

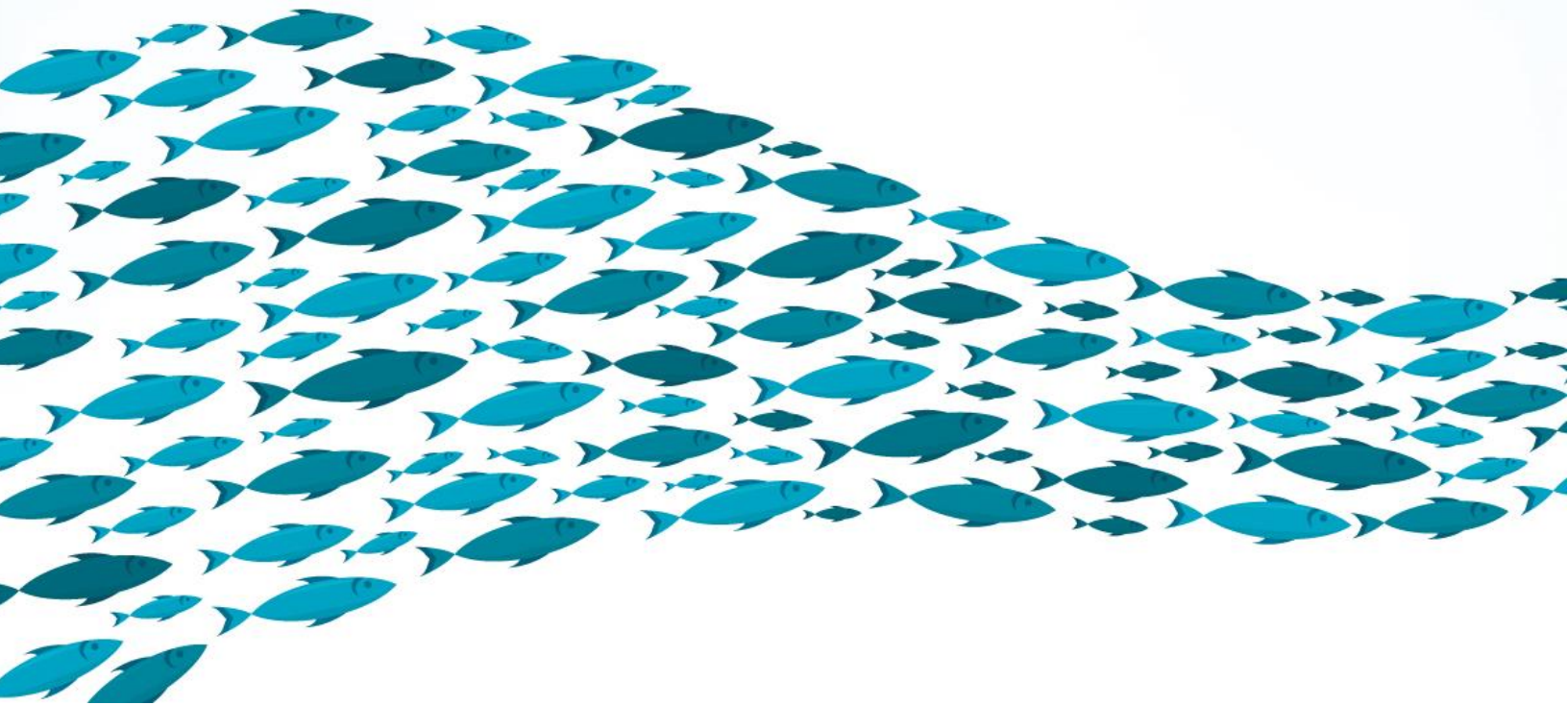


JOINT SELECT COMMITTEE ON

# THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020

## SECOND INTERIM REPORT

SECOND SESSION (2021/2022) OF THE TWELFTH PARLIAMENT



## Committee Mandate

Pursuant to resolutions of the House of Representatives on Wednesday November 10, 2021 and of the Senate on Friday September 10, 2021, a Joint Select Committee was established to consider the Fisheries Management (No. 2) Bill, 2020 to adopt the work completed by the Joint Select Committee established during the First Session, Twelfth Parliament and to report by January 31, 2022.

## Committee Membership

Mr. Nigel De Freitas <sup>1</sup>	Chairman
Mr. Stephen Mc Clashie, MP	Member
Mr. Kennedy Richards, MP	Member
Ms. Shamfa Cudjoe, MP	Member
Mr. Brian Manning, MP	Member
Mr. Ravi Ratiram, MP	Member
Mr. Rushton Paray, MP	Member
Mr. Anil Roberts	Member
Mr. Avinash Singh <sup>2</sup>	Member
Dr. Muhammad Yunus Ibrahim	Member
Dr. Varma Deyalsingh	Member
Dr. Maria Dillon-Remy	Member

## Secretariat

Ms. Chantal La Roche, Senior Legal Officer	Secretary
Mr. Roger Hector, Legal Officer I	Assistant Secretary
Ms. Temika Jackson, Legal Research Officer	Research Support
Mr. Marcus Moses, Procedural Officer Intern	Research Support
Mr. Khaleem Ali, Legal Intern	Research Support
Mrs. Susannah Gittens, Business Operations Assistant II	Administrative Support

## Contact

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**Date Laid in HOR:**

**HOR Paper No.:**

**PARL No.:** 14/3/85 Vol. I

**Date Laid in Senate:**

**Senate Paper No.:**

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<sup>1</sup> On March 16, 2022 the appointment of Mr. Clarence Rambharat as a Senator was revoked by the President of the Republic of Trinidad and Tobago. On Tuesday June 14, 2022 at the Thirtieth Sitting of the Twelve Parliament, Second Session (2021/2022) Mr. Nigel de Freitas was appointed to the Committee in lieu of Mr. Clarence Rambharat. On Friday June 17, 2022 at the Committee's Sixth Meeting, Mr. Nigel de Freitas was elected as Chairman of the Committee.







<sup>2</sup> On March 16, 2022 the appointment of Ms. Yokymma Bethelmy as a Senator was revoked by the President of the Republic of Trinidad and Tobago. On Tuesday June 14, 2022 at the Thirtieth Sitting of the Twelve Parliament, Second Session (2021/2022) Mr. Avinash Singh was appointed to the Committee in lieu of Ms. Yokymma Bethelmy.

## INTERIM REPORTS

1. The Committee's First Interim Report was presented in the Senate on February 8, 2022 and in the House of Representatives on February 11, 2022. Your Committee requested and was granted an extension of time of five (5) months to June 30<sup>th</sup>, 2022 in order to complete its work.

## MEETINGS

2. Since the presentation of the First Interim Report, your Committee has held six (6) meetings on the following dates:

-  Thursday February 17, 2022;
-  Thursday February 24, 2022;
-  Thursday March 3, 2022;
-  Thursday March 10, 2022;
-  Friday June 17, 2022; and
-  Wednesday June 22, 2022.

3. The Minutes of the Meetings are attached at **Appendix I**.

## WORK TO DATE

4. At your Committee's **Second Meeting**, technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries and the Office of the Chief Parliamentary Counsel examined and reviewed the matrix of stakeholder comments. Your Committee engaged in a vibrant discussion on comments received from stakeholders. Your Committee also agreed to write to the newly elected Chief Secretary of the Tobago House of Assembly to request their comments and submissions on the Bill.
5. During the Committee's **Third Meeting**, technocrats continued their examination and review of the matrix of stakeholder comments. Your Committee agreed that technocrats from the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development, Tobago House of Assembly should be invited to join the team of technocrats that are assisting the Committee.
6. At your Committee's **Fourth and Fifth Meetings**, officials of the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly joined the technocrat team and the process of examining the matrix of stakeholder comments continued.
7. A new chairman was elected during your Committee's **Sixth Meeting**, and at its **Seventh Meeting** your Committee discussed and agreed to a work schedule for the month of July with a view of advancing its work.

## **REPORT**

8. Your Committee wishes to report that additional time is required by the Committee to review all submissions received, meet with stakeholders as required and complete the clause by clause analysis of the Bill for a proposed list of amendments to be compiled. As such, your Committee is unable to submit its final report by the deadline of June 30, 2022.

## **RECOMMENDATION**

9. Your Committee therefore recommends that it be allotted a further period of two (2) months to complete its work and to submit a final report to Parliament by September 9, 2022.

Respectfully submitted,

**Sgd.**

**Mr. Nigel de Freitas**

Chairman

*July 4 , 2022*

APPENDIX I  
MINUTES OF MEETINGS

## **JOINT SELECT COMMITTEE ON THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020**

### **MINUTES OF THE SECOND MEETING HELD VIA ZOOM VIDEO PLATFORM ON THURSDAY FEBRUARY 17, 2022 AT 3:00 P.M.**

#### **PRESENT**

##### **Committee Members**

Mr. Clarence Rambharat	-	Member
Ms. Yokymma Bethelmy	-	Member
Dr. Maria Dillon-Remy	-	Member
Dr. Varma Deyalsingh	-	Member
Dr. Muhammad Yunus Ibrahim	-	Member
Mr. Anil Roberts	-	Member
Mr. Brian Manning, MP	-	Member
Mr. Stephen Mc Clashie, MP	-	Member
Mr. Rushton Paray, MP	-	Member

##### **Secretariat**

Ms. Chantal La Roche	-	Secretary
Mr. Kaleem Hosein	-	Assistant Secretary
Ms. Temika Jackson	-	Legal Research Officer
Mr. Khaleem Ali	-	Legal Intern
Mr. Marcus Moses	-	Procedural Officer Intern

#### **ABSENT/EXCUSED**

Mr. Kennedy Richards, MP	-	Member
Ms. Shamfa Cudjoe, MP	-	Member
Mr. Ravi Ratiram, MP	-	Member

#### **COMMENCEMENT**

- 1.1 The meeting was called to order by the Chairman at 3:01 p.m.

#### **CONFIRMATION OF MINUTES OF THE FIRST MEETING**

- 2.1 The Committee examined the Minutes of the First Meeting held on Thursday February 3, 2022.

- 2.2 The motion for the confirmation of the Minutes of the First Meeting was moved by Ms. Yokymma Bethelmy and seconded by Mr. Rushton Paray.

### **MATTERS ARISING FROM THE MINUTES**

- 3.1 Per item **6.1** the Chairman advised Members that the Committee's Interim Report requesting an extension of time to June 30, 2022 was prepared by the Secretariat and circulated to all Members prior to it being laid in the Senate on February 8, 2022 and in the House of Representatives on February 11, 2022.
- 3.2 Per item **6.3** the Chairman also advised Members that technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries and the Office of the Chief Parliamentary Counsel have been invited to the Committee's Second Meeting to assist the Committee with its examination and review of the Matrix of Stakeholder Comments received and to provide clarification and answers to questions as necessary.

### **ANALYSIS AND REVIEW OF MATRIX OF STAKEHOLDER COMMENTS**

- 4.1 The Chairman welcomed the technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries and the Office of the Chief Parliamentary Counsel to the Meeting.
- 4.2 Representing the Fisheries Division, Ministry of Agriculture Land and Fisheries were:
- |                        |   |                                |
|------------------------|---|--------------------------------|
| Ms. Nerissa Lucky      | - | Director of Fisheries (Ag.)    |
| Ms. Elizabeth Mohammed | - | Senior Fisheries Officer       |
| Ms. Louanna Martin     | - | Fisheries Officer              |
| Ms. Lara Ferreira      | - | Fisheries Officer              |
| Ms. Natasha Hosein     | - | Director, Legal Services, MALF |
- 4.3 Representing the Office of the Chief Parliamentary Counsel were:
- |                            |   |                                       |
|----------------------------|---|---------------------------------------|
| Mrs. Jonetta Jeet Ramsahai | - | Assistant Chief Parliamentary Counsel |
| Ms. Yolande Wilkinson      | - | Parliamentary Counsel II (Ag.)        |
| Ms. Jovan Hunte            | - | Policy Research Officer               |
- 4.4 The examination and review of the Matrix of Stakeholder Comments proceeded as outlined in **Appendix I** to these Minutes.

### **DISCUSSION OF THE WAY FORWARD**

- 5.1 Following a brief discussion, the Committee agreed that it would need to meet frequently going forward, occasionally twice a week where possible, in order to complete the review of the Matrix of Stakeholder Comments and thereafter the clause by clause analysis of the Bill, in an attempt to meet its deadline to submit a final report to Parliament by June 30, 2022.

5.2 The Committee agreed that the Committee's next meeting would be held on Thursday February 24, 2022 at 3:00 p.m.

**ADJOURNMENT**

6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Thursday February 24, 2022 at 3:00 p.m.

6.2 The adjournment was taken at 4:55 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

February 18, 2022



**Examination and Review of Matrix of Stakeholder Comments on the Fisheries Management (No. 2) Bill, 2020**

**Thursday February 17, 2022**

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
<p><b>Environmental Research Institute Charlotteville</b></p>	<p>a. For the definition of ‘fishing’, does the searching of fish for scientific purposes should not be classified as a “fishing” activity as long as it does not include catching, taking or harvesting. This definition should be amended.</p> <p>b. Is aquaculture and mariculture considered part of fisheries management? If so, under what definition do they fall? A definition for aquaculture and mariculture is required.</p>	<ul style="list-style-type: none"> <li>▪ “Fishing” for whatever purpose includes the searching for fish. <b>No change required.</b></li>   <li>▪ The Bill focuses on management of fisheries (wild stocks of fish) – consequently, the terms “aquaculture” and “mariculture” are not mentioned – hence there is no need to define.</li> </ul>	<p>The Coast Guard or specialized Unit should be set up (despite cost) to monitor, patrol and manage and to ensure protection of fisheries.</p> <p>Potential development of sport fishing in rivers and lakes as tourism or sporting activity (wild caught fishing) would fit in under Fisheries rather than under different legislation.</p> <p>The scope of the Bill relates to fishery waters which is defined to include inland waters such as rivers and lakes as opposed to aquaculture (rearing of fish).</p> <p>Farming of fish to be released into the natural fisheries would fall under the fisheries. Restocking fish in the wild is done scientifically under fisheries management.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
			<p>Sport and Recreational Fishing with or without a vessel is provided for in this legislation under a licensing regime. A permit is not required to such fishing off a pier but if done on a vessel then a license is required and would be monitored. Sport fishing has significant economic benefits and income generation capabilities.</p> <p>Banning of landing and killing of Blue Marlin and Sail Fish (sport fish) off the coast of Tobago.</p> <p>Under the International Convention of Conservation of Atlantic Tunas certain quotas are negotiated for specific species in this context for takes. Based on the quota assigned from the negotiations and scientific studies done there can be quota for takes. However, there are currently heavy regulations on Blue Marlin and Sail Fish but it is dependent based on the quota applied to countries based on scientific data.</p>
Tobago House of Assembly, Division	a. The definition of “fish vendor” includes	<ul style="list-style-type: none"> <li>▪ The definition of “fish vendor” is intended to include fishers who sell the fish they have caught and to</li> </ul>	Tournaments held where huge catches are given away to charities may not

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
<p><b>of Food Production, Forestry and Fisheries</b></p>	<p>fishermen who sell their own catch.</p> <p>Recommendation: “fish vendor” means a person who or entity that purchases for resale fish and includes a person who sells fish that is live, fresh, chilled or frozen.</p>	<p>exclude those who do not sell fish primarily.</p> <ul style="list-style-type: none"> <li>This definition does not capture the intention – our focus is on the selling of fish – not only “resale”. <b>No change required.</b></li> </ul>	<p>be considered vendors and may fall outside of the rules and regulations to ensure small fishes aren’t killed.</p> <p>There is flexibility in Regulations to set minimum sizes so immature fishes caught will be prohibited and such persons may be apprehended. It would also be prohibited to sell, share, barter or gift immature fish.</p> <p>Stronger and firmer language required in legislation such as ‘will’ and ‘shall’ rather than ‘may’.</p>
<p><b>Ministry of Works and Transport Maritime Services Division</b></p>	<p>The definition of 'owner' should be amended to include such persons vested with specific authority by an owner of a fishing vessel, in order that shipping agents and the concept of agency, as defined and provided for under the Shipping Act, are included.</p>	<ul style="list-style-type: none"> <li>Agreed. The definition of “operator” to be amended to include an “agent”.</li> </ul>	
<p><b>Future Fishers (concerns of Cumana Fishing Association addressed)</b></p>	<p>The words “fishing for personal use” should be deleted and substituted with the words “subsistence” as they are both defined clearly.</p>	<ul style="list-style-type: none"> <li>Subsistence fishing is for “personal consumption” whereas “personal use” is broader – may include trading or bartering. <b>No change required.</b></li> </ul>	
<p><b>Tobago International</b></p>	<p>a. Artisanal Fishing - Definition needs to be broadened to include “Local Fisherfolk”</p>		

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
<b>Game Fishing Tournament</b>	<p>b. Include “small scale commercial” and low tech (Not just manual)</p> <p>c. Low technology and High Technology should be defined in how it is applied to defining artisanal.</p>	<ul style="list-style-type: none"> <li>▪ “Artisanal” pertains to the scale of fishing – it refers to “small-scale” fishing - it is not linked to who is doing the fishing; i.e. may also be applicable to foreign fishing. <b>No change required.</b></li> <li>▪ The terms “low technology” and “high technology” ought to be defined – however, the interpretation of these terms may change with the fleet, maritime zone and over time. Consequently, it is best to define the terms in subsidiary legislation which could be more easily amended or updated as appropriate. Consequently here, the term “low technology” would take on the literal meaning. <b>No change required.</b></li> </ul>	
<b>Moruga La Rufin Fishing Cooperative Society LTD</b>	<p>“FISH WORKERS” – Call them for who they are eg: Captain Sailors, Jostlers, Net Repair Men, Boat Builders</p>	<ul style="list-style-type: none"> <li>▪ The term “fish worker” is used as a general term to avoid having to list off all possible categories – in listing there is the danger of exclusion of one or more categories which may have implications in the future. <b>No change required</b></li> <li>▪ <b>FD proposed changes to definition of “fish worker” - new point - (ca) construction, maintenance and repair of fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing - which includes the respective categories of persons.</b></li> </ul>	<p>See Page 11 and Pages 9 and 10 of Matrix for amended definitions of ‘Fish Worker’ and ‘Fishing Related Activity’</p>
<b>Ministry of Planning and Development</b>	<p>a. “artisanal fishing” is defined used the term “low technology”, the definition should consider having a clearer description as to what is meant by low technology. It is assumed that artisanal</p>	<ul style="list-style-type: none"> <li>▪ The terms “low technology” and “high technology” ought to be defined – however, the interpretation of these terms may change with the fleet, maritime zone and over time. Consequently, it is best to define the terms in subsidiary legislation for could be more easily amended or updated as appropriate.</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>fishing would be sub-category of commercial fishing and would be distinguished and regulated by fishing technology.</p> <p>b. “fish vendor”: The definition is limited to persons catching the fish and selling it directly. How are persons and/or organisations selling fish treated with that do not directly engage in catching fish? A person can be considered a vendor without having caught the fish being sold.</p> <p>c. “fisheries scientific research”: Should also include, “or part thereof or product derived from”</p> <p>d. “fishing related activities: “Would it be useful to include this, the processing and sale of fish and fish products?”</p> <p>e. A definition for “designated fishery” should be added.</p>	<p>Consequently here, the term “low technology” would take on the literal meaning. <b>No change required.</b></p> <ul style="list-style-type: none"> <li>▪ The definition is not limited to persons catching fish and selling it directly; however, it is limited to persons who sell fish primarily, and fish that is live, fresh, chilled or frozen. <b>No change required.</b></li> <li>▪ For the removal of fish – the definition of “fish” in the Bill already includes “or part thereof” as well as “at any stage of its development”. <b>No change required.</b></li> <li>▪ “processing” is already included in the definition of fishing related activities. However, <b>FD proposed changes to the definition of “fishing related activities” re: extension of the definition to include “any other activity in support of fishing as determined by the Director”;</b> Proposed further change: include “selling” under points (a) and (b) – after “buying”</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>f. The wide definition of “fish” under Clause 3 (Interpretation), of the Bill would also cover a number species listed under the, Convention on International Trade in Endangered Species of Wild Fauna and Flores (CITES) including certain species of sharks and marine turtles. Would the provisions of this Bill in relation to the import, export, re-export and transshipment of “fish” have to be undertaken consistent with the provisions of CITES in relation to when such transboundary movements are a CITES species? The Ministry of Planning and Development is also of the understanding that despite being a Party to CITES, the provisions of this Convention does not have force of law nationally. It is to be noted that such legislation has been drafted and not being enacted. It is suggested that there is a need to finalize and enact legislation specific for CITES implementation.</p>	<ul style="list-style-type: none"> <li>▪ Agreed. Include the definition “designated fishery” means a fishery designated under section 31;</li> <li>▪ The Bill focuses on fisheries management and in meeting related international obligations as a coastal, flag, port and market State. Consequently, the import and export provisions as they related to CITES regulated species are supported. It is understood that the Forestry Division is the Competent Authority for issuance of CITES permits and the FD supports enactment of legislation to enable implementation of CITES provisions at the national level. Clauses 6(n) and 217 make provision for collaboration among agencies for implementation of the Fisheries Management Act.</li> </ul>	<p>This observation is appropriate and there is</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
			currently a draft CITES Bill which is under consideration relating to the trade of wildlife which will also capture some aspects of fisheries.
Fisheries Division/DGMARE	<p>a. Delete definition of “artisanal fishing” – the term does not occur elsewhere in the Bill</p> <p>b. Insert definition of “artisanal fisher”</p> <p>c. Delete definition of “artisanal vessel” - the term does not occur elsewhere in the Bill</p> <p>d. Insert definition of “artisanal fishery”</p> <p>e. Amend definition of “authorized officer”</p>	<ul style="list-style-type: none"> <li>▪ Delete definition of “artisanal fishing”</li>   <li>▪ <i>“artisanal fisher” means a person engaged in fishing using manually deployed and retrieved gear and low technology</i></li>   <li>▪ Delete definition of “artisanal vessel”</li>   <li>▪ <i>“artisanal fishery” means a fishery in which fishing is done using gear which is manually deployed and retrieved and low technology</i></li>   <li>▪ <i>“authorized officer” means any person under sections 152 to carry out the inspection of fishing and fishing related activities and enforcement of fisheries legislation</i></li>   <li>▪ <i>“Catch Certificate” means a certificate issued under section 136 and is an approval issued by the</i></li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>f. Amend the definition of “Catch Certificate”</p> <p>g. Amend the definition of “commercial fishing” to remove the element of profit</p> <p>h. Amend the definition of “commercial fishing vessel licence” to remove “under the jurisdiction of Trinidad and Tobago” as this term is already implied by “fishery waters”</p> <p>i. Amend the definition of “commercial foreign fishing vessel licence” to remove “under the</p>	<p><i>Director to an applicant which verifies that the catch referred to in an application was taken in accordance with relevant conservation and management measures</i></p> <ul style="list-style-type: none"> <li>▪ <i>“commercial fishing” means engaging in fishing as a primary activity and disposing of the catch for <u>economic or material benefit</u> but does not include fishing for personal use or recreational fishing</i></li> <li>▪ <i>“commercial fishing vessel licence” means an approval issued under <b>section 73</b> by the Director to an operator of a Trinidad and Tobago Fishing Vessel to engage in commercial fishing <u>in</u> the fishery waters</i></li> <li>▪ <i>To make the same amendment in all relevant definitions and clauses for consistency – replace “within the fishery waters” with “in the fishery waters”.</i></li> <li>▪ <i>“commercial foreign fishing vessel licence” means an approval issued under <b>section 114</b> by the Minister to an operator of a foreign fishing vessel to engage in commercial fishing <u>in</u> the fishery waters</i></li> <li>▪ <i>“Director Tobago” – Need to consult with THA re: the post recreated by the Public Service Commission and whether the definition as written in the Bill is acceptable.</i></li> </ul>	



