

**This is an official version.**

Copyright © 2014: Queen's Printer,  
St. John's, Newfoundland and Labrador, Canada

**[Important Information](#)**

(Includes details about the availability of printed and electronic versions of the Statutes.)

**[Table of Public Statutes](#)**

**[Main Site](#)**

**[How current is this statute?](#)**

---

**[Responsible Department](#)**

---

SNL2004 CHAPTER F-12.01

**FISH PROCESSING LICENSING BOARD ACT**

Amended:

2014 c16

**CHAPTER F-12.01**

**AN ACT TO ESTABLISH THE FISH PROCESSING LICENSING BOARD**

*(Assented to December 16, 2004 )*

*Analysis*

- [1. Short title](#)
- [2. Definitions](#)
- [3. Board established](#)
- [4. Objectives of the board](#)
- [5. Composition of board](#)
- [6. Term of office](#)
- [7. Secretariat](#)
- [8. Operation of the board](#)
- [9. Powers and duties of the board](#)
- [10. Application procedure](#)
- [11. Release of recommendation](#)
- [12. Members not liable](#)
- [13. Fees and forms](#)
- [14. By-laws](#)
- [15. Annual report](#)
- [16. Commencement](#)

*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 *Fish Processing Licensing Board Act* .

[2004 cF-12.01 s1](#)

[Back to Top](#)

### Definitions

2. In this Act

- (a) "board" means the Fish Processing Licensing Board established in section 3;
- (b) "department" means the department presided over by the minister;
- (c) "minister" means the minister appointed under the *Executive Council Act* to administer this Act; and
- (d) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

[2004 cF-12.01 s2](#)

[Back to Top](#)

### Board established

3. The Fish Processing Licensing Board is established.

[2004 cF-12.01 s3](#)

[Back to Top](#)

### Objectives of the board

4. The objectives of the board are

- (a) to assess and make recommendations to the minister regarding fish processing licensing applications, including applications for new licences, and the consolidation and transfer of fish processing licences;
- (b) to assess and make recommendations to the minister regarding applications for the addition of new species to existing fish processing licences, and, where appropriate, make recommendations regarding licensing on a regional basis;
- (c) to assess and make recommendations to the minister regarding corporate concentration, merger and acquisition issues in the context of fish processing licensing matters; and
- (d) those other objectives that the minister may determine.

[2004 cF-12.01 s4](#)

[Back to Top](#)

### Composition of board

5. (1) The board shall consist of 5 members appointed by the Lieutenant-Governor in Council, who shall serve at pleasure.

- (2) The membership of the board shall include:
- (a) one member who shall be designated by the Lieutenant-Governor in Council as the chairperson of the board; and
  - (b) one member who shall be elected vice-chairperson of the board by internal vote of the board.

[2004 cF-12.01 s5](#)

[Back to Top](#)

### **Term of office**

6. (1) Members of the board shall be appointed for a period of 4 years.

(2) Notwithstanding subsection (1), members of the first board appointed under this Act shall be appointed in the following manner:

- (a) the chairperson and 2 members of the board shall be appointed for a period of 4 years; and
- (b) 2 members of the board shall be appointed for a period of 2 years.

(2.1) Where the term of a member of the board expires, he or she continues to be a member until reappointed or replaced.

(3) Where a vacancy occurs on the board, the Lieutenant-Governor in Council shall appoint a person for the unexpired portion of the term of the person whose leaving created the vacancy or for a longer term as the Lieutenant-Governor in Council may determine.

(4) A member of the board who misses 3 consecutive meetings of the board without cause shall be considered, upon a report by the board to the Lieutenant-Governor in Council, to have vacated his or her position on the board.

(5) A board member who, during the course of his or her term, acquires holdings or interests or changes his or her holdings or interests in the fish processing sector, the fish harvesting sector or a related sector shall report that acquisition or change to the minister.

(6) Where the minister receives a report under subsection (5), the minister may, in his or her discretion, inform the Lieutenant-Governor in Council of the contents of that report.

(7) Members of the board may be reappointed.

[2004 cF-12.01 s6; 2014 c16 s1](#)

[Back to Top](#)

### **Secretariat**

7. (1) The minister may appoint those members of the department he or she considers necessary to form a secretariat which shall provide administrative support to the board.

(2) One member of the secretariat shall act as recording secretary for the board.

(3) Members of the secretariat referred to in subsection (1) who attend meetings of the board shall be non-voting members of the board and shall not be counted for a quorum of the board.

