

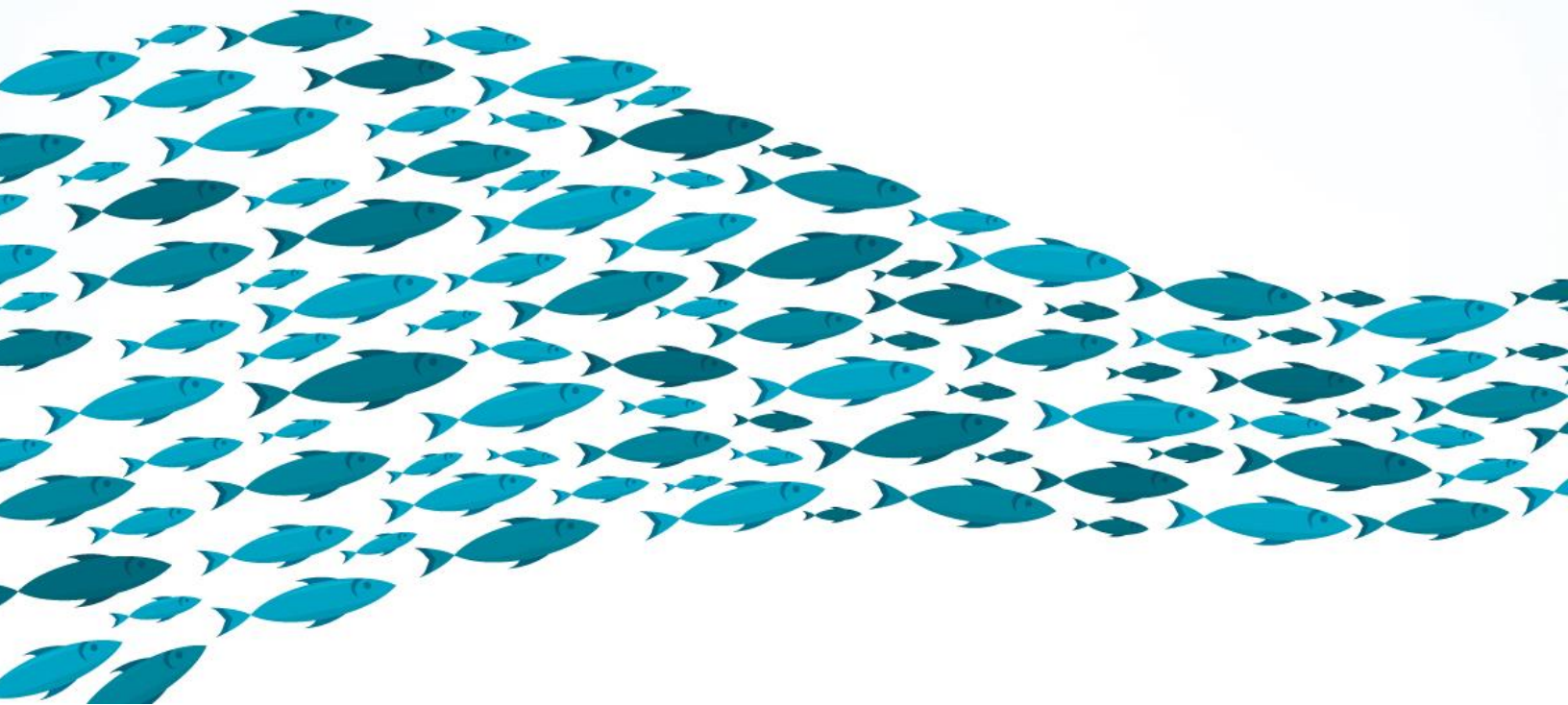


JOINT SELECT COMMITTEE ON

THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020

FINAL 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 ¹	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 ²	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

Joint Select Committee Fisheries Management (No. 2) Bill, 2020
Parliamentary Complex,
St. Vincent Street, Port-of-Spain
Tel: (868) 624-7275 Ext 2298; 2535 Fax: (868) 625-4672
Email: jscfisheries@ttparliament.org

Date Laid in HOR:

HOR Paper No.:

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

Date Laid in Senate:








Senate Paper No.:

¹ 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 Clarence Rambharat as a Senator was revoked by the President of the Republic of Trinidad and Tobago.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.

² 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 Yokymma Bethelmy as a Senator was revoked by the President of the Republic of Trinidad and Tobago.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.

MEETINGS

1. Your Committee has held seven (7) meetings on the following dates:

-  Thursday February 3, 2022;
-  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.

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

WORK TO DATE

2. Technocrats from the Fisheries Division, Ministry of Agriculture Land and Fisheries, Office of the Chief Parliamentary Counsel and 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 with its consideration of the Bill.
3. The technocrats of the Fisheries Division, Ministry of Agriculture Land and Fisheries commenced by delivering a comprehensive presentation on the background of the proposed legislation and provided your Committee with research materials for a greater appreciation of the policy objectives and the key features of the Bill, as well as comparative legislation. 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

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 - Ag, Director, DMRF
- Shana Dass-Nobbee - Fisheries Extension Officer, DMRF
- Esther Tobias-Clarke - Research Officer, DMRF
- Jenise Kirk - Fisheries Services Officer, DMRF

4. The following technocrats from the Office of the Chief Parliamentary Counsel were assigned to assist Committee with its clause by clause deliberations on the Bill:

- Mrs. Nalini Persad-Salick - Deputy Chief Parliamentary Counsel
- Ms. Jonetta Jeet-Ramsahai - Assistant Chief Parliamentary Counsel
- Ms. Yolande Wilkinson - Parliamentary Counsel II (Ag.)
- Ms. Jovan Hunte - Policy Research Officer

5. Your Committee also issued a call for stakeholder submissions on the Bill, and responses and comments were received and collated for consideration and review. Submissions are attached at **Appendix II**.

INTERIM REPORTS

6. 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 30th, 2022 in order to complete its work. Your Committee's Second Interim Report was presented in the Senate on Monday July 4, 2022, and a request was made for an extension of time to September 9, 2022 in order for the Committee's work to be completed.

REPORT

7. The 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.

8. Consequently, in accordance with Standing Orders 114(1) and 104(1) of the House of Representatives and the Senate respectively, your Committee wishes to report that due to the imminent prorogation of the Second Session of the Twelfth Parliament, it is unable to complete its work. However, your Committee has made considerable progress in advancing the Committee's work schedule.

RECOMMENDATION

9. Your Committee therefore recommends the resumption of proceedings on the Fisheries Management (No.2) Bill, 2020, in the Third Session, Twelfth Parliament.
10. Your Committee also asks that the Parliament take note of the work achieved and the progress made by the Committee thus far and that a Committee be appointed in the Third Session to continue work on the Bill and adopt as part of its records, all work completed to date.

Respectfully submitted,

Mr. Nigel de Freitas

Chairman

July 6, 2022

APPENDIX I
MINUTES OF MEETINGS

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

MINUTES OF THE FIRST MEETING HELD VIA ZOOM VIDEO PLATFORM ON THURSDAY FEBRUARY 3, 2022 AT 3:30 P.M.

PRESENT

Mrs. Christine Kangaloo - President of the Senate

Committee Members present

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. Stephen Mc Clashie, MP	-	Member
Mr. Ravi Ratiram, MP	-	Member
Mr. Rushton Paray, MP	-	Member
Mr. Kennedy Richards, MP	-	Member
Ms. Shamfa Cudjoe, MP	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Mr. Kaleem Hosein	-	Assistant Secretary

ABSENT/EXCUSED

Mr. Brian Manning, MP	-	Member
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COMMENCEMENT

1.1 The meeting was called to order by the President of the Senate at 3:31 p.m.

ANNOUNCEMENTS BY THE PRESIDENT OF THE SENATE

- 2.1 The President of the Senate informed Members that Ms. Chantal La Roche would serve the Committee as Secretary and Mr. Kaleem Hosein as Assistant Secretary.

ELECTION OF CHAIRMAN

- 3.1 The President of the Senate advised that her role was to facilitate the election of a Chairman and invited nominations.
- 3.2 Mr. Rushton Paray nominated Mr. Clarence Rambharat for the chairmanship and this nomination was seconded by Dr. Muhammad Yunus Ibrahim.
- 3.3 There being no further nominations, Mr. Clarence Rambharat was declared Chairman. The President of the Senate wished the Members productive and cooperative deliberations.

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

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

QUORUM

- 4.1 It was agreed that pursuant to the Standing Orders, the quorum for meetings would be three (3) persons, inclusive of the Chairman with representation from each House.

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 January 31, 2022.
- 5.2 The Chairman also provided a brief history of the Bill as well as work of the Committee appointed in the First Session of the Twelfth Parliament.

DETERMINATION OF THE WAY FORWARD

- 6.1 The Committee agreed that an Interim Report of the Committee would be laid at the earliest opportunity inclusive of a request for an extension of time to June 30, 2022 for the submission of the final report.

- 6.2 The Chairman informed Members, that all Committee documents and submissions are uploaded to Rotunda for their ease of access inclusive of a matrix of stakeholder submissions received and comments/responses from technocrats of the Fisheries Division and CPC.
- 6.3 The Chairman advised that the Chief Parliamentary Counsel (CPC) would be invited to the next meeting, to assist the Committee with its examination and review of the matrix of stakeholder comments received, and provide clarification and answers to questions as necessary, before the Committee engages the public any further.
- 6.4 It was agreed that stakeholders would only be engaged further elucidation was required by the Committee. It was also agreed that stakeholder engagements would take place through a combination of virtual and face-to-face interactions, and that in-person meetings would comply with COVID-19 Health protocols.
- 6.5 The Chairman directed the Secretariat to send written correspondence to the newly elected Chief Secretary of the Tobago House of Assembly (THA) inviting submissions and comments on the Bill due to the importance of the fisheries industry to the economy of Tobago.
- 6.6 Following a brief discussion, the Committee agreed that the Committee's next meeting would be held on Thursday February 17, 2022 at 3:00 p.m.

ADJOURNMENT

- 7.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Thursday February 17, 2022 at 3:00 p.m.
- 7.2 The adjournment was taken at 3:54 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

February 4, 2022

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

- 1.2 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 Responses from Technocrats
Environmental Research Institute Charlottesville	<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">▪ “Fishing” for whatever purpose includes the searching for fish. No change required.▪ 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.	<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 Responses 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"> ▪ The definition of “fish vendor” is intended to include fishers who sell the fish they have caught and to 	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 Responses from Technocrats
of Food Production, Forestry and Fisheries	<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"> This definition does not capture the intention – our focus is on the selling of fish – not only “resale”. No change required. 	<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>
Ministry of Works and Transport Maritime Services Division	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.	<ul style="list-style-type: none"> Agreed. The definition of “operator” to be amended to include an “agent”. 	
Future Fishers (concerns of Cumana Fishing Association addressed)	The words “fishing for personal use” should be deleted and substituted with the words “subsistence” as they are both defined clearly.	<ul style="list-style-type: none"> Subsistence fishing is for “personal consumption” whereas “personal use” is broader – may include trading or bartering. No change required. 	
Tobago International	a. Artisanal Fishing - Definition needs to be broadened to include “Local Fisherfolk”		

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments/Discussions and Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
Game Fishing Tournament	<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"> “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. No change required. 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. No change required. 	
Moruga La Rufin Fishing Cooperative Society LTD	“FISH WORKERS” – Call them for who they are eg: Captain Sailors, Jostlers, Net Repair Men, Boat Builders	<ul style="list-style-type: none"> 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. No change required 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. 	See Page 11 and Pages 9 and 10 of Matrix for amended definitions of ‘Fish Worker’ and ‘Fishing Related Activity’
Ministry of Planning and Development	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	<ul style="list-style-type: none"> 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. 	

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. No change required.</p> <ul style="list-style-type: none"> ▪ 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. No change required. ▪ 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”. No change required. ▪ “processing” is already included in the definition of fishing related activities. However, 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”; Proposed further change: include “selling” under points (a) and (b) – after “buying” 	

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"> ▪ Agreed. Include the definition “designated fishery” means a fishery designated under section 31; ▪ 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. 	<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 Responses 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"> ▪ Delete definition of “artisanal fishing” ▪ <i>“artisanal fisher” means a person engaged in fishing using manually deployed and retrieved gear and low technology</i> ▪ Delete definition of “artisanal vessel” ▪ <i>“artisanal fishery” means a fishery in which fishing is done using gear which is manually deployed and retrieved and low technology</i> ▪ <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> ▪ <i>“Catch Certificate” means a certificate issued under section 136 and is an approval issued by the</i> 	

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"> ▪ <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> ▪ <i>“commercial fishing vessel licence” means an approval issued under section 73 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> ▪ <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> ▪ <i>“commercial foreign fishing vessel licence” means an approval issued under section 114 by the Minister to an operator of a foreign fishing vessel to engage in commercial fishing <u>in</u> the fishery waters</i> ▪ <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> 	

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"> ▪ <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> ▪ <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> ▪ Section 134 speaks to application for and refusal to issue the export permit for fish; section 134 should be aligned 	<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 Responses 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"> “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 “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 “fish bioprospecting permit” means an approval issued under section 147 by the Director to a person to engage in fish bioprospecting <u>in</u> the fishery waters “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; 	<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 help 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 Responses 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"> ▪ “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> ▪ “Fishing related activities” means any operation in support of, or in preparation for, fishing, including – <ul style="list-style-type: none"> 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> b. <i>On-shore storing, buying, <u>selling</u>, processing, packaging or transporting of fish from the time they were first landed;</i> c. <i>Provisioning of personnel, fuel, gear, equipment <u>and</u> other supplies;</i> d. <i>construction, maintenance and repair of fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing;</i> e. <i>importing fish, fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing, into Trinidad and Tobago;</i> 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> i. <i>any other activity in support of fishing as determined by the Director.</i> 	<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"> ▪ “fish worker” means a person engaged in a fishing related-activity, other than- <ul style="list-style-type: none"> (a) provisioning of personnel, fuel, gear, equipment and other supplies; and (b) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity. ▪ “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> ▪ “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; ▪ 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: 	<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 official definition of IUU fishing, in line with the FAO International Plan of Action against IUU fishing, 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"> <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, fishing vessels, fishing gear and equipment and vessels, engines and gear intending to be used for fishing, within Trinidad and Tobago.</i> <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 a treaty, convention or other international</i> 	<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 Responses from Technocrats
		<p><i><u>agreement</u> to which Trinidad and Tobago is a party.</i></p> <ul style="list-style-type: none"> <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> <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> 	<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"> ▪ <i>“landing” in relation to fish, means the transfer of fish from-</i> <ul style="list-style-type: none"> <i>(a) a <u>craft</u> to a <u>port or place</u> within Trinidad and Tobago;</i> <i>(b) a <u>craft</u> to another <u>craft</u>, including a <u>container</u>, at or through a <u>port facility</u>;</i> <i>(c) a <u>craft</u> to or through an <u>offshore terminal or other installation or structure in the fishery waters</u>; <u>or</u></i> <i>(d) <u>non-vessel fishing to a port or place</u> within Trinidad and Tobago.</i> ▪ Delete the definition of “non-artisanal fishing ▪ Delete the definition of “non-artisanal vessel” ▪ <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> 	<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"> ▪ <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> ▪ “re-export” in relation to fish, means fish- <ul style="list-style-type: none"> (a) that had been previously imported; and (b) in its harvested or processed form is taken outside of Trinidad and Tobago where the country of origin is not Trinidad and Tobago. ▪ “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"> (a) sea; or (b) a port, under customs control, <i>for the purpose of taking that fish outside of Trinidad and Tobago.</i> 	

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"> ▪ “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; ▪ seafood fraud” includes- <ul style="list-style-type: none"> (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; (b) practices where a fish is made to look better in grade and quality than it actually is; (c) the intermixing and mislabelling, or otherwise, of fish in the supply chain as part of processing and distribution; and (d) any <u>other</u> activities prescribed as “seafood fraud”; 	<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"> Agreed. Also a new definition of “fishing fleet” is being proposed from No. 38A on page 48 of Matrix. 	