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>jurisdiction of Trinidad and Tobago” as this term is already implied by “fishery waters”</p> <p>j. Under “Conservation Management Measure” (c), change the section cross-referenced from 231 to 232</p> <p>k. Under “designated landing site”, change the section cross-referenced from 121(1) to 121(1)(b)</p> <p>m. Amend definition of “document” to include an “image”</p>	<ul style="list-style-type: none"> <li>▪ <i>“document” includes any chart, logbook, <u>image</u> and other information or record which include electronically stored records or information used in the operation of a vessel or for the purpose of fishing or fishing related activities, or that which relates to a vessel and crew activities and vessel operations</i></li> <li>▪ <i>“export permit” means a permit issued under <u>sections 134 and 137</u> and is an approval issued by the Director to a person to take or cause to be taken, fish, a fishing vessel, fishing gear and vessels, engines and gear and equipment intending to be used for fishing, outside of Trinidad and Tobago</i></li> <li>▪ Section 134 speaks to application for and refusal to issue the export permit for fish; section 134 should be aligned</li> </ul>	<p>Other than bi-lateral treaties agreed by the Cabinet or Ministers of Foreign Affairs or Agriculture, Land and Fisheries with other countries that we do not allow foreign commercial fishing in our waters for a period of time until the scientists say otherwise.</p> <p>This is covered under the Bill and there is no foreign commercial fishing without an agreement or bi-lateral arrangement. Also, private entities cannot hire foreign vessels to fish in our waters is provided for.</p> <p>Section 45 makes provisions for the establishment of local fisheries management areas with delegation of authority when necessary to have stakeholders</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
	<p>n. Amend definition of “export permit” to include correct section references (include section 137)</p> <p>o. Amend definition of “fish” for grammatical correctness.</p> <p>p. Amend definition of “fish aggregating device”</p>	<p>with section 137 to indicate that the permit is issued by the Director.</p> <ul style="list-style-type: none"> <li>▪ <i>“fish” means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of <u>its</u> development</i></li> <li>▪ <i>“fish aggregating device” means a natural, man-made or partially man-made floating, semi-submerged or submerged device, whether anchored or not, intended to aggregate fish, and includes any object on which a device has been placed to facilitate its location</i></li> <li>▪ <i>“fish bioprospecting permit” means an approval issued under <b>section 147</b> by the Director to a person to engage in fish bioprospecting <u>in</u> the fishery waters</i></li> <li>▪ <i>“fish vendor” means a person who or entity that sells fish <u>primarily</u> and includes a person who sells fish that is live, fresh, chilled or frozen that he has caught;</i></li> </ul>	<p>manage a particular area and to be more informed and aware of what is required for fisheries management. Self-regulation is beneficial to ensure buy-in from the fishermen to manage a particular area and this would held to reduce cost of enforcement.</p> <p>Implementation of this Bill is important but resistance from stakeholders accustomed to operating under the existing framework is expected due to new cost of compliance based on requirements to have tracking and lifesaving equipment. This requires some communication with stakeholders Benefit comes at a cost and the cost is changing some of the existing ways.</p> <p>Fishermen producing a ‘fad’ to fish in any area designated for no fishing for a period of time should be a serious offence.</p> <p>Fisheries Division should manage the fisheries by creating official ‘fads’ that are designated for fishing.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
	<p>q. Amend the definition of “fish bioprospecting permit”, to remove “under the jurisdiction of Trinidad and Tobago” as this term is already implied by “fishery waters”</p> <p>r. Amend the definition of “fish vendor” to exclude such establishments as supermarkets and restaurants among others and to focus mainly on persons selling fish primarily.</p> <p>s. Amend definition of “fishing” – sub-point (e) by replacing “section” with “Act”</p> <p>t. Amend definition of “fishing related activities”</p>	<ul style="list-style-type: none"> <li>▪ “Fishing” means (e) <i>any operation in the fishery waters or beyond in support of or in preparation for any activity described herein, except for operations defined as fishing related activities in this Act</i></li> <li>▪ “Fishing related activities” means any operation in support of, or in preparation for, fishing, including – <ul style="list-style-type: none"> <li>a. <i>Storing, buying, <u>selling</u>, transshipping, processing, packaging or transporting fish taken from the fishery waters or elsewhere up to the time they are first landed;</i></li> <li>b. <i>On-shore storing, buying, <u>selling</u>, processing, packaging or transporting of fish from the time they were first landed;</i></li> <li>c. <i>Provisioning of personnel, fuel, gear, equipment <u>and</u> other supplies;</i></li> <li>d. <i>construction, maintenance and repair of fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing;</i></li> <li>e. <i>importing fish, fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing, into Trinidad and Tobago;</i></li> <li>f. <i>exporting and re-exporting fish, fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing, from Trinidad and Tobago</i></li> <li>i. <i>any other activity in support of fishing as determined by the Director.</i></li> </ul> </li> </ul>	<p>Penalties are very stiff for infringements throughout this Bill.</p> <p>Creating of ‘official fads’ by the Fisheries Division but based on experiences of other islands it is very difficult to manage because there is lots of groundwork that needs to be done beforehand to educate persons on how this is to operate to ensure it is well managed and the stock isn’t decimated. Once a ‘fad’ is set it doesn’t create more fish but it attracts what fish is already there so a mass of fishing vessels descending to capture around the fad will decimate the resource because it is aggregating the resource so it is easier to catch rather than it being dispersed throughout the ocean.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>to include “selling” in sub-points (a) and (b); to make distinct the sub-points on provisioning, and maintenance and repair; to include repair of fishing vessels, fishing gear and vessels, engines and gear intended to be used for fishing; to expand the import and export provisions currently limited to fish - to include fishing vessels, fishing gear and vessels, engines and gear intended to be used for fishing and to take into consideration any other activity in support of fishing. The proposed amendments are to bring about alignment with the respective sections of the Bill.</p>	<ul style="list-style-type: none"> <li>▪ “fish worker” means a person engaged in a fishing related-activity, other than- <ul style="list-style-type: none"> <li>(a) provisioning of personnel, fuel, gear, equipment and other supplies; and</li> <li>(b) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity.</li> </ul> </li>   <li>▪ ” fixed penalty” means an offence specified in the Schedule <u>for which the offence is set out in Column 5 and for which a fixed penalty is specified in Column 7 of the Schedule</u></li>   <li>▪ “identified port” includes offshore terminals and other installations specifically identified under section 121 (1) (a) for the landing, transshipping, in transit, import, export and re-export, packaging, processing of fish or for other port services, including bunkering or provisioning;</li>   <li>▪ Illegal, Unreported and Unregulated fishing”, means fishing activities that are contrary to the international or national conservation and management measures applicable in the fishing area concerned, including but not limited to the following:</li> </ul>	<p>Potential loopholes can be created if fishes caught are given way or by selling fishes caught whilst claiming to be</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>u. Amend definition of “fish worker” to exclude those persons included in the definition for “fishing related activities” at the new point (c) - provisioning of personnel, fuel, gear, equipment, and other supplies; and new point (g) - engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity;</p> <p>v. Amend the definition of “fixed penalty” for grammatical correctness and ease of interpretation.</p> <p>w. Under “identified port”, change the section referenced from 121 to 121(1)(a)</p>	<p><i>(b) <u>non-fulfilment of the obligations to record and report on fishing activities including catch or catch-related data or misreporting of the data or information;</u></i></p> <p><i>(g) <u>falsifying or concealing the markings, identity or registration of a fishing vessel;</u></i></p> <p><i>(h) <u>concealing, tampering with or disposing of evidence relating to an investigation concerning fishing or fishing related activities;</u></i></p> <p><i>(i) <u>obstructing or interfering with the work of officials in the exercise of duties in inspecting a fishing vessel for compliance with the applicable laws or conservation and management measures;</u></i></p> <p><i>(j) <u>possessing, transshipping, moving or landing of fish in contravention of this Act;</u></i></p> <p><i>(m) <u>fishing in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization;</u></i></p> <p><i>(ma) <u>fishing in areas or for fish stocks in relation to which there are no</u></i></p>	<p>recreational. This opens the door for abuse.</p> <p>Proposed similar approach to one used in Florida where a recreational permit would be granted and general regulations prescribed to limit species and amount. It is to be used for personal and not commercial use/activity. Different licenses for recreational fishes compared to commercial. Legislation with stiff penalties for non-compliance with overall regulations governing recreational fishing.</p> <p>Specialized Unit required for this purpose. [See Part 12 for Recreational Fishing]</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>x. Amend definition of “Illegal, unreported and unregulated fishing” to include DG MARE’s suggestion that components of the <b>official definition of IUU fishing</b>, in line with the <b>FAO International Plan of Action against IUU fishing</b>, be included in respect of the “unregulated” aspect of the IUU definition.</p> <p>➤ The definition of IUU fishing is also to be amended under cl 238(a)(i) for consistency.</p>	<p><i>applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law;</i></p> <p><i>(n) using a fishing vessel that has no nationality for fishing or fishing related activities;</i></p> <p><i>(p) conducting business directly connected with Illegal, Unreported and Unregulated fishing including trading in fish;</i></p> <p><i>(q) using a fishing vessel for any activity in contravention of national law; or</i></p> <ul style="list-style-type: none"> <li>▪ <i>“import permit” means a permit issued under sections 134 and 137 and is an approval issued by the Director to a person to bring or cause to be brought, fish, <u>fishing vessels, fishing gear and equipment</u> and vessels, engines and gear intending to be used for fishing, within Trinidad and Tobago.</i></li> <li>▪ <i>“international conservation and management measures” means measures to conserve or manage fish that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea, either by global, regional or sub-regional organisations, or <u>a treaty, convention or other international</u></i></li> </ul>	<p>Is this realistic to expect to record their catch report or would it be realistic and manageable for officers to monitor and record the wholesalers who purchase from the fishermen at the landing sites and then carry it to the market? Based on the number of vessels this may be an impossible task.</p> <p>Data is currently collected at land sites by data collectors. Fishermen are expected to record their catches for verification of the data and there are also observers on board certain category of vessels for</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
		<p><i><u>agreement to which Trinidad and Tobago is a party.</u></i></p> <ul style="list-style-type: none"> <li>▪ <i>The same amendment must be made in all relevant definitions and clauses for consistency – to include the phrase “a treaty, convention or other international agreement”.</i></li> <li>▪ <i>“In transit” means the <u>movement of fish, after landing, under customs control from a craft in one port or place to another craft in another port or place within Trinidad and Tobago for the purpose of taking that fish outside of Trinidad and Tobago;</u></i></li> </ul>	<p>verification of accuracy of data collected. Data is collected for stock assessment i.e. scientific analysis to track the stock and must be collected in a particular manner to be useful.</p> <p>Technology can be utilized for fishermen to collect and report data. Data is currently collected from the captain or crew of the vessel but there are different methodologies used for data collection based on the type of fleet.</p> <p>Log books are also kept and records submitted based on the type of fleet.</p> <p>Data Collectors are stationed at landing sites where more vessels tend to land and random sampling is done and extrapolated for the entire month at that site.</p> <p>Such officials are extension officers to collect data but they do not possess police powers nor are they accompanied by police officers. However, there are stiff penalties provided for in this Bill if any person refuses to submit data.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>y. Amend definition of “import permit” for alignment with the full scope in the relevant sections of the Bill and to include reference to section 137.</p> <p>z. Amend definition of “international conservation and management measures” to include the full range of international instruments</p>	<ul style="list-style-type: none"> <li>▪ <i>“landing” in relation to fish, means the transfer of fish from-</i> <ul style="list-style-type: none"> <li>(a) <i>a <u>craft</u> to a <u>port or place</u> within Trinidad and Tobago;</i></li> <li>(b) <i>a <u>craft</u> to another <u>craft</u>, including a <u>container</u>, at or through a <u>port facility</u>;</i></li> <li>(c) <i>a <u>craft</u> to or through an <u>offshore terminal</u> or other <u>installation or structure</u> <u>in the fishery waters</u>; <u>or</u></i></li> <li>(d) <i><u>non-vessel fishing to a port or place</u> within Trinidad and Tobago.</i></li> </ul> </li> <li>▪ Delete the definition of “non-artisanal fishing</li> <li>▪ Delete the definition of “non-artisanal vessel”</li> <li>▪ <i>“operator” means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, <u>agent</u> and master and includes the beneficiary of the economic or <u>material</u> benefit of the vessel’s operations;</i></li> </ul>	<p>It is suggested that Municipal Police force should be bolstered and used to patrol stations in fishing ports where such logs are kept. Such police officers can be used for enforcement purposes.</p> <p>Phasing out of unsustainable fishing gear and eventual ban to ensure sustainability of fisheries resources for greater food security. This must be balanced with livelihoods and would be done in a phased manner to allow proper implementation and enforcement.</p>



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>aa. Amend definition of “in transit” to substitute “transportation” with “movement”; to specify that the activity occurs “after landing” of fish, to include that the movement occurs within TTO and that the fish is intended to be taken outside of Trinidad and Tobago. The CED was consulted on 28.09.21 – to ensure that the definition is not inconsistent with customs law and will not obstruct the CED operationally in executing its mandate. The proposed</p>	<ul style="list-style-type: none"> <li>▪ <i>“Tobago Fishery Waters” means the <u>inland waters of Tobago and the fishery waters within up to eleven nautical miles from the low water mark of Tobago, designated for the purpose of fisheries conservation and management;</u></i></li>   <li>▪ “re-export” in relation to fish, means fish- <ul style="list-style-type: none"> <li>(a) that had been previously imported; and</li> <li>(b) in its harvested or processed form is taken outside of Trinidad and Tobago <b>where the country of origin is not Trinidad and Tobago.</b></li> </ul> </li>   <li>▪ “transshipment” means the direct transfer of any or all of the fish, <u>not landed, from a craft to another craft whether at -</u> <ul style="list-style-type: none"> <li>(a) sea; or</li> <li>(b) a port, under customs control, <i>for the purpose of taking that fish <u>outside of Trinidad and Tobago.</u></i></li> </ul> </li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>definition was agreed. This definition now allows TTO to apply the provisions of the Port State Measures Agreement, which apply only to fish not previously landed, to fish that is in transit.</p> <p>ab. Amend definition of landing to make specific to fish, to substitute “vessel” with “craft”, to include transfer of fish from a non-vessel fishing operation and to include transfer of any fish from a craft to another craft, including a container, at or through a port or place. CED was consulted on– to ensure that the definition is not inconsistent with customs law and will not obstruct the CED operationally in executing its mandate.</p> <p>ac. Delete the definition of “non-artisanal fishing” – the term does not occur elsewhere in the Bill</p> <p>ad. Delete the definition of “non-artisanal vessel” – the term does not occur elsewhere in the Bill</p>	<ul style="list-style-type: none"> <li>▪ “Trinidad and Tobago fishing vessel” means a fishing vessel registered pursuant to national shipping legislation and any vessel entitled to be registered under the shipping legislation;</li> <li>▪ seafood fraud” includes- <ul style="list-style-type: none"> <li>(a) mislabelling or other forms of deceptive trade of fish with respect to <u>its</u> quality, quantity, origin, or species including, but not limited to, species substitution;</li> <li>(b) practices where a fish is made to look better in grade and quality than it actually is;</li> <li>(c) the intermixing and mislabelling, or otherwise, of fish in the supply chain as part of processing and distribution; and</li> <li>(d) any <u>other</u> activities prescribed as “seafood fraud”;</li> </ul> </li> </ul>	<p>Instances of mother boats being utilized along with smaller boats to deliver catches to them, are covered under the provision dealing with trans-shipment (ah).</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>ae. Amend definition of “operator” to include an “agent” which may be a shipping agent and to change “ economic or financial benefit” to economic or material benefit”</p> <p>af. Amend the definition of “Tobago Fishery Waters” for clarity. Note that by including the specification “up to eleven nautical miles from the low water mark” means that the internal waters are also included. Note also however, possible implications of the Constitution (Amendment) (Tobago Self-Government) Bill.</p> <p>ag. “re-export”, means any movement of fish, in its harvested or processed form, from Trinidad and Tobago where it has been previously imported;</p>	<ul style="list-style-type: none"> <li>▪ Agreed. Also a new definition of “fishing fleet” is being proposed from No. 38A on page 48 of Matrix.</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
	<p>ah. Replace definition of transshipment to include “after landing”, to reflect that the activity is under customs control and that the fish is intended to be taken (rather than transported) outside of Trinidad and Tobago. The CED was consulted on 28.09.21 – to ensure that the definition is not inconsistent with customs law and will not obstruct the CED operationally in executing its mandate. The proposed definition was agreed. This definition now allows TTO to apply the provisions of the Port State Measures Agreement, which apply only to fish not previously landed, to fish being transshipped.</p> <p>ai. Amend the definition of “Trinidad and Tobago Fishing Vessel” to take into consideration the fact that any vessel at a TTO port is required to fly the TTO flag (whether foreign or national) and the fact that a vessel may be entitled to be registered and is in the process of registering but this process is not yet complete.</p>		



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Reponses from Technocrats
	“recreational fishing vessel”.		<p>cost benefits or ease in registering to account for such registration practices. However, this new Bill requires registration with the Fisheries Division to engage in recreational fishing.</p> <p>Any specific criteria (as contained in the definition of fishing fleet) would be determined by Regulations in the context of the management plan.</p>
<b>Fisheries Division</b>	Amend clause 4.(1)(b) to include re-export, for alignment with relevant clauses of the Bill.	<ul style="list-style-type: none"> <li>▪ <b>Persons, vessels, crafts, vehicles, aircrafts, other crafts, any export, <u>re-export</u>, or import facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act.</b></li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

## **JOINT SELECT COMMITTEE ON THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020**

### **MINUTES OF THE THIRD MEETING HELD VIA ZOOM VIDEO PLATFORM ON THURSDAY FEBRUARY 24, 2022 AT 3:00 P.M.**

#### **PRESENT**

##### **Committee Members**

Mr. Clarence Rambharat	-	Member
Ms. Yokymma Bethelmy	-	Member
Dr. Maria Dillon-Remy	-	Member
Dr. Varma Deyalsingh	-	Member
Dr. Muhammad Yunus Ibrahim	-	Member
Mr. Anil Roberts	-	Member
Ms. Shamfa Cudjoe, MP	-	Member
Mr. Stephen Mc Clashie, MP	-	Member
Mr. Rushton Paray, MP	-	Member

##### **Secretariat**

Ms. Chantal La Roche	-	Secretary
Mr. Kaleem Hosein	-	Assistant Secretary
Ms. Temika Jackson	-	Legal Research Officer
Mr. Khaleem Ali	-	Legal Intern
Mr. Marcus Moses	-	Procedural Officer Intern

#### **ABSENT/EXCUSED**

Mr. Kennedy Richards, MP	-	Member
Mr. Brian Manning, MP	-	Member
Mr. Ravi Ratiram, MP	-	Member

#### **COMMENCEMENT**

1.1 The meeting was called to order by the Chairman at 3:01 p.m.

#### **CONFIRMATION OF MINUTES OF THE FIRST MEETING**

2.1 The Committee examined the Minutes of the Second Meeting held on Thursday February 17, 2022.

- 2.2 The motion for the confirmation of the Minutes of the Second Meeting was moved by Dr. Muhammad Yunus Ibrahim and seconded by Mr. Stephen Mc Clashie.

### **MATTERS ARISING FROM THE MINUTES**

- 3.1 Per item **4.4** the Chairman advised Members that the examination and review of the matrix of stakeholder comments with the assistance of technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries and the Office of the Chief Parliamentary Counsel would be continued.
- 3.2 The Chairman also advised Members that technocrats from the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development, Tobago House of Assembly would be invited to join the team of technocrats that will assist the Committee with its consideration of stakeholder submissions and the clause by clause deliberations on the Bill.

### **ANALYSIS AND REVIEW OF MATRIX OF STAKEHOLDER COMMENTS**

- 4.1 The Chairman welcomed the technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries and the Office of the Chief Parliamentary Counsel to the Meeting.
- 4.2 Representing the Fisheries Division, Ministry of Agriculture Land and Fisheries were:
- |                        |   |                                |
|------------------------|---|--------------------------------|
| Ms. Nerissa Lucky      | - | Director of Fisheries (Ag.)    |
| Ms. Elizabeth Mohammed | - | Senior Fisheries Officer       |
| Ms. Louanna Martin     | - | Fisheries Officer              |
| Ms. Lara Ferreira      | - | Fisheries Officer              |
| Ms. Natasha Hosein     | - | Director, Legal Services, MALF |
- 4.3 Representing the Office of the Chief Parliamentary Counsel were:
- |                            |   |                                       |
|----------------------------|---|---------------------------------------|
| Mrs. Jonetta Jeet Ramsahai | - | Assistant Chief Parliamentary Counsel |
| Ms. Yolande Wilkinson      | - | Parliamentary Counsel II (Ag.)        |
| Ms. Jovan Hunte            | - | Policy Research Officer               |
- 4.4 The examination and review of the matrix of stakeholder comments received continued as outlined in **Appendix I** to these Minutes.

### **DISCUSSION OF THE WAY FORWARD**

- 5.1 The Chairman reminded Members of the consensus to convene weekly meetings on Thursdays at 3pm.



