

Information Statement

Public Authority: Commercial Fisheries Council

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Introduction

This document is the Information Statement for the Commercial Fisheries Council. In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be in writing using the application form, and submitted to the Department Information Officer (see Section G for contact details). A request must identify the record, the subject and time period, and may specify the manner in which access is preferred. Please note there is a small fee levied for reproducing materials (as per the Government Fees Regulations 1976, and as listed on the application form).

Key, including definitions

- The Ministry means **the Environment**
- The Department is Environment and Natural Resources (DENR)
- PATI means Public Access To Information
- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation [s5(1)a]

Insert structure of Authority (a chart – if helpful, and some explanatory text):

The Council consists of:

- Eight persons appointed by the Minister, five of whom are commercial fishermen and three of whom are from other marine resource user groups
- The Director of the Department of Environment and Natural Resources (ex officio) or his designate

Fisheries Act 1972

Fisheries Regulations 2010

Section B1: Legislated Functions, Powers and Duties of the Authority [s5(1)b]

The Commercial Fisheries Council is responsible among other things for:

- The issuing of licences, specified in Regulations made under the Fisheries Act, to be issued by the Council; and
- Assessing eligibility for benefits for fishermen in respect of fishing vessels, fishing equipment and related matters

Section B2: Obligations under PATI Act [s5(1)b]

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. **To do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:

- a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided [s5(1)c]

The Commercial Fisheries Council:

- Receives applications for fishing vessel licences, fixed fishing gear and fishing lines rigged with more than 5 hooks, and full-time fisherman status
- Issues, suspends, and revokes fishing vessel licences
- Issues licences for fixed fishing gear for exploiting certain marine resources specified in the licence
- Assigns a separate identification mark to every fishing vessel licensed and registered under the Fisheries Regulations
- Keeps a register of licensed fishing vessels
- Keeps a register of fishermen
- Designates a fisherman as a full-time fisherman
- Grants licences to use fishing lines rigged with more than 5 hooks

The Regulations allow for persons, on payment of the prescribed fee to:

- Inspect the register of licensed fishing vessels
- Require to be furnished with a certificate of the registration in the register of any licensed fishing vessel or owner thereof or with a certified copy of an entry in the register

Section D: Records held [s5(1)d]

Via DENR the Chairperson of the Commercial Fisheries Council keeps:

- A register of licensed fishing vessels - which sets out the name and address of the owner of each vessel and of each fisherman operating from such vessel and any conditions of the licence imposed under Regulation 5 (2) of the Fisheries Regulations 2010
- A register of fishermen – containing the names and addresses of all fishermen ordinarily resident in Bermuda
- A list of full-time fishermen
- A list of fishermen holding licences for fixed fishing gear
- A list of fishermen holding licences for lines rigged with more than 5 hooks

Agendas and minutes are kept in the offices of DENR.

Section E: Administration manuals [s5(1)e]

Section F: Decision-making documents [s5(1)f]

- Commercial Fisheries Policy Document (currently under review)

Section G: The Information officer [s5(1)g]

Insert name and contact information:

Requests for information shall be in writing and submitted to the Department Information Officer; from where they will be directed to the Authority.

Contact	PATI Mr Drew Pettit Re: Commercial Fisheries Board
Mail to	Department of Environment and Natural Resources, #169 South Road Paget, DV04
Visit	Department of Environment and Natural Resources, Botanical Gardens, #169 South Road, Paget
Email	apettit@gov.bm
Tel	236-4201

Section H: Any Other Information [s5(1)h]

1. **About us** is available on the government website at: <http://www.gov.bm> then select Ministry of Health from the pull down menu; then select Commercial Fisheries Board.
2. **Fees and Remuneration:** The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
 - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.
3. **Annual Budget:** For the annual expenditure for the past fiscal period (31st Mar to 1st Apr), see the online Budget Book at: (www.gov.bm); then select Ministry of Finance; then select the “Budget Book” icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).
4. The **legislation** listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.

Section I: Any Other Information As Prescribed [s5(1)i]?

At Dec 2014 there are no Regulations to specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].


Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement

- Office: [The Commercial Fisheries Council, c/o The Department of Environment and Natural Resources, 169 South Road, Botanical Gardens, Paget, DV 04] N
- The Bermuda National Library N
- The Bermuda Archives N
- Available electronically at:
 - PATI website <http://www.gov.bm/Select Cabinet Office from the Government tab> Y
 - Ministry website <http://www.gov.bm/Select Health, Seniors & Environment\ Department of Environmental Protection \ Marine Resources>
- With the Information Commissioner. N

Date Information Statement was updated: October 5th, 2016


Drew Pettit (Information Officer)
For the Chairman

