



2012

Annual Performance Report

for

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

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1.0 Message from the Chairperson

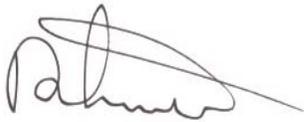
As Chairperson of the Appeal Board of the Professional Fish Harvesters Certification Board, I am pleased to present our Annual Performance Report for 2012. This document has been prepared in consultation with the Appeal Board members; we are accountable for the results reported, and for ensuring that the information in this report is accurate and thorough.

The Professional Fish Harvesters Certification Board Appeal Board is recognized as a category three public entity by the government of Newfoundland and Labrador, with all members appointed by the Minister of Fisheries and Aquaculture. Therefore, we are submitting this report in fulfillment of our reporting obligations under the provincial *Transparency and Accountability Act*. We are privileged to serve the professional fish harvesters of this province in our capacity as Appeal Board appointees, and we take pride in achieving the objectives of the Professional Fish Harvesters Certification Board Appeal Board, as outlined in the 2011-2013 Activity Plan.

Though the Appeal Board is a relatively small public body, convening only once in 2012, it makes an essential contribution to the Professional Fish Harvesters Certification Board and the commercial fish harvesters it certifies. The structure, purpose, and operations of the Appeal Board are established in the *Professional Fish Harvesters Act*, and I confirm that during this reporting period all activities of the Appeal Board were conducted accordingly.

Finally, on behalf of the Professional Fish Harvesters Certification Board Appeal Board members, I take this opportunity to thank the staff of the Professional Fish Harvesters Certification Board for their continued assistance and support in 2012.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Wilton', with a long horizontal flourish extending to the right.

Robert Wilton
Chairperson, PFHCB Appeal Board

2.0 Overview

The Professional Fish Harvesters Certification Board (PFHCB) became operational in 1997 following proclamation of the *Professional Fish Harvesters Act* by the Newfoundland and Labrador House of Assembly. This legislation allows for the establishment of an Appeal Board, and an independent appeal process.

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

2.1 Mandate and Objectives

The mandate and objectives of the PFHCB Appeal Board are outlined in sections 14-18 of the *Professional Fish Harvesters Act*, as follows:

Appeal to board

- 14.** (1) A person whose certification is refused by the board or who is dissatisfied with the certification that he or she is given may appeal to the appeal board appointed under section 15.
- (2) A person who wishes to appeal a decision of the board with respect to his or her certificate shall file a notice of appeal with the executive director stating the ground for the appeal.
- (3) The executive director shall forward the notice of appeal to the appeal board and shall inform the appellant of the date, time and place at which the board will hear the appeal.

Appeal board

- 15.** (1) The appeal board shall consist of 3 members appointed by the minister.
- (2) Two of the members shall be professional fish harvesters who are not members of the board chosen from a list provided by fish harvesters organizations.
- (3) The third member of the board shall not be a professional fish harvester and shall serve as the chairperson.
- (4) The members of the appeal board shall be appointed for a 3 year term and are eligible for re-appointment.

Date of appeal board

- 16.** The appeal board shall review all the relevant information associated with an appellant's application to the board for certification and shall provide the appellant an opportunity to appear before the board in person or through a representative.

Decision of appeal board

- 17.** The appeal board may confirm the decision of the board or may substitute the decision which it considers fair and just.

Decision final

- 18.** The decision of the appeal board is final and binding on the board and the appellant.

2.2 Appeal Board Members and Support Staff

The PFHCB Appeal Board consists of three members appointed by the Minister of Fisheries and Aquaculture. For the duration of the 2012 reporting period the Appeal Board members were:

Robert Wilton – Chairperson
Roy Stone – Fish Harvester Representative
Doug Howlett – Fish Harvester Representative

Operational and administrative support for the Appeal Board is provided by the staff of the PFHCB.

2.3 Lines of Business

The PFHCB 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 14-18 of the Act.

As required, the Appeal Board convenes (at least once per year) to hear appeals throughout the province. Appeals are conducted in as many locations as possible, based on the number and location of appeals to be heard.

