

**FISHERIES RENEWAL ACT
[SBC 1997] CHAPTER 22**

[Updated to October 31, 1997]

Assented to July 28, 1997

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

"board" means the board of directors of Fisheries Renewal BC;

"fish" includes

- (a) shellfish, crustaceans and aquatic animals, other than aquatic mammals, and
- (b) aquatic plants;

"**minister**" means the minister responsible for the administration of this Act.

Purpose

2 The purpose of this Act is to undertake strategic initiatives to renew the fisheries, and enhance fish, fisheries and fish habitat, in British Columbia.

Fisheries Renewal BC established

3 (1) A corporation, to be known as Fisheries Renewal BC, is established, consisting of a board of not more than 12 directors, all to be appointed by the Lieutenant Governor in Council.

(2) One or 2 of the directors may be individuals who represent the government.

(3) One or 2 of the directors may be individuals nominated by Canada as federal representatives.

(4) The remaining directors are to be individuals that the Lieutenant Governor in Council considers are representative of one or more of the following:

(a) the diversity of the population of British Columbia;

(b) regional and community fisheries interests;

(c) first nations;

(d) the concerns of the various stakeholders interested in fish, fisheries and fish habitat.

(5) The Lieutenant Governor in Council must appoint one of the directors as chair of the board.

(6) Fisheries Renewal BC is an agent of the government.

Federal-Provincial agreement

4 For the purpose of accommodating any agreement, arrangement or understanding between the governments of British Columbia and Canada respecting matters within the mandate of Fisheries Renewal BC, the Lieutenant Governor in Council may make regulations as follows:

(a) respecting the appointment or composition of the board;

(b) amending section 3 in a manner consistent with the agreement, arrangement or understanding as it relates to the appointment of the directors of Fisheries Renewal BC, the composition of the board or both.

Mandate

5 (1) Fisheries Renewal BC may undertake programs for

(a) promoting the protection, conservation and enhancement of fish stocks and fish habitat,

(b) strategic investments, in partnership with fisheries sectors and communities, in the diversification and development of fisheries stocks and their habitats, for example, rebuilding habitats, supporting community based stream cleaning, stream guardianship projects, developing sustainable fishing practices and technologies, maximizing added value in fish processing, supporting seafood and destination tourism marketing initiatives,

(c) building a multi-skilled workforce in the fisheries sectors, by supporting employment, training and technological development,

(d) working with communities to develop strategic plans for

(i) job creation in the fisheries sectors, and

(ii) the development of local infrastructure that will encourage employment and investment in the communities,

(e) providing assistance and advice to the government of British Columbia on coordinating and delivering programs related to fish, fisheries and fish habitat, including undertaking a long term strategic plan in cooperation with the governments of Canada and British Columbia, first nations, local governments, stakeholders and other

interested parties, and

(f) doing other things, consistent with its mandate and its status as an agent of the government, in furtherance of an agreement, arrangement or understanding referred to in section 4 or of other agreements, arrangements or understandings, relating to fish, fisheries or fish habitat, between or among the governments of Canada, British Columbia, other provinces, first nations, local governments or with an official or agency of any of them.

(2) Fisheries Renewal BC must comply with any general or special direction, with respect to the exercise of its powers, duties and functions, that is made by order of the Lieutenant Governor in Council.

First nations' interests in fisheries

6 In carrying out its responsibilities, the board and any committee of the board must take into account the interests of first nations and aboriginal people in the fisheries resource.

Powers and duties of the board

7 (1) The board must manage the affairs of Fisheries Renewal BC or supervise the management of those affairs and may

- (a) exercise the powers conferred on the board under this Act,
- (b) exercise the powers of Fisheries Renewal BC, and

- (c) delegate to the chief executive officer the exercise or performance of any power or duty conferred or imposed on the board.

(2) The board may pass resolutions it considers necessary or advisable to manage and conduct the affairs of Fisheries Renewal BC, to exercise the board's powers and to perform its duties.

Capacity and powers of Fisheries Renewal BC

8 For the purposes of this Act, Fisheries Renewal BC may

- (a) acquire, hold and dispose of personal property,
- (b) subject to the approval of the Lieutenant Governor in Council, borrow money,

- (c) enter into agreements with the government, local governments, persons, first nations and other entities referred to in section 12 for the delivery of programs,

- (d) subject to the approval of the Lieutenant Governor in Council, enter into

- (i) agreements with the government of Canada or of a province,

- (ii) agreements, other than agreements for the delivery of programs, with first nations, or

- (iii) agreements with an official or agency of any of them,

- (e) subject to the approval of the Lieutenant Governor in Council, provide financial assistance by way of loan,

- (f) establish advisory committees, and

- (g) do other things that the Lieutenant Governor in Council may authorize.