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>
Fisheries Division	Amend clause 4.(1)(b) to include re-export, for alignment with relevant clauses of the Bill.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none">

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

- 1.3 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
Tobago House of Assembly, Division of Food Production, Forestry and Fisheries	<p>Section 5 (1) curtails the jurisdiction of the Secretary over recreational fishing in Tobago fishery waters.</p> <p>Secretary, DFPFF, should have similar jurisdiction over recreational fishing in Tobago fishery waters.</p>	<ul style="list-style-type: none"> ▪ Response to Comment 8A (below) and the corresponding response identifying the exceptions in powers of the Secretary and the associated reasons. ▪ 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. 	
Fisheries Division	<p>Amend the marginal note to include the powers of the Minister.</p> <p>Amend this clause to more accurately reflect the intended exemptions of the powers of the Secretary.</p>	<ul style="list-style-type: none"> ▪ Response to Comment 8 (above). ▪ Amend the Marginal Note as follows: <i>Powers of the Minister and Secretary</i> ▪ Agreed. Amend clause 5.(1) as follows: <i>With the exception of sections 12, 13, 14, 17(2), 19, 20, 23, 27, 29 (2),</i> 	

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>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</u> 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.</p>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	Note: the possible implications of the Constitution (Amendment) (Tobago Self-Government) Bill.		
Fishermen and Friends of the Sea	<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"> 1. Would these measures be implemented immediately after the passing of the Bill? 2. Will there be provisions for the regular review of these measures (3 years) so that the 	<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). No change required.</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. No change required.</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>

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	<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. No change required.</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"> ○ Shipping; ○ Fishing; ○ Oil and Gas extraction; ○ Recreational Activities; and ○ Marine Protective Areas are done sustainably. <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"> ▪ The Bill defines the fishery waters as including the inland (fresh) waters. No change required. ‘An aquatic environment’. ▪ 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 	<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. No change required.</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>
Future Fishers (concerns of Cumana Fishing Association addressed)	<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. No change required.</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</p> <p>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"> ▪ 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. No change required. ▪ Refer to first comment. No change required. 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 	

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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"> 7(3). <i>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> 	
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"> Amend cl 8(3) as follows: <i>(3) With the exception of sections 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</i> 	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>	
Fisheries Division	Amend clause 9(2) to better specify the intended outcome.	<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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Fishermen and Friends of the Sea	<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>No change required.</p>	
<p>Future Fishers (concerns of Cumana Fishing Association addressed)</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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	Use existing independent appointment system without influence by the minister.	<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"> ▪ 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. ▪ 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. ▪ Amend clause 10(2) as follows: (2) The Fisheries Inspectorates shall- 	

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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. No change required.</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>This legislation should deal with both of these aspects.</p> <p>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	Amend 10(3)(a) by replacing “regulations” with subsidiary legislation”. Substitute “regulations” with “subsidiary legislation” where relevant throughout the Bill.	<ul style="list-style-type: none"> Amend 10(3) (a) as follows: <i>(3) In addition to other functions under this Act, the Fisheries Inspectorates shall exercise the following functions:</i> <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> 	This change would be wider to capture all different types of subsidiary legislation.
Fisheries Division	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>12. The functions of the Board are to-</p> <p><i>(a) manage the Fisheries Management Fund;</i></p>	
Environment Tobago	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.	<ul style="list-style-type: none"> The Bill makes reference to “relevant stakeholders” (cl(6)(j)); “other stakeholders” (cl 24(c), cl 37(1)); “stakeholder analysis” (cl 34(1)); 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 	This issue will be reconsidered during the clause by clause analysis of the Bill.

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		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. No change required.	
Ministry of Works and Transport Maritime Services Division	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.	<ul style="list-style-type: none"> ▪ 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. No change required. 	
Fishermen and Friends of the Sea	<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>	<ul style="list-style-type: none"> ▪ 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 	

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	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>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. No change required.</p> <ul style="list-style-type: none"> ▪ 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)) 	
All Tobago Fisher Folk Association	<i>Sec. 13 (1) "The Board shall comprise seven members appointed by the Minister..."</i>	<ul style="list-style-type: none"> ▪ See response to comment above. No change required. 	Agreed. Special laws, classes and management and systems must be put in place for Tobago specifically. Any diversification of the economy through

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	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.	<ul style="list-style-type: none"> 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. 	sports tourism, manufacturing, processing would typically be done through Tobago.
Fisheries Division	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.	<ul style="list-style-type: none"> 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> 	<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>
Fisheries Division	<p>a. Amend clause 14(2)(e) for alignment with response to comment 60(a) to exclude minor offences.</p> <p>b. Amend cl. 14(3)</p>	<ul style="list-style-type: none"> Response to comment no. 60(a), specifically regarding the type of offence. Amend clause 14(b) as follows: 	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,

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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>
Fisheries Division	Amend clause 19(1) to reflect that no other Standing Committees were referred to previously.	<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.
Environmental Research Institute Charlotteville	Appointments for each Tobago-relevant Standing Committee must have at least one appointment from Tobago.	<ul style="list-style-type: none"> ▪ Clauses 13 (1) (c), (d) and (e) are open to appointment from Tobago – it is the expertise that is specified. 	
Tobago International Game Fishing Tournament	Clause 24 (e) - Should include fines and penalties collected for breaches.	<ul style="list-style-type: none"> ▪ Yes. As currently worded clause 24(e) could include fines and penalties for non-compliance. 	<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>
Fisheries Division	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"> ▪ 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. 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
Fishermen and Friends of the Sea	<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"> ▪ Noted. No change required. 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). ▪ 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 	<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.	
Future Fishers (concerns of Cumana Fishing Association addressed)	<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>	<p>▪ 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.</p>	<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>
Fisheries Division	Amend chapeau of cl.31 to include “on the recommendation of the Director”.	<p>▪ Amend chapeau of clause 31 as follows:</p> <p><i>The Minister may, by Order, <u>on the recommendation of the Director</u>, declare a fishery as a designated fishery where, having regard to scientific, social, economic, ecological,</i></p>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<i>environmental and other relevant considerations, such fishery—</i>	
Ministry of Planning and Development	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"> Noted. No change required. 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. 	<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>
Fisheries Division	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 interim management measures 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>	
Environmental Research Institute Charlottetville	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.	<ul style="list-style-type: none"> Noted. No change required. 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. 	
Fishermen and Friends of the Sea	<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"> Noted. No change required. 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). The Bill already provides a timeline for review, update and adoption of fisheries management plans (clauses 37 and 38) and for the engagement of 	<i>This clause requires complete overhaul because a prescriptive approach to trawling may be required to set a fixed policy position.</i>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		stakeholders (clause 37 (1)) in the preparation of the plans.	
Institute of Marine Affairs	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"> ▪ 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. No change required. 	
Tobago International Game Fishing Tournament	Equipment for conservation processes, practice.	<ul style="list-style-type: none"> ▪ This comment is vague however there is agreement that equipment and gear to promote conservation would be considered in development of management plans. 	
Moruga La Rufin Fishing Cooperative Society LTD	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"> ▪ Noted. No change required. 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. ▪ “Electronic devices” must be approved by the Director (see Interpretation Section). It must be an approved device. 	<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.
Fisheries Division	Amend chapeau for clarity by removing the word "separate".	<ul style="list-style-type: none"> Amend chapeau of Clause 33 (1) as follows: <i>Management plans shall be prepared taking into account, among other factors, the following:</i> 	

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

- 1.4 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
Institute of Marine Affairs	<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>	<p>▪ Noted. This is procedural, the suggestions would be taken on board. No change required.</p> <p>▪ Noted and agreed with respect to strengthening institutional capacity for management. No change required.</p> <p>▪ The Bill makes provisions for co-management – see clauses 37, 45 and 232(2)(m) on “local fisheries</p>	<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
	as this style of management is being moved away from.	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.	
Ministry of Planning and Development	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.	<ul style="list-style-type: none"> 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. No change required. 	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

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>	<p>▪ 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 Responsibilities for Implementation at 37(5). No change required.</p>	<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>
Fisheries Division	<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>	<p>▪ Amend 34(1) – chapeau - as follows: <i>Subject to section 35, each management plan may contain elements relating to the particular fishery being managed including-</i></p>	<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>	
Environmental Research Institute Charlotteville	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"> 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. 	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.
Ministry of Planning and Development	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"> Noted and agree that the FMPs will consider balancing economic, social, biological and ecological factors (clause 34(1)(e)). Clause 35(2) (a) to be replaced with new text to better reflect the intention: (a) <i>responsible fisheries are promoted through strengthening the enabling economic environment;</i> 	<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>
Environmental Management Authority	<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.</p> <p>“as far as practicable” to be deleted</p>	<p>Similar phraseology needs to be removed wherever it appears throughout the Bill.</p>
Fishermen and Friends of the Sea	<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.</p> <p>“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
			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.
Fisheries Division	Amend clauses 37(2),(3),(4) and (5) for consistency with clauses 32(2) re inclusion of “interim management measures”.	<p>▪ Amend the following clauses as follows:</p> <p>37 (2). The Director shall submit the final management plans or <u>interim management measures</u> to the Minister for approval.</p> <p>37 (3). 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.</p> <p>37 (4). The Director shall be responsible for the implementation of management plans or <u>interim management measures</u> approved by the Minister.</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>Ministry of Planning and Development</p>	<p>Clause 40 (3) - National plans should have the same level of consultation as fisheries management plans?</p>	<p>▪ Yes. The general principles for decision-making (clause 6) apply to all relevant provisions of the Bill.</p>	<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>
Fisheries Division	Amend cl. 40(2) for consistency with similar provisions where a range of	▪ Amend clause 40(2) as follows:	The policy behind this Bill would speak to the preservation of the fisheries and the

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	international instruments are referenced.	<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>mischievous 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>
Fisheries Division	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"> Renaming the heading of Division 2 as: “Fisheries Management Agreements” Inserting the heading of a new Division 3 between clause 41 and clause 42 named: 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		“Fisheries Management Measures”	
Felicity Charlieville Fishing Association	<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"> ▪ The current maritime boundaries are clearly demarcated and were guided by international laws on maritime boundaries, sovereignty and procedures for negotiations on boundaries. ▪ 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. 	<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			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).
Moruga La Rufin Fishing Cooperative Society LTD	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.	<ul style="list-style-type: none"> ▪ 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. 	
Felicity Charlieville Fishing Association	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	<ul style="list-style-type: none"> ▪ 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 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<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>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<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"> ▪ There is no infringement on the right to own 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. ▪ 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. 	
<p>Institute of Marine Affairs</p>	<p>Section 42(2c) What about reducing the risk of conflict with other marine users?</p>	<ul style="list-style-type: none"> ▪ 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. 	

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 Charlottetown	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"> ▪ 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. 	<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>Institute of Marine Affairs</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"> ▪ 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. 	

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 reinstitution 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>
Felicity Charlieville Fishing Association	<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"> ▪ The recommendations concerning the vessel size and horsepower and gear specifications are measures to be agreed upon in the respective Fisheries Management Plan. 	<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>Tobago International Game Fishing Tournament</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"> ▪ 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 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		other requirements) is a pre-requisite (clause 55(3)(d)).	
Moruga La Rufin Fishing Cooperative Society LTD	Disagree with clause 43 which is likely to be abused by the authorities	<ul style="list-style-type: none"> ▪ 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)). 	<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
Ministry of Planning and Development	Clause 43(3) - Suggest revision of “under economic conditions that promote responsible fisheries” to “within parameters which are aligned with a sustainable fishing effort”.	<ul style="list-style-type: none"> Noted. However, the recommended phrase is captured in the wording “sustainable use of fisheries resources” contained in the clause. 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 achieve capacity levels commensurate with the sustainable use of fisheries resources.</i> 	
Fisheries Division	<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"> Amend clause 43(1) as follows: <i>The Minister may, by Order, <u>on the recommendation of the Director</u>, 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 <u>and which may be outlined in a management plan.</u></i> Amend clause 43(2)(d) as follows: 	

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>Environmental Research Institute Charlotteville</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>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	always be evaluated on a case to case basis.		
Felicity Charlieville Fishing Association	<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"> ▪ 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. ▪ 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. 	<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<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"> ▪ 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)). ▪ 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. 	<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<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"> ▪ 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. ▪ 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. ▪ 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). 	<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<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> <p>▪ 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.</p>	<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
			<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
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"> ▪ Comment is too vague to draft a response. 	
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"> ▪ 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> ▪ Amend clause 44(1)(f) as follows: <i>fishing gear restrictions, including <u>specification and manner of use</u>; and</i> 	
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"> ▪ 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 	<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>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?</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 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. 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"> ▪ 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. 	<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
	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.		
Fisheries Division	Amend clause 45 for consistency with clause 32, clause 37 re: interim “management: measures and to include “on the recommendation of the Director”.	<ul style="list-style-type: none"> Amend clause 45 as follows: <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> 	
Fisheries Division	In light of the recommendation at comment above (No. 33A.)	<ul style="list-style-type: none"> Amend marginal note for clause 46 as follows: <i>Contravention of Orders under Division 3</i> 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	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

- 1.5 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"> Amend Division heading as follows: <i>Division 4</i> <i>Prohibitions on Fishing and Fishing Related Activities</i> 	
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"> Amend marginal note for clause 47 as follows: <i>Contravention of Orders under Division 4</i> Agreed. Amendment to be made at a later time. 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	provision in clause 47 is at the start of Division 4.		
Environmental Research Institute Charlotteville	<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"> ▪ Definition of “SCUBA” to be deleted. SCUBA and spearfishing are not mentioned in the Bill. Prohibition of any gear will be included in subsidiary legislation. ▪ 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. 	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.
Environment Tobago	<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"> ▪ 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 	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

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>
Institute of Marine Affairs	<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"> ▪ 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 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		arrangements to which Trinidad and Tobago is a party.	
Environmental Management Authority	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"> Noted and agreed. Adequately trained personnel will be required to implement all aspects of the new fisheries management legislation. 	<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>
Fishermen and Friends of the Sea	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"> 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). The decision to prohibit a particular fishing method or fishing-related activity will be documented in a fisheries management plan – note that 	<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
		in development of FMPs stakeholders are consulted – Clause 37(1).	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.
Icacos Fisherfolk United	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	<ul style="list-style-type: none"> ▪ 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. 	Generally, unsustainable fishing requires strong action to be taken.