Appeal results are approved and signed by the Appeal Board members and presented to the PFHCB Executive Director in a timely manner. Appellants are notified of their appeal outcome in writing by the PFHCB, accordingly.

2.4 Values

The Appeal Board's ability to provide an effective independent appeals process requires that both the PFHCB and the fish harvesters it certifies have a high level of confidence in the Appeal Board members and the service they provide. To this end, the Appeal Board adopts and promotes three key values: *Respect, Confidentiality* and *Impartiality*, as described in section 7.0 of the Appeal Board's 2011-2013 Activity Plan.

2.5 Vision

Members of the PFHCB 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 PFHCB Appeal Board contributes to its 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 appropriately reflects their knowledge, skill and attachment to the industry.

2.6 Location and Contact Information

The PFHCB Appeal Board itself has no fixed location. However, any correspondence, including appeal requests from certified fish harvesters, should be directed to the Executive Director of the PFHCB.

368 Hamilton Avenue
P.O. Box 8541
St. John's, NL
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709-722-8170 (phone)
709-722-8201 (fax)
pfh@pfhcb.com
www.pfhcb.com

2.7 Finances

The expenditures associated with the PFHCB Appeal Board, and independent appeal process, are covered by the annual operating budget of the PFHCB. Those 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.

Every effort is made by Appeal Board members and support staff to conduct the appeals process in a thorough, yet expeditious and cost-effective manner.

Annual Appeal Board expenditures are audited, and included in the audited financial statements of the PFHCB. Total Appeal Board expenditures for 2012 were \$8,699.

3.0 Highlights and Accomplishments

For the 2012 reporting period, the PFHCB Appeal Board succeeded in providing an appeal hearing to all certified fish harvesters who requested an appeal through the PFHCB. In this reporting period, 22 appeal requests were received, and 22 hearings were conducted. As indicated in the summary in section 4.0, all appellants received an appeal hearing within 12 months of their appeal request.

4.0 Activities

The PFHCB Appeal Board convened once in 2012, and conducted five days of appeals from April 1-5, 2012. In order to accommodate all appellants, and minimize their driving time to and from their appeal hearing, the Appeal Board conducted appeals in five locations throughout the province – Grand Falls, Gander, Clarenville, Marystown and St. John's. Four appellants requested to have their appeals heard by teleconference. The following is a summary of appeal hearings conducted in 2012:

Spring 2012 Appeals (22 hearings in total)

<u>Date of Appeal Request</u>	<u>Date of Appeal</u>	<u>Home Community</u>	<u>Appeal Location</u>
April 11, 2011	April 1, 2012	Harbour Breton	Grand Falls
March 5, 2012	April 1, 2012	English Harbour West	Grand Falls
January 25, 2012	April 1, 2012	Woody Point	Grand Falls
May 17, 2011	April 1, 2012	Belleoram	Grand Falls
March 13, 2012	April 1, 2012	Fortune	Grand Falls (teleconference)
February 8, 2012	April 2, 2012	Joe Batt's Arm	Gander
March 12, 2012	April 2, 2012	Joe Batt's Arm	Gander
March 27, 2012	April 2, 2012	Twillingate	Gander
January 25, 2012	April 3, 2012	Hickman's Harbour	Clarenville
March 9, 2012	April 3, 2012	Southern Harbour	Clarenville
January 24, 2012	April 3, 2012	Heatherton	Clarenville (teleconference)
March 6, 2012	April 3, 2012	Westport	Clarenville (teleconference)
May 31, 2011	April 4, 2012	Petit Forte	Marystown
June 9, 2011	April 4, 2012	Lawn	Marystown
November 22, 2011	April 4, 2012	St. Lawrence	Marystown
April 4, 2012	April 4, 2012	Petit forte	Marystown
March 25, 2012	April 4, 2012	Cartwright	Marystown (teleconference)
November 14, 2011	April 5, 2012	St. John's	St. John's
March 19, 2012	April 5, 2012	Calvert	St. John's
March 28, 2012	April 5, 2012	Mobile	St. John's
March 9, 2012	April 5, 2012	Mount Pearl	St. John's
August 9, 2011	April 5, 2012	Harbour Grace	St. John's

Of the 22 appellants who had appeal hearings in 2012, at the time of the appeal, 11 were registered as an Apprentice, and 11 were registered as a Level I harvester. 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 in the 2012 Activity Report of the PFHCB and on the PFHCB website at www.pfhcb.com.

