (b) conservation of fisheries resources and habitat;
- (c) understanding of ocean ecosystems; and
- (d) recognition of the historical and socio-economic dependence of communities within the province on fisheries.

Allocation principles

23. The board shall establish principles to govern the allocation of resources which recognize:

- (a) adjacency of resource users to fish stocks;
- (b) historical dependency of resource users on fish stocks; and
- (c) economic dependency of resource users on fish stocks.

Board's decision
final

24. Except with respect to a fundamental decision, the exercise of a power or the performance of a duty by the board under this Act is final and not subject to the review or approval of either government or either minister.

Notice of funda-
mental decisions

25. (1) Where a fundamental decision is made by the board, the board shall, immediately after making the decision, give written notice of that decision to the federal minister and the provincial minister.

(2) A fundamental decision shall be implemented by the board unless the federal minister and the provincial minister advise the board, in writing, within 30 days after receipt of a notice under subsection (1), that they both disapprove that decision.

(3) A fundamental decision may be implemented by the board before the expiry of the 30 days referred to in subsection (2), where the federal minister and the provincial minister advise the board, in writing, that they do not intend to disapprove the decision.

(4) Where the federal minister and provincial minister advise the board under subsection (2) that they disapprove of a fundamental decision, the federal minister and provincial minister may by order require the board to implement a substitute decision within the time and on the terms and conditions specified in the order.

Ministerial direc-
tives

26. (1) The federal minister and the provincial minister may jointly issue to the board written directives in relation to

- (a) fundamental decisions;
- (b) public hearings conducted under section 27; and
- (c) studies to be conducted by the board and advice with respect to policy issues to be given by the board to the federal minister and the provincial minister.

(2) The board shall comply with a directive issued under subsection (1).

(3) Directives issued under subsection (1) are not subordinate legislation for the purposes of the *Statutes and Subordinate Legislation Act*.

(4) Where a directive is issued under subsection (1), a notice shall be published in the *Gazette* that the directive has been issued and that the text of it is available for inspection by a person on request made to the board.

Public hearings

27. (1) The board may hold a public hearing in relation to a decision to be made or implemented by the board under this Act where the board is of the opinion that a public hearing is in the public interest.

(2) Where the board holds a public hearing, the members of the board have the powers of a commissioner appointed under the *Public Inquiries Act*.

PART IV STAFF AND ADMINISTRATION

Chief executive officer

28. (1) There shall be a chief executive officer of the board who,

(a) where both the federal government and the provincial government appoint the chairperson as chief executive officer, is chairperson of the board; or

(b) in other cases, is to be appointed by the board by means of an open competition.

(2) The appointment of a chief executive officer under paragraph (1)(b) is subject to the approval of both governments.

(3) Where either government fails to make an appointment under paragraph (1)(a) or to approve the appointment of a chief executive officer under paragraph (1)(b), the chief executive officer shall be appointed by both the federal government and the provincial government after having been selected in accordance with section 8 and that section applies, with the necessary changes, to the selection of the chief executive officer.

(4) Subsection 10(1) applies, with the necessary changes, to the appointment of the chief executive officer under paragraph (1)(a) or subsection (3).

(5) The board shall designate a person to act as chief executive officer during an absence or incapacity of that officer or a vacancy in the office of chief executive officer and that person, while acting as chief executive officer, has and may exercise the powers and perform the duties and functions of that office.

Staff of the board

29. (1) The board may, on the recommendation of the chief executive officer, employ other officers and employees that are necessary to properly perform the duties and functions of the board under this Act.

(2) A person employed under subsection (1) shall be appointed on the basis of merit.

(3) Except as provided in subsections (4) and (5), a person employed under subsection (1) is considered not to be employed in the public service of Canada or of the province.

(4) Notwithstanding the *Public Service Commission Act*, for the purpose of being eligible to enter competitions under that Act and for the purpose of section 12 of that Act, a person who, immediately before becoming employed by the board, was employed in the public service of the province shall be considered to be a person employed in the public service in the province in a position of an occupational nature and at a level equivalent to the position in which that person is employed by the board.