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
Ministry of Planning and Development	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.	<ul style="list-style-type: none"> 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). 	<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>
Fisheries Division	<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>	<p>▪ 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></p> <p>▪ Amend marginal note for clause 48 as follows: <i>Prohibitions on Fishing and Fishing Related Activities</i></p>	<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"> ▪ 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> ▪ 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> ▪ 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> ▪ Amend clause 48(1)(c) as follows: 	

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 (as “parts thereof”)</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 the fishery waters, of fish, or of fish included in a specified class of fish</i></p> <ul style="list-style-type: none"> ▪ Amend clause 48(1)(d) as follows: <i>prohibit the buying, selling, landing, displaying for sale, receiving, possession, transport, transshipment, transit, import, export or re-export of fish, or of fish included in a specified class of fish.</i> ▪ Amend clause 48(1)(e) as follows: <i>prohibit a person from using, having in his possession or in his charge in a vessel, fishing gear of a specified kind for taking fish</i> ▪ 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> 	

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"> 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> 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> 	<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>Environment Tobago</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"> Noted. However, this clause addressed fishing with poisons, explosives or electrical devices which unless prescribed otherwise will be considered as prohibited. The Bill is intended to provide the broad legal framework for fisheries management. Any specific fisheries management measures regarding gear 	<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>	would be addressed in fisheries management plans and implemented through subsidiary legislation and the authorization/licensing/permitting system.	
Ministry of Planning of Development	<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"> Noted. However, stupefy refers to a state of disorientation while stun may refer to a state of unconsciousness. Consequently both terms will remain. No change required. 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). Variations to this prohibition may be prescribed. No change required. 	
Fisheries Division	Amend clause 49(2)(a) for consistency with clause 48(1)(d) to reflect the range of fishing related activities addressed in the Bill.	<ul style="list-style-type: none"> Amend clause 49(2)(a) as follows: <i><u>buy, sell, land, display for sale, receive, possess, transport, transship, transit, import, export, or re-export</u> any fish taken by any means which contravenes this section; or</i> 	

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>	<p>▪ Amend clause 50(1) as follows:</p> <p><i><u>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 and discharge of obligations under a treaty, convention or other international agreement to which Trinidad and Tobago is a party.</u></i></p> <p>▪ Insert new sub-clause 50(2) as follows:</p> <p><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></p>	
Ministry of Trade and Industry	<p>Clause 51(1) - An entire fish stock can be reduced in the space of three years due to overfishing. The Director should</p>	<p>▪ Noted and agreed.</p>	<p>All artificial time limits should be removed and left up to the Director and</p>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	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".	<ul style="list-style-type: none"> Amend clause 51(1) chapeau as follows: <i>All subsidies and other economic incentives shall be reviewed by the Director as required for the purpose of determining whether-</i> 	the scientists on the standing committee so there will be a constant review.
Felicity Charlieville Fishing Association	<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"> 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. No change required. 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	provide an alternative to fishermen returning to the fishery and indivertibly 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.	▪	
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.	<p>▪ Amend clause 53 as follows:</p> <p><i>This Part shall apply to fishers engaged in commercial fishing and <u>fishworkers</u>.</i></p>	
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>	<p>▪ Amend clause 54(1) chapeau as follows:</p> <p><i>The Director shall establish and maintain a Register of Fishers and Fishworkers which <u>may</u> include-</i></p> <p>▪ Amend clause 54(1)(a) as follows:</p> <p><i>the name, date of birth, nationality or residency status in Trinidad and Tobago,</i></p>	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> <p>▪ Delete clause 54(2).</p>	<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>
Environmental Research Institute Charlotteville	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.	<ul style="list-style-type: none"> ▪ Noted and agreed. ▪ The requirement for a six month practical experience on a vessel is to be removed. 	
Tobago House of Assembly, Division of Food Production,	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	<ul style="list-style-type: none"> ▪ Noted. ▪ The first issue of the wide application of the term “any law” is to be narrowed by reference to “...any law 	<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
Forestry and Fisheries	environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within one year prior to the date of his application;	<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"> 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. 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. <p>Possible amendment may be "not have been convicted of an offence- (i) under this Act; or</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>▪ Additional note: 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"> ▪ 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)). ▪ Agreed. The requirement for six months experience is to be deleted and the requirement for certified training is already indicated under clause 55 (d). 	<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 disentiing 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>
Environmental Management Authority	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"> ▪ 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 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	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.	agencies (clause 217) for implementation of the Act.	
Environment Tobago	<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"> 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)). The Bill is not intended to regulate recreational fishing without a vessel (unless prescribed otherwise). 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 	<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 Miscellaneous Provisions (Minimum Age for Admission to Employment) Act 2007 and the Children Act Chap. 46:01.</p> <ul style="list-style-type: none"> ▪ 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. ▪ 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. 	<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>

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		<ul style="list-style-type: none"> 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. 	<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.
Felicity Charlieville Fishing Association	<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>	<p>▪ 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. No change required.</p>	
Customs and Excise Division	<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>	<p>▪ 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</p>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>maisons 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"> ▪ 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. 	
Fishermen and Friends of the Sea in collaboration with Claxton Bay	<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"> ▪ 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 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
<p>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</p>	<p>provisional permits for children who may wish to assist their family in the fishing industry. However, Section 55's 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"> ▪ See preceding response to comment from Environment Tobago. ▪ See preceding response to comment from Tobago House of Assembly, Division of Food Production, Forestry and Fisheries. ▪ Addressing recidivism is a key requirement of the Bill as this is a 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p>Section 55 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>All Tobago Fisher Folk Association</p>	<p><i>a. Clause 55(3) (c) - "To be registered as a fisher, a person shall not have been</i></p>	<p>▪ See preceding response to comment from Tobago House of Assembly,</p>	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
	<p><i>convicted of an offence under any law of Trinidad & 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 & 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"> ▪ 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. ▪ A person with a criminal record is not excluded outright from registering as a fisher. There is a specific time period 	

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"> - How relevant or serious the offence was; - The circumstances surrounding the conviction; - Whether the conviction forms part of a pattern of offending. <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"> ▪ 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. ▪ 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. 	

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"> ▪ 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. ▪ 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. 	

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>		
Ministry of Planning and Development	<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"> ▪ Noted. However, see Fisheries Division proposed changes. ▪ Noted. To amend clause as suggested in response to comment below. ▪ [It is assumed that the reference is to clause 55(4)(d)] – Fisheries Division proposed deletion of this requirement at clause 55(4)(d) as it is uncertain 	

Name of Stakeholder	Submissions/Proposed Amendments	CPC/FD Comments	Committee Discussion
		whether such certified training in the range of fishery-related activities is available nationally.	
Fisheries Division	<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>	<p>■ Replace clause 55(1) with clause 54(2) amended as follows:</p> <p><i><u>A person who intends to become a fisher or fishworker shall apply to the Director to be registered on the approved form.</u></i></p> <p>■ Amend clause 55(2) as follows:</p> <p><i><u>A fisher or fishworker shall notify the Director of any changes in the information set out in the application form for registration not later than fourteen days after the change.</u></i></p> <p>■ Delete clause 55(3)(e).</p>	<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"> ▪ Amend clause 55(3) as follows: <ul style="list-style-type: none"> (3) To be registered as a fisher, a person shall- <ul style="list-style-type: none"> <i>(f) comply with <u>such additional grounds as may be prescribed.</u></i> ▪ Delete clause 55(4)(d). ▪ Amend clause 55(4) as follows: <ul style="list-style-type: none"> <i>(4) To be registered as a fishworker, a person shall-</i> 	<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> <p>▪ Amend clause 55(5) as follows:</p> <p><i>A person who gives false or misleading information in order <u>to be included in the Register of Fishers and Fishworkers</u> commits an offence and is liable on summary conviction to <u>the</u> fine set out in the Schedule.</i></p>	

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 [<i>Excused</i>]
Ms. Shamfa Cudjoe, MP	-	Member
Mr. Anil Roberts	-	Member

COMMENCEMENT

1.6 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

1.7 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 issues of 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 of Parliament.

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 7th, 11th, 14th, 18th, 21st and 25th were identified as tentative dates for meetings of the Committee. The Committee expressed a willingness to meet in a similar manner within the first two weeks of August;
 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 is to 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 p.m.

I certify that these minutes are true and correct.

Chairman

Secretary

June 22, 2022

APPENDIX II

STAKEHOLDER COMMENTS

Table of Contents

The Fisheries Management (No. 2) Bill, 2020

Stakeholder Comments

Key: *Green italicized text* = suggested textual amendment; *Green text* = suggested change in text to be made; *Purple text* = changes made to original submission of 23 June 2021; *Blue text* = indicates matters requiring further discussion and consideration as well as reminder notes concerning further changes to be made for consistency throughout the Bill

Clause No. 3- Interpretation

Name of Stakeholder	Comment	FD/CPC Responses	Concerns/Issues raised by the Committee and Responses from Technocrats
1. Environmental Research Institute Charlotteville	<p>c. 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>d. 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>	<p>a. “Fishing” for whatever purpose includes the searching for fish. No change required.</p> <p>b. 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. It should be noted that a broad provision for regulation making by the Minister on the rearing of fish in the fishery waters is made in the General Provisions (s 232 (2)(i) as a placeholder. It is the intention to develop separate legislation for aquaculture (which includes</p>	<p><i>The Coast Guard or specialized Unit should be set up (despite cost) to monitor, patrol and manage and to ensure protection of fisheries.</i></p> <p><i>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.</i></p> <p><i>The scope of the Bill relates to fishery waters which is defined to include inland waters such</i></p>

		<p>mariculture) as these pertain to the rearing of fish – or farming as opposed to “hunting” associated with capture of wild stocks of fish.</p>	<p>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> <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>
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			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.
2. Tobago House of Assembly, Division of Food Production, Forestry and Fisheries	<p>a. The definition of “fish vendor” includes 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>a. The definition of “fish vendor” is intended to include fishers who sell the fish they have caught and to exclude those who do not sell fish primarily.</p> <p>This definition does not capture the intention – our focus is on the selling of fish – not only “resale”. No change required.</p>	<p>Tournaments held where huge catches are given away to charities may not 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>

			Stronger and firmer language required in legislation such as 'will' and 'shall' rather than 'may'.
3. Ministry of Works and Transport Maritime Services Division	It is recommended that the definition of 'owner' 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.	Agreed – however, definition of “operator” to be amended to include an “agent”	
4. Future Fishers (concerns of Cumana Fishing Association addressed)	Consider deleting the words “fishing for personal use” and including the words “subsistence” as they are both defined clearly.	No; subsistence fishing is for “personal consumption” whereas “personal use” is broader – may include trading or bartering. No change required.	
5. Tobago International Game Fishing Tournament	<p>d. Artisanal Fishing - Definition needs to be broadened to include “Local Fisherfolk”</p> <p>e. Include “small scale commercial” and low tech (Not just manual)</p> <p>f. Low technology and High Technology should be defined in how it is applied to defining artisanal.</p>	<p>a. and b. “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 . No change required.</p> <p>c. We agree – 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. Consequently here, the term</p>	

		“low technology” would take on the literal meaning. No change required.	
6. Moruga La Rufin Fishing Cooperative Society LTD	“FISH WORKERS” – I disagree, call them for who they are eg: Captain Sailors, Jostlers, Net Repair Men, Boat Builders	<p>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. No change required</p> <p>However, see FD proposed changes to definition of “fish worker” - new point - <i>(ca) construction, maintenance and repair of fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing</i> - which includes the respective categories of persons.</p>	See Page 11 and Pages 9 and 10 of Matrix for amended definitions of ‘Fish Worker’ and ‘Fishing Related Activity’
7. Ministry of Planning and Development	<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 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>a. See response to comment no. 5(c). No change required.</p> <p>b. No, incorrect interpretation, 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. No change required.</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>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</p>	<p>c. in respect of the removal of fish – note that the definition of “fish” in the Bill already includes “or part thereof” as well as “at any stage of its development”. No change required.</p> <p>d. “processing” is already included in the definition of fishing related activities. However, see FD proposed changes to the definition of “fishing related activities” re: extension of the definition to include “<i>any other activity in support of fishing as determined by the Director</i>”; Proposed further change: include “selling” under points (a) and (b) – after “buying”</p> <p>e. Agreed. Include the definition “designated fishery” means a fishery designated under section 31;</p> <p>f. 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</p>	<p>This observation is appropriate and there is currently a draft CITES Bill which is under consideration relating to the trade of wildlife which will also capture some aspects of fisheries</p>
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	<p>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>	<p>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.</p>	
<p>7A. Fisheries Division/DGMARE</p>	<p>l. Delete definition of “artisanal fishing” – the term does not occur elsewhere in the Bill</p> <p>m. Insert definition of “artisanal fisher”</p> <p>n. Delete definition of “artisanal vessel” - the term does not occur elsewhere in the Bill</p> <p>o. Insert definition of “artisanal fishery”</p> <p>p. Amend definition of “authorized officer”</p> <p>q. Amend the definition of “Catch Certificate”</p>	<p>a. Delete definition of “artisanal fishing”</p> <p>b. <i>“artisanal fisher” means a person engaged in fishing using manually deployed and retrieved gear and low technology</i></p> <p>c. Delete definition of “artisanal vessel”</p> <p>g. <i>“artisanal fishery” means a fishery in which fishing is done using gear which is manually deployed and retrieved and low technology</i></p> <p>e. <i>“authorized officer” means any person authorized by the Minister under sections 152 to carry out the inspection of fishing and fishing related activities and enforcement of fisheries legislation</i></p> <p>f. <i>“Catch Certificate” means a certificate issued under section 136 and is an approval issued by the Director to an applicant which verifies that the catch</i></p>	

	<p>r. Amend the definition of “commercial fishing” to remove the element of profit</p> <p>s. 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>To make the same amendment in all relevant definitions and clauses for consistency – replace “within the fishery waters” with “in the fishery waters”.</p> <p>i. Amend the definition of “commercial foreign fishing vessel licence” to remove “under the 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><i>referred to in an application was taken in accordance with relevant conservation and management measures</i></p> <p><i>g. “commercial fishing” means engaging in fishing as a primary activity and disposing of the catch for profit <u>economic or material benefit</u> but does not include fishing for personal use or recreational fishing;</i></p> <p><i>h. “commercial fishing vessel licence” means an approval issued under section 73 by the Director to an operator of a Trinidad and Tobago Fishing Vessel to engage in commercial fishing within in the fishery waters under the jurisdiction of Trinidad and Tobago;</i></p> <p><i>i. “commercial foreign fishing vessel licence” means an approval issued under section 114 by the Minister to an operator of a foreign fishing vessel to engage in commercial fishing within in the fishery waters under the jurisdiction of Trinidad and Tobago;</i></p> <p><i>m. “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</i></p>	<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</p>
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	<p>k. Under “designated landing site”, <i>change the section cross-referenced from 121(1) to 121(1)(b)</i></p> <p>l. “Director Tobago” – <i>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></p> <p>m. Amend definition of “document” to include an “image”</p> <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><i>fishing or fishing related activities, or that which relates to a vessel and crew activities and vessel operations;</i></p> <p><i>n. “export permit” means a permit issued under sections 134 and 137 and is an approval issued by the Director to a person to take or cause to be taken, fish and vessels, engines and gear intending to be used for fishing, outside of Trinidad and Tobago;</i></p> <p><i>Note that section 134 speaks to application for and refusal to issue the export permit for fish; section 134 should be aligned with section 137 to indicate that the permit is issued by the Director.</i></p> <p><i>o. “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></p> <p><i>p. “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 natural</i></p>	<p>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 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</p>
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	<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” 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</p>	<p><i>floating object on which a device has been placed to facilitate its location;</i></p> <p>q. <i>“fish bioprospecting permit” means an approval issued under section 147 by the Director to a person to engage in fish bioprospecting within in the fishery waters under the jurisdiction of Trinidad and Tobago;</i></p> <p>r. <i>“fish vendor” means a person who or entity that sells fish primarily and includes a person who sells fish that is live, fresh, chilled or frozen, and that he has caught;</i></p> <p>s. <i>“Fishing” means (e) 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 section Act;</i></p> <p>t. <i>“Fishing related activities” means any operation in support of, or in preparation for, fishing, including –</i></p> <p><i>g. 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></p> <p><i>h. On-shore storing, buying, <u>selling</u>, processing, packaging or transporting of fish from the time</i></p>	<p>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> <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>
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	<p>amendments are to bring about alignment with the respective sections of the Bill.</p>	<p><i>they were first landed;</i></p> <p><i>i. Provisioning of personnel, fuel, gear, equipment <u>and</u> other supplies or — performing maintenance, dry docking and any other activity in support of fishing;</i></p> <p>New subsection (d):</p> <p><i>j. construction, maintenance and repair of fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing;</i></p> <p>Amendment to new subsection (e):</p> <p><i>k. exporting fish from importing fish, fishing vessels, fishing gear, and vessels, engines and gear intended to be used for fishing, into Trinidad and Tobago</i></p> <p>Amendment to new subsection (f):</p> <p><i>l. importing fish into 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></p> <p>New subsection (g) – unchanged:</p> <p><i>m. engaging in the business of providing agency, consultancy or</i></p>	<p>Potential loopholes can be created if fishes caught are given way or by selling fishes caught whilst claiming to be</p>
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	<p>other similar services in relation to fishing or a related activity;</p> <p>New subsection (h) – unchanged</p> <p>n. landing of fish in Trinidad and Tobago;</p> <p>New subsection (i):</p> <p>(i) <i>any other activity in support of fishing as determined by the Director.</i></p> <p>u. <i>“fish worker” means a person engaged in a fishing related-activity, other than-</i></p> <p><i>(a) provisioning of personnel, fuel, gear, equipment and other supplies; and</i></p> <p><i>(b) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity.</i></p> <p>v. <i>“fixed penalty” means an offence specified in the Schedule for which the offence is set out in Column 5 and for which a fixed penalty is specified in Column 7 of the Schedule</i></p> <p>w. <i>“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,</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>
	<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>x. Amend definition of “Illegal, unreported and unregulated fishing” to include DG MARE’s suggestion that components of the official definition of IUU fishing, in line with the FAO International Plan of Action against IUU fishing, be included in respect of the “unregulated” aspect of the IUU definition.</p> <p>Note the definition of IUU fishing is also to be amended under cl 238(a)(i) for consistency.</p>	<p><i>packaging, processing of fish or for other port services, including bunkering or provisioning;</i></p> <p>x. “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:</p> <p>(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;</p> <p><i>(b) non-fulfilment person or an operator of a fishing vessel has not fulfilled of the obligations to record and report on fishing activities including catch or catch-related data or has misreported misreporting of the data or information;</i></p> <p>(c) fishing in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth;</p> <p>(d) falsification of documents in relation to the fishing vessel;</p>	<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</p>
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		<p>(e) fishing for a stock which is subject to a moratorium or for which fishing is prohibited;</p> <p>(f) fishing with the use of prohibited or non-compliant fishing gear;</p> <p>(g) <i>in relation to a fishing vessel, falsifying or concealing of its the markings, identity or registration of a fishing vessel;</i></p> <p>(h) <i>concealing, tampering with or disposing of evidence relating to an investigation concerning fishing or fishing related activities;</i></p> <p>(i) <i>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;</i></p> <p>(j) <i>possessing, transshipping, transit moving or landing of fish in contravention of this Act;</i></p> <p>(k) fishing or fishing related activities in contravention of the terms and conditions of an authorisation, licence, permit or certificate;</p> <p>(l) engaging in transshipment with fishing vessels identified as having</p>	<p>record their catches for verification of the data and there are also observers on board certain category of vessels for 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</p>
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		<p>engaged in activities that may be characterised as illegal, unreported and unregulated fishing;</p> <p>(m) fishing or fishing related activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a State not party to that organisation, or not cooperating with that organisation as established by that organisation;</p> <p>(m) 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;</p> <p>(ma) fishing in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of</p>	<p>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> <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>
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		<p><i>living marine resources under international law;</i></p> <p><i>(n) the use of using a fishing vessel that has no nationality for fishing or fishing related activities;</i></p> <p><i>(o) engaging in fishing or fishing related activity with an IUU listed vessel;</i></p> <p><i>(p) conducting of business directly connected with Illegal, Unreported and Unregulated fishing including trading in fish;</i></p> <p><i>(q) the use of using a fishing vessel for any activity in contravention of national law; or</i></p> <p><i>(r) fishing or fishing related activities in contravention of a management plan or measure.</i></p>	
	<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><i>y. “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, and fishing vessels, fishing gear and vessels, engines and gear intending to be used for fishing, within Trinidad and Tobago.</i></p> <p><i>z. “international conservation and management measures” means measures to conserve or manage fish that are</i></p>	