## **ADJOURNMENT**

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Thursday March 3, 2022 at 3:00 p.m.
- 6.2 The adjournment was taken at 4:47 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

February 25, 2022

**Continuation of the Examination and Review of Matrix of Stakeholder Comments on the  
Fisheries Management (No. 2) Bill, 2020**

**Thursday February 24, 2022**

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Tobago House of Assembly, Division of Food Production, Forestry and Fisheries</b></p>	<p>Section 5 (1) curtails the jurisdiction of the Secretary over recreational fishing in Tobago fishery waters.</p> <p>Secretary, DFPPF, should have similar jurisdiction over recreational fishing in Tobago fishery waters.</p>	<ul style="list-style-type: none"> <li>▪ Response to Comment 8A (below) and the corresponding response identifying the exceptions in powers of the Secretary and the associated reasons.</li> <li>▪ In the case of recreational fishing the Secretary will have power over recreational fishing by TTO fishing vessels in the Tobago Fishery Waters. However, recreational fishing by foreign fishing vessels in the Tobago Fishery Waters and recreational fishing by TTO fishing vessels in areas beyond national jurisdiction will fall under the power of the Minister exclusively.</li> </ul>	
<p><b>Fisheries Division</b></p>	<p>Amend the <b>marginal note</b> to include the <b>powers of the Minister</b>.</p> <p>Amend this <b>clause</b> to more accurately reflect the intended exemptions of the powers of the Secretary.</p>	<ul style="list-style-type: none"> <li>▪ Response to Comment 8 (above).</li> <li>▪ Amend the Marginal Note as follows: <i>Powers of the Minister and Secretary</i></li> <li>▪ Agreed. Amend clause 5.(1) as follows: <i>With the exception of sections <u>12, 13, 14, 17(2), 19, 20, 23, 27, 29 (2)</u>,</i></li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>The exemption of powers of the Secretary should be expanded to include all powers with regional or international implications since the State (and ultimately the Minister) is responsible for TTO meeting its regional and international obligations under relevant conventions, agreements and treaties. Consequently, the Secretary will be exempt of powers related to, for example, the activities of TTO fishing vessels in areas beyond national jurisdiction and activities of foreign fishing entities within TTO's jurisdiction, among other things.</p> <p>A comprehensive review of the Bill was undertaken to identify those Clauses for which the Secretary should be exempted from corresponding powers of the Minister. The clauses identified are: 12, 13, 14, 17(2), 19, 20, 23, 27, 29, 31, 37(3), 39, 40, 42(1), 43(1), 44(1), 44(3), 45, 48, 50, 51, 91, 93, 94, 95, 96, 97, 102, 103, 108, 114, 115, 116, 117, 118, 121, 134, 151, 188, 189(2), 207(1), 209(2)(c), 215, 223 and 232.</p>	<p><u><i>31, 37(3), 39, 40, 42(1), 43(1), 44(1), 44(3), 45, 48, 50, 51, 91, 93, 94, 95, 96, 97, 102, 103, 108, 114, 115, 116, 117, 118, 121, 134, 151, 188, 189(2), 207(1), 209(2)(c), 215, 223 and 232</i></u>  <i>where in this Act a power is conferred on the Minister or he is required to discharge a function, or has a discretion in respect thereof, then in relation to Tobago, including the Tobago Fishery Waters, the Secretary shall exercise the power conferred on the Minister or discharge the function or discretion so imposed.</i></p>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>Note: the possible implications of the Constitution (Amendment) (Tobago Self-Government) Bill.</p>		
<p><b>Fishermen and Friends of the Sea</b></p>	<p>a. 6(a) 1 “adopt measures to ensure the long-term sustainability of fisheries resources and promote the objective of their optimum utilisation;” For the effective adoption of measures to ensure long-term sustainability in our currently exhausted fishery, there must be immediate implementation of these measures. Especially, measures pertaining to shrimp trawling. The existing shrimp trawl regulations are openly defied on the North Coast and have not been updated since 1992. Therefore:</p> <ol style="list-style-type: none"> <li>1. Would these measures be implemented immediately after the passing of the Bill?</li> <li>2. Will there be provisions for the regular review of these measures (3 years) so that the</li> </ol>	<p>▪ Clause 6(a) – (1) If it doesn’t already exist, appropriate subsidiary legislation would need to be drafted – the current regulations as regards demersal trawling would have to be amended and fisheries MCS capability established to facilitate implementation; (2) Yes, there is provision for review of FMPs and interim measures and revision as appropriate (clause 38). <b>No change required.</b></p>	<p>The term ‘currently exhausted fisheries’ should be used herein because the entire Bill needs to change the tone to exist in that manner. The Minister, Government or Fisheries Division itself, scientists and experts would need to take a stronger position as our Fishery is nearly exhausted due to the length of time that this Bill has taken. In the Interim we moved from a position of Precaution and possible exhaustion to near exhaustion.</p> <p>The Committee and this Bill should take firm steps, not in subsidiary legislation but in this primary legislation to make a firm determination on trawling, demersal trawling and the banning and monitoring of it to ensure serious hefty fines are imposed due to the significant damage caused.</p> <p>The language used can be stronger. This Bill is enabling legislation and it creates the framework for the provision of</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>practices/measures would be reviewed.</p> <p>b. 6(d) “Apply the precautionary approach in accordance with this act”.</p> <p>The application of the precautionary principle should not be limited. The word “approach” should be removed and replaced with “principle” to establish that it is in fact the precautionary principle being applied. The precautionary principle has crystallized into customary international law and is a feature of all major international environmental agreements, our domestic common law and our National Environment Policy. The Minister, Secretary, Director or Director of Tobago’s, power to adopt long term measures to ensure the sustainability of fisheries resources, necessitates an application of the precautionary principle. The wording of this current provision does not make it abundantly clear that the</p>	<p>▪ Clause 6(d) The term “Precautionary Approach” is a broad term that also encompasses application of the Precautionary Principle. The intent is the same. <b>No change required.</b></p> <p>Application of the “Precautionary Approach” is further developed in Part V; clause 36.</p>	<p>subsidiary legislation that needs to be done or which is normally done in consultation with stakeholders and needs to be done in a manner that is implementable in relation to the banning of demersal trawling etc.</p> <p>Situations in the past have led to certain decisions being made relating to specific fisheries such as 2013 when a Cabinet decision was taken to ban industrial trawling and less than 3 months later that decision had to be rescinded due to the lack of alternatives and its impact on livelihoods.</p> <p>The Bill is enabling and whilst unsustainable fishing methods need to be phased out and stopped but the livelihood component also needs to be managed and the Government and stakeholders need to work together to ensure such people impacted are properly provided for to ensure that the resources are also sustained.</p> <p>This legislation should move from enabling to prescriptive because our fisheries is exhausted and near death. Working in a bi-partisan manner will</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>precautionary principle is being incorporated into the Bill, this opens the door for industrious attorneys to adopt interpretations of the provisions of this act that do not reflect the true intention of the precautionary principle.</p> <p>Furthermore, the application of this principle should not be qualified by the words, “in accordance with this Act.” Within this act, words such as “as appropriate” and “as far as practicable” are frequently used to limit the principle’s effect. As mentioned above, the precautionary principle is feature of both domestic and international law and is even a feature of our National Environmental Policy. The principle’s effect should not be limited especially by words that allow decision maker’s leeway to avoid its application or reinterpret its intention.</p> <p>c. 6(g) “protect biodiversity in the marine environment, especially</p>	<p>It would be contrary if anything within an Act is not applied in accordance with that Act. <b>No change required.</b></p>	<p>ensure that the Government does not receive any political backlash from the strong measures adopted because of the critical nature. Taking into account people’s livelihoods, persons also cannot be earning a living by killing the fisheries for generations. There are other farming methods that the Ministry can create to allow farming to satisfy the demand rather than unsustainable fishing practices being used.</p> <p>Current Fisheries Act is over 100 years old so in drafting this new legislation, consideration was given to changes with the passing of time which is why the language is generalized and there was hesitance to specify any particular gear. However, the specifics would be dealt with in the Regulations as to the actual actions and management measures to be taken for each fishery. There are currently existing Trawling Regulations with significant scientific work and management recommendations which may require some amendments to those Regulations. However, once this Bill is passed there may not be much delay in amending such Regulations for</p>

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	<p>habitats of particular significance for fisheries resources;”</p> <p>d. The impacts of seismic surveys on fisheries have been widely studied globally. Although the approval for Seismic Surveys is beyond the jurisdiction of the Fisheries Division, The Division needs to play an active role in the granting of such permits. Furthermore, our Exclusive Economic Zone as well as our Maritime Waters need to be effectively zoned so that all uses including:</p> <ul style="list-style-type: none"> <li>○ Shipping;</li> <li>○ Fishing;</li> <li>○ Oil and Gas extraction;</li> <li>○ Recreational Activities; and</li> <li>○ Marine Protective Areas are done sustainably.</li> </ul> <p>This is a common practice globally which ensures that a balanced and sustainable approach is employed in the use of marine resources. Thus, areas designated as a Marine Protected Area or an area for fish aggregations</p>	<ul style="list-style-type: none"> <li>▪ The Bill defines the fishery waters as including the inland (fresh) waters. <b>No change required.</b> ‘An aquatic environment’.</li> <li>▪ Noted. Clause 6(g) The suggestion proposes extension of the regulatory powers of the Fisheries administrations beyond its existing mandate and imposes an overlap with the mandate of the entity responsible</li> </ul>	<p>implementation. The hesitancy is putting anything specific in this Bill given the fact that it may be in existence and applicable for the future and such situations and circumstances may change over time.</p> <p>It is not envisaged that the damage done by trawling will ever change so there are certain specific types available in other legislation, trawling is akin to murder with a deadly weapon which will not change in 200-300 years. Trawling damages the sea bed and fisheries in ways that we cannot tell how long it takes even when this Bill is passed, if it will revive. In specific cases, trawling and monofilament nets should be provided for in this primary Bill with strong and firm language. The others can be done in Regulations and can be changed by the Minister via amendments occasionally. This is needed because the fisheries are dying and it is a resource that can bring great revenue moving forward.</p> <p>Throughout this Bill there is also an artificial term limit (e.g. 3 years, 18 months, 6 months) which does not allow for development or resurgence of an</p>

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	<p>should not be used for carrying out any other conflicting or counterproductive activity.</p> <p>(This oversight already exists via the EMA.)</p>	<p>for environmental management. <b>No change required.</b></p> <p>In the context of fisheries management any activity which overlaps with fishing or fish habitat in a specific geographic area will require collaboration among agencies to resolve any conflict (See Part XX – General Provisions – cl 217 – Collaboration among agencies). The Legal Authority in this instance resides with the EMA – the EMA’s process already incorporates review of TORs for CECs and EIAs by a range of regulatory agencies (including Fisheries Division) and stakeholder consultation in decision-making.</p> <p>Notwithstanding, the Minister may make Regulations for the Declaration of</p>	<p>ecosystem. It should be under constant review by the fisheries division, scientists, marine biologists and other experts rather than the existing term limits. This would also be beneficial since due to bureaucracy if such term limits are not met then it ends up in Judicial Review Proceedings for failing to comply with a statutory obligation. If there can be another way to trigger such an obligation by the technocrats for review.</p> <p>During the clause by clause the committee will decide whether a restriction on trawling goes into the body of the legislation or it goes into subsidiary legislation. The difference is one happens right away with the passage of the Bill and the other comes along in the form of Regulations. This is a policy decision. Eliminating the trawling industry entirely over a period of time will require a special majority without any work around. A Licensing regime for Trawling causes logistical issues and issues of costs.</p>



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		<p>a Marine Protected Area (cl 223) and for the conservation of fish habitat (cl 232 (2)(k)).</p> <p>The requirement for zoning of maritime waters except for provisions stated above are not within the mandate of the Fisheries administrations. This mandate (for integrated coastal zone management, marine spatial planning etc.) rests with the Ministry with responsibility for Planning and the Environment.</p>	<p>Due to the time passed the precautionary principle is not appropriate, rather it is the emergency principle or restorative principle that should be used. Changing of our approach will give us better insight.</p>
<p><b>Future Fishers (concerns of Cumana Fishing Association addressed)</b></p>	<p>a. This is very important and should be activated at all levels of decision making.</p> <p>There is no local knowledge built into the board representation. At least 2 additional representatives from the sector should be included. Section 6 subsection (i) will never be realized in the true sense if this is not included</p>	<p>▪ The Board is intended to perform financial functions, including the requisite reporting and accounting – hence the proposed composition and required expertise. <b>No change required.</b></p> <p>Section 6(i) is facilitated in several clauses of the Bill – e.g. cl 35(2)(b); cl 42(2)(d); cl 44(1)(e); cl 51(1)(b), among other more general clauses.</p>	

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	<p>and /or It should also be transferred to be included on the composition of the Financial board in Part 111(3).</p> <p>b. In PART III. Clause 13 subsection 4(4) The Board may, in the performance of its functions, co-opt persons with special knowledge including local knowledge or skills to—.....</p> <p>c. Also, Clause (19) Add a new subsection 6;</p> <p>The board shall make every effort to include stakeholders, including NGOs, fishers’ representatives and other industry stakeholders where appropriate in the formulation of committees.</p>	<ul style="list-style-type: none"> <li>▪ Comments on Clause 13 (4)(4) are based on a previous version of the Bill – no longer applicable as the proposed Fisheries Advisory Board is now a Fisheries Financial Board. <b>No change required.</b></li> <li>▪ Refer to first comment. <b>No change required.</b> The General Provisions (clause 232 (2)(n) provide for the establishment of a mechanism for stakeholder participation in the decision-making process for the conservation and management of fisheries. This mechanism will be established in subsidiary legislation. In terms of stakeholder influence on the use of the Fund – these uses are already specified in the Part on Financial Provisions, including explicitly the participation of</li> </ul>	

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		stakeholders in the fisheries management process (cl 23 (f)).	
Fisheries Division	Amend clause 7(3) to include the authority of the Director for access agreements, mindful that such agreements are between or among states, have regional and international implications.	<ul style="list-style-type: none"> <li>▪ <i>7(3). The Director shall be the competent authority for the purposes of Trinidad and Tobago's obligations under any treaty convention, other international agreement or access agreement relating to fishing and fishing related activities.</i></li> </ul>	
Fisheries Division	<p>Amend cl 8(3) to include exemption of powers and duties (e.g. advising or making recommendations to the Secretary) in respect of the Director-Tobago similar to clause 5(1) which addresses among other things the exemption of powers of the Secretary.</p> <p>Note: the possible implications of the Constitution (Amendment) (Tobago Self-Government) Bill.</p>	<ul style="list-style-type: none"> <li>▪ Amend cl 8(3) as follows: <ul style="list-style-type: none"> <li><i>(3) With the exception of sections <u>7(3), 50(2), 51, 60(1), 61(1), 61(4), 62, 64, 65, 66, 67, 68, 71(a), 91(2), 91(3), 93(2), 94(1), 96(1), 96(5), 97(3), 97(3A), 97(4), 100(2), 102(4), 102(5), 103(4), 103(5), 106 (as appropriate), 108 (as appropriate), 109 (as appropriate), 110(1)(d)(ii), 112(2), 112(4), 114(2), 115(1), 115(1), 116(1), 116(2), 117(1), 117(6), 118(1), 118(2), 119, 121(1), 121(7), 125(1), 125(2), 125(4), 126, 128, 129, 131(2) location to change, 133, 134(1), 134(2), 134(4), 134A, 134B, 135(1), 135(2), 135(3), 135(4), 135(5), 135(6), 135(7), 136(1), 136(2), 136(3), 136(4), 136(5), 136A, 136B, 137(1), 141, 143 (foreign</u></i></li> </ul> </li> </ul>	This proposed amendment is consistent.

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		<p><u>entity), 145 (foreign entity), 147; 148 (as appropriate); 149 (as appropriate), 150(1), 150(2), 150(3), 150(4), except for Foreign FVs), 150(6); 150(7); 151, 163; 165; 167 (make specific), 170, 172, 173, 174 (as appropriate), 175 (as appropriate), 177, 178, 179, 180, 181, 182, 186(4)(a), 196 (as appropriate), 198, 200(5), 216, 233(4)(as appropriate), 241, where in this Act, a power is conferred or a duty is imposed on the Director, then in relation to Tobago, including the Tobago Fishery Waters, the Director-Tobago shall exercise that power or discharge that duty.</u></p>	
<p><b>Fisheries Division</b></p>	<p>Amend clause 9(2) to better specify the intended outcome.</p>	<p><i>9(2) The Director and the Director Tobago, and the staff of their respective divisions, shall work in collaboration and shall share data and information to achieve coordinated, harmonized <u>and complementary</u> fisheries conservation, management and development.</i></p>	<p>Similar systems are needed in both countries relating to administrative procedures and systems in a collaborative arrangement.</p> <p>Comparable language used to be more understandable.</p>

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<p><b>Fishermen and Friends of the Sea</b></p>	<p>a. 10(2) The Fisheries Inspectorate shall comprise of authorized officers and other suitably qualified and trained staff appointed by the Minister on such terms and conditions as they see fit.</p> <p>In 2016, the Fisheries Division sent home 80+ employees. Pursuant to S10(2) adequate fisheries resources are needed to ensure that the Fisheries Inspectorate is effective in carrying out its duty. Given that the current Fisheries Division is understaffed and lacks many resources what is the plan, or timeframe to ensure that this inspectorate is adequately equipped.</p>	<p>▪ Noted and agreed. The expediency of establishment of the Fisheries Inspectorate (FI) (one in Trinidad and one in Tobago) is dependent on the passage of the Bill (whereby establishment of the FI would be legally mandated); the current administrative procedures and prioritization of fisheries monitoring, control, surveillance and enforcement for effective implementation of the new legislation.</p> <p>It is understood that resources are usually limited; consequently the requirement for establishment of a Fisheries Inspectorate within the Fisheries Administrations in both Trinidad and in Tobago was specifically included in the Bill (cl 10(1))to ensure that these basic and critical requirements are met and resources are allocated (cl.9 (1).</p> <p>Further, the Bill makes provision for identifying authorized officers from a range of regulatory agencies to assist with enforcement of the Act (See part</p>	<p>The number of staff or officers or unit should be insulated to prevent lay-offs as a cost cutting measure. Therefore once passed, a budget should be attached for employees.</p> <p>The CPO would set the terms and conditions of these officers based on job specifications.</p> <p>Persons with enforcement powers require a regulatory framework to enforce. Throughout the Bill there are other person who will exercise some enforcement powers but the fisheries officers are the core persons to enforce matters relating to fisheries along with the coast guard officers and other precept officers. The Minister has minimal involvement, it is the CPO, MCD and the Permanent Secretary who is the authorized officer to deal with such matters.</p>

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		<p>XVI – Division 2 – cl 152(1)) – this will ensure that there exists some fisheries MCS capability while the FIs are being established.</p> <p><b>No change required.</b></p>	
<p><b>Future Fishers (concerns of Cumana Fishing Association addressed)</b></p>	<p>a. If the inspectorate is going to be a permanent fixture in the legislation, why is the Minister and the secretary responsible for appointing them.</p> <p>This will get political because this means that these persons can change when government change.</p> <p>This function is very critical right now in the management of the industry and it must have some stability and continuity for the long-term impact to be realized. They need to do their jobs without fear or favor. Policing should never be in direct hands of position.</p>	<p>▪ The power to appoint Inspectors is vested in the Minister and the Secretary who have overall responsibility in law for the portfolio of Fisheries. However, the Minister is not engaged in the actual process of hiring of staff. The process of hiring staff (on contract) is a power vested in the Chief Personnel Officer who is responsible for setting terms and conditions, while the actual hiring process is further delegated to and managed by the Permanent Secretary of the Ministry. This pattern of granting the Minister power to appoint Inspectors is not unusual and is similarly exercised by Ministers under other inspection-related pieces of legislation. Under <u>section 12 of the Dangerous Drugs Act, Chap 11:25</u> and <u>section 6(1)(a) of the</u></p>	

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	<p>Use existing independent appointment system without influence by the minister.</p>	<p><u>Pesticides and Toxic Chemicals Act, Chap. 3:03</u>, the Minister of Health exercises similar powers. The performance of duties and functions of the Inspectors may be further supervised by the Director of the Fisheries Division and the Director, Tobago to whom the Inspector may directly report under the contract. The role of the Minister in the appointment of inspectors is therefore of a legal/procedural nature and does not extend to the execution of substantive duties.</p> <ul style="list-style-type: none"> <li>▪ The appointment must be effected by a specific post within the Ministry - Hence reference to the Minister - This appointment will be based on the advice of the Director of Fisheries.</li> <li>▪ Proposed change – Fisheries Inspectorate to report to the Director. Include provision under clause 10 for the Fisheries Inspectorates to report to Director and Director-Tobago accordingly.</li> <li>▪ Amend clause 10(2) as follows: (2) The Fisheries Inspectorates shall-</li> </ul>	

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	<p>b. I would suggest the following:</p> <p>(i) The Fisheries Inspectorates shall comprise authorised officers and other suitably qualified and trained staff appointed by the by the Ministry on appropriate terms and conditions as needed.</p> <p>(ii) It is also not defined who the inspectorate will report to or is accountable to. This should be the director. Reports should also be sent to the Ministry.</p> <p>(iii) We fail to see the rational why the Inspectorate is not within the Fisheries Division as oppose to the Ministry.</p> <p>This certainly needs more clarity. The ambiguity will facilitate the inability to</p>	<p>(a) comprise authorised officers and other suitably qualified and trained staff appointed by the Minister and the Secretary, respectively, on such terms and conditions as they see fit; and</p> <p>(b) <u>report to the Director and Director-Tobago, respectively.</u></p> <p>▪ The Fisheries Division is not a statutory body. In the past the Division has moved across different Ministries - therefore the Bill makes reference to establishment of the FI under the ministry with responsibility for fisheries and in Tobago. Consequently, the respective Minister and Secretary are mandated in law to establish the Fisheries Inspectorate.</p> <p>▪ See response to comment on aquaculture and mariculture previously. <b>No change required.</b></p>	



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	<p>fulfil its mandate for ensuring long term compliance within the sector.</p> <p>c. Please considered the role of aquaculture and mariculture.</p> <p>Example:</p> <p>The Nariva Swamp (ESA) management plan made provision for the aquaculture of Cascadoo for local and commercial purposes in the “fisheries water” as described in the bill. There is also an opportunity on the west coast for mariculture.</p> <p>The Bill does not currently address this.</p>	<p>The Bill provides for the making of Regulations by the Minister in respect of rearing of fish in the fishery waters. However, it is the intention to address aquaculture development and management more comprehensively in separate legislation.</p>	

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			<p data-bbox="1457 922 1940 987">This legislation should deal with both of these aspects.</p> <p data-bbox="1457 1019 1940 1360">Since this is the primary legislation, the general Regulation making power of the Minister to allow for the rearing of fish in the fishery waters which includes the inland waters and the nearshore areas and the EEZ wherever it may be, is in this Bill. It is just that the specifics and the details of how it is to be implemented will come in the Regulations.</p>

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Fisheries Division	<p>Amend 10(3)(a) by replacing “regulations” with subsidiary legislation”.</p> <p><b>Substitute “regulations” with “subsidiary legislation” where relevant throughout the Bill.</b></p>	<ul style="list-style-type: none"> <li>▪ Amend 10(3) (a) as follows: <ul style="list-style-type: none"> <li><i>(3) In addition to other functions under this Act, the Fisheries Inspectorates shall exercise the following functions:</i> <ul style="list-style-type: none"> <li><i>(a) enforce national fisheries laws and <u>subsidiary legislation</u> and standards and to ensure industry compliance with these and other international fisheries management treaties and agreements that are binding on Trinidad and Tobago;</i></li> </ul> </li> </ul> </li> </ul>	<p>This change would be wider to capture all different types of subsidiary legislation.</p>
Fisheries Division	<p>Amend clause 12(a) to make reference to the full name of the Fund as this is the first mention of it in the Bill. Replace text: 12 (a) manage the Fisheries Management Fund</p>	<p>12. The functions of the Board are to-</p> <p><i>(a) manage the Fisheries Management Fund;</i></p>	
Environment Tobago	<p>Makes no mention of NGO’s/CBO’s- this is a big mistake and absolutely necessary for participation, on the ground decision making and reporting of environmental and fishery problems.</p>	<ul style="list-style-type: none"> <li>▪ The Bill makes reference to “relevant stakeholders” (cl(6)(j)); “other stakeholders” (cl 24(c), cl 37(1)); “stakeholder analysis” (cl 34(1));</li> <li>▪ The intention is to facilitate dialogue for an agreed mechanism for stakeholder engagement (cl 232 (2) (n) ) and to engage the full range of stakeholders in the management</li> </ul>	<p>This issue will be reconsidered during the clause by clause analysis of the Bill.</p>

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		<p>process – this includes NGOs and CBOs – again the language is left broad so as to avoid exclusion of important groups should we have attempted to list all the groups. <b>No change required.</b></p>	
<p><b>Ministry of Works and Transport Maritime Services Division</b></p>	<p>It is submitted that the Director of Maritime Services or other appropriate officer from the Ministry with responsibility for maritime matters should form an integral part of the Fisheries Management Board, and therefore provision be made for inclusion thereof.</p>	<p>▪ The Board is a Fisheries Financial Board; not a Fisheries Management Board – it is concerned with financial management (including borrowing and investment) and financial reporting as they relate to fisheries management – but does not take fisheries management decisions. Clause 217 on “Collaboration among agencies” makes provision for collaboration of the Director with a range of agencies, including the Maritime Services Division, in implementation of the Act. <b>No change required.</b></p>	
<p><b>Fishermen and Friends of the Sea</b></p>	<p>13(1) (a)-(g) Members of the Board and tenure of members</p> <p>Pursuant to Section 12, the Board has the responsibility of making recommendations to the Minister on the use of the fund and ensuring that the monies in the fund are used for</p>	<p>▪ The Director and Director (Tobago) are Chair and Vice-Chair of the Board. Both positions are responsible for the administration of fisheries and for implementation of the mechanism for stakeholder participation in the fisheries conservation and management decision-making process. The proposed composition of</p>	

