



Government of Newfoundland and Labrador
Department of Fisheries, Forestry and Agriculture
Office of the Minister

COR/2023/00783-01

MAR 28 2023

Ms. Sandra Barnes
Clerk of the House of Assembly
House of Assembly
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Ms. Barnes:

In accordance with section 16 of the **Transparency and Accountability Act**, I wish to issue a statement concerning the 2023-2025 Activity Plan for the Appeal Board of the Professional Fish Harvesters Certification Board.

The Activity Plan was not tabled by the legislated date. I am pleased now to present the plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bragg".

HON. DERRICK BRAGG, MHA
Minister of Fisheries, Forestry and Agriculture
District of Fogo Island – Cape Freels



2023-2025

Activity Plan

**The Appeal Board of the
Professional Fish Harvesters
Certification Board**

A handwritten signature in blue ink is located at the bottom center of the page. The signature is stylized and appears to be written in a cursive or semi-cursive script.

MAR 23 2023

Message from the Chair

On behalf of the Appeal Board of the Professional Fish Harvesters Certification Board (the Appeal Board), I am pleased to present the three-year Activity Plan for 2023-2025. As Chairperson, I provide accountability for the preparation of this plan and for achieving the stated objective. The strategic directions of Government related to the Department of Fisheries, Forestry and Agriculture (FFA) have been considered in the development of this Plan.

The Appeal Board is an independent public body with all members appointed by the Minister of FFA. This Activity Plan meets the requirements of the **Transparency and Accountability Act** for a category three entity and in accordance with this Act, the Appeal Board will supplement this Activity Plan by submitting annual performance reports to the Minister of FFA.

Though the Appeal Board is a relatively small public body, convening between five and 10 days per annum, it does make an essential contribution to the Professional Fish Harvesters Certification Board (PFHCB) and the commercial fish harvesters of Newfoundland and Labrador. The structure, purpose and operations of the Appeal Board are established in sections 14-18 of the **Professional Fish Harvesters Act** (the Act) and all activities of the Appeal Board are conducted accordingly.

On behalf of the Appeal Board, I commit to fulfilling our obligations under the **Transparency and Accountability Act**, the **Professional Fish Harvesters Act** and this 2023-2025 Activity Plan. Finally, this Activity Plan and subsequent corresponding annual performance reports, will follow a calendar year format as per normal PFHCB operating procedure.

Sincerely,



Brendan Condon,
Chairperson, Appeal Board of the PFHCB

Table of Contents

1.0 Overview.....	1
2.0 Mandate	1
3.0 Current Appeal Board Members.....	1
4.0 Staff Support.....	2
5.0 Primary Line of Business.....	2
6.0 Primary Clients	2
7.0 Vision.....	2
8.0 Objective.....	3
9.0 Contact Information.....	3

1.0 Overview

The PFHCB became operational in 1997 following proclamation of the Act by the Lieutenant-Governor in Council. This legislation allowed for the establishment of an Appeal Board and an independent appeals process.

Since 1997, the Appeal Board has been fully operational and consists of three members appointed by the Minister of FFA. Any professional fish harvester whose certification is refused by the PFHCB, or who is dissatisfied with the certification they are given, may request an appeal with the Appeal Board. The decision of the Appeal Board is final and binding on the PFHCB and the appellant.

All expenditures associated with the Appeal Board and independent appeals process are covered by the annual operating budget of the PFHCB, which is derived from annual certification fees paid by fish harvesters. Those expenditures may include travel and accommodation of Appeal Board members, administrative costs associated with the delivery of appeals and per diem remunerations for Appeal Board members. The estimated budget for year one of this planning cycle is \$15,000. This represents the costs associated with the delivery of one week of appeals. However, this estimate would double if two rounds of appeals are necessary.

Appeal Board expenditures are audited annually and can be found in the Appeal Board's annual performance reports and in the audited financial statements of the PFHCB.

2.0 Mandate

The mandate and legislative objectives of the Appeal Board are outlined in sections 14-18 of the Act. For more information, please visit: <https://www.assembly.nl.ca/Legislation/sr/statutes/p26-1.htm>.