	<p>z. Amend definition of “international conservation and management measures” to include the full range of international instruments</p> <p>To make the same amendment in all relevant definitions and clauses for consistency – to include the phrase “a treaty, convention or other international agreement”.</p> <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 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</p>	<p><i>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 by treaties or arrangements <u>a treaty, convention or other international agreement</u> to which Trinidad and Tobago is a party or cooperating non-contracting party.</i></p> <p><i>aa. “In transit” means the transportation <u>movement</u> of fish, <u>after landing</u>, under customs control from a craft in one port or place to another craft in another port or place <u>within Trinidad and Tobago for the purpose of taking that fish outside of Trinidad and Tobago</u>;</i></p> <p><i>ab. “landing” in relation to fish, means the transfer of any fish from -</i></p> <p><i>(a) a vessel <u>a craft</u> to any land <u>a port or place</u> within Trinidad and Tobago;</i></p> <p><i>(b) non-vessel fishing any fishing without a vessel to any land to a port or place within Trinidad and Tobago; or</i></p> <p><i>(b) a craft to another craft, including a container, at or through a port facility;</i></p>	
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	<p>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> <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. <i>Note also however, possible implications</i></p>	<p>(c) <i>a vessel <u>craft</u> to or through any an offshore terminal or other installation or structure <u>in the fishery waters</u>; or</i></p> <p><i>(d) <u>non-vessel fishing to a port or place within Trinidad and Tobago.</u></i></p> <p>ac. Delete the definition of “non-artisanal fishing”</p> <p>ad. Delete the definition of “non-artisanal vessel”</p> <p>ae. <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 financial <u>material</u> benefit of the vessel’s operations;</i></p> <p>af. <i>“Tobago Fishery Waters” means the <u>inland waters of Tobago and the fishery waters</u> within up to eleven nautical miles from the low water mark of Tobago, including the internal and inland waters of Tobago, designated for the purpose of fisheries conservation and management;</i></p> <p>ag. “re-export” in relation to fish, means fish-</p> <p>(a) <i>that had been previously imported; and</i></p>	
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	<p>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> <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</p>	<p>(b) in its harvested or processed form is taken outside of Trinidad and Tobago,</p> <p>where the country of origin is not Trinidad and Tobago.</p> <p><i>ah. “transshipment” means landing of any or all fish at a port or place and subsequent the direct transfer of any or all of the fish, not landed, from a craft to another craft whether at -</i></p> <p><i><u>(a) sea; or</u></i></p> <p><i><u>(b) a port, under customs control,</u></i></p> <p><i>on board a fishing vessel either directly or by off-loading the fish from the vessel at a port or area specified in the transshipment permit and then immediately onto another craft, for the purpose of transporting taking that fish elsewhere <u>outside of Trinidad and Tobago.</u></i></p> <p><i>ai. “Trinidad and Tobago fishing vessel” means a fishing vessel registered pursuant to <u>national</u> shipping legislation and any vessel entitled to fly the flag of Trinidad and Tobago be registered under the shipping legislation;</i></p> <p><i>aj. seafood fraud” includes-</i></p> <p><i>(a) mislabelling or other forms of deceptive trade of fish with respect to</i></p>	
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	<p>that a vessel may be entitled to be registered and is in the process of registering but this process is not yet complete.</p> <p>aj. Amend definition of seafood fraud to remove “fish product” and for grammatical correctness</p> <p>ak. To reorder alphabetically the definitions of-</p> <p>(a) “non-vessel commercial fishing licence” and “non-vessel fishing operations” ; and</p> <p>(b) “recreational fishing”, “recreational fishing authorisation”, “recreational fishing permit” and “recreational fishing vessel”.</p>	<p>their <i>its quality, quantity, origin, or species including, but not limited to, species substitution;</i></p> <p><i>(b) practices where a fish or fish product is made to look better in grade and quality than it actually is;</i></p> <p><i>(c) the intermixing and mislabelling, or otherwise, of fish in the supply chain as part of processing and distribution; and</i></p> <p><i>(d) any <u>other</u> activities prescribed as “seafood fraud”;</i></p> <p>ak. Agreed</p>	
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Clause No. 4 – Application of the Act

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
7B. Fisheries Division	Amend clause 4.(1)(b) to include re-export, for alignment with relevant clauses of the Bill.	<i>4 (1) (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</i>	

Clause No. 5- Power of the Secretary

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
8. Tobago House of Assembly, Division of Food Production, Forestry and Fisheries	<p>Section 5 (1) curtails jurisdiction of Secretary over recreational fishing in Tobago fishery waters.</p> <p>Secretary, DFPFF, should have similar jurisdiction over recreational fishing in Tobago fishery waters.</p>	<p>See Comment 8A and the corresponding response <i>identifying the exceptions in powers of the Secretary and the associated reasons.</i></p> <p>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.</p>	
8A. Fisheries Division	<p><i>Amend the marginal note to include the powers of the Minister.</i></p> <p><i>Amend this clause</i> to more accurately reflect the intended exemptions of the powers of the Secretary.</p> <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>See also response to comment no. 8.</p> <p><i>Amend the marginal note as follows:</i></p> <p><i>Powers of the Minister and Secretary</i></p> <p>Agreed, amend cl 5.(1) as follows:</p> <p><i>With the exception of sections <u>12, 13, 14, 17(2), 19, 20, 23, 27, 29 (2), 31, 37(3), 39, and 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 -Part XI and Part XII, Part XIII and Part XIV, where in</u></i></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>Note however, possible implications of the Constitution (Amendment) (Tobago Self-Government) Bill.</p>	<p><i>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>	
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Clause No. 6- Principles for Decision-Making

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
9. Fishermen and Friends of the Sea	<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. In light of this:</p> <p>1) Would these measures be implemented immediately after the passing of the Bill?</p> <p>2) Will there be provisions for the regular review of these measures (3 years) so that the practices/measures.</p>	<p>a. 6(a) – (1) If not already existing, 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). No change required.</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>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 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</p>	<p>b. 6(d) The term “Precautionary Approach” is a broad term that also encompasses application of the Precautionary Principle. The intent is the same. No change required.</p> <p>Application of the “Precautionary Approach” is further developed in Part V; cl 36</p> <p>It would be contrary if anything within an Act is not applied in accordance with that Act. No change required.</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 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</p>
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	<p>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 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> <p>Shipping;</p> <p>Fishing;</p> <p>Oil and Gas extraction;</p> <p>Recreational Activities; and</p> <p>Marine Protective Areas are done sustainably.</p> <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 should not</p>	<p>c. The Bill defines the fishery waters as including the inland (fresh) waters. No change required.</p> <p>d. Noted. 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 for environmental management. No change required.</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</p>	<p>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 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</p>
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	<p>be used for carrying out any other conflicting or counterproductive activity.</p>	<p>incorporates review of TORs for CECs and EIAs by a range of regulatory agencies (including FD) and stakeholder consultation in decision-making.</p> <p>Notwithstanding, the Minister may make Regulations for the Declaration of 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>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 implementation. The hesitancy is putting anything</p>
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			<p>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>
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			<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 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</p>
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			<p>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> <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>10. Future Fishers (concerns of Cumana Fishing Association addressed)</p>	<p>d. 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 and /or It should also be transferred to be included on the composition of the Financial board in Part 111.</p>	<p>a. The Board is intended to perform financial functions, including the requisite reporting and accounting – hence the proposed composition and required expertise. No change required.</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>	

	<p>e. 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>f. Also Clause (19) Add a new subsection 6; 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>	<p>b. 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. No change required.</p> <p>c. Refer to comment at a. No change required. 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 stakeholders (cl 23 (f)).</p>	
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Clause No. 7 – Responsibilities of the Director

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
10A. Fisheries Division	Amend clause 7(3) to include the authority of the Director for access agreements, mindful that such agreements are between or among	<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</i>	

	states, have regional and international implications.	<i>agreement or access agreement relating to fishing and fishing related activities</i>	
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Clause No. 8 – Responsibilities and powers of the Director Tobago

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
10B. Fisheries Division	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. <i>Note however, possible implications of the Constitution (Amendment) (Tobago Self-Government) Bill.</i>	Amend cl 8(3) as follows: <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 entity), 145 (foreign entity), 147; 148 (as appropriate);</u></i>	This proposed amendment is consistent.

		<p><u>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, 14, 29(2), 39 and 40 and Part XI, Part XII, Part XIII and Part XIV, 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>	
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Clause No. 9 –provisions of staff and resources and collaboration

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
10C. Fisheries Division	Amend clause 9(2) to better specify the intended outcome.	<p>9(2) <i>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 and complementary fisheries</i></p>	<p>Similar systems are needed in both countries relating to administrative procedures and systems in a collaborative arrangement.</p>

		<i>conservation, management and development</i>	<i>Comparable language used to be more understandable.</i>
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Clause No.10- Fisheries Inspectorate

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
11. Fishermen and Friends of the Sea	<p>b. 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>a. Noted and agreed. The expediency of establishment of the Fisheries Inspectorate (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</p>	<p><i>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.</i></p> <p><i>The CPO would set the terms and conditions of these officers based on job specifications.</i></p> <p><i>Persons with enforcement powers require a regulatory framework to enforce.</i></p> <p><i>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</i></p>

		<p>of regulatory agencies to assist with enforcement of the Act (See part XVI – Division 2 – cl 152(1)) – this will ensure that there exists some fisheries MCS capability while the FIs are being established.</p> <p>No change required.</p>	<p>officer to deal with such matters.</p>
<p>12. Future Fishers (concerns of Cumana Fishing Association addressed)</p>	<p>d. 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- 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 fair of favor. Policing should never be in direct hands of position.</p> <p>Use existing independent appointment system without influence by the minister.</p>	<p>a. 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 Pesticides and Toxic Chemicals Act. Chap. 3:03</u>, the Minister of Health exercises similar powers. The performance duties and functions of the Inspectors may be further supervised by the Director of the Fisheries Division to whom the Inspector may directly report under the contract. The role of the Minister in the appointment of inspectors is therefore of a</p>	

	<p>legal/procedural nature and does not extend to the execution of substantive duties.</p> <p>b.</p> <p>(i) 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.</p> <p>(ii) 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.</p> <p>Amend cl 10(2) as follows:</p> <p><i>(2) The Fisheries Inspectorates shall-</i></p> <p><i>(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</i></p> <p><i><u>(b) report to the Director and Director-Tobago, respectively.</u></i></p> <p>(iii) 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</p>	
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	<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 fulfil its mandate for ensuring long term compliance within the sector.</p> <p>f. Please considered the role of aquaculture and mariculture.</p> <p>An 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>fisheries and in Tobago. Consequently, the respective Minister and Secretary are mandated in law to establish the Fisheries Inspectorate.</p> <p>c. See response to comment no. 1(b). No change required.</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>	<p>This legislation should deal with both of these aspects.</p> <p>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>
12A Fisheries Division	<p>Amend 10(3)(a) by replacing “regulations” with subsidiary legislation”.</p> <p>Substitute “regulations” with “subsidiary legislation” where relevant throughout the Bill.</p>	<p><i>Amend 10(3) (a) as follows:</i></p> <p><i>(3) In addition to other functions under this Act, the Fisheries Inspectorates shall exercise the following functions:</i></p> <p><i>(a) enforce national fisheries laws and regulations subsidiary legislation 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></p>	<p>This change would be wider to capture all different types of subsidiary legislation</p>

Clause No. 12 – Functions of the Board

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
12A. Fisheries Division	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	12. The functions of the Board are to- <i>(a) manage the Fisheries Management Fund;</i>	

Clause No. 13- Membership of the Board and Tenure of Members

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
13. Environment Tobago	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.	The Bill makes reference to “relevant stakeholders” (cl(6)(j)); “other stakeholders” (cl 24(c), cl 37(1)); “stakeholder analysis” (cl 34(1)); 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 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. No change required.	This issue will be reconsidered during the clause by clause analysis of the Bill.
14. Ministry of Works and Transport	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	The Board is a Fisheries Financial Board; not a Fisheries Management Board – it is concerned with financial management (including borrowing and investment) and	

Maritime Services Division	part of the Fisheries Management Board, and therefore provision be made for inclusion thereof.	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. No change required.	
15. Fishermen and Friends of the Sea	<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 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 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 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. No change required.</p> <p>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</p>	

		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))	
16. All Tobago Fisher Folk Association	<p><i>Sec. 13 (1) “ The Board shall comprise seven members appointed by the Minister...”</i></p> <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>	<p>See response to comment no. 15 above. No change required.</p> <p>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.</p>	<p>Agreed. Special laws, classes and management and systems must be put in place for Tobago specifically. Any diversification of the economy through sports tourism, manufacturing, processing would typically be done through Tobago</p>
16A. Fisheries Division	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>Amend cl 13(1)(c) as follows:</p> <p><i>an Attorney-at-Law with at least ten years' experience in civil law practice, including experience in fisheries, maritime or environmental corporate law;</i></p>	<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</p>

			specialty area that is much wider than the narrow area of just fisheries management.
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Clause No. 14. Resignation from and termination of office of Board members

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
16B. Fisheries Division	<p>a. Amend clause 14(2)(e) for alignment with response to comment 60(a) to exclude minor offences.</p> <p>b. Amend cl. 14(3)</p>	<p>a. See response to comment no. 60(a), specifically regarding the type of offence.</p> <p>b. Amend cl.14(b) as follows:</p> <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> to act in his stead for the period of such illness or incapacity.</i></p>	<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, 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>

Clause No. 19 – Appointment of Standing and Special Committees

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
16C. Fisheries Division	Amend clause 19(1) to reflect that no other Standing Committees were referred to previously.	<i>19 (1) The Board may appoint such other Standing Committees as may be necessary for the efficient performance of its functions</i>	<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 Regulations. → Should be elevated to substantive clause in the Bill.</p>

Clause No. 20 Appointment of Staff

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
17. Environmental Research Institute Charlotteville	Appointments for each Tobago-relevant Standing Committee must have at least one appointment from Tobago	Clauses 13 (1) (c), (d) and (e) are open to appointment from Tobago – it is the expertise that is specified.	