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	<p>the purposes set out in Part V. The use of the monies within this fund directly affects fishers as it involves the funding of activities such as training for fishers and public consultations. To ensure that the interests of fishers are properly accounted for and represented, and that the money is not spent on endeavours that do not effectively resonate with fishers, it is recommended that the Board being appointed include an individual with a background and knowledge of the fishing sector to ensure stakeholder inclusion and empowerment.</p>	<p>the Board best suits its intended financial management functions. Additionally the accounting of the Board for management of the Fund included in Part IV (specifically clauses 28 to 30). The Board is not established to empower stakeholders but to manage the Fisheries Management Fund. <b>No change required.</b></p> <ul style="list-style-type: none"> <li>▪ The funds are to be used for a number of purposes – it would be impractical to include all related stakeholder groups on the Board. Notwithstanding, the Board can establish Standing or Special Committees (clause 19) which could be used as an avenue for decision-making regarding expenditure of funds and on which fishers can be represented (opportunity for stakeholder engagement). The Board can also co-opt persons with special knowledge or skills to assist in the performance of its functions (clause 13(4))</li> </ul>	
<p><b>All Tobago Fisher Folk Association</b></p>	<p><i>Sec. 13 (1) “The Board shall comprise seven members appointed by the Minister...”</i></p>	<ul style="list-style-type: none"> <li>▪ See response to comment above. <b>No change required.</b></li> </ul>	<p>Agreed. Special laws, classes and management and systems must be put in place for Tobago specifically. Any diversification of the economy through</p>

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	<p>AFTA strongly suggest there be at least three to four individuals on the Financial Board from Tobago, the Vice Chairman and one other member. The culture and way of life of Tobago is different from that of Trinidad and as such, what may work in Trinidad may not work in Tobago. The opinion and views of Tobago fisherfolk needs to be given a fair and respected treatment.</p>	<ul style="list-style-type: none"> <li>▪ There is opportunity for representation of Tobago on the Board at cl 13 (1) (c), (d), (e). Additionally, the Vice Chair of the Board is the Director-Tobago.</li> </ul>	<p>sports tourism, manufacturing, processing would typically be done through Tobago.</p>
<p><b>Fisheries Division</b></p>	<p>Amend clause 13(1)(c) to include experience in corporate law and remove experience in fisheries, maritime or environmental law – in order to increase the likelihood of filling the position on the Board.</p>	<ul style="list-style-type: none"> <li>▪ Amend cl 13(1)(c) as follows: <i>an Attorney-at-Law with at least ten years' experience in civil law practice, including experience in corporate law;</i></li> </ul>	<p>Such change may not result in the person having the understanding, passion and experience for this area. It may perhaps be better to say if unable to find such a person then the next step is followed which is what is now there.</p> <p>Preference may be to not specify due to the limitations that it imposes so language would need to be changed to create a specialty area that is much wider than the narrow area of just fisheries management.</p>
<p><b>Fisheries Division</b></p>	<p>a. Amend clause 14(2)(e) for alignment with response to comment 60(a) to exclude minor offences.</p> <p>b. <b>Amend cl. 14(3)</b></p>	<ul style="list-style-type: none"> <li>▪ Response to comment no. 60(a), specifically regarding the type of offence.</li> <li>▪ Amend clause 14(b) as follows:</li> </ul>	<p>The Bill excludes persons from being appointed to the Board who commit minor offences and not an offence specified in this Bill such as traffic,</p>

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		<p><i>If a member of the Board is temporarily prevented by illness or other cause from exercising his functions as a member of the Board, the Minister may appoint another person <u>to act in his stead for the period of such illness or incapacity and where applicable from the same agency or organization.</u></i></p>	<p>maintenance etc. which is defined in subsequent sections.</p> <p>Impact of offences on ability to serve – Need to be consistent with other pieces of legislation and minor offences should not exclude someone. Where any member is temporarily prevented from serving there should be a temporary replacement eg the NIB Board where from the outset there is the alternate.</p>
<p><b>Fisheries Division</b></p>	<p>Amend clause 19(1) to reflect that no other Standing Committees were referred to previously.</p>	<p><i>19.(1) The Board may appoint such Standing Committees as may be necessary for the efficient performance of its functions.</i></p>	<p>Permanent ongoing standing committee should be set up on the scientific and data analysis of the fisheries division is a consistent need.</p> <p>The competency should reside in the fisheries division but limitations of staff and resources.</p> <p>An advisory board did exist in earlier version of this Bill so a similar model can be used to establish a standing group that provides technical advice to the Minister on specific matters.</p> <p>Although there are no details in this Bill there are provisions made in this Bill for the Minister to establish this in</p>

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			Regulations. → Should be elevated to substantive clause in the Bill.
<b>Environmental Research Institute Charlotteville</b>	Appointments for each Tobago-relevant Standing Committee must have at least one appointment from Tobago.	<ul style="list-style-type: none"> <li>▪ Clauses 13 (1) (c), (d) and (e) are open to appointment from Tobago – it is the expertise that is specified.</li> </ul>	
<b>Tobago International Game Fishing Tournament</b>	Clause 24 (e) - Should include fines and penalties collected for breaches.	<ul style="list-style-type: none"> <li>▪ Yes. As currently worded clause 24(e) could include fines and penalties for non-compliance.</li> </ul>	<p>Would such fines and penalties go into the Consolidated Fund or would the proceeds be specifically designated for the continuous protection and inspection of the fishery?</p> <p>In an attempt to self-regulate, all fines and penalties should be collected by the Fisheries Financial/Management Board to be used in the preservation of the fisheries.</p>
<b>Fisheries Division</b>	Given that the first financial year shall commence on the date on which the Act comes into operation – shouldn't the Board be established first, as it is responsible for management of the Fund? What does "Act comes into operation" mean with respect to proclamation?	<ul style="list-style-type: none"> <li>▪ It is possible to establish the Fund to deposit the monies while the Board is being established. "Act comes into operation" means that same as proclamation of the Act, albeit certain parts of the Act may be proclaimed to come into force at different times.</li> </ul>	



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Fishermen and Friends of the Sea</b></p>	<p>The Minister’s power to make this declaration should be done on the advice of a Multi Stake Holder Board, the composition of which must include a wide range of stakeholders each with different technical capacities and should include an independent primary stakeholder with knowledge of the Fisheries Sector.</p>	<ul style="list-style-type: none"> <li>▪ Noted. <b>No change required.</b> The Bill makes provision for stakeholder participation in the decision-making process for conservation and management of fisheries (clause 232 (2) (n)). Other provisions with the same objective are outlined in clause 6 (Principles for decision-making); Part V (Fisheries Management and Development).</li> <li>▪ There are already established fisheries which the FD has categorized and has conducted research at the regional and international levels and which are documented in published reports and Fisheries Management Plans (e.g. the shrimp trawl fishery (2014); the hard-substrate demersal fishery (2013); the swordfish fishery (2017)). These well-established and recognized fisheries will need to be declared. The categorization of fisheries has been the subject of several regional initiatives through the CRFM and WECAFC. Consequently, consideration should also be given to the regional and international fisheries conservation and management</li> </ul>	<p>The use of the word “may” should be changed to “shall” on the advice of the Board.</p> <p>Whilst international reports can be used for analysis and as a starting point, the actual state of the fishery (diminution of catch, size of species and decrease, amount of damage and impact of fishery by trawling) should take precedence in this case. Our reports are more pertinent to deal with our specific fishery.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		environment in the designation of TTO fisheries.	
<p><b>Future Fishers (concerns of Cumana Fishing Association addressed)</b></p>	<p>The roles of the Minister and the Director are very critical to the successful implementation of this bill when passed and the long terms sustainability of the fishery.</p> <p>However, the way the responsibilities are written only for the minister is very optional in doing something after having regard to scientific, social, economic, ecological, environmental and other relevant considerations.</p> <p>The bill should be stronger to reflect the Minister “shall” and not “may”.</p> <p>The state of the fishery at the current moment is so bad that this legislation should force the action of leadership.</p>	<ul style="list-style-type: none"> <li>▪ The use of “may” in this context means that the Minister is empowered to declare a fishery as a designated fishery by Order. This doesn’t mean a discretionary power in this clause.</li> </ul>	<p>It should be changed to safeguard the intellectual capacity at fisheries against Ministerial changes.</p> <p>The use of the term ‘may’ is not discretionary but rather an empowering one to empower the Minister to designate the actual fishery and not that he has the option to not do it.</p>
<p><b>Fisheries Division</b></p>	<p>Amend chapeau of cl.31 to include “on the recommendation of the Director”.</p>	<ul style="list-style-type: none"> <li>▪ Amend chapeau of clause 31 as follows: <i>The Minister may, by Order, on the recommendation of the Director, declare a fishery as a designated fishery where, having regard to scientific, social, economic, ecological,</i></li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<i>environmental and other relevant considerations, such fishery—</i>	
<b>Ministry of Planning and Development</b>	Clause 32 (1) - If the objective is to create management plans for each fishery, and since each fishery will likely be defined by species due to ecological and economic differences, among others, if not by population defined by a geographic area, the number of management plans created for this purpose will be quite large. The logistics of this should therefore be reconsidered.	<ul style="list-style-type: none"> <li>Noted. <b>No change required.</b> There is great flexibility regarding how a fishery may be designated e.g. there may be a Fisheries Management Plan (FMP) for marine fisheries in general (broad) or a FMP for a species-specific fishery (e.g. lobster fishery). Currently we have Draft Fisheries Management Plans for: (1) the Shrimp Trawl Fishery (2014) as a component of the soft-substrate demersal fishery; (2) the hard-substrate demersal fishery (2013); (3) the swordfish fishery (2017) as a component of the migratory pelagic fishery. A National Plan of Action for the Conservation and Management of Sharks; as well an integrated Fisheries Management Plan that considers the trawl fishery and interrelated gillnet, line, fish pot fisheries.</li> </ul>	<p>There should be an overall master plan in effect so in the event that it becomes necessary to create smaller specific plans, the overall master plan must direct the passion, vision and the objective of this Bill. If a smaller specific plan doesn't exist for a specific fishery then the overall master plan (containing regulations, considerations and equipment to be used) can be referred to as stated by the Director, Secretary and the Minister. This will always ensure there is a Plan. Language can be used with the phrase "except where there is a specific plan" or "in addition to a specific plan".</p> <p>These practices should be phased out and then banned.</p>
<b>Fisheries Division</b>	Amend to specify that the interim measures are "interim management measures".	<i>32. (2) Where there is no management plan in effect for a fishery, the Minister may cause to be put in place <b>interim management measures</b> and such other</i>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<i>arrangements necessary to support long-term sustainability of the fishery.</i>	
<b>Environmental Research Institute Charlotteville</b>	<p>Clause 33 Subsection (1) should include a paragraph within the subsection on the measures of how the management plan would be communicated to the stakeholders.</p>	<ul style="list-style-type: none"> <li>▪ Noted. <b>No change required.</b> This is procedural – the plan will be set out in an Order by the Minister (clause 37(3)) and the plan would also be publicized by the Director (clause 37(5)). The mode of publicizing would be informed by stakeholder preference, availability of resources and efficiency of communication.</li> </ul>	
<b>Fishermen and Friends of the Sea</b>	<p>Section 33 (1) - This section should be extended to also include regulating of unsustainable fishing practices. For example, shrimp trawling very small mesh sizes, very large volumes of net and the use of monofilament nets.</p> <p>Furthermore, a timeline should be provided for the creation and implementation of these management plans, the content of which should be made in consultation with the Multi Stakeholder Board.</p>	<ul style="list-style-type: none"> <li>▪ Noted. <b>No change required.</b> The Bill provides the broad framework for fisheries management – and allows for regulation and prohibition of fishing (Division 3) among other things. There is great flexibility as regards regulation – The provisions in Part V are sufficiently broad to facilitate regulation of all aspects of fishing (gear, fishing area, species, time of fishing, size of fish, fishing effort, engine Hp, etc – including unsustainable fishing practices).</li> <li>▪ The Bill already provides a timeline for review, update and adoption of fisheries management plans (clauses 37 and 38) and for the engagement of</li> </ul>	<p><i>This clause requires complete overhaul because a prescriptive approach to trawling may be required to set a fixed policy position.</i></p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		stakeholders (clause 37 (1)) in the preparation of the plans.	
<b>Institute of Marine Affairs</b>	Section 33(1) - Should potential designated zones (eg. MPAs, conservation zones) be included for consideration of marine spatial planning in the future?	<ul style="list-style-type: none"> <li>▪ This would be outlined in subsidiary legislation (clauses 223 and 232 (2)(m)). The section is already worded broadly (“among other factors”) to cover a range of possibilities. <b>No change required.</b></li> </ul>	
<b>Tobago International Game Fishing Tournament</b>	Equipment for conservation processes, practice.	<ul style="list-style-type: none"> <li>▪ This comment is vague however there is agreement that equipment and gear to promote conservation would be considered in development of management plans.</li> </ul>	
<b>Moruga La Rufin Fishing Cooperative Society LTD</b>	Section 33(b) - What about a person who travels abroad and brings back a GPS and other related equipment? This section is geared towards enriching big business.	<ul style="list-style-type: none"> <li>▪ Noted. <b>No change required.</b> The Bill focuses on use of equipment and gear used in fishing. The equipment on board must be aligned with the terms and conditions of the respective fishing authorization/licence or permit.</li> <li>▪ “Electronic devices” must be approved by the Director (see Interpretation Section).</li> </ul> <p>It must be an approved device.</p>	<p>TATT already has a stringent procedure for the importation of RF Transmission electronic devices. Is there duplication in asking the Director to do this?</p> <p>Electronic devices are defined as a device placed on a vessel that records or transmits either in conjunction with another device or independently information containing and considering fishing and other activities of the vessel. Thus, it is only in relation to tracking devices. Vessel monitoring systems only apply in relation to larger vessels i.e.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			satellite based type of tracking devices and smaller vessels don't have satellite based depending on the cost but rather electronic devices used for tracking such as fish finders etc.
<b>Fisheries Division</b>	Amend chapeau for clarity by removing the word "separate".	<ul style="list-style-type: none"> <li>▪ Amend chapeau of Clause 33 (1) as follows: <i>Management plans shall be prepared taking into account, among other factors, the following:</i></li> </ul>	

## **JOINT SELECT COMMITTEE ON THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020**

### **MINUTES OF THE FOURTH MEETING HELD VIA ZOOM VIDEO PLATFORM ON THURSDAY MARCH 3, 2022 AT 3:00 P.M.**

#### **PRESENT**

##### **Committee Members**

Mr. Clarence Rambharat	-	Member
Ms. Yokymma Bethelmy	-	Member
Dr. Maria Dillon-Remy	-	Member
Dr. Muhammad Yunus Ibrahim	-	Member
Mr. Anil Roberts	-	Member
Mr. Ravi Ratiram, MP	-	Member
Mr. Stephen Mc Clashie, MP	-	Member

##### **Secretariat**

Ms. Chantal La Roche	-	Secretary
Mr. Kaleem Hosein	-	Assistant Secretary
Ms. Temika Jackson	-	Legal Research Officer
Mr. Khaleem Ali	-	Legal Intern
Mr. Marcus Moses	-	Procedural Officer Intern

#### **ABSENT/EXCUSED**

Ms. Shamfa Cudjoe, MP	-	Member <i>[Excused]</i>
Mr. Rushton Paray, MP	-	Member <i>[Excused]</i>
Mr. Kennedy Richards, MP	-	Member
Mr. Brian Manning, MP	-	Member
Dr. Varma Deyalsingh	-	Member

#### **COMMENCEMENT**

- 1.1 The meeting was called to order by the Chairman at 3:00 p.m.

#### **CONFIRMATION OF MINUTES OF THE THIRD MEETING**

- 2.1 The Committee examined the Minutes of the Third Meeting held on Thursday February 24, 2022.

- 2.2 The motion for the confirmation of the Minutes of the Third Meeting was moved by Ms. Yokymma Bethelmy and seconded by Dr. Maria Dillon-Remy.

#### **MATTERS ARISING FROM THE MINUTES**

- 3.1 Per item **3.2** the Chairman advised Members that the technocrats from the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly were invited to assist the Committee going forward with its consideration of stakeholder submissions and the clause by clause consideration of the Bill.
- 3.2 Per item **4.4** the Chairman also advised Members that the examination and review of the matrix of stakeholder comments with the assistance of technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries, the Office of the Chief Parliamentary Counsel and the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly would be continued.

#### **ANALYSIS AND REVIEW OF MATRIX OF STAKEHOLDER COMMENTS**

- 4.1 The Chairman welcomed the technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries, the Office of the Chief Parliamentary Counsel and the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly to the Meeting.
- 4.2 Representing the Fisheries Division, Ministry of Agriculture Land and Fisheries were:
- |                        |   |                                |
|------------------------|---|--------------------------------|
| Ms. Nerissa Lucky      | - | Director of Fisheries (Ag.)    |
| Ms. Elizabeth Mohammed | - | Senior Fisheries Officer       |
| Ms. Louanna Martin     | - | Fisheries Officer              |
| Ms. Lara Ferreira      | - | Fisheries Officer              |
| Mr. Virun Lutchman     | - | Fisheries Inspector            |
| Ms. Natasha Hosein     | - | Director, Legal Services, MALF |
- 4.3 Representing the Office of the Chief Parliamentary Counsel were:
- |                            |   |                                       |
|----------------------------|---|---------------------------------------|
| Mrs. Jonetta Jeet Ramsahai | - | Assistant Chief Parliamentary Counsel |
| Mrs. Nalini Persad-Salick  | - | Deputy Chief Parliamentary Counsel    |
| Ms. Yolande Wilkinson      | - | Parliamentary Counsel II (Ag.)        |
| Ms. Jovan Hunte            | - | Policy Research Officer               |
- 4.4 Representing the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly were:
- |                     |   |                             |
|---------------------|---|-----------------------------|
| Ms. Crystal Edwards | - | Fisheries Officer           |
| Ms. Shana Dass      | - | Fisheries Extension Officer |
| Ms. Jenise Kirk     | - | Fisheries Services Officer  |



- 4.5 The examination and review of the matrix of stakeholder comments received continued as outlined in **Appendix I** to these Minutes.

#### **DISCUSSION OF THE WAY FORWARD**

- 5.1 The Chairman reminded Members of the consensus to convene weekly meetings on Thursdays at 3pm.

#### **ADJOURNMENT**

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Thursday March 10, 2022 at 3:00 p.m.
- 6.2 The adjournment was taken at 4:58 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

March 04, 2022

**Continuation of the Examination and Review of Matrix of Stakeholder Comments on the Fisheries Management (No. 2) Bill, 2020**

**Thursday March 3, 2022**

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Institute of Marine Affairs</b></p>	<p>a. All management plans should have a communication plan or strategy. Public education and awareness is a key component of fisheries management and has often been neglected by the authorities. It is not the same as stakeholder consultations or publicizing a plan. It involves a concerted effort by the authorities to communicate to the stakeholders, the reason and very often the science behind the management. Very often this is done in collaboration with a research organization or academia. Overall, it is very important.</p> <p>b. The implementation of this Bill places significant responsibilities on the Director-Fisheries and the Fisheries Division. This requires significant institutional capacity building. It is also very top down in its approach which is very unfortunate</p>	<ul style="list-style-type: none"> <li>▪ Noted. This is procedural, the suggestions would be taken on board. No change required.</li>   <li>▪ Noted and agreed with respect to strengthening institutional capacity for management. <b>No change required.</b></li> <li>▪ The Bill makes provisions for co-management – see clauses 37, 45 and 232(2)(m) on “local fisheries</li> </ul>	<p>The strength of the Fisheries Division should be built first by filling vacant positions with qualified stakeholders which will make up for any weaknesses.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>as this style of management is being moved away from.</p>	<p>management areas”, to be developed further in subsidiary legislation. It should be noted that the success of this approach requires strengthening of both the fisheries administrations and stakeholder organizations. Key elements include building certain skills, competencies, leadership, ownership and a spirit of cooperation, collaboration and responsibility for long-term sustainability of the resources.</p>	
<p><b>Ministry of Planning and Development</b></p>	<p>a. The management plans should further include ecological and biological details of each species encompassed in the plan as it relates to their management, inclusive of conservation status. Subsection (c) on page 38 alludes to this, but it appears to be focused on the fishery as a whole, rather than individual species comprising the fishery.</p>	<p>▪ Noted. Management Plans are done for a fishery – they usually address the full range of components outlined for the scope and content (s 33 and 34 respectively) – including details concerning aspects of the respective fish stocks to be managed. The scientific details by stock and species is usually included in technical reports upon which the plan is based – not within the plan itself. This is because consideration is to be given to the content and language of the Plan given the wide range of stakeholders to which the Plan may be of interest and to which it is applicable. <b>No change required.</b></p>	<p>A slight change may be required because in this plan/legislation there are certain critical species that are of critical importance to subsistence local domestic feeding of our population which must be dealt with. This includes fish such as kingfish, carite, cavali, redfish. As well as for economic reasons/purposes such as blue marlin, sailfish and mahi-mahi. These species are so critical that they should be focal as we determine what we want to do, how we want to protect them, how we want to have sustainable fisheries and generate economic activity for generations to come. Such species</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>b. The management plan should also include a section on measurement and evaluation, as well as a clear outline of who is ultimately responsible for executing the various activities outlined by the plan, and a clear timeline of planned activities and measurement and evaluation processes. Furthermore, it should identify a timeframe for review and clearly outline accountability for the execution of actions and mechanisms for addressing any shortcomings in this regard.</p>	<ul style="list-style-type: none"> <li>Noted – these are procedural – although the timeframe for review and update are already included under clause 38. Roles and responsibilities are addressed at clause 34(1) (d); monitoring and evaluation is addressed at clause 34 (1)(k) and <b>Responsibilities for Implementation at 37(5). No change required.</b></li> </ul>	<p>should be specifically provided for in this legislation.</p> <p>Implementation of standing committee of research officers and experts who would perform such functions on an on-going basis so it may not be just procedural but it may need to be included as a clause for the Minister to appoint the standing committee, along with the finance board.</p>
<p><b>Fisheries Division</b></p>	<p>a. Clause 34 (1) states that “Subject to section 35, each management plan shall contain elements relating to the particular fishery being managed including ...”</p> <p>Question on interpretation: Would using the word “shall” mean that all</p>	<ul style="list-style-type: none"> <li>Amend 34(1) – chapeau - as follows: <i>Subject to <b>section 35</b>, each management plan <u>may</u> contain elements relating to the particular fishery being managed including-</i></li> </ul>	<p>Introduction to 34(1), based on present situation, outline the need for this Bill to be all encompassing for survival due to state of fisheries being in crisis, should be changed from a soft precautionary approach to take into account the present situation.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>required information within each element is to be included in the management plan prior to publishing as an Order? Or can this be interpreted as all elements are to be addressed but any gaps in any element are to be mentioned and the measures to address these gaps?</p> <p>b. Amend clause 34(1)(a) to focus on the information to be contained in the management plan – delete the words “an introduction outlining”.</p> <p>c. Amend clause 34(1)(c) for clarity by inserting “and” between “...objectives for the fishery” and “for each of the biological..”</p>	<p>▪ Amend 34(1)(a) as follows: <i>the need and rationale for management of the fishery</i></p> <p>▪ Amend cl 34(1)(c) as follows: <i>the goals and objectives for the fishery, and for each of the biological, ecological, social and economic dimensions, and the</i></p>	<p>Tone of the Bill should be more prescriptive and the language used should be stronger (may instead of shall) to be more forceful.</p> <p>Strongest possible approach rather than the precautionary approach.</p> <p>Banning of certain unsustainable fishing practices such as monofilament nets and trawling.</p> <p>Preservation of certain species and availability of certain species for commercialized fishing.</p> <p>Parts (c) to (k) should be deleted because the language is apologetic in nature and its ambiguous.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<i>relative prioritization among any conflicting objectives.</i>	
<b>Environmental Research Institute Charlotteville</b>	Clause 35 (2) (c) - As per subsection (2) subparagraph (c), endangered species should be those nationally or internationally categorized species. Should a species be internationally endangered but nationally abundant the species should be used for alternative income generation e.g. tourism	<ul style="list-style-type: none"> <li>▪ Noted – however, it is not intended that the Bill include such specifics. The successful application of the recommendation is contingent on there being a mechanism as well as available data and scientific criteria for assessing the national status of species (Part XV) and for engaging stakeholders (clauses 232(2) (n)) in fisheries management discussions - including alternative livelihoods.</li> </ul>	The Bill must include such specifics because this is essentially the essence of the entire Bill – 35 (2) (c) (d) and (e) should move from ‘may’ to ‘shall’ across each subparagraph.
<b>Ministry of Planning and Development</b>	Clause 35(2)(a) - This is an unreasonable expectation for a fishery management plan, for very often the economic conditions in which the industry operates stem from factors external to the fishery industry. Instead mention should be made about the plan as it refers to the social conditions under which the industry operates, the seasonality of the fishery in question and questions of conflicts with resource/area usage.	<ul style="list-style-type: none"> <li>▪ Noted and agree that the FMPs will consider balancing economic, social, biological and ecological factors (clause 34(1)(e)).</li> <li>▪ Clause 35(2) (a) to be replaced with new text to better reflect the intention: <i>(a) responsible fisheries are promoted through strengthening the enabling economic environment;</i></li> </ul>	<p>Clause 35 (2) (e) is weak when it states catch of a non-target species. There must be a clause developed further on to deal with this because this is a problem when catching one species and killing out others. This practice must be ended rather than just trying to minimize.</p> <p>These are management objectives which require soft language in these clauses because it is meant to create an enabling environment for consultation with and buy-in amongst all stakeholders. The actual harsh measures that are required</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>are dealt with separate whilst these clauses deal with the contents of management plans which treat more with the objectives, overall goals etc.</p> <p>Trawling is an extremely wasteful practice since 70% of the by-catch is discarded. Therefore, when dealing with scientific data like this, in specific cases greater clarity is required to prescribe and to show the reason and rationale.</p>
<b>Environmental Management Authority</b>	<p>Clause 36 (2) - Uncertain how the precautionary approach will be applied based on the statement ‘as far as is practicable’. Are there specific circumstances under which it will not be used given that it applies when there is a lack of sufficient information? Maybe where the action under this approach may conflict with other existing policies, agreements etc. can be specified.</p>	<p>▪ Agreed.  “as far as practicable” to be deleted</p>	<p>Similar phraseology needs to be removed wherever it appears throughout the Bill.</p>
<b>Fishermen and Friends of the Sea</b>	<p>Clause 36 (2) - It is recommended that the words “as far as practicable be removed.” The precautionary principle is feature of both domestic and international law and is even a</p>	<p>▪ Agreed.  “as far as practicable” to be deleted</p>	<p>Although the precautionary principle and precautionary approach is used interchangeably, the precautionary principle is the more effective terminology that should be used.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>feature of our National Environmental Policy. The principle's effect should not be limited especially by words that allow decision maker's leeway to avoid its application.</p>		<p>The precautionary approach/principle means that heavy investment in a fishery will not occur unless the status of the stock is known or there is uncertainty as to the possibility of its collapse. The current status of the fishery is important in terms of handling the level of investment and the approach stipulates how this is to be done.</p> <p>There needs to be movement away from the precautionary approach to the survival and rehabilitative approach.</p> <p>The precautionary approach looks at glaring issues and situations in the fishery but the scientific information may be lacking at the time. Therefore, the precautionary approach allows you to take some measures e.g. persons catching particular species with a lot of eggs i.e. mature ones which would affect the stock if only these ones are caught and Fisheries Division may want/need to put something in place to prohibit the catching of fish above a certain length because that is the length at which it becomes mature or may be carrying eggs. Even though there is a lack of scientific information on what age a</p>