(5) Notwithstanding the *Public Service Commission Act*, for the purpose of being eligible to enter competitions under that Act and for the purpose of section 12 of that Act, a person who, immediately before becoming employed by the board, was not employed in the public service of the province shall, 2 years after becoming employed by the board, be considered to be a person employed in the public service of the province in a position of an occupational nature and at a level equivalent to the position in which that person is employed by the board.

Auditor

30. The board shall appoint an auditor of the board, for the term that is set by the board, for the purposes of auditing the financial statements of the board.

Budget and appropriation

31. (1) The chief executive officer shall, in respect of each financial year, prepare a budget for the board sufficient to permit the board to properly exercise its powers and perform its duties and functions.

(2) Following approval of the budget by the board, the budget shall be submitted to the federal minister and the provincial minister, at the time that may be specified by each minister, for their consideration and approval.

(3) Where it appears that the actual aggregate of the expenditures of the board in respect of a financial year is likely to be substantially greater or less than that estimated in its budget in respect of that financial year, the board shall submit to both ministers for their consideration and approval a revised budget in respect of that financial year containing the particulars that may be requested by either minister.

(4) The provincial government shall pay a percentage of the aggregate of the expenditures set out in the budget or revised budget, where applicable, submitted and approved under this section in respect of each financial year, that is commensurate with its share of the total federal and provincial expenditures on fisheries management in the fiscal year preceding the year this Act comes into force.

(5) Subject to another Act of the Legislature that appropriates money for the payment required by subsection (4), the sums required for that payment shall be paid out of the Consolidated Revenue Fund as required.

Access to books and accounts

32. The federal minister and the provincial minister are entitled to have access to the books and accounts of the board.

Annual report

33. (1) The board shall, in respect of each financial year, prepare a report and submit it to the federal minister and the provincial minister not later than 90 days after the expiration of that financial year.

(2) Each annual report submitted under subsection (1) shall contain an audited financial statement and a description of the activities of the board during the financial year covered by the report.

(3) The provincial minister shall lay the report referred to in this section before the House of Assembly within the first 15 days during which the House of Assembly is sitting after the day the report is submitted to the provincial minister.

(4) Where it is not possible to lay the report before the House of Assembly within 30 days after the day the report is submitted to the provincial minister, the provincial minister shall publish that report within that 30 day period.

PART V GENERAL

Research council

34. (1) The Newfoundland and Labrador Fisheries Research Council is established to provide the board and the provincial and federal governments with information and advice on the scientific aspects of the management of adjacent fisheries.

(2) The council shall

(a) advise the board on requirements for research and investigation;

(b) review data gathered by the council and other agencies and advise the board on data collection methodologies;

(c) conduct and review scientific research and resource assessments; and

(d) make public recommendations to the board and ministers.

(3) The council shall consist of not more than 10 members appointed by the board.

(4) There shall be an equal number of members on the council representative of industry and the scientific community.

(5) The terms and conditions of appointment to the council shall be in accordance with the regulations.

Regulations

35. (1) The Lieutenant-Governor in Council shall make regulations delegating the authority to the board that is necessary to permit the board to carry out its functions and duties under this Act and the regulations made under it.

(2) The Lieutenant-Governor in Council may make regulations

- (a) for the proper management and control by the board of adjacent fisheries;
- (b) respecting the conservation and protection of fish;
- (c) respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;
- (d) respecting the operation of fishing vessels and the use of fishing gear and equipment;
- (e) respecting the issue, transfer, suspension and cancellation of licences by the board to harvest fish and the terms and conditions under which a licence may be issued;
- (f) respecting the keeping of records in relation to fishing and fish processing;
- (g) respecting the conservation and protection of spawning grounds;
- (h) respecting the issue, transfer, suspension and cancellation of licences by the board to handle, process, store, grade, transport and market fish;
- (i) respecting the licensing of establishments used in or in connection with handling, processing, storing, grading, transporting or marketing fish;
- (j) respecting standards for establishments and of vehicles or equipment used in connection with an establishment referred to in paragraph (i);
- (k) respecting the construction, manufacturing, importation, distribution, purchase or sale of fishing vessels or hulls to be outfitted as fishing vessels and materials to be used in the construction, repair or modification of those vessels; and
- (l) respecting the terms and conditions of appointments to the council established under section 34.