Clause No. 24- Financial Resources of the Fund

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
18. Tobago International Game Fishing Tournament	24 (e) - Should include fines and penalties collected for breaches.	Yes, as currently worded cl 24(e) could include fines and penalties for non-compliance.	<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>

Clause No. 25– Financial Year

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
18A Fisheries Division	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?	CPC Response: 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.	

Clause No. 31- Designated Fisheries

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
19. Fishermen and Friends of the Sea	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>Noted. No change required. 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).</p> <p>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-</p>	<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</p>

		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 environment in the designation of TTO fisheries.	to deal with our specific fishery.
20. Future Fishers (concerns of Cumana Fishing Association addressed)	<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>	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.	<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>
20A.Fisheries Division	Amend chapeau of cl.31 to include “on the recommendation of the Director”.	<p>Amend chapeau of cl. 31 as follows:</p> <p><i>The Minister may, by Order, <u>on the recommendation of the Director</u>, declare a fishery as a designated fishery where, having regard to scientific, social, economic, ecological, environmental and other relevant considerations, such fishery—</i></p>	

Clause No. 32- Management and Development Plans

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
21. Ministry of Planning and Development	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.	Noted. No change required. There is great flexibility regarding how a fishery may be designated e.g. there may be a 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.	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". These practices should be phased out and then banned.

21A. Fisheries Division	Amend to specify that the interim measures are “interim management measures”.	32 (2) <i>Where there is no management plan in effect for a fishery, the Minister may cause to be put in place interim <u>management</u> measures and such other arrangements necessary to support long-term sustainability of the fishery.</i>	
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Clause No. 33 Scope of Management Plans

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
22. Environmental Research Institute Charlotteville	Subsection 1 should include a paragraph within the subsection on the measures of how the management plan would be communicated to the stakeholders	Noted. No change required. 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.	
23. Fishermen and Friends of the Sea	<p>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 Stake Holder Board.</p>	Note. No change required. 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).	<i>This clause requires complete overhaul because a prescriptive approach to trawling may be required to set a fixed policy position.</i>

		The Bill already provides a timeline for review, update and adoption of fisheries management plans (cls. 37 and 38) and for the engagement of stakeholders (cl. 37 (1)) in the preparation of the plans.	
24. Institute of Marine Affairs	Section 33(1) Should potential designated zones (eg. MPAs, conservation zones be included for consideration of marine spatial planning in the future?	This would be outlined in subsidiary legislation (cls.223 and 232 (2)(m)). The section is already worded broadly (“among other factors”) to cover a range of possibilities. No change required.	
25. Tobago International Game Fishing Tournament	Equipment for conservation processes, practice.	The comment is vague however there is agreement that equipment and gear to promote conservation would be considered in development of management plans.	
26. Moruga La Rufin Fishing Cooperative Society LTD	Section 33b, what about a person who travels abroad and brings back a GPS and other related equipment. This section is geared towards enriching big business	Noted. No change required. 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. “Electronic devices” must be approved by the Director (see Interpretation Section).	<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</p>

			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. 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.
26A. Fisheries Division	Amend chapeau for clarity by removing the word "separate".	Amend chapeau of 33 (1) as follows: <i>Management plans shall be prepared taking into account, among other factors, the following:</i>	

Clause No. 34- Contents of Management Plans

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
27. Institute of Marine Affairs	c. 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	a. Noted. This is procedural, the suggestions would be taken on board. No change required.	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>research organization or academia. Overall, it is very important.</p> <p>d. 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 as this style of management is being moved away from.</p>	<p>b. Noted and agreed with respect to strengthening institutional capacity for management. No change required.</p> <p>The Bill makes provisions for co-management – see clauses 37, 45 and 232(2)(m) on “local fisheries 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>	
28. Ministry of Planning and Development	<p>c. 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>a. 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</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</p>

	<p>d. 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>	<p>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. No change required.</p> <p>b. Noted – these are procedural – although the timeframe for review and update are already included under cl 38. Roles and responsibilities are addressed at cl 34(1) (d); monitoring and evaluation is addressed at cl 34 (1)(k). No change required.</p>	<p>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 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>
28 A. Fisheries Division	<p>a. 34 (1) states that “Subject to section 35, each management plan shall contain elements relating to the particular fishery being managed including ...”</p>	<p>a. Amend 34(1) – chapeau - as follows:</p>	<p>Introduction to 34(1), based on present situation, outline the need for this Bill to be all encompassing for</p>

	<p>Question on interpretation: Would using the word “shall” mean that all 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 cl 34(1)(a) to focus on the information to be contained in the management plan – delete “an introduction outlining”.</p> <p>c. Amend cl 34(1)(c) for clarity by inserting “and” between “...objectives for the fishery” and “for each of the biological..”</p>	<p><i>Subject to section 35, each management plan <u>may</u> contain elements relating to the particular fishery being managed including-</i></p> <p><i>b. Amend 34(1)(a) as follows:</i></p> <p><i>the need and rationale for management of the fishery</i></p> <p>c. Amend cl 34(1)(c) as follows:</p> <p><i>the goals and objectives for the fishery, <u>and</u> for each of the biological, ecological, social and economic dimensions, and the relative prioritization among any conflicting objectives.</i></p>	<p>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> <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>
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Clause No. 35- Management Objectives

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
29. Environmental Research Institute Charlotteville	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	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 (cl. 232(2) (n)) in fisheries management discussions - including alternative livelihoods.	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.
30. Ministry of Planning and Development	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.	Noted and agree that the FMPs will consider balancing economic, social, biological and ecological factors (cl. 34(1)(e)) 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>	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. 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

			<p>that are required 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>
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Clause No. 36-Precautionary Approach

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
31. Environmental Management Authority	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	Agreed, "as far as practicable" to be deleted	Similar phraseology needs to be removed wherever it appears throughout the Bill.

	approach may conflict with other existing policies, agreements etc. can be specified.		
32. Fishermen and Friends of the Sea	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 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.	Agreed, “as far as practicable” to be deleted	<p>Although the precautionary principle and precautionary approach is used interchangeably, the precautionary principle is the more effective terminology that should be used.</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 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</p>
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			<p>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</p>
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			precautionary principle is an 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.
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Clause No. 37– Adoption and implementation of management plans

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
32A. Fisheries Division	Amend cl 37(2),(3),(4) and (5) for consistency with cl 32(2) re inclusion of “interim management measures”	<p>Amend clauses as follows:</p> <p>37 (2) <i>The Director shall submit the final management plans or <u>interim management measures</u> to the Minister for approval.</i></p> <p>37 (3) <i>The Minister may, by Order, approve a management plan or <u>interim management measures</u> and the management plan or <u>interim</u></i></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</p>

		<p><i>management measures shall be set out in the Order.</i></p> <p>37 (4) <i>The Director shall be responsible for the implementation of management plans or <u>interim management measures</u> approved by the Minister.</i></p> <p>37 (5) <i>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.</i></p>	the advice is received and how it is treated.
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Clause No. 40- Fisheries Strategies, Plans and Programmes

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
33. Ministry of Planning and Development	Clause 40 (3) National plans should have the same level of consultation as fisheries management plans?	Yes, the general principles for decision-making (cl. 6) apply to all relevant provisions of the Bill	Clause 38(1) – Time limits should not be fixed but should be dependent on the eco-systems and the pace of

			<p>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 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</p>
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			<p>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 across ecological, social,</p>
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			<p>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.</p>
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			Based on the pure science of protecting the fishery, the stocks that may be depleted must not be challenged.
33A. Fisheries Division	Amend cl. 40(2) for consistency with similar provisions where a range of international instruments are referenced.	Amend cl 40(2) as follows: <i>The Minister may cause to be prepared national plans of action including, but not limited to, those required under treaties <u>a treaty, convention or other international agreement</u> to which Trinidad and Tobago is party and other international or regional instruments and shall report accordingly on the implementation of such plans.</i>	<p>The policy behind this Bill would speak to the preservation of the fisheries and the 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>

			Scientists typically gives a report with their deduction and from that, management can make a decision.
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Division 2 – Fisheries Management Agreements and Measures

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
33A. Fisheries Division	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.	Rename the heading of Division 2 as “Fisheries Management Agreements” and insert a new Division 3 between cl 41 and cl 42 – named “Fisheries Management Measures”	

Clause No. 41- Fisheries Management Agreements

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
34. Felicity Charlieville Fishing Association	<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>	<p>The current maritime boundaries are clearly demarcated and were guided by international laws on maritime boundaries, sovereignty and procedures for negotiations on boundaries.</p> <p>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.</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

			<p>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 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).</p>
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35. Moruga La Rufin Fishing Cooperative Society LTD	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	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 fishing.	
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Clause No. 42- Selection of Fisheries Management Measures

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
36. Felicity Charlieville Fishing Association	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 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	<p>a. Noted. This concern is captured in 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 giving consideration to the principles of decision making (cl 6).</p> <p>b. There is no infringement on the right to own a vessel; however, we are concerned with the use of such vessel for fishing and fishing related activities where the resources belonging to the</p>	

	<p>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>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>	<p>wider citizenry are exploited/targeted and where the exploitation levels threaten the long-term sustainability of such resources.</p> <p>c. Noted. Recreational fishing will be regulated through various means (authorisations, licences, permits) as agreed in the requisite Fisheries Management Plan – developed in consultation with stakeholders.</p>	
37. Institute of Marine Affairs	Section 42(2c) What about reducing the risk of conflict with other marine users?	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.	
37A. Fisheries Division	Amend cl 42(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>Amend cl.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, on the recommendation of the Director, adopt for each fishery, an appropriate combination of fishery management measures as <u>may be</u> outlined in the a fisheries management plan.</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>

Clause No. 43- Fishing Effort and Catch Controls

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
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38. Environmental Research Institute Charlotteville	<p>a. There should be a definition for “fishing fleet” as contained in subsection 1; Include definition of “<i>fishing fleet</i>” in Part I Section 3</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>	<p>a. Agreed – include definition “<i>a fishing fleet means an aggregate of fishing vessels based on specific criteria;</i>”</p> <p>Identify where the term “fleet” appears in the Bill and determine if to insert “fishing” before “fleet”.</p> <p>Note that such criteria may pertain to use of a particular gear, fishing in a particular area, the vessel size, etc.</p> <p>b. 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.</p>	<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>
39. Institute of Marine Affairs	<p>a. Section 43(2) Should species and size limit be included here? How does fishing vessel size and horsepower matters compared to directly looking at the fish catch to relate to fish effort.</p> <p>b. 43(2)(d)- Fishing effort and catch controls Include size/length of fishing gear in the text</p>	<p>a. 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.</p> <p>b. Agreed. Amend cl 43(2)(d) as follows: “<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 reinstitution 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</p>

			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.
40. Felicity Charlieville Fishing Association	<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 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>	<p>a. 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>b. The recommendations concerning the vessel size and horsepower and gear specifications are measures to be agreed upon in the respective Fisheries Management Plan.</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 and additional measures provided for in this clause takes that into account.</p> <p>Clause 45 also talks about local fisheries management</p>

			areas which also speaks to the issue of zoning for different categories of fleets and fisheries.
41. Tobago International Game Fishing Tournament	Minimum safety requirements. Should be applied throughout the document when describing vessel certification as well as person permitting.	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 (cl 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 other requirements) is a pre-requisite (cl.55(3)(d)).	
42. Moruga La Rufin Fishing Cooperative Society LTD	I disagree with section 43 which is likely to be abused by the authorities	The provisions of Section 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 (cl. 37(1)).	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

			<p>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>
43. Ministry of Planning and Development	43(3) Suggest revision of “under economic conditions that promote responsible fisheries” to “within parameters which are aligned with a sustainable fishing effort”	<p>Noted. However, the recommended phrase is captured in the wording “sustainable use of fisheries resources” contained in the clause.</p> <p>The clause is to be reworded for clarity as follows:</p> <p><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</i></p>	

		<i>the excess capacity to <u>achieve</u> capacity levels commensurate with the sustainable use of fisheries resources.</i>	
43 A. Fisheries Division	<p>a. Amend cl. 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. Cl 43(2)(d) should be widened in scope to include other characteristics of fishing gear that may impact fishing effort.</p> <p>c. Amend cl 43(3) for clarity – replace “reduce” with “achieve”</p>	<p>a. Amend cl.43(1) as follows:</p> <p><i>The Minister may, by Order, <u>on the recommendation of the Director</u>, take measures consistent with the management plans 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 <u>and which may be outlined in a management plan.</u></i></p> <p>b. Amend cl 43(2)(d) as follows:</p> <p><i><u>the type, specification, number, manner of use and installation of fishing gear and other devices associated with the fishing gear</u> to be allowed by each fisher or vessel</i></p> <p>c. Amend cl 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>	

Clause No. 44- Additional Measures

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
44. Environmental Research Institute Charlottetville	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	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.	
45. Felicity Charlottesville Fishing Association	<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>	<p>a. 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.</p> <p>b. 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 (cl. 37(1)). The Minister is not expected to act</p>	<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 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> <p>A turtle excluder device (TED) is mandatory for all</p>

	<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 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 devise/exclusion devise 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 devise to ensure they are used properly and effectively.</p>	<p>independently on such technical matters – but rather to consult with the Director and Secretary.</p> <p>c. 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 (cl. 35) and in the content of FMPs (cl. 34); for the conduct of fisheries scientific research (Part XV) and for consideration of traditional and local knowledge in decision-making (clause 6 (i)).</p> <p>d. 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.</p> <p>e. Noted and agreed. Following from the comment above, the FD is engaged in educating stakeholders on the use of</p>	<p>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 sustainable in a trawl fishery. Fisheries Division is requesting a phased implementation of a ban to reduce any fall-out. Any fisheries management plan</p>
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	<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 reevaluation within the 3year 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 section 43.</p>	<p>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.</p> <p>f. 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.</p> <p>g. Noted and agreed. This is addressed in generally in cl.225 (measures are to be outlined in subsidiary legislation) and specifically in cl. 225(2)(a) -</p> <p>h. 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.</p>	<p>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.</p>
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			<p>Tobago is more pelagic and contains the larger species such as the marlin and tuna which are more oceanic.</p> <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</p>
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			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.
46. Moruga La Rufin Fishing Cooperative Society LTD	re: Species of Fish appears to be the beginning of the end of the fishing industry	Comment is too vague to draft a response.	
46 A. Fisheries Division	<p>a. Amend chapeau of cl.44(1) to include “on the recommendation of the Director”.</p> <p>b. Amend cl 44(1)(f) to indicate the broad elements of fishing gear that may be considered in fisheries management measures</p>	<p>a. Amend chapeau of cl.44 (1) as follows:</p> <p><i>The Minister may, by Order, <u>on the recommendation of the Director</u>, prescribe additional measures as required to achieve the fishery <u>management objectives of a management plan including-</u></i></p> <p>b. Amend cl 44(1)(f) as follows:</p> <p><i><u>fishing gear restrictions, including diagonal stretched mesh sizes of different fishing gear specification and manner of use; and</u></i></p>	