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>particular species of fish may get eggs or the specific time of the year that they may have it, the precautionary approach allows you to act even in the absence of scientific information in order to arrest any decline in the fishery.</p> <p>This is ideal and the umbrella approach above the precautionary principle or approach will be the rehabilitative or survival or crisis approach and below that, to deal with other areas that need addressing then the precautionary approach/ principle can be utilized. Using scientific data we may already specifically know what is under threat in order to save it.</p> <p>In different divisions of the Bill and in different clauses the different approaches would be utilized. One approach alone will not be used throughout the Bill.</p> <p>International Institute for Sustainable Development states that some countries avoid using the term principle, preferring to call it a precautionary approach since it carries less legal weight. The precautionary principle is an</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>attempt to give the notion of precaution as a form of addressing risk legal status. This Bill should take a more affirmative approach and not leave it open-ended and vague. The difference between the approach and principle is that the principle gives it a little more legal status.</p>
<p><b>Fisheries Division</b></p>	<p>Amend clauses 37(2),(3),(4) and (5) for consistency with clauses 32(2) re inclusion of “interim management measures”.</p>	<p>▪ Amend the following clauses as follows:</p> <p>37 (2). <b>The Director shall submit the final management plans or <u>interim management measures</u> to the Minister for approval.</b></p> <p>37 (3). <b>The Minister may, by Order, approve a management plan or <u>interim management measures</u> and the management plan or <u>interim management measures</u> shall be set out in the Order.</b></p> <p>37 (4). <b>The Director shall be responsible for the implementation of management plans or <u>interim management measures</u> approved by the Minister.</b></p>	<p>At clause 37(3) the word ‘may’ should be changed to ‘shall’ for uniformity with the other sub-clauses.</p> <p>Clause 37(1) - The experts at the Ministry, Fisheries Division should set the target, plans and then educate and enforce.</p> <p>In terms of the professional and scientific advice, the Minister will have advice from the Fisheries Division or an advisory committee, if that is decided. Clause by Clause will demonstrate how the advice is received and how it is treated.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p>37 (5). The Director shall cause the elements of management plans or <u>interim management measures</u> to be publicised, in order to promote the understanding and acceptance of management plans or <u>interim management measures</u> and assist in their implementation.</p>	
<p><b>Ministry of Planning and Development</b></p>	<p>Clause 40 (3) - National plans should have the same level of consultation as fisheries management plans?</p>	<ul style="list-style-type: none"> <li>▪ Yes. The general principles for decision-making (clause 6) apply to all relevant provisions of the Bill.</li> </ul>	<p>Clause 38(1) – Time limits should not be fixed but should be dependent on the eco-systems and the pace of recovery. Those fixed time limits should be removed and there may not be need for agreement with the stakeholders but rather it should be dependent on the scientists and their research conducted and their advice given on what should be done. There should be no need for agreement in some of these prescriptions. However, there may be need for education and explanation afterwards.</p> <p>Clause 38(2) – Continuous review by marine biologists, scientists is more important and not necessarily the Minister because the Minister must respect the science and advice which should not be discretionary in any way</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>because science does not allow for discretion. Data from the experts must guide the path forward.</p> <p>There are livelihood issues and once science takes effect the measures implemented by the Government to address any potential economic fallout would be addressed by the management plans.</p> <p>Often times when scientists give advice, they look at different parameters such as the ecological impact, biological impact, social impact, economic impact and other related impacts and the scientific advice usually comes with a probability such as if you increase the fleet by 10% then there is a 70% probability that the biomass of the stock in the ocean will decline by 50%. Therefore, what you get is a range of probabilities across each of the factors – the economic, social etc. The scientists give the information, the management decision makers then take that information and decide what they are willing to sacrifice at the expense of another. Science doesn't actually tell you to use a specific option but it gives you a range of options with the implications</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>across ecological, social, economic so the management decision makers would have a full range of information to make a decision and decide even where there is conflicting interest. With the social effects, you cannot get more persons employed in the industry if you are not willing to accept perhaps a decrease in their income because more people are catching the same quantity of fish and their returns might be less but the decision may be taken employ more people but perhaps they earn less money than have less people employed earning more money. The final decision making is going to be based on a range of scientific information since the scientists don't actually select a definitive option.</p> <p>The scientists should weigh the current state of the fishery, the impact of the fishery on the stock and give it a higher priority based on what needs to be done. Based on the pure science of protecting the fishery, the stocks that may be depleted must not be challenged.</p>
<b>Fisheries Division</b>	Amend cl. 40(2) for consistency with similar provisions where a range of	<ul style="list-style-type: none"> <li>▪ Amend clause 40(2) as follows:</li> </ul>	The policy behind this Bill would speak to the preservation of the fisheries and the

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	international instruments are referenced.	<p><i>The Minister may cause to be prepared national plans of action including, but not limited to, those required under <u>a treaty, convention or other international agreement</u> to which Trinidad and Tobago is party and shall report accordingly on the implementation of such plans.</i></p>	<p>mischief that this Bill is attempting to correct is to preserve and conserve fisheries which would always be the overarching principle and would trump any other competing interest.</p> <p>Despite having expert opinion at some stage someone will have to make a decision and the language must make it mandatory for the Executive to accept the scientific advice and the way of dealing with it is that when the advice is presented the Executive may have a discretion. The Executive will take into consideration a broader range of considerations including affordability, political, social factors which is very difficult to moderate.</p> <p>Scientists typically gives a report with their deduction and from that, management can make a decision.</p>
<b>Fisheries Division</b>	There is need for a distinction to be made between clauses pertaining to fisheries management agreements and clauses pertaining to fisheries management measures – which are currently combined under Division 2.	<ul style="list-style-type: none"> <li>▪ Renaming the heading of <b>Division 2</b> as: <b>“Fisheries Management Agreements”</b></li> <li>▪ Inserting the heading of a <b>new Division 3</b> between clause 41 and clause 42 named:</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<b>“Fisheries Management Measures”</b>	
<p><b>Felicity Charleville Fishing Association</b></p>	<p>The proposed management strategies outlined under section 41 needs to involve the Environmental Management Authority and other international agencies in proper determination of the exclusive economic zone (EEZ) of Trinidad and Tobago.</p> <p>Assurance must be given with respect to the determination of the EEZ of Trinidad and Tobago in order to demarcate the boundaries and sovereign rights.</p>	<ul style="list-style-type: none"> <li>▪ The current maritime boundaries are clearly demarcated and were guided by international laws on maritime boundaries, sovereignty and procedures for negotiations on boundaries.</li> <li>▪ Outcomes of any ongoing or future negotiations or disputes on maritime boundaries will require amendment of the boundaries and relevant national laws. The FMB may not require amendment as it refers to the terms (eg. EEZ) rather than the geographical dimensions of the maritime boundaries and zones.</li> </ul>	<p>Domestic conservation must take precedence over international agreements especially in our local waters and fisheries. We cannot limit our local fishermen and educate them on the conservation techniques and prescriptions that we are taking and laws being made but the foreigners are doing something completely different. This legislation should supersede and take precedence in the event of any conflict in our waters or if any foreign vessels enter our waters and claim that they are not in breach of our domestic legislation due to some international agreement.</p> <p>International agreements take effect when given effect to it locally and a country is not bound to mirror everything contained within that international agreement but can determine what aspects are to be followed. Our domestic law will apply when a foreigner comes in to our internal waters and jurisdiction. It is the dualist vs monist state. Trinidad and Tobago is a dualist state so when</p>

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			international treaties and agreements are signed on to, the domestic law will have to actually incorporate it to make it applicable in our country. This is captured under clause 4(3).
<b>Moruga La Rufin Fishing Cooperative Society LTD</b>	<p>With respect to section 41 - Trinidad and Tobago should not try to mitigate the laws of another state, also persons from this country will travel abroad on a holiday visa and spend time in excess of the allotted time given to them, some may even work however, on their return to Trinidad and Tobago none of them are prosecuted for overstaying their time and working in another country. Why should we now try to make an example out of fishermen who may have fish in the waters of another country.</p>	<ul style="list-style-type: none"> <li>▪ The clause addresses the issue of a country’s rights, its need to meet international obligations and the need to set specific fisheries access, assessment and management requirements within the framework of a formal management agreement or treaty whereby the flag and coastal States are able to exercise their rights and obligations. Succinctly put – it seeks to prevent, deter and eliminate IUU (Illegal, Unreported and Unregulated) fishing.</li> </ul>	
<b>Felicity Charleville Fishing Association</b>	<p>a. The outlined measures are well accepted by stakeholders. The drive for a sustainable fishery however should consider the social aspect in terms of attitudes towards conservation. Stakeholders of the Cacandee area particularly the fishermen whose livelihood depend</p>	<ul style="list-style-type: none"> <li>▪ Noted. This concern is captured in clause 42 (2)(d) in the term “practices” of “local fishing communities” . Multiple practices and conflicts among stakeholders may be reconciled through a mechanism for stakeholder engagement in the fisheries management process and also by</li> </ul>	



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	<p>on the sea are always in conflict with recreational fishers. This conflict occurs since the fishing effort by recreational fishers surpass the fishing efforts by bona fide fishermen. This is solely due to the blatant disregard by recreational fishers who in most instances are holders of jobs other means of income. Additionally, the social aspects of seeing fishing as the mainstream source of recreation evident by social media advertisements and creation of marinas has increased the fishing effort. The bona fide fishermen and the marine resources are severely impacted.</p> <p>b. The proposed suggestion is solely on fostering the change in attitude towards sustainability. The involvement of a combination of sensitization along with the requirements in sections 44-59 would prove to foster this change however the shift may seem as infringing on a citizen's right to own a vessel or fish.</p>	<p>giving consideration to the principles of decision making (clause 6).</p>	

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	<p>c. Keeping in mind, the adoption of protocol in line with rules specific to recreational fishing is imperative. The adoption of similar fishing laws to that of counties such as Florida where recreational fishers are only allowed certain amounts of fish to be caught per trip and in some areas catch and release laws are implemented so as to ensure traditional target species that are on the decline increase, instead of being depleted.</p>	<ul style="list-style-type: none"> <li>▪ There is no infringement on the right to <b>own</b> a vessel; however, we are concerned with the use of such vessel for fishing and fishing related activities where the resources belonging to the wider citizenry are exploited/targeted and where the exploitation levels threaten the long-term sustainability of such resources.</li> <li>▪ Noted. Recreational fishing will be regulated through various means (authorisations, licences, permits) as agreed in the requisite Fisheries Management Plan – which will be developed in consultation with stakeholders.</li> </ul>	
<p><b>Institute of Marine Affairs</b></p>	<p>Section 42(2c) What about reducing the risk of conflict with other marine users?</p>	<ul style="list-style-type: none"> <li>▪ This matter cannot be solely addressed in the Bill. It is best addressed in a collaborative manner with other stakeholders, including regulatory agencies, in development of management plans and within an Integrated Coastal Zone Management Framework – at least for conflict between fisheries and non-fisheries activities.</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
Fisheries Division	Amend clause 42(1) to include the words “on the recommendation of the Director” and to provide flexibility for management measures outside of a fisheries management plan to be made by Order.	<p>▪ Amend clause 42(1) as follows:</p> <p><i>For the purposes of ensuring that fisheries resources are maintained at sustainable levels and to achieve any other specific objectives agreed for a given fishery, the Minister may, by Order, <u>on the recommendation of the Director</u>, adopt for each fishery, an appropriate combination of fishery management measures as <u>may be outlined in a fisheries management plan.</u></i></p>	<p>It is suggested that the word ‘may’ be replaced with ‘shall’ and the phrase ‘on the recommendation’ be replaced with ‘on the advice’. This change should be made throughout the Bill wherever such combination of words appear.</p> <p>The Fisheries Division has some management plans and are currently working to develop an integrated management plan but there may be some cases where measures must be taken that are really critical and the management plan has a process that is outlined for how that is to be developed. If there are certain species that must be protected immediately or else the fishery would collapse, the Minister has the power to make those measures outside of a management plan which is the intent. There may be one or more than one plan developed by the Fisheries Division which the Minister would cause to be made into law by Order.</p>
Environmental Research Institute Charlottetville	a. There should be a definition for “fishing fleet” as contained in subsection 1: Include definition of “fishing fleet” in Part I Section 3.	<p>▪ Agreed. Include new definition:</p> <p><i>“a fishing fleet” means an aggregate of fishing vessels based on specific criteria;</i></p>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>b. The act should read that the Minister “shall” and not that the Minister “may”. The norm should be that the Minister has the mandate to do something to ensure sustainable fisheries (which would be “shall”) It should not be the norm that the Minister could do something to ensure sustainable fisheries (which would be “may”). Exemptions from “shall” could always be evaluated on a case to case basis.</p>	<p>Identify where the term “fleet” appears in the Bill and determine if to insert “fishing” before “fleet”.</p> <p>Note: Such criteria may pertain to use of a particular gear, fishing in a particular area, the vessel size, etc.</p> <ul style="list-style-type: none"> <li>▪ The use of “may” in this context means that the Minister is empowered to take measures consistent with the management plans by Order. This doesn’t mean a discretionary power to do or not to do in this clause.</li> </ul>	<p>In Tobago the blue marlin and the sailfish provide so much different opportunities by not catching, killing, eating and selling them but by leaving them there for seasonal activity. The amount of millions of USD that would be generated each year that this Bill based on the science, economics and livelihoods that should implement an overall ban on the killing of such species in a prescriptive manner.</p>
<p><b>Institute of Marine Affairs</b></p>	<p>a. Clause 43(2) - Should species and size limit be included here? How does fishing vessel size and horsepower matters compared to directly looking</p>	<ul style="list-style-type: none"> <li>▪ Fishing effort involves the amount of work/effort expended in catching the fish – fish catch is distinctly different from fishing effort in internationally accepted definitions of fishing effort.</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>at the fish catch to relate to fish effort.</p> <p>b. Clause 43(2)(d) - Fishing effort and catch controls.</p> <p>Include size/length of fishing gear in the text.</p>	<p>▪ Agreed. Amend clause 43(2)(d) as follows:</p> <p><i>“type, specification and number of fishing gear unit to be allowed by each fisher or vessel”</i></p>	<p>In this Bill specifically for commercial fishermen only, we should consider the reinstatement of regular fuel for fishermen only so that they can expend a greater effort per dollar spent on fuel.</p> <p>Such things can be considered in a management plan and those are some of the trade-offs that you can offer to promote sustainability. Any increase in fishing efforts in a fishery that is already overfished is problematic so the options would need to be looked at in order to see where incentives can be offered if a more sustainable method is used such as catching less by-catch. This is the reason for such management plans and the need to have them in subsidiary legislation in order to trade-off.</p>
<p><b>Felicity Charleville Fishing Association</b></p>	<p>a. Subsection 2(a), (b) and (c) must consider that vessels in different classes that target the same species can encroach each other. This specifically happens with shrimp trawling where larger classes of industrial vessels are able to</p>	<p>▪ Noted. A fisheries management plan or subsidiary legislation may include differentiating the areas or maritime zones in which fishing vessels of different sizes may operate.</p>	<p>In relation to enforcement capabilities, whatever measures put in place must be enforceable.</p> <p>Clause 44 (1) (e) speaks to zonations or designated zones reserved for selected fisheries particularly artisanal fisheries</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>encroach on artisanal vessels forcing artisanal fishers to be disadvantaged and further destroys the essential nursery grounds for juveniles.</p> <p>b. The maximum sizes of vessels and horsepower should be considered specifically towards individual fishing practices as opposed to across the board. Additionally, the same should be done for gear type specifications.</p>	<ul style="list-style-type: none"> <li>▪ The recommendations concerning the vessel size and horsepower and gear specifications are measures to be agreed upon in the respective Fisheries Management Plan.</li> </ul>	<p>and additional measures provided for in this clause takes that into account.</p> <p>Clause 45 also talks about local fisheries management areas which also speaks to the issue of zoning for different categories of fleets and fisheries.</p>
<p><b>Tobago International Game Fishing Tournament</b></p>	<p>Minimum safety requirements. Should be applied throughout the document when describing vessel certification as well as person permitting.</p>	<ul style="list-style-type: none"> <li>▪ The matter of fishing vessel safety falls under the portfolio of the Maritime Services Division. In the part on “Record of TTO Fishing Vessels” a pre-requisite for entry on the Record of TTO Fishing Vessels (clause 60(1)) is that the vessel is registered under the written law governing the registration of vessels. The MSD is the Competent Authority for registration of vessels and the requisite safety checks are included in this process. Further, for persons desirous of registering as a fisher, certified training in general safety in fishing operations (among</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		other requirements) is a pre-requisite (clause 55(3)(d)).	
<b>Moruga La Rufin Fishing Cooperative Society LTD</b>	Disagree with clause 43 which is likely to be abused by the authorities	<ul style="list-style-type: none"> <li>▪ The provisions of clause 43 are standard internationally accepted options for controlling fishing effort and catch. Management measures such as regulation of fishing effort and catch will be derived from fisheries management plans which will be drafted in consultation with stakeholders (clause 37(1)).</li> </ul>	<p>It should be considered in relation to anti-drug running or anti-crime or importation of illegal substances, if the vessel's engines are too big or too fast then a fishing license will not be granted by the authorities. This would also help the authorities with dealing with anyone that may be pretending or feigning being a fisherman.</p> <p>In relation to the registration of vessels it must be considered that a stark difference in the culture of fishing in Trinidad versus Tobago exists where culturally the sizes of the engine and vessels that are utilized in Tobago also vary. What might be deemed acceptable in terms of the size of the engine utilized for a fisherman in Trinidad and the distance traversed to go fishing varies a lot for that of a fisherman in Tobago. The Bill must take this into consideration.</p> <p>This will be addressed in the management plans.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Ministry of Planning and Development</b></p>	<p>Clause 43(3) - Suggest revision of “under economic conditions that promote responsible fisheries” to “within parameters which are aligned with a sustainable fishing effort”.</p>	<ul style="list-style-type: none"> <li>▪ Noted. However, the recommended phrase is captured in the wording “sustainable use of fisheries resources” contained in the clause.</li> <li>▪ The clause is to be reworded for clarity as follows:   <i>43 (3). Where a fishing fleet has an excess of fishing or catching capacity, an Order under subsection (1) may require the reduction of the excess capacity to <b>achieve</b> capacity levels commensurate with the sustainable use of fisheries resources.</i> </li> </ul>	
<p><b>Fisheries Division</b></p>	<p>a. Amend clause 43(1) to include “on the recommendation of the Director” and to provide flexibility for management measures outside of a fisheries management plan to be made by Order.</p> <p>b. Clause 43(2)(d) should be widened in scope to include other</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 43(1) as follows:   <i>The Minister may, by Order, <b><u>on the recommendation of the Director</u></b>, take measures to ensure that the level of fishing effort and the catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources <b><u>and which may be outlined in a management plan.</u></b></i> </li> <li>▪ Amend clause 43(2)(d) as follows:</li> </ul>	



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>characteristics of fishing gear that may impact fishing effort.</p> <p>c. Amend clause 43(3) for clarity – replace “reduce” with “achieve”</p>	<p><i>the type, <u>specification</u>, number, <u>manner of use and installation</u> of fishing gear and other devices associated with the <u>fishing gear</u> to be allowed by each fisher or vessel</i></p> <p>▪ Amend clause 43(3) as follows:</p> <p><i>Where a fishing fleet has an excess of fishing or catching capacity, an Order under subsection (1) may require the reduction of the excess capacity to <u>achieve</u> capacity levels commensurate with the sustainable use of fisheries resources.</i></p>	
<p><b>Environmental Research Institute Charlottetown</b></p>	<p>The act should read that the Minister “shall” and not that the Minister “may”. The norm should be that the Minister has the mandate to do something to ensure sustainable fisheries (which would be “shall”) It should not be the norm that the Minister could do something to ensure sustainable fisheries (which would be “may”). Exemptions from “shall” could</p>	<p>▪ The use of “may” in this context means that the Minister is empowered to prescribe additional measures by Order. This doesn’t mean a discretionary power to do or not to do in this clause.</p>	