4.1 Outcome of Objectives

In the PFHCB Appeal Board's 2011 - 2013 Activity Plan, a single strategic issue was identified, relating to the Appeal Board's ability to maintain a timely delivery of appeal hearings in regional proximity to appellants. An objective for 2012, accompanied by a performance measure and indicators was included, as follows:

Objective #2: By December 31, 2012, the PFHCB Appeal Board will have conducted appeals, in a timely manner, in all regions of the province where appellants are located.

Measure: Appellants were offered a timely face-to-face appeal in their own region of the province.

Indicators: Each appellant was offered an appeal within a maximum of 12 months of their appeal request.

Each appellant was offered a face-to-face appeal.

Each appellant was offered an appeal hearing within three hours drive of their permanent residence.

The PFHCB Appeal Board, with the assistance of PFHCB support staff, succeeded in meeting this stated objective for 2012. The 22 appellants were each offered a face-to-face appeal hearing within twelve months of the date of their appeal request. Of the 22 appellants four requested to have their appeal heard via teleconference, so proximity of the appeal hearing was not a factor for these appeals. However, for the remaining 18 appeals, the Appeal Board was successful in meeting its objective as it relates to regional proximity to appellants, as the maximum drive time from home to the appeal venue, for any individual, was less than three hours.

4.2 Objectives for 2013

As outlined in the PFHCB Appeal Board's 2011-2013 Activity Plan, a single strategic issue is presented for 2013. This strategic issue is 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.

Issue #1 – The Timely Delivery of Appeals in Regional Proximity to Appellants

From 1997 until 2010, the PFHCB Appeal Board conducted appeals twice per year (normally), and in all areas of the province where appellants are located. Until recently, the number of appellants has remained high enough to conduct appeals throughout the province, thus enabling appellants to present themselves, or their representative, in person at their appeal hearing.

However, the number of appeal requests has declined significantly in the past several years. For example, the number of appeals heard in 2008 was 24, while in 2010 only three appeals were heard. This has made it increasingly difficult and less cost efficient for the Appeal Board to offer appeals twice per year, and to provide a face-to-face appeal hearing for every appellant.

Therefore, though appeals may be heard within six months, in future, the Board will offer appeal hearings within 12 months of receiving an appeal request.

Objective #3: By December 31, 2013, the PFHCB Appeal Board will have conducted appeals, in a timely manner, in all regions of the province where appellants are located.

Measure: Appellants were offered a timely face-to-face appeal in their own region of the province.

Indicators: Each appellant was offered an appeal within a maximum of 12 months of their appeal request.

Each appellant was offered a face-to-face appeal.

Each appellant was offered an appeal hearing within three hours drive of their permanent residence.

5.0 Opportunities and Challenges Ahead

The PFHCB Appeal Board continues to provide an essential service to the approximately 10,500 certified fish harvesters registered with the Professional Fish Harvesters Certification Board. Following a continuous downward trend since 2000 in the number of appeal requested, in 2011 and 2012 there has been an unanticipated spike in the total number of appeal requests received and hearings conducted (from 11 in 2011 to 22 in 2012). This uncertainty and annual variation in the number of appeals being requested poses challenges for the Appeal Board and PFHCB support staff in meeting the stated objectives in an efficient and cost-effective manner, and has made budgeting and planning challenging. If an increase in the number of appeal requests occurs, the PFHCB Appeal Board may have to consider convening twice in 2013.

Notwithstanding this challenge, the Appeal Board remains committed to: providing every certified fish harvester the opportunity of an independent appeal process, meeting the objectives stated in the 2011-2013 Activity Plan, and meeting the planning and reporting obligations of the *Transparency and Accountability Act*.

6.0 Additional Information

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

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