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
47. Ministry of Planning and Development	<p>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. 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?</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 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. The Policy advocated the need to rationalize these 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</p>	<p>a. 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 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> <p>b. 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.</p>	<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 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</p>

	designation and management of marine protect areas in Trinidad and Tobago?		where this is possible and ideal, then it can be done.
47 A. Fisheries Division	Amend cl 45 for consistency with cl 32, cl 37 re: interim “management: measures and to include “on the recommendation of the Director”.	Amend cl 45 as follows: <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>	

Clause 46 – Contravention of Orders under Division 2

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
47B. Fisheries Division	a. In light of the recommendation at comment no. 33A. <i>this marginal note should reference Division 3.</i>	a. Amend marginal note for cl 46 as follows: <i>Contravention of Orders under Division 3</i>	

Division 3 – Prohibited Fishing Methods and Fishing Related Activities

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee

47C. Fisheries Division	In light of the recommendation at comment no. 33A. 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.)	Amend Division heading as follows: <i>Division 4</i> <i>Prohibitions on Fishing Methods and Fishing Related Activities</i>	
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Clause 47 – Contravention of Orders under Division 3

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
47D. Fisheries Division	<p>a .In light of the recommendation at comment no. 47C. <i>this marginal note should reference Division 4.</i></p> <p>b. Further, <i>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 provision in clause 47 is at the start of Division 4.</i></p>	<p>a. Amend marginal note for cl 47 as follows: <i>Contravention of Orders under Division 4</i></p> <p>b. Agreed, amendment to be made at a later time.</p>	

Clause No. 48- Prohibited Fishing Methods and Related Fishing Activities

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
48. Environmental Research Institute Charlotteville	<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>	<p>a. Definition of “SCUBA” to be deleted. SCUBA and spearfishing are not mentioned in the Bill. Prohibition of any gear will be included in subsidiary legislation.</p> <p>b. 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.</p>	<p>During the clause by clause consideration of the Billsome matters would be more suitable to be addressed via the primary legislation and some via the subsidiary legislation, based on severity, priority, agency etc.</p>
49. Environment Tobago	<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>	<p>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 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 cl. 217. See FD proposed amendment to cl. 232(2)(k) which outlines measures for the protection of any environmentally sensitive, vulnerable, threatened or endangered species.</p>	<p>This clause may need to be prescriptive based on the science and in relation to certain species. In addition, 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 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</p>

			<p>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>
50. Institute of Marine Affairs	Section 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.	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 arrangements to which Trinidad and Tobago is a party.	
51. Environmental Management Authority	48 (5) Requires adequate trained personnel to monitor and inspect vessels to ensure compliance. This applies for sub-section 6 as well.	Noted and agreed. Adequately trained personnel will be required to implement all aspects of the new fisheries management legislation.	<p>The legislation has to be powerful because it would require a significant 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</p>

			to create, as a mechanism for funding some of the things that are needed.
52. Fishermen and Friends of the Sea	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 Stake Holder Board.	<p>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).</p> <p>The decision to prohibit a particular fishing method or fishing-related activity will be documented in a fisheries management plan – note that in development of FMPs stakeholders are consulted – see cl. 37(1).</p>	<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 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>

53. Icacos Fisherfolk United	<p>To add to clause 48 (1)</p> <p>Addition of (j)- prohibition of fishing methods and activities that disrupt and destroy the life cycle of a fish e.g. trawling</p>	<p>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.</p>	<p>Generally, unsustainable fishing requires strong action to be taken.</p>
54. Ministry of Planning and Development	<p>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>	<p>Noted. The intent is to include all parameters for defining the prohibitions. Cl. 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).</p>	<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</p>

			<p>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. However, the Bill will seek to expand those powers. Under the existing regulations there is an existing limit on kingfish, carite, snapper but it boils down to enforcement. There are regulations which provide that nothing larger than a 12 inch carite or an 8 inch snapper can be caught but these stipulations may need to be revised based on the available science. It is a very 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</p>
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			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.
54 A. Fisheries Division	<p>a. Amend chapeau of cl. 48(1) to include “on the recommendation of the Director”.</p> <p>b. Amend marginal note for cl 48 for consistency with proposed new heading – see response to comment no. 47C.</p> <p>c. Amend cl 48(1)(a) to include “the” before “fishery waters”</p> <p>d. Amend cl 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</p>	<p>a. Amend chapeau of cl. 48(1) as follows: <i>Subject to this Act, the Minister may, by Order, <u>on the recommendation of the Director, after consultation with the Director and Director Tobago</u></i></p> <p>b. Amend marginal note for cl 48 as follows: <i>Prohibitions on Fishing and Fishing Related Activities</i></p> <p>c. Amend cl 48(1)(a) as follows: <i>prohibit at all times, or during a specified period, the taking, from any specified area of any <u>the</u> fishery waters,</i></p> <p>d. Amend cl 48(1)(a)(ii) as follows:</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>“the processing of such fish on a vessel in the specified area” is applicable to both cl 48(1)(a)(i) and (ii) – “chaussure/shoe”</p> <p>e. Amend cl 48(1)(b) to make reference to “the fishery waters” – replace “any” with “the”.</p> <p>f. Amend cl 48 (1)(c) to make reference to “the fishery waters” – replace “any” with “the”.</p> <p>g. Amend cl 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 cl 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</p>	<p><i>in the case of a specified class of crustaceans fish, females having <u>young or eggs</u> or spawn attached to them</i></p> <p>Reposition the text “the processing of such fish on a vessel in the specified area” as the “chaussure/shoe” to cl 48(1)(a)(i) and (ii)</p> <p>e. Amend cl 48(1)(b) as follows:</p> <p><i>prohibit the taking, from any <u>the fishery waters</u>, of fish included in a specified class of fish that;</i></p> <p>f. Amend cl 48(1)(c) as follows:</p> <p><i>prohibit the taking, from any <u>the fishery waters</u>, of fish, or of fish included in a specified class of fish</i></p> <p>g. Amend cl 48(1)(d) as follows:</p> <p><i>prohibit the buying, selling, landing, displaying for sale, receiving, possession, <u>transport, transshipment, transit, import, export or re-export</u> of fish, fish products or of fish included in a specified class of fish.</i></p> <p>h. Amend cl 48(1)(e) as follows:</p> <p><i>prohibit a person from <u>using</u>, having in his possession or in his charge in a vessel, in any area of waters, fishing gear of a specified kind for taking fish</i></p> <p>i. Amend cl 48(1)(f) as follows:</p>	<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>
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	<p>that the provision also applies to activities on land.</p> <p>i. Amend cl 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 cl. 48(2) to include “on the recommendation of the Director”; for consistency with proposed amendments to cl. 232(2)(k) and to replace “any” with “a/an” as the preferred drafting language.</p> <p>k. Amend cl 48(6) for consistency with the proposed change for cl 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</p>	<p><i>prohibit a person from using, or having in his possession or in his charge in a vessel, in any fishery waters, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the Order;</i></p> <p>j. Amend 48(2) as follows:</p> <p><i>The Minister may, by Order, after consultation with the Director and Director Tobago, on the recommendation of the Director, prohibit the taking of protected an <u>environmentally sensitive, vulnerable, threatened or endangered species of fish</u> in accordance with any written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party.</i></p> <p>k. Amend cl 48(6) as follows:</p> <p><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></p>	<p>The word ‘may’ should be replaced with the word ‘shall’ and the word ‘recommendation’ should be substituted with the word ‘advice’.</p>
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	<p>in subsections (1) and (2). As well, merge cl 48(7) with cl 48(6) for consistency within the manner in which offences are stated throughout the Bill.</p> <p>I. Delete cl 48(7) as it is proposed to be merged with cl 48(6).</p>		
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Clause No.49- Fishing with Poisons, Explosives or Electrical Devices Prohibited

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
55. Environment Tobago	<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 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>Noted. However, this clause addressed fishing with poisons, explosives or electrical devices which unless prescribed otherwise will be considered as prohibited.</p> <p>The Bill is intended to provide the broad legal framework for fisheries management. Any specific fisheries management measures regarding gear would be addressed in fisheries management plans and implemented through subsidiary legislation and the authorization/licensing/permitting system.</p>	<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>
56. Ministry of Planning of Development	<p>a. 49 (1) (a) iii Stunning and stupefying are synonyms of each other.</p>	<p>a. Noted. However, stupefy refers to a state of disorientation while stun may refer to a state of</p>	

	b.49 (4) How does this subsection account for things such as pitch oil and lamp flares?	<p>unconsciousness. Consequently both terms will remain. No change required.</p> <p>b. Pitch oil would be considered a chemical, poison or noxious substance or material in accordance with cl. 49(1)(a)(i). A lamp flare (if interpreted correctly) may be considered as a device to stun or stupefy fish in accordance with cl. 49(1)(a).</p> <p>Variations to this prohibition may be prescribed. No change required.</p>	
56A. Fisheries Division	Amend cl 49(2)(a) for consistency with cl 48(1)(d) to reflect the range of fishing related activities addressed in the Bill.	<p>Amend cl 49(2)(a) as follows:</p> <p><i>buy, sell, land, display for sale, sell, deal in, receive, possess, transport, receive or possess transship, transit, import, export, or re-export any fish taken by any means which contravenes this section; or</i></p>	

Clause No. 50 – Effect of subsidies and other economic incentives

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
56B. Fisheries Division	<p>Amend cl 50 to include two (2) subclauses.</p> <p>a.Cl 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</p>	<p>Amend cl 50(1) as follows:</p> <p><i>In developing 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 and discharge of obligations under a treaty,</i></p>	

	<p>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 subclause which would allow for the Minister to prescribe by Order, subsidies aligned with fisheries management objectives.</p>	<p><u>convention or other international agreement to which Trinidad and Tobago is a party.</u></p> <p>Insert new sub-clause 50(2) as follows:</p> <p><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></p>	
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Clause No. 51- Revision of Subsidies and Other Economic Incentives

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
57. Ministry of Trade and Industry	51 (1) An entire fish stock can be reduced in the space of three years due to overfishing. The Director should 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>Noted and agreed.</p> <p>Amend cl 51(1) chapeau as follows:</p> <p><i>All subsidies and other economic incentives shall be reviewed by the Director every three years as required for the purpose of determining whether-</i></p>	<i>All artificial time limits should be removed and left up to the Director and the scientists on the standing committee so there will be a constant review.</i>
58. Felicity Charlieville Fishing Association	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	Noted. Currently alternative livelihoods for example, aquaponics and agriculture, are promoted as a means of diverting effort from fishing over-exploited fish	

	<p>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 provide an alternative to fishermen returning to the fishery and indvertibly reducing the level of fishing effort especially in smaller areas with cohorts of fishers that surpass the recommended fishing efforts.</p>	stocks and are facilitated by the Agricultural Incentive Programme. No change required.	
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Clause No. 52 – Offence of abuse of subsidies and other economic incentives

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
58A. Fisheries Division	Delete 52 (2) as this is a defense.		

Clause No. 53– Application of Part VII

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
58B. Fisheries Division	Amend cl 53. To make its applicability specific to fishers and fishworkers, mindful of the proposed change in definition of fish workers (see comment no. 7A(u)). It is not necessary to register all those involved in the full range of fishing related activities.	<p>Amend cl 53 as follows:</p> <p><i>This Part shall apply to fishers engaged in commercial fishing and persons engaged in fishing related activities fishworkers.</i></p>	

Clause No. 54– Register of Fishers and Fishworkers

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
58C. Fisheries Division	<p>a.Amend cl 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 cl 54(1)(a) to include nationality or residential status in Trinidad and Tobago and to retain 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>a. Amend cl 54(1) chapeau as follows:</p> <p><i>The Director shall establish and maintain a Register of Fishers and Fishworkers which shall <u>may</u> include-</i></p> <p>b. Amend cl 54(1)(a) as follows:</p> <p><i>the name, date of birth, nationality or residency status in Trinidad and Tobago, Board of Inland Revenue number or any other 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>	<p>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 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</p>

	<p>c.Cl 54(2) should be deleted and inserted in an amended form as the new cl 55(1), to address the requirement for registration as a fisher or fishworker.</p>	<p>c. Delete cl 54(2)</p>	<p>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 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</p>
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			<p>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 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>
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Clause No. 55- Requirements for Registration as a Fisher or Fishworker

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
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59. Environmental Research Institute Charlotteville	<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 eg. Researchers, snail and crab catchers, shorefishers, rockfishers should not need evidence of six-month practical experience on a vessel.</p>	<p>Noted and agreed. The requirement for a six month practical experience on a vessel is to be removed.</p>	
60. Tobago House of Assembly, Division of Food Production, Forestry and Fisheries	<p>a. 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 environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within one year prior to the date of his application;</p>	<p>a. Noted.</p> <p>The first issue of the wide application of the term “any law” is to be narrowed by reference to “...any law of Trinidad and Tobago <i>[for which the penalty on conviction is imprisonment for [six months/one year] or more,..]</i>’</p> <p>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.</p> <p>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- cl. 55(4)(c)) to</p>	<p>The assumption that a previous conviction can give insight into future behaviour is unconstitutional, discriminatory and in contravention of the legal maxim ‘innocent until proven guilty’.</p> <p>Some offences may not be as serious 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.</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</p>

		<p>engage in unlawful activities in the first instance.</p> <p>Possible amendment may be “not have been convicted of an offence-</p> <p>(iii) <i>under this Act; or</i></p> <p>(iv) <i>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade,</i></p> <p>within [one year/two years] prior to the date of his application”</p> <p>Additional note: 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.</p>	<p>registration as a commercial fisher onboard a commercial fishing vessel. One of the criteria is that such person must not have committed an offence under this Act such as smuggling etc. It doesn't prevent registration as a fisher, but rather seeks to give 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</p>
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	<p>b.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.55 (e) Six months experience is difficult to obtain and should instead provide for a 6 week course</p>	<p>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. This fact can be attested to by the ministry with responsibility for national security.</p> <p>b. This comment seems to refer to cl 55(3)(b) for which the response is the same as for the second in comment 60 (a).</p> <p>c. Agreed. The requirement for six months experience is to be deleted and the requirement for certified training is already indicated under 55 (d)</p>	<p>that type of activity and now wanting to continue that type of activity without any kind of administrative type of arrangement.</p> <p>Technocrats to review whether Trinidad and Tobago is bound by any treaty or international arrangement on this issue and to review comparable legislation in relation to exclusions in granting of certain licenses and permits. As far as possible it is an exclusion that is directly related 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>The proposed restriction may not address the intended mischief because in reality fishing vessels are often used to commit a range of crimes involving persons claiming to be legitimate fishers but a</p>
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			<p>person not registering will not necessarily prevent these crimes.</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. However, persons continuing to engage in illegal activity is grounds for preventing such persons from accessing the subsidies.</p> <p>Some fishermen in Trinidad and Tobago have no formal training or education but are brilliant fishermen who are experienced and understands factors such as tides, the moonspeed of driving the vessel, wind conditions etc</p> <p>The 6 month of prior experience requirement to be removed and the certified training is required for basic safety training. The certified training wasn't specified so in its implementation it can be a</p>
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			<p>collaboration between Fisheries Division and CFTDI to educate persons on sustainability of resources and the do's and don'ts 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. Registration as a fisher (commercial, recreational or artisanal) requires that the training must be completed. Such requirements under the training programme should also be properly defined.</p>
61. Environmental Management Authority	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 whether he was in violation of any laws pertaining to fisheries, the environment,	In addition to requiring supporting documents (e.g. Certificate of Character), it is the intention for the FD to coordinate and collaborate with	

	wildlife, customs, immigration, trafficking, smuggling, health or trade, within two years prior to the date of his application will not be enough.	other regulatory agencies (cl. 217) for implementation of the Act.	
62. Environment Tobago	<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? Makes no sense</p>	<p>a. Incorrect interpretation – the proposal is for 6 months of training. However, the FD proposes to delete this requirement (in cl. 55(3) (e), and to place greater emphasis on the requisite certification (55(3) (d).</p> <p>b. The Bill is not intended to regulate recreational fishing without a vessel (unless prescribed otherwise).</p> <p>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 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 Miscellaneous Provisions (Minimum</p>	<p>All fishing on a vessel may not be work since fishing can also be for sport or recreation. Persons present on a fishing vessel who are below the age of 16, after school on evenings or on weekends doesn't mean that such persons are working.</p> <p>Also, persons on board a vessel engaged in a fishing expedition may not be involved with fishing and the requirement to get permits for persons that are engaged in recreation may be too onerous. This requirement 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</p>

