



2025

Annual Performance Report

for

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

Message from the Chairperson

On behalf of the Appeal Board of the Professional Fish Harvesters Certification Board (the Appeal Board), I am pleased to submit our Annual Performance Report for 2025, the third and final reporting year of the 2023-2025 planning cycle. As Chairperson, I acknowledge responsibility for the results outlined in this report and for ensuring the accuracy and completeness of the information presented. This report was prepared in collaboration with the other members of the Appeal Board.

The Appeal Board is designated as a category three public body by the Government of Newfoundland and Labrador, with its three members appointed by the Minister of Fisheries and Aquaculture, in accordance with the **Professional Fish Harvesters Act** (the Act). This report is provided in fulfillment of our obligations under the **Transparency and Accountability Act**.

While the Appeal Board is a small public body, it continues to play an important role in supporting the work of the Professional Fish Harvesters Certification Board (PFHCB) and the province's commercial fish harvesters. The mandate, structure and operations of the Appeal Board are defined by the Act, and we confirm that all activities undertaken in 2025 were conducted in accordance with these requirements. Furthermore, I am pleased to report that we have successfully achieved the objective set out in the 2023-2025 Activity Plan.

In closing, I would like to express my sincere appreciation, on behalf of the Appeal Board, to the staff of the Professional Fish Harvesters Certification Board for their ongoing assistance and support throughout this planning cycle.

Sincerely,

A handwritten signature in black ink, reading "Brendan J. Condon". The signature is written in a cursive style with a large, stylized 'B' and 'C'.

Brendan Condon
Chairperson, Appeal Board of the PFHCB

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1.0 Overview

The Professional Fish Harvesters Certification Board (PFHCB) became operational in 1997 following proclamation of the Act by the Newfoundland and Labrador House of Assembly. This legislation allowed for the establishment of an appeal board and an independent appeal process. The Minister responsible for fisheries in 1997 established the Appeal Board in accordance with the Act, and it has been operational each year since.

Any professional fish harvester whose certification is refused by the PFHCB, or who is dissatisfied with the certification status they are given, may appeal to the Appeal Board. The decision of the Appeal Board is final and binding on the PFHCB and the appellant.

1.1 Mandate

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

1.2 Current Appeal Board Members and Support Staff

The Appeal Board consists of three members appointed by the Minister of Fisheries and Aquaculture. The Appeal Board members as of December 31, 2025, were:

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

At the request of the Chairperson of the Appeal Board, the PFHCB staff members provide administrative support to the Appeal Board.

1.3 Primary Clients

The primary clients of the Appeal Board are 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 who files a notice of appeal with the PFHCB.

1.4 Lines of Business

The Appeal Board has a single line of business: the provision of an independent appeal 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 to 18 of the Act.

The Appeal Board convenes at least once per year to hear appeals throughout the province in as many locations as possible, based on the number and location of appellants. However, the number of appeal requests sometimes warrant the Appeal Board convening more than once per year. Each time the Appeal Board convenes, all fish harvesters who have requested an appeal are offered an appeal hearing during that round of appeals.

Appeal results are approved and signed by the Appeal Board members and presented to the PFHCB Executive Director and appellants are typically notified in writing of their appeal outcome within three weeks of the date of the appeal hearing.

1.5 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.

1.6 Location and Contact Information

The Appeal Board itself has no fixed location. As per subsection 14(2) of the Act, notices of appeal should be filed with the PFHCB Executive Director, using the following contact information:

PFHCB Executive Director
368 Hamilton Avenue
P.O. Box 8541
St. John's, NL A1B 3P2

Phone: 709-722-8170

Fax: 709-722-8201

Email: pfh@pfhcb.com

Web: www.pfhcb.com

General inquiries about the Appeal Board or appeals process can be directed to the PFHCB office using the contact information provided above. Copies of this report are available in alternate format.

1.7 Finances

The expenditures of the Appeal Board, and independent appeals process, are covered by the annual operating budget of the PFHCB. Expenditures include travel costs of Appeal Board members, administrative costs associated with the delivery of appeals and the per diem remunerations for Appeal Board members. There are no fees charged to fish harvesters for appealing their certification status, but appellants are responsible for all travel costs associated with attending their appeal. Every effort is made by Appeal Board members and support staff to conduct the appeals process in a thorough, timely and cost-effective manner. The Appeal Board's annual expenditures are included in the PFHCB's audited financial statements. Total expenditures for the Appeal Board during 2025 was \$14,566 as shown below:

Appeal Board Member per Diems: \$6,300

Travel Expenditures: \$6,527

Meeting Rooms: \$1,006

Administration: \$733

Total: \$14,566

2.0 Highlights and Partnerships

The Appeal Board convened for one period in 2025, between November 24 – November 28, 2025, in three different locations throughout the province, conducting a total of 14 appeals. Of these, 13 appeals were new requests received in 2025, and one was deferred from the last round of appeals in October 2024. To accommodate all appellants and minimize driving time to and from appeal hearings, appeals were conducted in three different locations throughout the province – St. John's, Gander and Deer Lake. Additionally, one appellant requested to have their appeal heard by teleconference. The following table provides a summary of all fourteen appeal hearings conducted during 2025.