Board remuneration

9 Fisheries Renewal BC may pay to a director or committee member, other than one who is a federal representative on the board or committee,

- (a) an allowance for reasonable travelling and incidental expenses necessarily incurred in carrying out the business of Fisheries Renewal BC, and

- (b) if the director or committee member is not a member of the Legislative Assembly or a public servant, remuneration at rates set by the Lieutenant Governor in Council.

Officers and employees

10 (1) On the recommendation of the board, the Lieutenant Governor in Council may appoint a person as the chief executive officer of Fisheries Renewal BC.

(2) The chief executive officer must carry out the functions and duties that the board specifies.

(3) The staff of Fisheries Renewal BC are the chief executive officer and the support staff that are required by the board, and, in accordance with government policy, the board may determine the remuneration of the support staff.

(4) On considering the recommendations of the board, the Lieutenant Governor in Council, in accordance with government policy, may determine the remuneration of the chief executive officer of Fisheries Renewal BC.

Pensions

11 The *Pension (Public Service) Act* applies to Fisheries Renewal BC and its employees and

(a) Fisheries Renewal BC and its employees is deemed to be an employer and its employees within the meaning of that Act,

(b) Fisheries Renewal BC must make deductions from the salaries of the employees as required under that Act and pay the money to the commissioner under that Act, and

(c) Fisheries Renewal BC must pay to the commissioner employer's contributions in the amounts equivalent to the amounts required under that Act.

Project and program delivery

12 (1) Fisheries Renewal BC, for the delivery, in whole or in part, of programs for the renewal of fisheries and the enhancement of fish, fisheries and fish habitat, may engage by agreement or retain by agreement

(a) first nations,

(b) local governments,

(c) non-governmental organizations, with experience related to fish, fisheries or fish habitat,

(d) community based organizations, with experience related to fish or fisheries communities,

(e) persons with experience in the fisheries sectors or in fisheries communities, or

(f) persons with experience related to fish, fisheries or fish habitat.

(2) The Lieutenant Governor in Council, on the recommendation of Treasury Board, may make regulations

(a) governing the entering into by Fisheries Renewal BC of agreements under subsection (1), and

(b) respecting employment preferences in support of local hiring and employment of persons with fisheries experience.

Administrative services

13 The Lieutenant Governor in Council may designate administrative services that Fisheries Renewal BC must obtain from the government or from any government corporation, agency, branch, department or other government organization or entity that is specified in the order making the designation.

Limit on administrative and non-program expenditures

14 After consultation with the board, the Lieutenant Governor in Council by order may limit the amount that Fisheries Renewal BC may commit to its administrative expenditures and non-program expenditures.

Financial administration

15 (1) The board must establish and maintain an accounting system satisfactory to the Minister of Finance and Corporate Relations.

(2) Whenever required by the minister, the board must render detailed accounts of its revenues and expenditures for the

period or to the date the minister designates.

(3) All books or records of account, documents and other financial records must at all times be open for inspection by the minister or a person designated by the minister.

(4) The Minister of Finance and Corporate Relations may direct the Comptroller General to examine and report to Treasury Board on any or all of the financial and accounting operations of Fisheries Renewal BC.

(5) The fiscal year of Fisheries Renewal BC is a period of 12 months beginning on April 1 in each year and ending on March 31 in the next year.

(6) The Minister of Finance and Corporate Relations is the fiscal agent of Fisheries Renewal BC.

Audit

16 At least once for each fiscal year, the accounts of Fisheries Renewal BC must be audited and reported on to the minister and to Fisheries Renewal BC by an auditor appointed by the Lieutenant Governor in Council, and the costs of the audit must be paid by Fisheries Renewal BC.

Business plan

17 (1) Before each fiscal year the board must prepare for that fiscal year a business plan that is satisfactory to the minister and the board, encompassing the businesses, activities and other affairs of Fisheries Renewal BC during that fiscal year, that includes

- (a) revenue and expenditure proposals,
- (b) a statement of assets and liabilities, and

(c) other information that the Lieutenant Governor in Council may specify.

(2) The business plan must be laid before the Legislative Assembly by the minister, as soon as practicable.

(3) The board must

(a) keep copies of the approved business plans of Fisheries Renewal BC, and

(b) make copies available for inspection by any person during usual business hours at the head office of Fisheries Renewal BC.

Annual report

18 The board must prepare and deliver to the minister, as soon as practicable after the end of the fiscal year of Fisheries Renewal BC,

- (a) a report of Fisheries Renewal BC on its operations for the preceding fiscal year, and
- (b) a financial statement in the form required by the Minister of Finance and Corporate Relations showing the revenues, expenditures, assets and liabilities of Fisheries Renewal BC at the end of the preceding fiscal year.

Public annual meeting

19 (1) Before each fiscal year of Fisheries Renewal BC the board must hold a public meeting for the purposes of

- (a) providing information and receiving submissions concerning the businesses, activities and other affairs of Fisheries Renewal BC, from first nations, local governments, persons, entities and others interested in fish, fisheries and fish habitat, and
- (b) reviewing the business plan for the upcoming fiscal year and the most recently available annual report.