		<p>Age for Admission to Employment) Act 2007 and the Children Act Ch. 46:01.</p> <p>The Bill provides for the issuance of a provisional permit for persons younger than 16 years on board a commercial fishing vessel (cl 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.</p> <p>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.</p> <p>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.</p>	<p>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 use their vessels or pirogues for recreational activities. 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 as a commercial fishing vessel is required to have everyone onboard engaged in commercial activity to be registered and to have a fisherman's ID card and children would be required to have a provisional permit to show that they are also authorized to be aboard the commercial fishing vessel. If 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</p>
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			<p>price for foreigners will be higher than the cost for nationals due to classification as an 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 child safety issue may arise but will be considered in the roll-out.</p> <p>A young person on a fishing vessel may be there to learn skills and should not be discouraged from doing so. It should be considered education and learning rather than labour.</p>
63. Felicity Charlieville Fishing Association	<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. 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>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 FD applies such a requirement for first time registrants – however, additional work is to be done to identify criteria for</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.	determining what is a “recognized fishing organization” and the validity of the recommendation made by the organization. No change required.	
64. Customs and Excise Division	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.	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 cl. 241(b) which recommends amendment to the Customs Act for CED to share information with the Director of Fisheries).	
65. Fishermen and Friends of the Sea	<p>a. We are an island and throughout our history, fishing has become a family event/business for many persons. Often times persons under 16 are taken out to sea to learn how to fish, to assist in holiday time, to recreate, to be safe under the supervision of a parent. We do understand, the need to take into consideration child labour laws however, we think that special provisions should be made. For example the issuing of a provisional permit at 13 or the issue of a junior permit.</p> <p>b. The requirement of not having been convicted for a 2 year period under any law is a offensive, extreme and counterproductive. If a fisher has committed a crime, then the penalty imposed by the Court must be respected. Fishers</p>	<p>a. See response to comment no. 62 (b)</p> <p>b. See response to comment no. 60(a)</p>	

	<p>must not be blacklisted in much the same way that 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>	<p>c. 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.</p>	
<p>66. Fishermen and Friends of the Sea in collaboration with Claxton Bay Fishing Association, Brickfield Fishing Association, Cedros Fishing Cooperative, Grand Chemin Fishing Association, Carli Bay Fishing Association, La Brea Fisherfolk, Marabella Fishing Association and La</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 provisional permits for children who may wish to assist their family in the fishing industry. However, Section 55's 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</p>	<p>a. 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 Director (cl. 55(3)(e) in consultation with stakeholders. However, whatever is decided must be in compliance with existing national laws.</p> <p>See response to comment no. 62(b)</p>	

<p>Ruffin/Moruga Fishing Association</p>	<p>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 Section 55 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>b. See response to comment no. 60(a)</p> <p>Addressing recidivism is a key requirement of the Bill as this is a component of good governance which cannot be compromised.</p>	
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<p>67. All Tobago Fisher Folk Association</p>	<p><i>a. Sec. 55(3) (c) "To be registered as a fisher, a person shall not have been convicted of an offence under any law of Trinidad & 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 & 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>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 pose 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>	<p>a. See response to comment no. 60(a).</p> <p>b. 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.</p> <p>c. A person with a criminal record is not excluded outright from registering as a fisher. There is a specific time period within which he cannot apply. See the response to comment no. 60(a).</p>	
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	<ul style="list-style-type: none"> - How relevant or serious the offence was; - The circumstances surrounding the conviction; - Whether the conviction forms part of a pattern of offending. <p>d. Sec. 55(3) (d) “To be registered as a fisher, a person shall present evidence of certified training in personal survival, vessel operation, general safety in fishing operations and any other certification required”</p> <p>This regulation <u>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 online, although <u>many Tobago fisherfolk are not</u></p>	<p>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.</p> <p>d. 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.</p> <p>e. 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</p>	
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	<p><u>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 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>	<p>competencies, capacities and needs of the various stakeholder groups.</p> <p>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.</p>	
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68. Ministry of Planning and Development	<p>d. 55 (1) Close bracket is omitted.</p> <p>e. 55(2) As an onshore activity couldn't this period be longer than that applied to fisheries?</p> <p>f. 55(4)(b) Is it anticipated that such certification would be readily available?</p>	<p>a. Noted. However, see FD proposed changes.</p> <p>b. Noted. To amend clause as suggested in response to comment no. 68A(b).</p> <p>c. [assumed reference is to 55(4)(d) – FD proposed deletion of this requirement at 55(4)(d) as it is uncertain whether such certified training in the range of fishery-related activities is available nationally.</p>	
68A. Fisheries Division	<p>a. Delete the current cl 55(1) and replace with cl 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 cl 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 response at comment no. 68B 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> <p>c. Delete cl 55(3)(e), as emphasis should be placed on the certified training instead. Furthermore, given</p>	<p>a. Replace cl 55(1) with cl 54(2) amended as follows:</p> <p><i>A person who intends to become a fisher or fishworker shall apply to the Director to be registered on the approved form.</i></p> <p>b. Amend cl 55(2) as follows:</p> <p><i>A fisher or fishworker shall notify the Director of any changes in the information set out in the application form for the identity card registration within not later than fourteen days after the of such change.</i></p> <p>c. Delete cl 55(3)(e)</p>	<p>The onus should be placed on the owners of the commercial fishing vessels because if left to individuals there may not be compliance. Enforceability of the law is also important.</p> <p>The change occurs when the person is in the employ of a</p>

	<p>the nature of the industry, not all persons applying may have the six months practical experience on a vessel.</p> <p>d. Amend 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 cl 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> <p>f. Amend 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 cl 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>d. Amend 55(3) as follows:</p> <p>(3) To be registered as a fisher, a person shall-</p> <p><i>(f) comply with any other prescribed criteria. <u>such additional grounds as may be prescribed.</u></i></p> <p>e. Delete cl 55(4)(d)</p> <p>f. Amend 55(4) as follows:</p> <p><i>(4) <u>To be registered as a fishworker, a person shall-</u></i></p> <p><i>(e) <u>comply with such additional grounds as may be prescribed</u></i></p> <p>g. Amend cl 55(5) as follows:</p> <p><i><u>A person who gives false or misleading information in order to be registered as a fisher or fishworker to be included in the Register of Fishers and Fishworkers commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.</u></i></p>	<p>commercial vessel owner because if a change occurs when the person is not employed or working as a fisher then the onus should be on the individual.</p> <p>Requirements may be better suited rather than the word ‘grounds’.</p>
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Clause No. 56-Fisher and Fishworker Identity Card

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
69. Environmental Research Institute Charlotteville	<p>Are there any mandatory requirements for a fishing vessel, e.g. radio, GPS/ vessel tracker, emergency kit, etc.</p> <p>These requirements should be considered for registration of a fishing vessel since it will ensure safety of the fisher and also allow aid law enforcement in monitoring errant behavior, retrieving stolen vessels and search and rescue</p>	<p>Noted – however the proposal pertains to fishing vessels rather than fisher and fish worker identity cards. The safety requirements for fishing vessels are stipulated in legislation for registration of a vessel. The requirement for a vessel tracking device to be installed on vessels engaged in fishing and fishing related activities to aid in search and rescue, fisheries monitoring, control and surveillance, among other things is provided for in the Bill (e.g. clauses 93(2)(f); 140(3)(a); 151; 167(1)(g)).</p>	
70. Institute of Marine Affairs	<p>56 (9) Upon request by an authorised officer, the registered fisher or fish worker should have a specified time to produced his identify card and not necessarily immediately as implicit in the wording of the text.</p>	<p>This is best practice for enforcement purposes. The requirement is aligned with those existing measures for persons driving and not in possession of a driver's permit.</p>	
71. All Tobago Fisher Folk Association	<p><i>a. Sec. 56(1) "The Director, upon receiving an application for a fisher and a fishworker identity card on the approved form and payment of the prescribed fee."</i></p> <p>The regulation should state the amount the prescribed fee will be that will be required for an approved fisher identity card.</p>	<p>a. All fees are to be stipulated in subsidiary legislation. There is flexibility to change fees in future depending on, among other factors, administrative costs (processing, inspections, etc.) and other costs (resource access and management fees, fisheries monitoring, control and surveillance fees etc.).</p>	

	<p>b. As fishers are paying for this card, can the identity card be utilised as a form of National Identification?</p> <p><i>c. Sec. 56(4) "The Director may issue a new identity card..."</i></p> <p>What would be the cost to issue a new identity card? The regulation needs to specify the amount.</p> <p><i>d. Sec. 56(9) "If upon request by an authorized officer, a registered fisher or fishworker does not produce his identity card he commits an offence and is liable to payment of the fixed penalty as prescribed"</i></p> <p>AFTA recommends a registered fisher or fishworker be given twenty-four to forty-eight hours to present their identity card or risk committing an offence and be fined for a specified amount.</p>	<p>b. It is not the mandate of the FD to approve documents that may be used as a form of National Identification.</p> <p>c. See response to comment no. 71(a).</p> <p>d. See response to comment no. 70.</p>	
72. Ministry of Planning and Development	<p>56(1) would it be advisable to put a maximum timeline for determinations/responses to applications from the time of initial submission?</p>	<p>Although it is intended to effectively deliver all services – the timeline for delivery is dependent on a number of factors including the availability of human resources, office equipment, computerized systems, availability of online services etc. Consequently, the timelines for delivery of services by the fisheries administrations will be outlined in subsidiary legislation or standard operating procedures as relevant.</p>	

72A. Fisheries Division	<p>a. Amend cl 56(1) to reflect that the application is for registration as a fisher or fishworker – consistent with comment no. 58C.(c)</p> <p>b. Delete text in cl 56(3) and replace with three new subclauses for consistency with due process.</p> <p>c. Amend cl 56(6) to make specific to fishers and fishworkers.</p>	<p>a. Amend cl 56(1) as follows:</p> <p><i>The Director, upon receiving an application for a fisher and fishworker identity card registration as a fisher or fishworker on the approved form and payment of the prescribed fee, shall cause to be issued to every fisher or fishworker registered under this Part an identity card attesting to that fact.</i></p> <p>b. Insert three new subclauses as follows</p> <p><i>(3) Where the Director refuses to issue a fisher or fishworker identity card in accordance with subsection (1), he shall give written notice of the refusal and provide reasons, as soon as is reasonably practicable;</i></p> <p><i>(3A) The applicant may submit written reasons to the Director within fourteen days of receipt of the notice as to why a fisher or fish worker identity card should not be refused;</i></p> <p><i>(3B) Where the Director is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p> <p>c. Amend cl 56(6) as follows:</p>	
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		<i>Subject to section 55(1), no No <u>fisher or fishworker</u> shall fish or engage in fishing related activities without being registered under this Act and without his identity card</i>	
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Clause No. 57- Validity and Renewal of Fisher and Fishworker Identity Card

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
73. Tobago House of Assembly, Division of Food Production, Forestry and Fisheries	57 (1) 3 years is insufficient duration of ID card and the duration recommended is 5 years	Noted, however, no rationale was given for the suggestion. Clause 57(1) provides for a change in the validity period to be made in subsidiary legislation.	

Clause No. 58- Suspension, Revocation, Surrender and Cancellation of Registration

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
74. Tobago House of Assembly, Division of Food Production, Forestry and Fisheries	58 (1) (c) is unduly harsh. Recommended provision: “in the case of three or more offences, suspend the registration of the fisher or fishworker for such a period of time as the Director considers reasonable or revoke the registration”	The concern is noted. These conditions are set out – the Director would be acting on court decisions that an offence has been committed – 58(1)(a),(b), (c) – the specific decisions are already outlined. The period of	

		<p>suspension or revocation in the case of 58(2) is based on the Director's discretion.</p> <p>This is a discretionary power of the Director (use of "may"). It introduces an administrative sanction based on an increasing level of recidivism. The FD will work out the respective criteria and procedures to ensure that the sanctions are consistently and fairly applied. Note the FD proposed change to cl 58(4) in respect of the due process as well as provision in Part XIX for appeals to the decisions made in respect of registers under the Act.</p>	
75. Fishermen and Friends of the Sea	<p>58 (1) and (2) These powers should not be exercised by the Director solely but rather based on a standardized criteria or exercised by an independent body, such as a. Further there is no standard to determine the duration of this suspension or revocation and it should be left to the discretion or any Director or Multi Stake Holder Board.</p>	<p>Note that the comment is not complete.</p> <p>See response to comment no. 74.</p>	
76. All Tobago Fisher Folk Association	<p><i>a. Sec. 58(2) "Where a registered fisher or fishworker has been convicted of an offence under any law in Trinidad and Tobago...., the Director shall suspend the registration of the fisher or fishworker for such a period of time as the Director considers reasonable or revoke the registration"</i></p> <p>A fisher or fishworker's registration should not be suspended or revoked if an offence is committed outside of the Fisheries Management Bill. As it was mentioned in Point 2 of this document, a criminal record should not automatically cause a person's registration to be revoked</p>	<p>a. See response to comment no 60(a) in relation to the broad application of the term "any law".</p>	

	<p>or suspended and denying him/her the right to earn an honest, liveable wage.</p> <p>b. If he does commit an offence under this Bill, a specific time frame should be stated not left up to the discretion of the Direction to set a period of time, so as to eliminate the possibility of any prejudice or ill-will against a fisher or fish worker.</p> <p>c. Sec. 58(3) <i>“Where a registered fisher or fishworker fails to provide notification of any change in information within the period specified in section 55(2), the Director may suspend the registration of the fisher or fishworker for such a period of time as the Director considers reasonable.”</i></p> <p>The penalty of this law does not fit the offence, therefore AFTA recommends instead applying a defined penalty fee</p>	<p>b. As a consequence of the proposed change at 60(a) it is recommended that the Director revoke instead of suspend the registration. Therefore cl 58(2) to be amended as follows:</p> <p><i>“Where a registered fisher or fishworker has <u>committed</u> been convicted of an offence</i></p> <p><i>(i) <u>under this Act; or</u></i></p> <p><i>(ii) <u>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 relating related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade,</u></i></p> <p><i>the Director shall revoke the registration.”</i></p> <p>If the conditions that led to the revocation no longer apply, the person may re-apply under cl 55.</p> <p>c. Noted and agreed to change from an administrative sanction to a penalty. The proposed amendment to cl 58(3) is at comment 77Ab.</p>	
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	as a more reasonable consequence for failing to provide notification of change in information. Further to that, the deadline of fourteen days is much too short and should be extended to thirty days as a reasonable stipulated timeframe.		
77. Ministry of Planning and Development	<p>a. 58(1)(2) “identity card” and registration is being used interchangeably.</p> <p>b. Subsection (1) (a) implies that it is within the Director’s discretion to allow retention of the card in the event of a first offence, however subsection (2) instructs the Director to suspend (or revoke) the card according to their judgment. This is an inconsistency which should be clarified.</p> <p>c. 58 (7) Why is this section necessary, since the licence is valid for a three year term? Perhaps this section could be used to address the non-transferability of licences and that it would be an offence to conduct fishing or fish related activity using someone else’s licence?</p>	<p>a. Noted and agreed that a distinction is to be made in relation to registration and the identity card. The FD proposes some amendments to address any misinterpretation concerning the requirement for registration as a fisher or fishworker and issuance of an identity card.</p> <p>b. Cl 58(2) mandates the Director to revoke the registration where the fisher or fishworker has been convicted under any law (including this Act). However cl 58(1)(a) gives the discretion to the Director to allow the fisher or fish worker to retain his registration status in the case of conviction of a first offence under this Act.</p> <p>c. The requirement to surrender the identity card- by a person who no longer wishes to engage in fishing and fishing related activity-is to safeguard against use of the card for any privileges afforded to bona fide fishers. This situation could occur during the remaining period of validity of the identity card if the card is not surrendered. The identity card is not a licence to fish – separate provisions are</p>	