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	always be evaluated on a case to case basis.		
<p><b>Felicity Charleville Fishing Association</b></p>	<p>a. Subsection 1(e) should specify the specific zones geographically and the distance from the shoreline.</p> <p>The designated zones should consider the horsepower of the artisanal vessels and their ability to be non-functional in deeper water due to the lack of mechanization.</p> <p>b. The additional measures outlined in parts (a)-(g) should also include stakeholder involvement mainly by the Fisheries Division in conjunction with the Minister.</p>	<ul style="list-style-type: none"> <li>▪ Noted. These zones reserved for selected fisheries are to be agreed upon in the respective Fisheries Management Plan (FMP) or if there is no FMP as an agreed fisheries management measure. The Bill provides the requisite legal framework for instituting such a management measure while the FMPs and associated fishing authorisations, licences and permits will specify the details concerning the zones.</li>   <li>▪ Noted and agreed. The general Principles for Decision-Making in clause 6 apply. Additional management measures will be aligned with the measures of a fisheries management plan, which would have been developed with stakeholders (clause 37(1)). The Minister is not expected to act independently on such technical matters – but rather to consult with the Director and Secretary.</li> </ul>	<p>Clause 44 - It is suggested that there needs to be a specific ban on certain things like monofilament nets and limiting the size etc. Once this decision is</p>

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	<p>c. This will ensure objective scientific data is used to accurately aid in the making of management plans especially with the determination of open and closed seasons. This however is subjected to a three year revaluation and ecological surveys to determine areas specifically as it pertains to nurseries crucial for juvenile species (closed areas). Open and closed seasons should include a mixture of information from seasoned fishers and data derive from the Fisheries Division.</p> <p>d. Subsection 2(b) Further to the minimization of waste the implementation of bycatch reduction is essential for all trawlers</p>	<ul style="list-style-type: none"> <li>▪ Noted and agreed. The Bill makes provision for use of the best scientific evidence available (clause 6(b)); for the consideration of ecological factors among others in setting management objectives (clause 35) and in the content of FMPs (clause 34); for the conduct of fisheries scientific research (Part XV) and for consideration of traditional and local knowledge in decision-making (clause 6 (i)).</li> <li>▪ Noted and agreed. The Bill is to prescribe measures for achieving a range of sustainable fishing outcomes – a by-catch reduction device (BRD), like a turtle excluder device (TED), is a tool for improving the sustainability of fishing. Recent scientific research was conducted to ascertain the effectiveness of BRDs in trawl nets – results were impressive and it is intended to mandate use of BRDs (through subsidiary legislation) once the Bill becomes law.</li> </ul>	<p>taken it needs to be a strict liability offence which would require working together with the Ministry of Trade and Industry, customs and Excise and the Ministry of National Security to ban the importation of these unsustainable gear that would be decided to not use in the fishery.</p>

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	<p>and should be made MANDATORY for all CLASSES of trawlers. This will serve to reduce the amount of non-target species in open seasons and reduce the bycatch ratios. Further bycatch studies should be placed as a management indicator and be reviewed every three years in line with section 44 subsection (3).</p> <p>e. Ensure all shrimp trawler nets are fitted with bycatch reduction device/exclusion device in all classes and ensure the proper legislation is in place to enforce its use. The Fisheries Division should also spearhead workshops to involve net builders and boat owners to be educated on these device to ensure they are used properly and effectively.</p> <p>f. The reduction time of fishing days should also include a total restriction of NIGHT fishing especially all trawling activities at night. This should be subject to re-evaluation</p>	<ul style="list-style-type: none"> <li>▪ Noted and agreed. Following from the comment above, the FD is engaged in educating stakeholders on the use of BRDs. It is the FD's mode of operation to educate stakeholders on changes in fishing gear and fishing methods (which are to be legally mandated) to ensure long term sustainability of the resources.</li> <li>▪ Noted. The details will be contained in FMPs developed in consultation with stakeholders and based on the best scientific evidence and local/traditional ecological knowledge. Measures in FMPs are to be made mandatory in subsidiary legislation and implemented through a licensing system.</li> <li>▪ Noted and agreed. This is addressed generally in clause 225 (measures are to be outlined in subsidiary legislation) and specifically in clause 225(2)(a).</li> </ul>	<p>A turtle excluder device (TED) is mandatory for all trawling gear to have so it allows the turtle to bounce on a grid and then it swims through an opening in the net which allows the turtle to be released alive. A by-catch reduction device (BRD) is a piece of net that goes into the back of the trawling gear which allows for trawlers targeting a specific species such as shrimp primarily whilst everything else caught that is classed as by-catch, is allowed to swim out and thus the catch becomes cleaner. Some by-catch may be taken to market such as large sized salmon whilst some are very unsustainable such as small juvenile species of commercial fish or species of biological importance. The trials undertaken by the Fisheries Division yielded a 50% reduction in by-catch caught. Some fisheries can be</p>

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	<p>within the 3 year limited as a management indicator.</p> <p>g. Lost fishing gear especially transparent and monofilament nets which can lead to ghost fishing should be reported to the fisheries authorities. These should however be subject to minimal use of prohibited use in some cases since there exist numerous instances where these nets also over catch species and evidently causes wastage due to the amount being able to be landed and spoilage due to length of time the net is deployed.</p> <p>h. Propose limited or overall size restriction of overall length of transparent nets. Include in line with deployment time of clause 43.</p>	<p>Monofilament and transparent nets should be dealt with in this Bill and the others such as mesh size etc. can be dealt with in subsidiary legislation.</p> <ul style="list-style-type: none"> <li>▪ Noted and agreed. The details will be contained in FMPs developed in consultation with stakeholders and based on the best scientific evidence and local/traditional ecological knowledge. Measures in FMPs are to be made mandatory in subsidiary legislation and implemented through a licensing system.</li> </ul>	<p>sustainable in a trawl fishery. Fisheries Division is requesting a phased implementation of a ban to reduce any fall-out. Any fisheries management plan must have implementable measures and mitigation measures to address any expected economic fall-out. The systems will be put in place via the management plan which will allow for the specifics to come in subsidiary legislation. This legislation gives the framework and allows the Minister to make these management plans.</p> <p>A closed season of 4 months was also proposed for large trawlers and a 2 month closed season for artisanal trawlers, with all fishing zones being maintained to prevent any big trawlers from coming in to the near shore and mangrove areas since those areas contain juveniles. The Gulf of Paria has a very brackish water which is the nursery area for most commercial species which is sustained by the mangrove on the coastline of Trinidad and Venezuela. Tobago is more pelagic and contains the larger species such as the marlin and tuna which are more oceanic.</p>

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			<p>The really high nutrient species such as shrimp are actually found in the Gulf of Paria and on the south coast of Trinidad which is why there is a ban on trawling on the north coast, east coast and in Tobago because the substrate types in those areas do not allow for trawling since the reef systems present would be damaged. In the Gulf trawling is allowed which causes some damage but since it is a mud substrate it is a little better than the others. The precautionary approach will take effect because if unsure of what damage is being caused in the Gulf of Paria then measures can be taken to protect.</p> <p>The policy position along with data obtained from the Fisheries Division in relation to Export vs Domestic Consumption. The export market is fueling a lot of degradation and damage due to overfishing. Export in relation to particular species because there is an export market for cutlass fish which is now widely eaten so it may be related to what is exported.</p>

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Moruga La Rufin Fishing Cooperative Society LTD	re: Species of Fish appears to be the beginning of the end of the fishing industry.	<ul style="list-style-type: none"> <li>▪ <b>Comment is too vague to draft a response.</b></li> </ul>	
Fisheries Division	<p>a. Amend chapeau of clause 44(1) to include “on the recommendation of the Director”.</p> <p>b. Amend clause 44(1)(f) to indicate the broad elements of fishing gear that may be considered in fisheries management measures.</p>	<ul style="list-style-type: none"> <li>▪ Amend chapeau of clause 44 (1) as follows: <i>The Minister may, by Order, <u>on the recommendation of the Director</u>, prescribe additional measures as required to achieve the fishery management objectives of a management plan including-</i></li> <li>▪ Amend clause 44(1)(f) as follows: <i>fishing gear restrictions, including <u>specification and manner of use</u>; and</i></li> </ul>	
Ministry of Planning and Development	a. Clause 45 provides the power to the Minister, by Order, to designate any area of the fishery waters as a local fisheries management areas and prescribe measures for the management of that area.	<ul style="list-style-type: none"> <li>▪ The concepts of a “local fisheries management area” and a “marine protected area” are fundamentally different. The local fisheries management area is intended to be an area designated by the Minister whereby the respective fisheries resources will be regulated or</li> </ul>	<p>The Fisheries Division should be empowered to stipulate the protected areas and the Environmental Management Area should then make their decision.</p> <p>In other jurisdictions such as Japan, there are local areas successfully and</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p><b>How would this provision relate to the designation of marine protected areas under the Marine Areas (Preservation and Enhancement) Act, Chapter 37:02 and the Environmentally Sensitive Areas Rules under the Environmental Management Act?</b></p> <p>b. It is to be noted that one of the challenges that has been identified to protected areas management in Trinidad and Tobago in the National Protected Areas Policy is that <b>there exists a number of legislative provisions for the designation of protected areas resulting in a number of state agencies having responsibility from protected areas management.</b> The Policy advocated the need to rationalize these</p>	<p>managed by a local fisheries management authority (which may be a fisher organization) under a co-management arrangement (i.e. fishing and fishing related activities are regulated). The “marine protected area’ is intended to be an area protected from fishing and fishing-related activities.</p> <ul style="list-style-type: none"> <li>▪ In respect of the overlapping portfolios of several agencies concerning protected or sensitive areas – clause 217 mandates that the Director collaborate closely with other government agencies including, but not limited to, the agencies responsible for trade, health, customs, finance, national security, maritime services, foreign affairs and environment in the implementation of this Act. Principles for decision-making: Clause (6) (n) also outlines the need for inter-agency collaboration for effective implementation of the Bill.</li> </ul>	<p>sustainably managed by fishers. The users are monitored and certain fish is taken at a certain time of the year so that the price can be maintained to get maximum returns on their investment without exploiting the resources. The Bill provides for the possibility to do this in the future should the need arise.</p> <p>The Minister has Regulation making powers under every section of this Bill which helps to create the framework for the enabling environment. It was included in the Bill in the event that there is need for further subsidiary legislation and some organization reaches the stage where this is possible and ideal, then it can be done.</p>



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>multiple designations have one state entity responsible for protected areas management in Trinidad and Tobago. It is therefore intended that local fisheries management areas by mechanism for designation and management of marine protected areas in Trinidad and Tobago.</p>		
<p><b>Fisheries Division</b></p>	<p>Amend clause 45 for consistency with clause 32, clause 37 re: interim “management: measures and to include “on the recommendation of the Director”.</p>	<p>▪ Amend clause 45 as follows:</p> <p><i>The Minister may, by Order, <u>on the recommendation of the Director</u>, designate any area of the fishery waters as a local fisheries management area and prescribe measures for the management of that area, and those measures shall be consistent with the provisions of any applicable management plans or interim <u>management</u> measures and arrangements under section 32(2).</i></p>	
<p><b>Fisheries Division</b></p>	<p>In light of the recommendation at comment above (No. 33A.)</p>	<p>▪ Amend marginal note for clause 46 as follows:</p> <p><i>Contravention of Orders under Division 3</i></p>	

<b>Name of Stakeholder</b>	<b>Submissions/Proposed Amendments</b>	<b>CPC/FD Comments</b>	<b>Committee Discussion</b>
	This marginal note should reference Division 3.		

## **JOINT SELECT COMMITTEE ON THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020**

### **MINUTES OF THE FIFTH MEETING HELD VIA ZOOM VIDEO PLATFORM ON THURSDAY MARCH 10, 2022 AT 3:00 P.M.**

#### **PRESENT**

##### **Committee Members**

Mr. Clarence Rambharat	-	Member
Ms. Yokymma Bethelmy	-	Member
Dr. Maria Dillon-Remy	-	Member
Dr. Muhammad Yunus Ibrahim	-	Member
Mr. Anil Roberts	-	Member
Mr. Rushton Paray, MP	-	Member
Mr. Kennedy Richards, MP	-	Member
Mr. Brian Manning, MP	-	Member
Mr. Stephen Mc Clashie, MP	-	Member

##### **Secretariat**

Ms. Chantal La Roche	-	Secretary
Mr. Kaleem Hosein	-	Assistant Secretary
Ms. Temika Jackson	-	Legal Research Officer
Mr. Khaleem Ali	-	Legal Intern
Mr. Marcus Moses	-	Procedural Officer Intern

#### **ABSENT/EXCUSED**

Ms. Shamfa Cudjoe, MP	-	Member <i>[Excused]</i>
Mr. Ravi Ratiram, MP	-	Member
Dr. Varma Deyalsingh	-	Member

#### **COMMENCEMENT**

1.1 The meeting was called to order by the Chairman at 3:01 p.m.

#### **CONFIRMATION OF MINUTES OF THE FOURTH MEETING**

2.1 The Committee examined the Minutes of the Fourth Meeting held on Thursday March 3, 2022.

2.2 The motion for the confirmation of the Minutes of the Fourth Meeting was moved by Mr. Anil Roberts and seconded by Mr. Stephen Mc Clashie.

## MATTERS ARISING FROM THE MINUTES

- 3.1 Per item 4.5 the Chairman advised Members that the examination and review of the matrix of stakeholder comments with the assistance of technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries, the Office of the Chief Parliamentary Counsel and the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly, would be continued.

## ANALYSIS AND REVIEW OF MATRIX OF STAKEHOLDER COMMENTS

- 4.1 The Chairman welcomed the technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries, the Office of the Chief Parliamentary Counsel and the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly to the Meeting.
- 4.2 Representing the Fisheries Division, Ministry of Agriculture Land and Fisheries were:
- |                        |   |                                |
|------------------------|---|--------------------------------|
| Ms. Nerissa Lucky      | - | Director of Fisheries (Ag.)    |
| Ms. Elizabeth Mohammed | - | Senior Fisheries Officer       |
| Ms. Louanna Martin     | - | Fisheries Officer              |
| Ms. Lara Ferreira      | - | Fisheries Officer              |
| Mr. Virun Lutchman     | - | Fisheries Inspector            |
| Ms. Natasha Hosein     | - | Director, Legal Services, MALF |
- 4.3 Representing the Office of the Chief Parliamentary Counsel were:
- |                           |   |                                    |
|---------------------------|---|------------------------------------|
| Mrs. Nalini Persad-Salick | - | Deputy Chief Parliamentary Counsel |
| Ms. Yolande Wilkinson     | - | Parliamentary Counsel II (Ag.)     |
| Ms. Jovan Hunte           | - | Policy Research Officer            |
- 4.4 Representing the Department of Marine Resources and Fisheries of the Division of Food Security, Natural Resources, the Environment and Sustainable Development in the Tobago House of Assembly were:
- |                     |   |                       |
|---------------------|---|-----------------------|
| Mr. Garth Ottley    | - | Director of Fisheries |
| Ms. Crystal Edwards | - | Fisheries Officer     |
- 4.5 The examination and review of the matrix of stakeholder comments received continued as outlined in **Appendix I** to these Minutes.

## DISCUSSION OF THE WAY FORWARD

- 5.1 The Chairman reminded Members of the consensus to convene weekly meetings on Thursdays at 3pm.

## **ADJOURNMENT**

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Thursday March 17, 2022 at 3:00 p.m.
- 6.2 The adjournment was taken at 5:02 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

March 11, 2022

**Continuation of the Examination and Review of Matrix of Stakeholder Comments on the  
Fisheries Management (No. 2) Bill, 2020**

**Thursday March 10, 2022**

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
Fisheries Division	Based on the previous recommendation this Division is now renumbered as Division 4. The heading should also be changed to reflect that the prohibitions are not specific to fishing methods but pertain to prohibitions on fishing generally (e.g. fishing times, classes of fish that could be taken and fishing related activities (e.g. buying, selling, landing, transporting etc.)	<ul style="list-style-type: none"> <li>▪ Amend Division heading as follows: <i>Division 4</i> <i>Prohibitions on Fishing and Fishing Related Activities</i></li> </ul>	
Fisheries Division	<p>a. Based on the previous recommendation this marginal note should reference Division 4.</p> <p>b. Further, there is need to align the order of the clauses within the Divisions of the Part e.g. clause 46 on contravention of Orders under Division 3 is at the end of the respective Division whereas similar</p>	<ul style="list-style-type: none"> <li>▪ Amend marginal note for clause 47 as follows: <i>Contravention of Orders under Division 4</i></li> <li>▪ Agreed. Amendment to be made at a later time.</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>provision in clause 47 is at the start of Division 4.</p>		
<p><b>Environmental Research Institute Charlotteville</b></p>	<p>a. The prohibition of scuba gear and spearfishing in subsection 1 should not apply to mari-and aquaculture and should only apply to wild “fish”.</p> <p>b. The act should read that the Minister “shall” and not that the Minister “may”. The norm should be that the Minister has the mandate to do something to ensure sustainable fisheries (which would be “shall”) It should not be the norm that the Minister could do something to ensure sustainable fisheries (which would be “may”). Exemptions from “shall” could always be evaluated on a case to case basis.</p>	<ul style="list-style-type: none"> <li>▪ <b>Definition of “SCUBA” to be deleted.</b> SCUBA and spearfishing are not mentioned in the Bill. Prohibition of any gear will be included in subsidiary legislation.</li> <li>▪ The use of “may” in this clause means that the Minister is empowered to make an Order in relation to prohibiting fishing and fishing related activities. This doesn’t mean a discretionary power to do or not to do in this clause.</li> </ul>	<p>In the clause by clause, based on severity, priority, agency etc. some things may find its way into the primary legislation and some may find its way into the subsidiary legislation.</p>
<p><b>Environment Tobago</b></p>	<p>No mention of exactly which ESS and protected species are included. Is it grouper, parrot fish, corals, cetaceans, sharks and turtles etc?</p> <p>This needs to be clearly enunciated.</p>	<ul style="list-style-type: none"> <li>▪ The Bill is the overall framework for fisheries management. It is not intended to be too prescriptive. Details would be addressed in subsidiary legislation which can be easily and expeditiously amended as appropriate. The designation of protected species is based on specific</li> </ul>	<p>This clause needs to be prescriptive based on the science and in relation to certain species. Also the fish markets need to be monitored in the event that a fisherman catches a kingfish or any other fish with size restrictions and cut them up in the market to disguise that it was</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p>criteria – such species are likely to change over time, consequently it is best to list in subsidiary legislation. In the case of ESS, the EMA will be consulted in accordance with clause 217.</p> <p>See FD proposed amendment to clause 232(2)(k) which outlines measures for the protection of any environmentally sensitive, vulnerable, threatened or endangered species.</p>	<p>short, in order to implement the law. Therefore, this needs to be very prescriptive especially with the species that are important to our indigenous culture, food and healthy diet and if trying to hide the true length of a fish and the penalty needs to be much harsher if caught at the market with a short fish. In the US, any Bluefin tuna caught under 72 inches is immediately released because the fine is fifty thousand dollars and such person can also lose their license for the season.</p> <p>The ‘easily and expeditiously amended in subsidiary legislation’ does not currently exist in Trinidad and Tobago. Some subsidiary legislation tends to have a longer life span than it should.</p>
<p><b>Institute of Marine Affairs</b></p>	<p>Clause 48(2) - The concern here is with respect to endangered species- decision should be justified by scientific evidence (including regional and international information) along with the international laws treaties etc.</p>	<ul style="list-style-type: none"> <li>▪ The principles for decision-making (clause 6) support the use of best scientific evidence and international minimum standards ((6)(b); and clause 232(1) confers the powers on the Minister to make regulations necessary or expedient for the purpose of giving effect to...international conservation and management measures, treaties or</li> </ul>	