3.0 Current Appeal Board Members

The Appeal Board consists of three members appointed by the Minister of FFA. Two of the members are professional fish harvesters who are not members of the PFHCB and chosen from a list provided by fish harvester organizations. The third member is not a professional fish harvester and serves as the chairperson.

The current Appeal Board members include the following:

- Brendan Condon – Chairperson
- Gilbert Penney – Fish Harvester Representative
- Jarvis Walsh – Fish Harvester Representative

4.0 Staff Support

The PFHCB has a staff of four full-time permanent employees who support the logistics and operational activities of the Appeal Board, as required.

- Mark Dolomount – Executive Director
- Jennifer McCarthy – Certification Coordinator
- Velma Pike – Finance Coordinator
- Joanne Gulliver – Registration Administrator

In accordance with section 14 of the Act, any person wishing to request an appeal is required to file a notice of appeal stating the grounds for appeal with the Executive Director of the PFHCB. Currently, Jennifer McCarthy is responsible for coordinating the activities of the Appeal Board.

5.0 Primary Line of Business

Provision of an Independent Appeal Process

The Appeal Board has a single line of business: the provision of an independent appeals process for any person who files a notice of appeal with the Executive Director of the PFHCB. All business is conducted in accordance with sections 14-18 of the Act.

The Appeal Board convenes to hear appeals throughout the province. Appeals are conducted in as many locations as necessary and possible, based on the number of Appeals to be heard.

Appeal results, approved and signed by all Appeal Board members, are presented to the Executive Director of the PFHCB in a timely manner and appellants are notified in writing under the signature of the Executive Director within three weeks of the appeal hearing.

6.0 Primary Clients

The primary clients of the Appeal Board are the professional fish harvesters certified with the PFHCB. More specifically, the Appeal Board serves any fish harvester whose certification is refused by the PFHCB or who is dissatisfied with their certification status and files a notice of appeal with the PFHCB.

7.0 Vision

Members of the Appeal Board adopt the vision of the PFHCB. The PFHCB and the Appeal Board's vision is a viable Newfoundland and Labrador commercial fishery, sustained by independent professional fish harvesters committed to demonstrating appropriate knowledge, skills and commitment to safely and successfully meet the human resources needs of their industry, from which they can maintain their livelihood with respect and dignity.

The Appeal Board supports and contributes to this vision by ensuring, through the appeals process, that each appellant receives a thorough independent assessment of all information pertinent to PFHCB certification, and is subsequently awarded a certification level that is fair, equitable, and consistent with PFHCB certification criteria and the Act.

8.0 Objective

Objectives for the Appeal Board will be limited to logistics of appeal delivery as it would not be appropriate to deal with the specifics of individual appeal hearings and/or their respective outcomes. For the 2023-2025 planning period, the Appeal Board is presenting one issue.

As the focus of the Appeal Board will remain the same for all three years of the planning cycle, the Appeal Board will report on the same objective and indicators in all three years.

Issue: The Timely Delivery of Appeals in Regional Proximity to Appellants

Each year since its inception in 1997, the Appeal Board has conducted appeals throughout Newfoundland and Labrador. Based on the number of appeal requests, appeals are scheduled either once or twice per year and are conducted in all regions of the province where appellants are located.

Objective: By December 31, 2023, the Appeal Board will have conducted appeals in a timely manner and in all regions of the province where appellants are located.

Indicators:

- Offered face-to-face appeals to appellants in their own region of the province no more than 12 months from the date the appeal request was received.
- Provided appeal results to appellants within three weeks of the date of the appeal hearing.

9.0 Contact Information

To inquire or comment on the contents of this Activity Plan or for additional information about the Appeal Board, please contact:

Mark Dolomount, Executive Director
Professional Fish Harvesters Certification Board
368 Hamilton Avenue
P.O. Box 8541
St. John's, NL A1B 3P2
Phone: 709-722-8170
Fax: 709-722-8201
mdolomount@pfhcb.com
www.pfhcb.com