[2004 cF-12.01 s7](#)

[Back to Top](#)

### Operation of the board

8. (1) Meetings of the board shall be scheduled at the call of the chairperson or, in his or her absence, the vice-chairperson, but there shall be no fewer than 2 meetings in a calendar year.

(2) Meetings of the board may be conducted by teleconference or videoconference or by other means provided that, in a meeting, all members may participate simultaneously and instantaneously.

(3) A board member participating in a meeting by teleconference, videoconference or other method referred to in subsection (2) shall be counted as a member present at the meeting for the purpose of establishing a quorum under subsection (4).

(4) A quorum of the board shall be 3 members, one of whom shall be the chairperson or vice-chairperson.

(5) In the case of a tie vote of the board, the chairperson, or in the case of his or her absence or abstention, the vice-chairperson, shall have the casting vote.

(6) A board member shall not abstain from voting on a motion or resolution of the board unless he or she has been permitted to abstain by a majority vote of other board members in attendance at the meeting.

(7) Notwithstanding subsection (5), where the chair has abstained from voting and there is a tie vote, the motion or resolution may be deferred to the next meeting of the board.

(8) Board members shall be remunerated in accordance with Treasury Board guidelines.

(9) Board members shall be reimbursed for reasonable expenses incurred in the course of their duties in accordance with Treasury Board guidelines.

[2004 cF-12.01 s8](#); [2014 c16 s2](#)

[Back to Top](#)

### Powers and duties of the board

9. (1) The board shall

- (a) consider an application for a fish processing licence which has been properly made to it, including an application for a new licence, a consolidated licence or a transfer of licence;
- (b) consider an application made to it under this Act which it is authorized to consider;
- (c) consider a matter referred to it by the minister, where that matter is of one of general application which does not refer specifically to a particular fish processing licence;
- (d) consider an application related to corporate concentration, merger and acquisition issues in the context of fish processing licensing matters; and
- (e) after considering a matter referred to in paragraphs (a) to (d), make a recommendation, including its reasons for that recommendation, to the minister with respect to a course of action on that matter.

(2) The board may

- (a) request that the minister provide professional or technical assistance or advice required by it to make its recommendations to the minister; and
- (b) generally, do those other things that are necessary to fulfil its mandate and make the required recommendations to the minister regarding an application under this Act.

[2004 cF-12.01 s9](#)

[Back to Top](#)

### **Application procedure**

- 10.** (1) A person who wishes to make an application to the board shall
- (a) advertise, in the required form, his or her intention to make the application at least once a week for 2 consecutive weeks in
    - (i) a newspaper of general circulation, and
    - (ii) a newspaper having circulation in the region affected by the application; and
  - (b) contemporaneously, submit to the board his or her application under this Act, together with the particulars that the board may require,

but in no circumstance shall the board consider the application until the advertising process required by paragraph (a) is completed.

- (2) The board
  - (a) shall consider an application properly made to it under subsection (1) according to the Fish Processing Policy Framework or the other policy guidelines, criteria or directions given to it by the minister;
  - (b) may hold an open public meeting with respect to the application in question; and
  - (c) shall, after considering the application, make a recommendation to the minister regarding that application, including its reasons for that recommendation.
- (3) The Fish Processing Policy Framework referred to in subsection (2) and any other policy guidelines, criteria or directions given to the board by the minister shall be made publicly available in the manner that the minister shall direct, and for greater certainty, may be made available through the Internet.

[2004 cF-12.01 s10](#)

[Back to Top](#)

### **Release of recommendation**

**11.** The minister shall consider a recommendation of the board made to him or her under paragraph 10(2)(c) and shall, following his or her decision with respect to the application, release both the recommendation of the board and his or her decision regarding the application first to the applicant and then to the public.

[2004 cF-12.01 s11](#)

[Back to Top](#)

### **Members not liable**

**12.** A member of the board is not liable for an action done in good faith in carrying out his or her duties and responsibilities as a board member.

[2004 cF-12.01 s12](#)

[Back to Top](#)

### **Fees and forms**

13. The minister may prescribe fees and forms for the purpose and administration of this Act.

[2004 cF-12.01 s13](#)

[Back to Top](#)

### **By-laws**

14. The board may make by-laws to enable it to more effectively carry out its duties and responsibilities and for the management of the board.

[2004 cF-12.01 s14](#)

[Back to Top](#)

### **Annual report**

15. The board shall submit to the minister an annual report of its operations in the form and containing the information required by the minister.

[2004 cF-12.01 s15](#)

[Back to Top](#)

### **Commencement**

16. This Act shall come into force on January 1, 2005 .

[2004 cF-12.01 s16](#)

©Queen's Printer