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		arrangements to which Trinidad and Tobago is a party.	
<b>Environmental Management Authority</b>	Clause 48(5) - Requires adequate trained personnel to monitor and inspect vessels to ensure compliance. This applies for sub-section 6 as well.	<ul style="list-style-type: none"> <li>▪ Noted and agreed. Adequately trained personnel will be required to implement all aspects of the new fisheries management legislation.</li> </ul>	<p>The legislation has to be powerful because it would require a big budget to accomplish all its objectives and to assist the Minister to get the requisite funding from Cabinet.</p> <p>Agreed to also look for any existing provision that allows for fines to go into the fund that the Bill proposes to create, as a mechanism for funding some of the things that are needed.</p>
<b>Fishermen and Friends of the Sea</b>	Clause 48 (1) - Prohibiting fishing methods and related activities, should not be subjected to the powers of Minister alone but rather on the advice of an inclusive Multi Stakeholder Board.	<ul style="list-style-type: none"> <li>▪ The Bill makes provision for stakeholder participation in the decision-making process for conservation and management of fisheries (clause 232 (2) (n)). Other provisions with the same objective are outlined in clause 6 (Principles for decision-making) – (6)(j) on the participatory approach to decision-making; Part V (Fisheries Management and Development).</li> <li>▪ The decision to prohibit a particular fishing method or fishing-related activity will be documented in a fisheries management plan – note that</li> </ul>	<p>Instead of on the advice of an inclusive multi-stakeholder board, it should be the Director and a scientific standing committee that may need to be created, that will always be observing and making recommendations.</p> <p>On the decision to prohibit, only certain activities should be prohibited but a full education and communication plan would need to also be included. For example the fishermen in Tobago may need to be educated on the actual value of a blue marlin and sailfish in the water to fishermen and to the economy for generating income to ensure buy-in to</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p>in development of FMPs stakeholders are consulted – Clause 37(1).</p>	<p>the catch and release method. However, there must also be very stiff penalties for landing of a blue marlin or sailfish. Also, in the event that a blue marlin dies whilst sport fishing, there should be provisions in this Bill that if it dies under such circumstances that the meat should be given to a charity and it must not be sold or cashed in because it will defeat the purpose of this Bill.</p>
<p><b>Icacos Fisherfolk United</b></p>	<p>To add to clause 48 (1) Addition of (j)- prohibition of fishing methods and activities that disrupt and destroy the life cycle of a fish e.g. trawling</p>	<ul style="list-style-type: none"> <li>▪ The Bill, which provides the legal framework for fisheries management, treats with unsustainable fishing in a general way – today the concern may be about trawlers but tomorrow it may be another gear type. Section 48 (1) (c) (i) prohibits the taking from the fishery waters, of fish, or of fish included in a specified class of fish by a specified method or fishing gear. The specific decision to prohibit a particular fishing gear would be based on consultation with stakeholders and outlined in the respective fisheries management plans. The FMPs would be implemented through subsidiary legislation and the respective licensing system.</li> </ul>	<p>Generally, unsustainable fishing requires strong action to be taken.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Ministry of Planning and Development</b></p>	<p>Clause 48(1)(b) (i) and (ii) are effectively the same, it may be improved by revising one of them make a stipulation on “mass/weight” instead.</p>	<ul style="list-style-type: none"> <li>▪ Noted. The intent is to include all parameters for defining the prohibitions. Clause 48(1) (b) (i) refers to the size of the fish which may include length, weight and mass. While 48(1) (b) (ii) refers to the dimension which may be an aspect of size. 48(1) (b) (iii) refers to dimension of a particular part of the fish (linked to morphometrics).</li> </ul>	<p>With fish such as kingfish, carite, cavali that are utilized, it is very difficult when fishing at a depth of 100-300 feet and pulling up such fish and the rate at which it is being pulled to the surface can lead to it being damaged. Therefore, this Bill should set simple targets for fishermen to put marks on their boats or pirogues or they can possess a simple tool similar to a ruler in their boats so that any kingfish under 2 feet (or whatever length stipulated by the scientists) to verify its size before capturing the particular species. This provision should be as simple as possible and stipulate the desired length for catching certain species.</p> <p>Our existing legislation is very archaic so the Minister has very limited powers but this Bill will seek to expand those powers. Currently under the existing regulations there is an existing limit on kingfish, carite, snapper but it boils down to enforcement. There are regulations governing that nothing more than a 12 inch carite or an 8 inch snapper can be caught but these stipulations may need to be revised with the science. It is a very</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>limited scope of action that can be taken with the existing legislation and that's why this enhanced legislation is required to update and enforce the Regulations already in place.</p> <p>The penalties for breach of these Regulations would need to be harsh under the pyramid of penalties in order to send a very strong message.</p> <p>Under the current legislation, there are constraints with the common names for species such as red fish which is a common name that may apply to numerous species of different types of life history strategies and different maximum sizes etc. When the proper regulations come into effect, it will mention the scientific names and the lengths will be assigned accordingly. Fisher folk will also be educated on the proper identification of these species.</p> <p>If someone pulls up a small underweight snapper red fish caught from deep but releasing it wouldn't work because it is too damaged to survive, how would this be treated with? The size of the gear would have to be controlled because the</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>size of the fish caught is partially determined by the size of the hook used so that if the gear can be regulated along with simultaneous measures put into place. Similarly with the net, if you can control the size of the mesh then you can catch larger fish.</p> <p>This requires a prescriptive approach and also requires liaising with Customs and Excise to ensure that smaller hooks etc. are not allowed to be brought into the country to be sold which will assist in monitoring. This legislation provides the expanded powers needed by the Minister to be able to monitor imports, exports and re-exports.</p>
<p><b>Fisheries Division</b></p>	<p>a. Amend chapeau of clause 48(1) to include “on the recommendation of the Director”.</p> <p>b. Amend marginal note for clause 48 for consistency with proposed new</p>	<ul style="list-style-type: none"> <li>▪ Amend chapeau of clause 48(1) as follows: <i>Subject to this Act, the Minister may, by Order, <u>on the recommendation of the Director,</u></i></li> <li>▪ Amend marginal note for clause 48 as follows: <i>Prohibitions on Fishing and Fishing Related Activities</i></li> </ul>	<p>The word ‘may’ should be replaced with the word ‘shall’ and the word ‘recommendation’ should be substituted with the word ‘advice’.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>heading - see response to previous comment.</p> <p>c. Amend clause 48(1)(a) to include “the” before “fishery waters”</p> <p>d. Amend clause 48(1)(a)(ii) to refer to “fish” in general, instead of crustaceans (which is a subset of “fish”); and to include species which may carry young (e.g. sharks). Furthermore “the processing of such fish on a vessel in the specified area” is applicable to both clause 48(1)(a)(i) and (ii) – “chaussure/shoe”</p> <p>e. Amend clause 48(1)(b) to make reference to “the fishery waters” – replace “any” with “the”.</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 48(1)(a) as follows: <i>prohibit at all times, or during a specified period, the taking, from any specified area of <u>the</u> fishery waters,</i></li>   <li>▪ Amend clause 48(1)(a)(ii) as follows: <i>in the case of a specified class of <u>fish</u>, females having <u>young or</u> eggs or spawn attached to them</i>  <i>Reposition the text “the processing of such fish on a vessel in the specified area” as the “chaussure/shoe” to clause 48(1)(a)(i) and (ii)</i></li>   <li>▪ Amend clause 48(1)(b) as follows: <i>prohibit the taking, from <u>the</u> fishery waters, of fish included in a specified class of fish that;</i></li>   <li>▪ Amend clause 48(1)(c) as follows:</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>f. Amend clause 48 (1)(c) to make reference to “the fishery waters” – replace “any” with “the”.</p> <p>g. Amend clause 48(1)(d) to include other relevant fishing related activities – transport, transshipment, transit, import, export, re-export – which are addressed in the Bill. As well, delete reference to “fish products” because this is already included in the definition of fish (<i>as “parts thereof”</i>)</p> <p>h. Amend clause 48(1)(e) – to include prohibition on <u>use</u> of a fishing gear of a specified kind for taking fish and to expand the scope of the clause by deleting “in any areas of water” so that the provision also applies to activities on land.</p>	<p><i>prohibit the taking, from <b>the</b> fishery waters, of fish, or of fish included in a specified class of fish</i></p> <ul style="list-style-type: none"> <li>▪ Amend clause 48(1)(d) as follows: <i>prohibit the buying, selling, landing, displaying for sale, receiving, possession, <b>transport, transshipment, transit, import, export or re-export</b> of fish, or of fish included in a specified class of fish.</i></li> <li>▪ Amend clause 48(1)(e) as follows: <i>prohibit a person from <b>using</b>, having in his possession or in his charge in a vessel, fishing gear of a specified kind for taking fish</i></li> <li>▪ Amend clause 48(1)(f) as follows: <i>prohibit a person from using, or having in his possession or in his charge in a vessel, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or</i></li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>i. Amend clause 48(1)(f) - to expand the scope of the clause by deleting “in any areas of water” so that the provision also applies to activities on land (as the respective equipment may be kept on land).</p> <p>j. Amend clause 48(2) to include “on the recommendation of the Director”; for consistency with proposed amendments to clause 232(2)(k) and to replace “any” with “a/an” as the preferred drafting language.</p>	<p><i>ascertainable as provided in, the Order;</i></p> <ul style="list-style-type: none"> <li>▪ Amend clause 48(2) as follows: <i>The Minister may, by Order, <u>on the recommendation of the Director</u>, prohibit the taking of an <u>environmentally sensitive, vulnerable</u>, threatened or endangered species in accordance with any written law or treaty, convention, or other international agreement to which Trinidad and Tobago is a party.</i></li> <li>▪ Amend clause 48(6) as follows: <i>A person who buys, sells, lands, displays for sale, receives, possesses, transports, transships, transits, imports, exports and re-exports, any fish taken in contravention of subsections (1) and (2) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.</i></li> </ul>	<p>This is agreed because it shows the strict liability offence because monitoring may be particularly difficult so once the equipment is on-board it is assumed that it is being utilized.</p>



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>k. Amend clause 48(6) for consistency with the proposed change for clause 48(1)(d) to represent the range of fishing related activities addressed in the Bill , for consistency with other sub-clauses above so that the provision also applies to activities on land, and to make reference to contravention of the provisions in subsections (1) and (2). As well, merge clause 48(7) with clause 48(6) for consistency within the manner in which offences are stated throughout the Bill.</p> <p>l. Delete clause 48(7) as it is proposed to be merged with clause 48(6).</p>		<p>The word 'may' should be replaced with the word 'shall' and the word 'recommendation' should be substituted with the word 'advice'.</p>
<p><b>Environment Tobago</b></p>	<p>This bill does not define what is approved/compliant fishing gear.</p> <p>What gear is not allowed? Gill nets, seine nets, turtle nets, spear guns?</p> <p>Spear fishing needs to be regulated heavily. Turtle nets are a constant</p>	<ul style="list-style-type: none"> <li>▪ Noted. However, this clause addressed fishing with poisons, explosives or electrical devices which unless prescribed otherwise will be considered as prohibited.</li> <li>▪ The Bill is intended to provide the broad legal framework for fisheries management. Any specific fisheries management measures regarding gear</li> </ul>	<p>Certain types of gear along with other activities on the advice or recommendation of the standing committee and the Director as encountered can be dealt with in subsidiary legislation. Some of the critical ones where there is enough information and data on currently will be dealt with in this legislation.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>problem despite it being illegal to touch, catch, eat a turtle and turtle eggs an ESS.</p> <p>This issue is critical. Please define clearly.</p>	<p>would be addressed in fisheries management plans and implemented through subsidiary legislation and the authorization/licensing/permitting system.</p>	
<p><b>Ministry of Planning of Development</b></p>	<p>a. Clause 49(1)(a)(iii) Stunning and stupefying are synonyms of each other.</p> <p>b. Clause 49(4) - How does this subsection account for things such as pitch oil and lamp flares?</p>	<ul style="list-style-type: none"> <li>▪ Noted. However, stupefy refers to a state of disorientation while stun may refer to a state of unconsciousness. Consequently both terms will remain. <b>No change required.</b></li> <li>▪ Pitch oil would be considered a chemical, poison or noxious substance or material in accordance with clause 49(1)(a)(i). A lamp flare (if interpreted correctly) may be considered as a device to stun or stupefy fish in accordance with clause 49(1)(a).</li> <li>▪ Variations to this prohibition may be prescribed. <b>No change required.</b></li> </ul>	
<p><b>Fisheries Division</b></p>	<p>Amend clause 49(2)(a) for consistency with clause 48(1)(d) to reflect the range of fishing related activities addressed in the Bill.</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 49(2)(a) as follows:  <i><b>buy, sell, land, display for sale, receive, possess, transport, transship, transit, import, export, or re-export any fish taken by any means which contravenes this section; or</b></i></li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
Fisheries Division	<p>Amend clause 50 to include two (2) sub-clauses.</p> <p>a. Clause 50(1) – amend so that in approving (instead of developing) fisheries management plans the Minister also takes into consideration any effects of international obligations – e.g. fisheries subsidies negotiations and related final outcome under the World Trade Organization, on the sustainability of the fisheries resources and achievement of the management objectives.</p> <p>Include new sub-clause which would allow for the Minister to prescribe by Order, subsidies aligned with fisheries management objectives.</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 50(1) as follows: <i>In approving management plans, the Minister shall consider the possible effects of subsidies and any other economic incentives on the sustainability of fisheries resources, achievement of fishery management objectives <u>and discharge of obligations under a treaty, convention or other international agreement to which Trinidad and Tobago is a party.</u></i></li> <li>▪ Insert new sub-clause 50(2) as follows: <i><u>The Minister may, by Order, on the recommendation of the Director, prescribe subsidies and any other economic incentives for the achievement of fishery management objectives and discharge of obligations under any treaty, convention or other international agreement to which Trinidad and Tobago is a party.</u></i></li> </ul>	
Ministry of Trade and Industry	Clause 51(1) - An entire fish stock can be reduced in the space of three years due to overfishing. The Director should	<ul style="list-style-type: none"> <li>▪ Noted and agreed.</li> </ul>	All artificial time limits should be removed and left up to the Director and

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>have flexibility in the event that a situation calls for a review before the expiration of three years. The words “or as needed” should be inserted after “every three years”.</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 51(1) chapeau as follows: <i>All subsidies and other economic incentives shall be reviewed by the Director <b>as required</b> for the purpose of determining whether-</i></li> </ul>	<p><a href="#">the scientists on the standing committee so there will be a constant review.</a></p>
<p><b>Felicity Charlieville Fishing Association</b></p>	<p>Clause 51 - Subsection (1) is essential for the way forward and promote sustainability practices however, some other suggestions can be projected for stakeholders. Since the concerns of stakeholders mainly dwell in the loss of livelihood of during closed seasons these subsidies can serve to be crucial. The adoption of aquaponics and agriculture and the land necessary to carry out this sustainable practice should be given as an incentive to fishermen desirous of maintaining their livelihoods. This will not only maintain biodiversity of the natural fishery but also provide adequate food security.</p> <p>This suggestion to promote agriculture can be a feasible means to possibly</p>	<ul style="list-style-type: none"> <li>▪ Noted. Currently alternative livelihoods for example, aquaponics and agriculture, are promoted as a means of diverting effort from fishing over-exploited fish stocks and are facilitated by the Agricultural Incentive Programme. <b>No change required.</b></li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	provide an alternative to fishermen returning to the fishery and inadvertently reducing the level of fishing effort especially in smaller areas with cohorts of fishers that surpass the recommended fishing efforts.		
Fisheries Division	Delete clause 52(2) as this is already a defense.	<ul style="list-style-type: none"> <li>▪</li> </ul>	
Fisheries Division	Amend clause 53 to make its applicability specific to fishers and fishworkers, mindful of the proposed change in definition of fish workers (see previous comment). It is not necessary to register all those involved in the full range of fishing related activities.	<ul style="list-style-type: none"> <li>▪ Amend clause 53 as follows: <i>This Part shall apply to fishers engaged in commercial fishing and <u>fishworkers</u>.</i></li> </ul>	
Fisheries Division	<p>a. Amend clause 54(1) chapeau to give the Director discretion as to what information may be included in the Register of Fishers and Fishworkers, mindful that some of the information listed may be confidential.</p> <p>b. Amend clause 54(1)(a) to include nationality or residential status in Trinidad and Tobago and to retain</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 54(1) chapeau as follows: <i>The Director shall establish and maintain a Register of Fishers and Fishworkers which <u>may</u> include-</i></li> <li>▪ Amend clause 54(1)(a) as follows: <i>the name, date of birth, nationality or residency status in Trinidad and Tobago,</i></li> </ul>	Based on the sense that if not registered there would be a penalty imposed, the focus should be changed from penalty or penalizing to ability to access grants, funding, subsidies and loans etc. so that it would be more of an incentive. This would be useful even when dealing with the migrant population that may be involved with fishing then our local commercial fisher workers and

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>only the general reference to the identification number for the administration of tax laws (mindful that the term “Board of inland Revenue Number” may change in future).</p> <p>c. Clause 54(2) should be deleted and inserted in an amended form as the new clause 55(1), to address the requirement for registration as a fisher or fishworker.</p>	<p><i>an identification number used in the administration of tax laws, residential and postal address, telephone number and email address of each fisher or fishworker;</i></p> <ul style="list-style-type: none"> <li>▪ Delete clause 54(2).</li> </ul>	<p>fishermen whilst the illegal migrants are free to move around. Any law that puts the local law abiding citizen at a disadvantage should not be done.</p> <p>Some of these registration requirements are governed under international treaties such as the ILO Convention. The registration process is intended for commercial fishers so once engaged in commercial fishing in Trinidad such person is required to register as a commercial fisher or as a fish worker if engaged in related activities such as boat building and subsidiary type activities. Some of the requirements are listed here to be mandated in law by the Minister but this practice already takes place voluntarily. The requirements are also stipulated in relation to the nationality but any foreigner with a valid work permit would also be considered. The intent is also to support other legislative agencies that regulate labour, tax purposes etc. and that’s the reason it is included here to also ensure that nothing is done contrary to any other existing legislation. There is also a penalty for not registering as a</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>commercial fisher but such person is subsequently found on a commercial fishing vessel.</p> <p>In such instance, provisions should be made for the owner of the vessel to take responsibility with enforcement and to receive harsh penalties if the fail to allow anyone but registered fishermen onboard their vessels. There are penalties applied to both the owner (who may or may not be actively involved with commercial fishing) and to the fishworker. It is meant to address all categories of fishers and there is also a permit system for recreational fishers to capture everyone who is going out to sea to catch fish. It is intended that all persons will be regulated such as commercial and recreational fishers, as well as persons engaging in some recreational activities from the sea shore or without a vessel such as crab catchers, oyster catchers, etc. who take the resource. This is the crux of what this Bill is about i.e. regulating fishing and fishing related activities.</p> <p>The onus and responsibility should be on the owner of the vessels (whether</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>present or absent) to ensure that registration is done for all their workers especially in terms of registration for NIS, BIR File Number and for other labour requirements. Such workers as they get older would be able to access support from the NIS System because they contributed to it over the years.</p> <p>The comparable position to the Shipping Bill should also be looked at.</p>
<p><b>Environmental Research Institute Charlotteville</b></p>	<p>These paragraphs require a) a transitional period; b) sufficient, affordable and accessible training opportunities and should take into consideration that certain types of fishers either e.g. Researchers, snail and crab catchers, shorefishers, rockfishers should not need evidence of six-month practical experience on a vessel.</p>	<ul style="list-style-type: none"> <li>▪ Noted and agreed.</li> <li>▪ The requirement for a six month practical experience on a vessel is to be removed.</li> </ul>	
<p><b>Tobago House of Assembly, Division of Food Production,</b></p>	<p>a. Clause 55 3(c) is draconian and should provide instead “not have been convicted of an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the</p>	<ul style="list-style-type: none"> <li>▪ Noted.</li> <li>▪ The first issue of the wide application of the term “any law” is to be narrowed by reference to “...any law</li> </ul>	<p>The assumption that a previous conviction can give insight into future behaviour is totally and completely unconstitutional, it is discriminatory and in contravention of the legal maxim</p>



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Forestry and Fisheries</b></p>	<p>environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within one year prior to the date of his application;</p>	<p>of Trinidad and Tobago [for which the penalty on conviction is imprisonment for [six months/one year] or more,..]</p> <ul style="list-style-type: none"> <li>▪ This amendment is to be included in all relevant clauses e.g. grounds for refusal, suspension and revocation for fisher and fishworker registration, licences, authorisations and permits.</li> <li>▪ The second issue pertains to the period between the date of conviction and the date of application to be registered as a fisher. The time period of two years may be considered as sufficient time to observe/determine if a person has continued to engage in unlawful activities. Furthermore, this period may also serve as a deterrent for persons seeking to register as a fisher (and fishworker- clause 55(4)(c)) to engage in unlawful activities in the first instance.</li> </ul> <p>Possible amendment may be “not have been convicted of an offence- <i>(i) under this Act; or</i></p>	<p>‘innocent until proven guilty’. If someone serves their time even for the most heinous crime and is then released then they are considered a citizen with the rights and protections of the Constitution. Any law brought that denies this opportunity to such persons for whatever reason will be illegal.</p> <p>Some offences may not be as heavy as others and interested persons wanting to join the industry as a means of earning income should not be deterred from doing so. Consideration should therefore be given depending on the type of offence or the period lessened from 2 years to 1 year. Any young person in this context may need an alternative source of income and consideration should still be given for him to be able to still join the industry.</p> <p>This provision was meant to capture instances where fishing is used as a guise for illegal activity. This part relates to the criteria set for the Director to approve registration as a commercial fisher onboard a commercial fishing vessel. One of the criteria is that such person must not have committed an offence</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p><i>(ii) under any other written law of Trinidad and Tobago, for which the penalty on conviction is imprisonment for [six months/one year] or more, and including any offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within [one year/two years] prior to the date of his application”</i></p> <p>▪ <b>Additional note:</b> It is not intended to deny persons the opportunity to earn an honest living through fishing or to punish someone convicted of a serious crime by denying him the opportunity to fish even though he has already paid the penalty for the crime. The intention is to make it difficult for persons to use fishing as a guise for engagement in a range of criminal activity and to ensure that access to the fisheries resources of Trinidad and Tobago and available subsidies and other economic incentives is given to bona fide fishers. The reality on the ground is that fishing vessels are often used to commit a range of crimes involving persons claiming to be</p>	<p>under this Act such as smuggling etc. it doesn't prevent registration as a fisher but rather it gives a timeframe for which such person cannot be registered as a fisher. The intent is to specify the criteria for which the Director will give a fisher the opportunity to be registered as a commercial fisher and engage in a commercial fishing vessel knowing fully well that there are many cases in which fishing vessels are used as a cover for many illicit activities and serious crime. The law provides for a penalty imposed above 6 months imprisonment then it is considered a serious crime. The intent is also to make it an additional administrative deterrent for persons who wish to use fishing vessels as a cover for illicit activity having previously been engaged in that type of activity and now wanting to continue that type of activity without any kind of administrative type of arrangement.</p> <p>Need to look and ensure we are not bound by any treaty or international arrangement for this and to check what is done in comparable legislation regarding exclusions in granting of</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p>legitimate fishers. This fact can be attested to by the ministry with responsibility for national security.</p> <ul style="list-style-type: none"> <li>▪ This comment seems to refer to clause 55(3)(b) for which the response is the same as for the prior preceding comment (clause 60(a)).</li> <li>▪ Agreed. The requirement for six months experience is to be deleted and the requirement for certified training is already indicated under clause 55 (d).</li> </ul>	<p>certain licenses and permits. As far as possible it is an exclusion that is directly related to the subject matter and as it relates to conviction for certain types of offences with a stipulated time period. If the concern is that the vessel is being used to commit non-fisheries related crime then the restriction should be connected to somebody who has been previously convicted.</p> <p>Also, in a situation where opportunities do not exist for a wide portion of the society especially for young persons who may end up with a charge exceeding 6 months they may be excluded from the armed forces or from becoming a lawyer and this restriction shouldn't add to the list of what such persons cannot be and the industry may end up with little to no one being eligible. It is discriminatory and unconstitutional. This also does not solve the intended mischief because the reality on the ground is that fishing vessels are often used to commit a range of crimes involving persons claiming to be legitimate fishers but a person not registering isn't stopping such persons</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>b. Clause 55(d) is unduly harsh and should instead provide “not have been convicted within one year prior to the date of his application of any offence under this Act”</p> <p>c. Clause 55 (e) - Six months experience is difficult to obtain and should instead provide for a 6 week course.</p>		<p>from running drugs and guns. Such restriction must be balanced properly.</p> <p>Once registered, these persons are also eligible for the range of subsidies and incentives so if they are registered and continue to engage in illegal activity they would be denying other legitimate fishers from accessing such subsidies and incentives if they are limited because they will also be able to access them. However, persons continuing to engage in illegal activity is grounds for removing or disintitling such persons from accessing the subsidies.</p> <p>Some fishermen in Trinidad and Tobago have no formal training and may be functionally illiterate but they are brilliant fishermen who are experienced and who understands factors such as tides, the moon, where to go and how to move, speed of driving the vessel, wind conditions etc. better than any trainer.</p> <p>The 6 month of prior experience requirement is removed and the certified training is required for basic safety training. The certified training wasn't specified so in its implementation</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<p>it can be a collaboration between Fisheries Division and CFTDI to educate persons on sustainability of resources and the do's and dont's associated with this.</p> <p>In order to ensure that fishers on the vessels enroll in this basic 6 week course to read basic instruments like GPS, safety requirements, swimming, basic CPR etc. the onus should be on the employer/owner of the vessel to enroll their workers to have such relevant training but the Fisheries Division can perhaps absorb some of the associated costs. This may help to create a safer fishing environment. Any kind of registration as a fisher (commercial, recreational or artisanal) requires that the training must be completed. Such requirements under the training program should also be properly defined and stipulated for clarity.</p>
<b>Environmental Management Authority</b>	Clause 55(3)(c) - There is need for coordination between agencies or a central database to ensure that the proper background checks have been done. Simply asking the applicant	<ul style="list-style-type: none"> <li>▪ In addition to requiring supporting documents (e.g. Certificate of Character), it is the intention for the Fisheries Division to coordinate and collaborate with other regulatory</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>whether he was in violation of any laws pertaining to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within two years prior to the date of his application will not be enough.</p>	<p>agencies (clause 217) for implementation of the Act.</p>	
<p><b>Environment Tobago</b></p>	<p>a. How can rural fishermen be asked to spend 6 years of training before being able to get a fishing permit and a permit to sell their catch in villages around the country.</p> <p>b. Will it now be illegal for children to fish off the beach /jetty in the various villages? This makes no sense</p>	<ul style="list-style-type: none"> <li>▪ Incorrect interpretation – the proposal is for 6 months of training. However, the Fisheries Division proposes to delete this requirement (in clause 55(3)(e), and to place greater emphasis on the requisite certification (clause 55(3)(d)).</li> <li>▪ The Bill is not intended to regulate recreational fishing without a vessel (unless prescribed otherwise).</li> <li>▪ The tradition of involving young persons in fishing as a means of succession planning within families and communities is acknowledged. However, there are concerns with respect to young persons providing labour on board fishing vessels. The ILO Work in Fishing Convention has established a minimum age of 16 years</li> </ul>	<p>All fishing on a vessel may not be work since fishing can also be for sport or recreation. Persons on a fishing vessel below the age of 16, after school on evenings or weekends doesn't mean that such persons are working.</p> <p>Also, on a fishing expedition not everyone onboard may be involved with</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p>for work on board fishing vessels. This is intended to safeguard minors from exploitation, unsafe conditions and to protect their rights, including access to an education. Minimum age for employment is also in accordance with national laws relating to children and employment, namely the <b>Miscellaneous Provisions (Minimum Age for Admission to Employment) Act 2007</b> and the <b>Children Act Chap. 46:01</b>.</p> <ul style="list-style-type: none"> <li>▪ The Bill provides for the issuance of a provisional permit for persons younger than 16 years on board a commercial fishing vessel (clause 55(3) (a)). It is intended that this permit will allow a minor to be involved in fishing on board a fishing vessel outside of school hours and only under the supervision of a registered fisher. An application for this provisional permit must be made by a parent or legal guardian of the minor.</li> <li>▪ In addition, one of the terms of a fishing licence will be the requirement for persons younger than 16 years to carry a valid provisional permit.</li> </ul>	<p>fishing and the requirement to get permits for persons that are there only to lime rather than fish may be too onerous. This is the stipulated requirement because this currently exists in Florida. This is the requirement for commercial fishers engaging in commercial fishing activity and is not intended to be onerous or to stop any minor from going out to fish. Rather it is to ensure that the Fisheries Division have proper records in the event that something happens.</p> <p>There are also people who may fish commercially on weekdays but on the weekends they may wish to use their vessels or pirogues for a bit of recreational fishing or for rest and relaxation and in this instance this requirement can create issues with this practice. This requirement for a provisional permit is not intended to be onerous since it can be for 1-2 years.</p> <p>Any vessel that is registered or on the official record as a commercial fishing vessel is required to have everyone onboard engaged in commercial activity to be registered and to have a</p>