Summary of 2025 Appeals (January 1 – December 31, 2025)

Date of Appeal	Date of Appeal Request	Home Region	Appeal Location
November 24, 2025	July 23, 2025	West Coast	Deer Lake
November 24, 2025	August 11, 2025	West Coast	Deer Lake
November 24, 2025	August 25, 2025	West Coast	Deer Lake
November 24, 2025	April 11, 2025	Northern Peninsula	Deer Lake
November 24, 2025	June 11, 2025	Northern Peninsula	Deer Lake
November 24, 2025	October 15, 2025	Northern Peninsula	Deer Lake
November 26, 2025	August 23, 2024 ¹	North-East Coast	Gander
November 25, 2025	June 13, 2025	North-East Coast	Gander
November 25, 2025	September 5, 2025	North-East Coast	Gander
November 25, 2025	September 8, 2025	North-East Coast	Gander
November 26, 2025	September 17, 2025	North-East Coast	Gander
November 27, 2025	August 8, 2025	North-East Coast	St. John's ²
November 27, 2025	September 5, 2025	Avalon	St. John's
November 28, 2025	October 23, 2025	Avalon	St. John's

¹ Appeal was deferred from 2024.

² Appeal was conducted by teleconference at appellant's request.

As summarized above, 14 appellants had appeal hearings in 2025. At the time of the appeals, seven appellants were registered as Apprentice fish harvesters, and seven were registered as Level I fish harvesters. Of the 14 appellants, 64 per cent (9 of 14) received no change in certification status as a result of the appeal. The outcomes of the 14 appeals are as follows:

- 8 appeals – No change in Level
- 1 appeal – No change in Level, but awarded one additional year of full-time fishing
- 3 appeals – Upgraded to Level I
- 2 appeals – Upgraded to Level II

A full description and explanation of the three levels of PFHCB certification (Apprentice, Level I and Level II), as well as related certification criteria, can be found on the PFHCB website at www.pfhcb.com.

3.0 Report on Performance

In the Appeal Board's 2023-2025 Activity Plan, a single issue was identified, relating to the Appeal Board's ability to maintain a timely delivery of appeal hearings in regional proximity to appellants. As the focus of the Appeal Board has remained the same during this planning cycle, the Appeal Board is reporting on the same objective and indicators for 2025.

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

Objective: By December 31, 2025, 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.

In 2025, the Appeal Board, with the assistance of PFHCB support staff, succeeded in meeting this indicator. All 14 appeals were held from November 24 – November 28, 2025. The 14 appellants were each offered a face-to-face appeal hearing within a year of their appeal request, with the average wait time for an appeal being 104 days (approximately three and a half months) and the maximum being 229 days (approximately seven and a half months).

Of the 14 appellants, one requested to have their appeal heard via teleconference. For the 13 remaining appeals, the Appeal Board was successful in meeting its objective as it relates to offering appeals in regional proximity to appellants. The average driving time for all appellants to their appeal hearing was approximately one and a half hours and the maximum driving time for any one appellant was approximately three and a half hours. One hour was allocated for each appeal hearing and Appeal Board members were provided with a copy of all information contained in the appellant's PFHCB file for review in advance of the appeal hearing.

- Provided appeal results to appellants within three weeks of the date of the appeal hearing.

In 2025, the Appeal Board was successful in meeting this indicator. Appeal results were mailed to all appellants within ten business days of their appeal hearing.

In summary, 2025 was the final year of the 2023-2025 reporting period. The Appeal Board was successful in meeting its stated objective for each of the three years in this planning period. In total, 38 appeals were conducted (11 in 2023, 13 in 2024 and 14 in 2025). In fulfillment of the objective to conduct appeals in a timely manner and in all regions of the province where appellants are located, all appellants during this planning cycle were offered an appeal hearing within 12 months of the appeal request date, and all appellants were offered a face-to-face appeal within a three-and-a-half-hour drive of their permanent residence.

<u>Year</u>	<u># of Appeals Requested</u>	<u># of Appeals Conducted ¹</u>	<u>Rounds of Appeals</u>	<u># of Decisions Upheld</u>	<u>% of PFHCB Decisions Upheld</u>	<u>Expenditure</u>	<u>Appeals by Conference Call</u>
2023	11	11	1	8	73%	\$13,754	1
2024	14	13	1	8	62%	\$13,876	1

<u>Year</u>	<u># of Appeals Requested</u>	<u># of Appeals Conducted</u> ¹	<u>Rounds of Appeals</u>	<u># of Decisions Upheld</u>	<u>% of PFHCB Decisions Upheld</u>	<u>Expenditure</u>	<u>Appeals by Conference Call</u>
2025	13	14	1	9	64%	\$14,566	1
Total	38	38	3	25	66%	\$42,196	3

¹ Number of appeals conducted includes appeals carried forward from the previous year.

4.0 Opportunities and Challenges

The Appeal Board continues to provide an essential service to over 9,700 certified fish harvesters registered with the PFHCB. For the eighth consecutive year, the number of appeal requests in 2025 did not necessitate the Appeal Board convening more than one time during the calendar year. The number of appeal hearings per year during that eight-year period ranged from a high of 23 in 2018 to a low of 10 in 2022. This trend indicates relative consistency in the total number of appeal requests year-over-year. However, there is no way to predict the number or timing of appeal requests from year to year. Nor is there any way to predict the geographical distribution of appellants. Therefore, there continues to be uncertainty and annual variation in the location and number of appeals being requested. Despite these uncertainties, the Appeal Board and PFHCB support staff remain committed to meeting the stated objectives in an efficient and cost-effective manner.

Throughout this three-year planning cycle, the Appeal Board was successful in providing all certified fish harvesters the opportunity of an independent appeal process, meeting the objective stated in our 2023-2025 Activity Plan and meeting the planning and reporting obligations of the **Transparency and Accountability Act**.

5.0 Additional Information

Inquiries or comments on the contents of this report should be directed to:

Chairperson, Appeal Board of the PFHCB
c/o Professional Fish Harvesters Certification Board
368 Hamilton Avenue
P.O. Box 8541
St. John's, NL A1B 3P2

Fax: 709-722-8201

Email: pfh@pfhcb.com

Web: www.pfhcb.com