(2) Before the public meeting each fiscal year the board must ensure that the proposed business plan is widely circulated among first nations, local governments, persons, entities and others interested in fish, fisheries and fish habitat.

Fisheries Renewal BC revenue

20 (1) Forest Renewal BC must advance to Fisheries Renewal BC not less than

- (a) \$7.7 million for the 1997-98 fiscal year of Fisheries Renewal BC, and
- (b) \$7.5 million in each of the 1998-99 and 1999-2000 fiscal years, during the first 30 days of each of those fiscal years.

(2) Money received by Fisheries Renewal BC under subsection (1), or from the government of Canada or any other source, may be retained by it to be used and dealt with for its purposes.

(3) A project or program funded by Fisheries Renewal BC under this Act is to be treated for the purposes of any enactment as funded exclusively by Fisheries Renewal BC.

Investment

21 (1) Fisheries Renewal BC must place with the Minister of Finance and Corporate Relations for investment money it receives but does not immediately require for carrying out the purposes of this Act.

(2) Money placed with the Minister of Finance and Corporate Relations under this section is to be treated for all purposes as money placed with that minister under section 40 (5) of the *Financial Administration Act*.

Director to disclose interest

22 (1) Every director of Fisheries Renewal BC who, in any way, directly or indirectly, is interested in a proposed contract or transaction with Fisheries Renewal BC must disclose the nature and extent of the director's interest at a meeting of the directors.

(2) The disclosure required by subsection (1) must be made

- (a) at the meeting at which a proposed contract or transaction is first considered,
- (b) if the director was not, at the time of the meeting referred to in paragraph (a), interested in a proposed contract or transaction, at the first meeting after the director becomes interested, or
- (c) at the first meeting after the relevant facts come to the director's knowledge.

(3) For the purpose of this section, a general notice in writing given by a director of Fisheries Renewal BC to the other directors to the effect that the director is a member, director or officer of a specified corporation, or that the director is a partner in, or owner of, a specified firm, and that the director has an interest in a specified corporation or firm, is a sufficient disclosure of interest to comply with this section.

(4) A director of Fisheries Renewal BC is not deemed to be interested or to have been interested at any time in a proposed contract or transaction merely because,

- (a) if the proposed contract or transaction relates to a loan to Fisheries Renewal BC, that the director or a specified corporation or specified firm in which the director has an interest has guaranteed or joined in guaranteeing the repayment of the loan or any part of the loan,
- (b) if the proposed contract or transaction has been or will be made with or for the benefit of an affiliated corporation, that he or she is a director or officer of that corporation,
- (c) that the proposed contract or transaction relates to an indemnity of the type described in section 128 of the *Company Act* or to insurance of the type described in section 128 of the *Company Act*, or
- (d) that the proposed contract or transaction relates to the remuneration of a director in that capacity.

Director liable to account

23 (1) Every director referred to in section 22 (1) must account to Fisheries Renewal BC for any profit made as a consequence of Fisheries Renewal BC entering into or performing the proposed contract or transaction

(a) unless

- (i) he or she discloses his or her interest as required by section 22,
- (ii) after his or her disclosure the proposed contract or transaction is approved by the directors, and
- (iii) he or she abstains from voting on the approval of the proposed contract or transaction, or

(b) unless

(i) the contract or transaction was reasonable and fair to Fisheries Renewal BC at the time it was entered into, and

(ii) after full disclosure of the nature and extent of his or her interest the contract or transaction is approved by special resolution of Fisheries Renewal BC.

(2) A director referred to in section 22 (1) must not be counted in the quorum at a meeting of the directors at which the proposed contract or transaction is approved.

Validity

24 The circumstance that a director is, in any way, directly or indirectly, interested in a proposed contract or transaction, or a contract or transaction, with Fisheries Renewal BC does not make the contract or transaction invalid, but, if the matters referred to in section 23 (1) (a) or (b) have not occurred, the Supreme Court, on the application of the government, of Fisheries Renewal BC or of any interested person, may enjoin Fisheries Renewal BC from entering into the proposed contract or transaction, or set aside the contract or transaction, if in existence, or make any other order that the Supreme Court considers appropriate.

Disclosure of conflict of office or property

25 (1) Every director of Fisheries Renewal BC who holds any office, or possesses any property, by which, whether directly or indirectly, a duty or interest might be created in conflict with his or her duty or interest as a director of Fisheries Renewal BC, must declare at a meeting of the directors of Fisheries Renewal BC the fact, and the nature and extent of the conflict.

(2) The declaration must be made by a director referred to in subsection (1) at the first meeting of the directors held

(a) after he or she becomes a director, or

(b) if he or she is already a director, after he or she commenced to hold the office or possess the property.

Consequential Amendments

Sections Spent

26 and 27 [Consequential amendments. Spent. 1997-22-26, 27.]

Commencement

28 This Act comes into force by regulation of the Lieutenant Governor in Council.