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		<ul style="list-style-type: none"> <li>▪ Persons younger than 16 years intending to engage in recreational fishing on board a fishing vessel will be required to obtain a recreational fishing permit.</li> </ul>	<p>fisherman’s ID card and children would be required to have a provisional permit to show that they are also authorized to be there onboard the commercial fishing vessel. Where those persons engaged in recreational fishing with a recreational fishing license and with a registered recreational fishing vessel has other persons onboard then such persons also need to have a permit but it is not meant to be onerous or expensive. However, the price for foreigners will be higher than the cost for nationals due to it being classed as income generation activity. Party boats do not require such permits once they are not engaged in the act of fishing and taking resources out of the sea.</p> <p>Whilst the age of 16 is specified, there is no minimum age stipulated which may be a child safety issue but this will be considered in the roll-out.</p> <p>Any young person on a fishing vessel is there to learn skills to be subsistent and another option to sustain their families and we don’t want to discourage this. It should not be considered labour but it</p>



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			should be considered education and learning.
<b>Felicity Charlieville Fishing Association</b>	<p>Subsection 2 the addition of a further requirement for the applicant to be a member of a recognized fishing organization for at least two years should be added to the list. This should be mentioned and paced as a necessity.</p> <p>Given that the outline list can be deemed as questionable in terms of validity, the implementation of this will maintain that prospective fishermen be recommended by the organization.</p> <p>Organization affiliation by prospective fishermen proves to be crucial so as to determine the various classes of fishermen desirous of specific class of registration.</p>	<ul style="list-style-type: none"> <li>Noted. The concern is valid but it may not be legal to mandate that a fisher join a commercial association. The suggestion however, may be promoted procedurally and would be reflected in the respective application form (approved by the Director). Currently, the Fisheries Division applies such a requirement for first time registrants – however, additional work is to be done to identify criteria for determining what is a “recognized fishing organization” and the validity of the recommendation made by the organization. <b>No change required.</b></li> </ul>	
<b>Customs and Excise Division</b>	<p>Clause 55(3)(c) - The customs database for the storage of information relating to offenders under the Bill would have to be enhanced and up-kept.</p>	<ul style="list-style-type: none"> <li>Noted and agreed. It would be necessary for both the fisheries administrations and CED to share information concerning convictions under their relevant legislations (refer to clause 241(b) which recommends amendment to the Customs Act for</li> </ul>	



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>masons cannot be debarred based on a crime.</p> <p>There should be some categories that would debar a license, but the Bill in its present form, creates a wide interpretation that could be used to inhibit petty offenders from earning an honest living. The Fisheries Management Act should specify the category offences that would preclude a person from registering as a fisher. If the policy of this provision is to prevent trafficking and smuggling, then why not simply debar persons indicted for same?</p> <p>c. Furthermore, FFOS acknowledges the need for persons engaged in fishing to be adequately trained however, such training should be provided, approved and subsidized by the Fisheries Division.</p>	<ul style="list-style-type: none"> <li>▪ The resource constraints of fishers and government agencies are recognized. However, it is the intention to engage stakeholders to identify and implement a least cost option for training.</li> </ul>	
<p><b>Fishermen and Friends of the Sea in collaboration with Claxton Bay</b></p>	<p>a. We understand the need to make respect child labour laws and appreciate the Government’s decision to make provisions for the issuance of</p>	<ul style="list-style-type: none"> <li>▪ The manner in which application for a provisional permit for persons under 16 years is to be submitted to the Director is to be determined by the</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p><b>Fishing Association, Brickfield Fishing Association, Cedros Fishing Cooperative, Grand Chemin Fishing Association, Carli Bay Fishing Association, La Brea Fisherfolk, Marabella Fishing Association and La Ruffin/Moruga Fishing Association</b></p>	<p>provisional permits for children who may wish to assist their family in the fishing industry. However, <b>Section 55's</b> wording leaves much to be desired. Presently we do not know the criteria for a child to be issued a provisional permit. The Bill does not specify the age in which a minor can apply for a provisional permit nor does it indicate whether there are any stipulations attached to the issuance of same. Fishing, especially artisanal fishing is often times a familial enterprise. Young children are taken onto vessel from a very young age to teach them the family business. This important information should be included in the law and not left to the whims of the Director of Fisheries.</p> <p>b. We fully understand that in the interest of national security, there is a need to impose regulations which can be used to prevent human trafficking and the smuggling of drugs and other illicit materials into and out of Trinidad and Tobago. However, we suggest that</p>	<p>Director (clause 55(3)(e) in consultation with stakeholders. However, whatever is decided must be in compliance with existing national laws.</p> <ul style="list-style-type: none"> <li>▪ See preceding response to comment from Environment Tobago.</li> <li>▪ See preceding response to comment from Tobago House of Assembly, Division of Food Production, Forestry and Fisheries.</li> <li>▪ Addressing recidivism is a key requirement of the Bill as this is a</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p><b>Section 55</b> of the Bill’s requirement that a person must have no criminal convictions 2 years prior to making an application to be registered as fisher be amended to specify the types of crimes which would prohibit a person from being registered, Though there has been an attempt to confer some level of specificity, as it stands, a broad interpretation of the Bill can still result in persons who have minor offences such as possession of marijuana or assault and battery being precluded from registering as a fisher. Whilst we do not condone act of criminality we do not believe that they should bar persons from earning an honest living on the sea. Fishing is an income earning avenue for some of the most impoverished members of society. It is ill advised for the Government to create a system which denies persons with a petty criminal record an opportunity to earn an honest living instead promotes recidivism.</p>	<p>component of good governance which cannot be compromised.</p>	
<p><b>All Tobago Fisher Folk Association</b></p>	<p><i>a. Clause 55(3) (c) - “To be registered as a fisher, a person shall not have been</i></p>	<ul style="list-style-type: none"> <li>▪ See preceding response to comment from Tobago House of Assembly,</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p><i>convicted of an offence under any law of Trinidad &amp; Tobago....within two years prior to his application"</i></p> <p>What was the rationale used for denying an applicant from registering as a fisher if he/she has been convicted of an offence under any law of Trinidad &amp; Tobago?</p> <p>b. If citizens can apply for a National Identification or Driver's Permit with/without a convicted record, which are significantly more recognized and acceptable forms of Identification, then why attach an extremely harsh measure in order to be registered as a fisher?</p>	<p>Division of Food Production, Forestry and Fisheries.</p> <ul style="list-style-type: none"> <li>▪ The purpose of applying for and use of a National Identification Card or Driver's Permit are different from those applicable to registration as a fisher. A registered fisher, through an authorization, licence or permit, will be allowed to exploit the fisheries resources which belong to the people of Trinidad and Tobago. A registered fisher will also have access to certain financial and economic incentives among other things. These privileges should not be afforded to persons who break the law or have a tendency to do so repeatedly.</li> <li>▪ A person with a criminal record is not excluded outright from registering as a fisher. There is a specific time period</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>c. The disclosure of a criminal record should not automatically exclude a person from registering as a fisher and denying him/her the right to earn an honest, liveable wage, especially if he/she does not poses a threat to the public or at sea. AFTA recommends to include in the regulations that the Director, in considering the approval of registration for an applicant with a criminal offence to look at:</p> <ul style="list-style-type: none"> <li>- How relevant or serious the offence was;</li> <li>- The circumstances surrounding the conviction;</li> <li>- Whether the conviction forms part of a pattern of offending.</li> </ul> <p>d. Clause 55(3)(d) - "To be registered as a fisher, a person shall present evidence of certified training in personal survival, vessel operation,</p>	<p>within which he cannot apply. See preceding response to comment from Tobago House of Assembly, Division of Food Production, Forestry and Fisheries.</p> <ul style="list-style-type: none"> <li>▪ With respect to considering the pattern of (re)offending, clause 58(1) gives the Director the discretion to consider this pattern in determining administrative sanctions i.e. suspension or revocation of registration status.</li> <li>▪ The requirements for safety gear and basic training in safety at sea are mandated by the competent authority (Maritime Services Division) with respect to all mariners operating in all sizes and classes of vessels. It is the intention to engage stakeholders to identify and implement a least cost training option that takes into consideration expenditure associated with training as well as loss of livelihood.</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>general safety in fishing operations and any other certification required”</p> <p><u>This regulation speaks to fishers owing large vessels and not pirogues.</u></p> <p>e. Moreover, it does not take into consideration the <u>hefty cost in acquiring certification</u> for the above listed, the age group of fishermen in Tobago and the <u>lack of primary and secondary school education</u> received by fishermen, when attaching the above as a requirement to register as a fisher.</p> <p>It would be <u>very costly</u> endeavor for Tobago fisherfolk to travel to Trinidad on a regular basis in order to achieve certification in either or all of the above in an accredited school and pay “out of pocket” for the cost of the course(s); or</p>	<ul style="list-style-type: none"> <li>▪ The concerns regarding literacy levels, educational pre-requisites for training, technological limitations, impacts on senior fishers and time management (training versus fishing) are noted. There is currently at least one accredited training institution in Trinidad and Tobago (Caribbean Fisheries Training and Development Institute-CFTDI) which customizes its training programmes (mode of delivery, types of training materials, method of testing, etc) to suit the competencies, capacities and needs of the various stakeholder groups.</li> <li>▪ It is the intention to also engage CFTDI as a training institute to design and implement training programmes which would consider these areas of concern.</li> </ul>	



Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>online, although <u>many Tobago fisherfolk are not technologically capable of earning a certificate on a computer.</u> Further to this, the wage of a fisher compared to an individual that earns a steady salary differs, in that the wage earned by a fisher is entirely based on the fish they catch. Thus, a fisher <u>taking weeks and months away from earning a living to pursue a certificate will cause financial hardship</u> on themselves and their families. There must be a plan by the government put in place in order to help fishermen achieve certification status.</p> <p>In addition, to earn a certification in an accredited school, one must satisfy <u>educational pre-requisites.</u> There are many fishermen, young and old, who have not successfully completed primary and secondary school, i.e. there are still numerous fisherfolk that <u>cannot do basic math computation or read and write.</u> Many of their life <u>skills and safety at sea has developed through experience and knowledge</u></p>		

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p><u>passed</u> down in hos to operate a pirogue. To require Tobago fisherfolk to pursue certification would bring about tremendous mental and emotional strain and as a result discourage fisherfolk from continuing a career in fishing.</p> <p>Lastly, a large sect of Tobago fisherfolk is within <u>the age range of 40-70+ years</u>. It must be reiterated here that to require Tobago fisherfolk to pursue certification would bring about tremendous <u>mental and emotional strain</u>.</p>		
<b>Ministry of Planning and Development</b>	<p>a. Clause 55(1) - Close bracket is omitted.</p> <p>b. Clause 55(2) - As an onshore activity couldn't this period be longer than that applied to fisheries?</p> <p>c. Clause 55(4)(b) - Is it anticipated that such certification would be readily available?</p>	<ul style="list-style-type: none"> <li>▪ Noted. However, <a href="#">see Fisheries Division proposed changes</a>.</li> <li>▪ Noted. <a href="#">To amend clause as suggested in response to comment below</a>.</li> <li>▪ [It is assumed that the reference is to clause 55(4)(d)] – <a href="#">Fisheries Division proposed deletion of this requirement at clause 55(4)(d)</a> as it is uncertain</li> </ul>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<p>whether such certified training in the range of fishery-related activities is available nationally.</p>	
<p><b>Fisheries Division</b></p>	<p>a. Delete the current clause 55(1) and replace with clause 54(2) amended for consistency with the wording of all clauses relating to the requirement to apply for a specific service/document.</p> <p>b. Amend clause 55(2) to reflect that the application is for registration (as a fisher or fish worker), not for the identity card. The identity card is issued as part of the registration process. Furthermore, note the preceding response at comment from Ministry of Planning and Development in respect of timeline for notification.</p> <p>Note that the proposed timeframe for notification by Director or Minister is “as soon as is practicable” and notification by a stakeholder is “not later than fourteen days [after the change]”.</p>	<ul style="list-style-type: none"> <li>▪ Replace clause 55(1) with clause 54(2) amended as follows: <i><b>A person who intends to become a fisher or fishworker shall apply to the Director to be registered on the approved form.</b></i></li> <li>▪ Amend clause 55(2) as follows: <i>A fisher or fishworker shall notify the Director of any changes in the information set out in the application form for <b>registration not later than fourteen days after the change.</b></i></li> <li>▪ Delete clause 55(3)(e).</li> </ul>	<p>The onus should be placed on the owners of the commercial fishing vessels because if left individually there may not be compliance. Also if there is a law that it cannot be enforced or applied universally then the law becomes null and void and the moral authority to implement the law is lost. If the capacity to enforce it on an individual basis is not envisaged then the law should place the responsibility onto the commercial vessel owner to ensure that this requirement is complied with.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>c. Delete clause 55(3)(e), as emphasis should be placed on the certified training instead. Furthermore, given the nature of the industry, not all persons applying may have the six months practical experience on a vessel.</p> <p>d. Amend clause 55(3)(f) by replacing “comply with any other prescribed criteria” with “comply with such additional grounds as may be prescribed”</p> <p>e. Delete clause 55(4)(d) - the training may be required by other agencies; there may not be such certified training in all aspects of fishing related activities available in TTO; consideration is to be given to experience.</p>	<ul style="list-style-type: none"> <li>▪ Amend clause 55(3) as follows: <ul style="list-style-type: none"> <li>(3) To be registered as a fisher, a person shall- <ul style="list-style-type: none"> <li><i>(f) comply with <u>such additional grounds as may be prescribed.</u></i></li> </ul> </li> </ul> </li> <li>▪ Delete clause 55(4)(d).</li> </ul> <ul style="list-style-type: none"> <li>▪ Amend clause 55(4) as follows: <ul style="list-style-type: none"> <li><i>(4) To be registered as a fishworker, a person shall-</i></li> </ul> </li> </ul>	<p>The change occurs when the person is in the employ of a commercial vessel owner because if a change occurs when the person is not employed or working as a fisher then the onus should be individually on the person.</p> <p>Requirements may be better suited rather than the word ‘grounds’.</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>f. Amend clause 55(4)(e) by replacing “comply with any other prescribed criteria” with “comply with such additional grounds as may be prescribed”</p> <p>g. Amend clause 55(5) to make specific to information to be included in the Register of Fishers and Fishworkers and for consistency in reference to liability.</p>	<p><i>(e) comply with such additional grounds as may be prescribed</i></p> <ul style="list-style-type: none"> <li>▪ Amend clause 55(5) as follows: <i>A person who gives false or misleading information in order <b><u>to be included in the Register of Fishers and Fishworkers</u></b> commits an offence and is liable on summary conviction to <b><u>the fine set out in the Schedule.</u></b></i></li> </ul>	

## **JOINT SELECT COMMITTEE ON THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020**

### **MINUTES OF THE SIXTH MEETING HELD VIA ZOOM VIDEO PLATFORM ON FRIDAY JUNE 17, 2022 AT 10:00 A.M.**

#### **PRESENT**

Ms. Christine Kangaloo - President of the Senate

#### **Committee Members present**

Mr. Nigel de Freitas - Member  
Mr. Avinash Singh - Member  
Dr. Maria Dillon-Remy - Member  
Dr. Varma Deyalsingh - Member  
Dr. Muhammad Yunus Ibrahim - Member  
Mr. Stephen Mc Clashie, MP - Member  
Mr. Ravi Ratiram, MP - Member  
Mr. Rushton Paray, MP - Member  
Mr. Kennedy Richards, MP - Member

#### **Secretariat**

Ms. Chantal La Roche - Secretary

#### **ABSENT/EXCUSED**

Mr. Brian Manning, MP - Member [*Excused*]  
Ms. Shamfa Cudjoe, MP - Member  
Mr. Anil Roberts - Member

#### **COMMENCEMENT**

1.1 The meeting was called to order by the President of the Senate at 10:02 a.m.

#### **ANNOUNCEMENTS BY THE PRESIDENT OF THE SENATE**

- 2.1 The President of the Senate informed Members that Mr. Nigel de Freitas and Mr. Avinash Singh were appointed to the Committee by virtue of the revocation of the appointments of Mr. Clarence Rambharat and Ms. Yokymma Bethelmy on March 16, 2022.

### **ELECTION OF CHAIRMAN**

- 3.1 The President of the Senate advised that her role was to facilitate the election of a Chairman and then invited nominations.
- 3.2 Mr. Avinash Singh nominated Mr. Nigel de Freitas for the chairmanship and this nomination was seconded by Mr. Ravi Ratiram, MP.
- 3.3 There being no further nominations, Mr. Nigel de Freitas was declared the duly elected Chairman. The President of the Senate wished the Members productive and cooperative deliberations.

*(The President of the Senate exited the meeting and Mr. de Freitas assumed his role as Chairman)*

- 3.4 The Chairman thanked Members for electing him to serve as the Chairman.

### **ANNOUNCEMENTS BY THE CHAIRMAN**

- 4.1 The Chairman informed Members that Mr. Brian Manning, MP had asked to be excused from the meeting.

### **TERMS OF REFERENCE OF THE COMMITTEE**

- 5.1 The Chairman reminded Members of the Committee's mandate to consider and report on the Fisheries Management (No. 2) Bill, 2020, and of its reporting deadline of June 30, 2022.
- 5.2 The Chairman also reminded Members that all Parliamentary documents were uploaded into the web-based e-repository Rotunda from which all Members will have access to supporting documents.

### **DETERMINATION OF THE WAY FORWARD**

- 6.1 Following a brief discussion, the Committee agreed that its next meeting would be held on Wednesday June 22, 2022 at 9:30 a.m., to discuss and determine the way forward.

## **ADJOURNMENT**

- 7.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Wednesday June 22, 2022 at 9:30 a.m.
- 7.2 The adjournment was taken at 10:12 a.m.

I certify that these minutes are true and correct.

Chairman

Secretary

June 17, 2022



## **JOINT SELECT COMMITTEE ON THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020**

### **MINUTES OF THE SEVENTH MEETING HELD VIA ZOOM VIDEO PLATFORM ON WEDNESDAY JUNE 22, 2020 AT 9:30 A.M.**

#### **PRESENT**

##### **Committee Members**

Mr. Nigel de Freitas	-	Chairman
Dr. Maria Dillon-Remy	-	Member
Mr. Anil Roberts	-	Member
Dr. Muhammad Yunus Ibrahim	-	Member
Mr. Avinash Singh	-	Member
Mr. Brian Manning, MP	-	Member
Mr. Ravi Ratiram, MP	-	Member
Mr. Rushton Paray, MP	-	Member

##### **Secretariat**

Ms. Chantal La Roche	-	Secretary
Mr. Roger Hector	-	Legal Officer 1
Ms. Temika Jackson	-	Legal Research Officer
Mr. Khaleem Ali	-	Legal Intern
Mr. Marcus Moses	-	Procedural Officer Intern

#### **ABSENT/EXCUSED**

Mr. Kennedy Richards, MP	-	Member <i>[Excused]</i>
Dr. Varma Deyalsingh	-	Member <i>[Excused]</i>
Ms. Shamfa Cudjoe, MP	-	Member
Mr. Stephen Mc Clashie, MP	-	Member

#### **COMMENCEMENT**

1.1 The meeting was called to order by the Chairman at 9:46 a.m.

## **ANNOUNCEMENTS BY THE CHAIRMAN**

- 2.1 The Chairman will advise that the following Members asked to be excused from the day's meeting:
- Mr. Kennedy Richards, MP; and
  - Dr. Varma Deyalsingh.

## **CONFIRMATION OF MINUTES OF THE SIXTH MEETING**

- 3.1 The Committee considered the Minutes of the Sixth Meeting held on Friday June 17, 2022.
- 3.2 The motion for the confirmation of the Minutes of the Sixth Meeting was moved by Mr. Rushton Paray and seconded by Mr. Avinash Singh.
- 3.3 The Minutes of the Sixth Meeting were approved.

## **MATTERS ARISING FROM THE MINUTES**

- 4.1 **Per item 6.1**, the Chairman advised that:
- 1) The Committee's deadline for reporting to the houses of Parliament is June 30, 2022;
  - 2) Given the proximity of the reporting deadline, it would not be possible for the Committee to complete its work before the reporting deadline, and it would be necessary to request an extension of time to complete the Committee's work;
  - 3) The fixed recess of Parliament begins on July 8, 2022.
- 4.2 The Chairman invited discussion on the approaching reporting deadline, and the availability and willingness of Members to attend meetings during the Fixed Recess.
- 4.3 Following a brief discussion, Members agreed that it was necessary to request an extension of the reporting deadline, and expressed their willingness to meet during the Fixed Recess.

## **WAY FORWARD**

- 5.1 Following a brief discussion, the Committee agreed that:
- 1) it will meet during the fixed recess period on Mondays and Thursdays. During the month of July, the 7<sup>th</sup>, 11<sup>th</sup>, 14<sup>th</sup>, 18<sup>th</sup>, 21<sup>st</sup> and 25<sup>th</sup> were identified as tentative dates for meetings of the Committee;
  - 2) technocrats who have assisted the Committee with its work thus far are to be invited to assist the Committee in reviewing the Matrix of Stakeholder Comments and thereafter the clause by clause analysis of the Bill; and

- 3) the Secretariat will prepare a Draft Interim report which will be circulated to Members so that it can be laid in both the House of Representatives and the Senate the following week.

## **ADJOURNMENT**

- 6.1 There being no other business, the Chairman thanked Members for attending and adjourned the meeting to Thursday July 7, 2022 at 2:30 p.m.
- 6.2 The adjournment was taken at 10:06 a.m.

I certify that these minutes are true and correct.

Chairman

Secretary

June 22, 2022