Commencement

36. This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.

APPENDIX III

GLOSSARY

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| Access | The opportunity to harvest or use the fisheries resource, generally permitted by licences or leases issued. |
| Allocation | The amount or share of the fisheries resource or allowable catch that is distributed or assigned to those permitted to harvest the resource. |
| Banks of Newfoundland | Grand Banks of Newfoundland. |
| Coastal State | Nation or territory immediately adjacent to a sea or ocean. |
| Conservation | Sustainable use of a resource, that safeguards ecological processes and genetic diversity for present and future generations. |
| Constitution | The Constitution of Canada, as set out in the <i>Constitution Act, 1867</i> and the <i>Constitution Act, 1982</i> , as amended. |
| Custodial Management | Management by the adjacent coastal state of designated fish stocks that straddle the 200 mile Exclusive Economic Zone (EEZ), for the purpose of applying consistent conservation-based measures. |
| <i>Fisheries Act</i> | An Act governing the management of fisheries in Canadian waters. |
| F_{max} | A rate of mortality through fishing that will result in no change in the stock. |
| FRCC | <i>Fisheries Resource Conservation Council</i> : an independent panel established by the Minister of Fisheries and Oceans to provide advice and recommendations to the minister on the various groundfish stocks in Atlantic Canada. |

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| Groundfish | Species of fish living near the ocean bottom, such as cod, haddock, halibut and flatfish. |
| Gulf Cod Stock | Cod (<i>Gadus Morhua</i>) in Northwest Atlantic Fisheries Organization (NAFO) divisions 3Pn+4RS. |
| Inshore Sector | The sector of the fishery comprising vessels under 65 feet. |
| Moratorium | Prohibition or suspension of fishing. |
| Northern Cod | Cod (<i>Gadus Morhua</i>) off Southern Labrador and Eastern Newfoundland in NAFO divisions 2J+3KL. |
| Northern Shrimp | Northern or pink shrimp (<i>pandalus borealis</i>). |
| Sedentary Species | Species including those organisms that, at the harvestable stage, live on or just below the ocean floor and those that are unable to move except in constant physical contact with the sea bed or subsoil. Examples include snowcrab, clams, scallops and lobster. Under Article 77 of the United Nations Convention of the Law of the Sea, the coastal state has sovereign rights for exploring and exploiting sedentary species on its continental shelf, both inside and outside the 200-mile limit. Canada's continental shelf includes the Nose and Tail of the Grand Banks and the Flemish Cap. |
| Shellfish | Shelled molluscs and crustaceans. Examples include snow crab, shrimp and scallops. |
| Sustainability | See <i>sustainable development</i> below. |
| Sustainable development | Development that meets the needs of the present generation without compromising the ability of future generations to meet their needs. This implies a specific commitment to the management of coastal regions and resources in an environmentally-responsible manner that defines and acknowledges risk. |

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| Stock | A population of one species found in a particular area; the basic unit for fisheries management (Note: all of the individuals in a stock should have similar growth and migration patterns). |
| TAC | Total Allowable Catch: the total amount allowed to be caught from a particular stock during a particular period of time. Normally, the collective quota for Canadian fishers is equal to the TAC. However, in some cases, the TAC includes international allocations or foreign quotas and quota designated for other users. |
| Terms of Union | Memorandum of Agreement entered into on the Eleventh day of December 1948, between Canada and Newfoundland. Newfoundland and Labrador's Terms of Union with Canada are a schedule to the <i>Newfoundland Act, 12-13 Geo. VI c. 22 (UK)</i> . The <i>Newfoundland Act</i> forms part of the Constitution of Canada. |

APPENDIX IV

Map

Northwest Atlantic Fisheries Management Divisions