	<p>d. Alternatively, the section may state that if the licence isn't renewed after a grace period following the end of the 3 year term the person would be removed from the register and would have to reapply thereafter.</p>	<p>made for licensing (see Parts IX, X, XI, XII for fishing by Trinidad and Tobago entities).</p> <p>d. The procedure upon expiration of an identity card is that the applicant will be required to re-apply to be registered as a fisher or fishworker if they wish.</p>	
77A. Fisheries Division	<p>a. Amend cl 58(1)(a) for consistency with cl 58(1)(b) and 58(1)(c) which make reference to the registration status.</p> <p>b. Amend cl 58(3) to make reference to the “application form” and to change from an administrative sanction (suspension) to a penalty.</p>	<p>a. Amend cl 58(1) as follows:</p> <p><i>in the case of a first offence, allow the fisher or fishworker to retain his identity card <u>registration status</u>;</i></p> <p>b. Amend cl 58(3) as follows:</p> <p><i>58(3)“Where a registered fisher or fishworker fails to provide notification of any change in information <u>in the application form</u> within the period specified in section 55(2), the Director may suspend the registration of the fisher or fishworker for such a period of time as the Director considers reasonable <u>he commits an offence and is liable on summary conviction to the fine set out in the Schedule.</u></i></p> <p>The Schedule is also to be amended. The proposed penalty is \$2,000 – maximum</p>	

	<p>c. Delete text in cl 58(4) and replace with three new subclauses for consistency with due process.</p> <p>d. Amend cl 58(5) (a) to cross reference the correct clause/section in relation to issuance of the identity card.</p>	<p>penalty of \$10,000 (similar to offence in cl. 64(2)).</p> <p>c. Insert three new subclauses as follows:</p> <p><i>(4) Where the Director determines that a registration of a fisher or fishworker should be suspended or revoked in accordance with subsections (1) to (2), he shall give written notice of the suspension or revocation and provide reasons as soon as is practicable.</i></p> <p><i>(4A) The registration-holder may submit written reasons to the Director within fourteen days of receipt of the notice as to why his registration should not be suspended or revoked.</i></p> <p><i>(4B) Where the Director is in receipt of written reasons under subsection (4A) he shall consider those reasons and make a determination within twenty-one days, or as soon as is practicable, from the date of receipt of those reasons and notify the registration-holder of his decision in writing.</i></p>	
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Clause No. 59- Record of Fish Vendors

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee

78. Felicity Charlieville Fishing Association	<p>The addition of no person holding a recreation fishing shall be entered in the record of fish vendors.</p> <p>This will deter recreational fishers from catching fish and selling outside designated market or posing as recreational fishers as a means of selling foreign market goods.</p>	<p>Noted. It is assumed that the underlying concern is that recreational fishers should not be placed on the record of vendors.</p> <p>1. "Recreational fishing" in this legislation means fishing for pleasure or personal consumption and not for commercial purposes. Therefore fish caught recreationally should not be sold.</p> <p>2. A recreational fisher can be a vendor if the fish that he is selling was caught under a commercial fishing (vessel) licence;</p> <p>3. A vendor can engage in recreational fishing under the respective licence, authorization or permit.</p> <p>4. A traceability system which is to be established will allow for tracking of fish sold by all vendors to a commercial fishing licence or authorisation.</p> <p><i>Note the FD proposed change to clause 59 – "The Director shall establish and maintain a Record of Fish Vendors in a manner to be prescribed."</i></p> <p><i>Therefore cl. 59 (2) to (6) to be deleted. Offence to be removed from the Schedule.</i></p>	
78A Fisheries Division	<p>a. Amend 59(4)(c) for consistency with similar provisions throughout the Bill.</p>	<p>a. Amend 59(4) as follows:</p>	

	<p>b. Delete text in cl 59(5) and replace with three new subclauses for consistency with due process.</p>	<p>(4) The Director may remove an entry on the Record of Fish Vendors if he is satisfied that-</p> <p><i><u>(c) the entry should be removed on such other grounds in accordance with such additional grounds as may be prescribed</u></i></p> <p>b. Insert three new subclauses as follows:</p> <p><i>(5)Where the Director determines that an entry on the Record of Fish Vendors should be removed in accordance with subsection (4), he shall give written notice of the removal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(5A) The record-holder may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the entry on the Record of Fish Vendors should not be removed.</i></p> <p><i>(5B) Where the Director is in receipt of written reasons under subsection (5A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the record-holder of his decision in writing.</i></p>	
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Clause No. 60- Record of Trinidad and Tobago Fishing Vessels

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
79. All Tobago Fisher Folk Association	Sec. 60 (3)- Tobago fishing vessels should have identifying marks different from that of Trinidad fishing vessels so as to reduce the occurrence of theft of vessels	<p>Noted. The vessel identity marks issued upon registration by the Maritime Services Division are standardized in format according to the International Maritime Organization – each vessel must carry a unique identity number. This provision addresses the concerns regarding identification of a stolen vessel.</p> <p>The FD in its current procedures for entry on the Record of Trinidad and Tobago Fishing Vessels issues a unique vessel record number. Currently, the numbers issued to vessels from Tobago carry the specific pre-fix of “TFT” which is unique to Tobago.</p>	
80. Ministry of Planning and Development	60(3)(f) Also insert the intended mode of fishing for the vessel e.g. trawling, long lines, fish pots etc.	Noted. The mode of fishing is captured under cl 60(3)(g)	
80A. Fisheries Division	<p>a. Amend cl 60(2) to include specific reference to the Shipping Act, the current legislation governing the registration of vessels.</p> <p>This change is to be made throughout the Bill in similar clauses.</p> <p>b. Amend cl 60(3) chapeau to reflect the fact that different types of information/particulars may apply to</p>	<p>Amend cl(60(2) as follows:</p> <p><i>All vessels to be entered on the Records of Trinidad and Tobago Fishing Vessels shall be registered under <u>the Shipping Act</u> or <u>any other</u> written law governing the registration of vessels.</i></p> <p>b. Amend cl 60(3) as follows:</p> <p><i>The Record of Trinidad and Tobago Fishing Vessels shall contain the following</i></p>	

	<p>different types of vessels – i.e. not all the particulars listed may apply to a specific vessel type.</p> <p>c. Amend cl 60(3)(d) to include contact information of any other operator besides the owner, mindful of the broader meaning of “operator” which serves to increase the range of persons who may be contacted in respect of the vessel.</p> <p>d. Insert a new sub-clause after cl 60(3)(f) to record the type of fishing related activity for which the vessel is to be used – mindful that the Bill regulates both fishing and fishing related activities.</p>	<p><i>particulars, as may be applicable, in respect of all fishing vessels registered in Trinidad and Tobago:</i></p> <p>c. Amend cl 60(3)(d) as follows:</p> <p><i>the name, address and any other contact information of the owner, <u>any other operator and the owner’s authorised local representative resident in Trinidad and Tobago and operator of the vessel;</u></i></p> <p>d. Insert new paragraph 60(3)(g) as follows:</p> <p><i><u>the type of fishing related activity for which the vessel is to be used;</u></i></p>	
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Clause No. 61 – Application to be entered onto the Register of Trinidad and Tobago Fishing Vessels

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
80B. Fisheries Division	a. Amend cl 61(1) to make the benefit broader than “commercial gain” as there may be other benefits of a material nature.	<p>a. Amend cl 61(1) as follows:</p> <p><i>A person who owns a Trinidad and Tobago fishing vessel or who is desirous of operating such vessel in the fishery waters or in areas beyond national jurisdiction, whether for commercial gain <u>economic or material benefit</u> or recreational purposes, shall apply to the Director to have his vessel entered on the Record of Trinidad and Tobago Fishing Vessels</i></p>	

	b. Amend cl 61(4)(b) to cross reference the correct section/clause in respect of the conduct of an inspection of the vessel.		
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Clause No. 62- Inspection to be entered on the Record of Trinidad and Tobago Fishing Vessels

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
81. Environmental Management Authority	Also provide evidence of maintenance schedule	Comment is vague. Cl 62 applies to the procedures for entry on the Record of Trinidad and Tobago Fishing Vessels. Consequently, the provision of a vessel maintenance schedule is not applicable. The mandate for inspection of vessels for health and safety purposes rests with the Maritime Services Division.	
82. All Tobago Fisher Folk Association	<i>Sec. 62(1) "A vessel shall be inspected prior to entry on the Record of Trinidad and Tobago Fishing Vessels".</i> The criteria for inspection prior to entry on the Record of Fishing Vessels must be specified in the Bill for the purpose of transparency.	The details concerning inspections of fishing vessels (regular routine, at port, at-sea) are to be outlined in the Monitoring, Control and Surveillance Regulations. The Bill provides the overall framework for fisheries management – much of the details are to be stipulated in subsidiary legislation.	

Clause No. 63 - Marking and identification of fishing vessels

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
82A. Fisheries Division	Amend 63(2) for alignment with penalty in Schedule of Offences and for consistency in reference to liability	Amend cl 63(2) as follows: <i>“A person who uses a Trinidad and Tobago fishing vessel that is not marked or identified in accordance with this section commits an offence and is liable on summary conviction to the fine and term of imprisonment specified set out in the Schedule.”</i>	

Clause No. 64– Changes to the Record of Trinidad and Tobago Fishing Vessels

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
82B. Fisheries Division	Amend cl 64(1) for consistency with the recommendation that the timeline for a response by a stakeholder is “not later than fourteen days” following a specific action and to cross reference the correct section/clause in respect of notification of the Director of changes in particulars required for the Record of Trinidad and Tobago Fishing Vessels.	Amend cl 64(1) as follows: <i>The owner of a Trinidad and Tobago fishing vessel shall notify the Director of every change in the particulars required under section 60(32) within not later than seven fourteen days of such after the change.</i>	

Clause No. 65- Ground for Refusal to Issue a Certificate of Record

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee

83. Tobago International Game Fishing Tournament	<p>Meet Safety requirements</p>	<p>Noted. However, the need to meet safety requirements is a pre-requisite for registration of a vessel by the Maritime Services Division, as provided for under the Shipping Act. A vessel must be registered before it can be considered for entry on the Record of Trinidad and Tobago Fishing Vessels (cl. 60(2)) and is also one of the grounds for refusal of issue of a Certificate of Record (cl. 65(1)(c)).</p> <p>See the response to comment no. 81.</p>	
84. All Tobago Fisher Folk Association	<p><i>Sec. 65(1)(a) "The Director may refuse to issue a Certificate of Record if the fishing gear and equipment are not in a good state of repair".</i></p> <p>The Bill needs to specify or state what constitutes 'as good state of repair' so as to promote transparency and eliminate the possibility of any prejudice or ill-will against an applicant.</p>	<p>Noted. Delete cl 65(1)(a) and amend cl. 65(1)(b) as follows:</p> <p><i>"upon inspection the Director is satisfied that the vessel, <u>fishing gear and equipment</u> are not in compliance with this Act"</i></p>	

<p>84A. Fisheries Division</p>	<p>a. Based on DG-MARE’s inputs – there is need for a genuine link between the State and the vessel. Therefore a new sub-clause should be included whereby the Director shall refuse to issue a certificate of record for any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless he/she is satisfied that it is able, taking into account the links that exist between it and the fishing vessel concerned, to exercise effectively its international obligations in respect of that fishing vessel. This insertion ensures a genuine link between the State and the vessel regardless of the jurisdiction in which the vessel is operating and will facilitate adherence to flag State responsibilities and alignment with international obligations under UNCLOS, UNFSA, CA.</p> <p>b. (i) Amend cl 65(1)(d) to reflect that the Director may refuse to issue a Certificate of Record if the vessel “for which the application is made” has been used in the commission of an offence – since one cannot refer to “the vessel that caught the fish” if the certificate has not yet been issued, nor a licence/authorization/permit granted. Also to include as grounds for refusal where the applicant has committed an offence under laws under the jurisdiction of another state or in violation of international measures.</p> <p>b. (ii) Based on DG-MARE’s inputs - cl 65(1)(d) only covers vessels or applicants that have committed an offence under any law of Trinidad and Tobago. Furthermore, the combination of cl 65(1) (c) and (d) may leave out any vessel that has a history of non-compliance, including Trinidad and Tobago flagged vessel that have committed an infringement under the jurisdiction of another state or in violation of international common management</p>	<p>a. Insert new clause 65(1)(A) as follows:</p> <p><i>The Director shall refuse to issue a Certificate of Record for any vessel entitled to be registered under the national shipping legislation to be used for fishing and fishing related activities unless he is satisfied that the State of Trinidad and Tobago is able, taking into account the links that exist between the State and the vessel concerned, to exercise its international obligations effectively in respect of that vessel.</i></p> <p>b. Amend clause 65(1)(d), considering also response for comment no. 60(a), as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</i></p> <p>(i) <i>under this Act;</i></p> <p>(ii) <i>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;</i></p> <p>(iii) <i>under any law under the jurisdiction of another state; or</i></p>	
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	<p>measures or any former foreign vessel that has committed an infringement under its own or another country's jurisdiction before being flagged to Trinidad and Tobago. Consequently it is recommended that cl 65(1)(d) be amended to include commission of an offence "under any law under the jurisdiction of another state or in violation of applicable international conservation and management measures". This addition also provides consistency with cl 224(2).</p> <p>c. Based on DG MARE's suggestion – cl 65 should include as well "vessels with a history of non-compliance". Consequently a sub-clause should be included that considers vessels having engaged in or support of IUU fishing in the previous 5 years" after cl 65(c). It is noted that in TTO the general policy is that records are kept for a period of six years with respect to tax matters in relation to non-compliance and as a result FD recommends we use 6 years instead of 5 years.</p> <p>d. Amend 65(1) to include new subclause 65(1)(g) with catch all criterion</p> <p>e. Delete text in cl 65(2) and replace with three new subclauses for consistency with due process.</p>	<p>(iv) <u>in violation of applicable international conservation and management measures; or</u></p> <p>c. Insert a new paragraph 65(1)(ea) as follows:</p> <p><u>vessels having engaged in or in support of IUU fishing or fishing related activities in support of such fishing in the previous six years</u></p> <p>d. Amend cl 65(1) as follows:</p> <p>65. (1) The Director may refuse to issue a Certificate of Record if-</p> <p><i>(g) the refusal is in accordance with such additional grounds as may be prescribed</i></p> <p>e. Insert three new subclauses as follows:</p> <p><i>(2) Where the Director refuses to issue a Certificate of Record in accordance with subsection (1), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p>	
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		<p><i>(2A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a Certificate of Record should not be refused.</i></p> <p><i>(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p>	
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Clause No. 66– Suspension or revocation of Certificate of Record

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
84B. Fisheries Division	<p><i>a. Amend cl 66(1)(b)(i) to cross reference the correct section/clause in respect of the particulars of the vessel recorded.</i></p> <p>b. Based on recommendation from DG MARE – insert a new sub-clause to reflect an additional condition whereby the Certificate of Record of a vessel may be revoked or suspended – if there is evidence <i>that</i> the fishing vessel</p>	<p>b. Insert a new paragraph 66(1)(ca) as follows:</p> <p><i>there is evidence that the fishing vessel was engaged in or supporting IUU fishing</i></p>	

	<p>was engaged in or supporting IUU fishing activities or fishing related activities in support of such fishing.</p> <p>c. Amend cl 66(1)(d) for clarity and for consistency with the amendments in response to comments no. 60(a) and no 84A(b)(i),</p> <p>d. Amend 66(1) to include new subclause 66(1) (e) for catch all criterion.</p> <p>e. Delete text in cl 66(2) and replace with three new subclauses for consistency with due process.</p>	<p><i>activities or fishing related activities in support of such fishing;</i></p> <p><i>c. Amend cl 66(1)(d) as follows:</i></p> <p><i>the applicant has committed, or the vessel that caught the fish for which the application is made has been used in the commission of, an offence</i></p> <p><i>(i) under this Act;</i></p> <p><i>(ii) under any other written law of Trinidad and Tobago for which the <u>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;</u></i></p> <p><i>(iii) under any law under the jurisdiction of another state; or</i></p> <p><i>(iv) in violation of applicable international conservation and management measures.</i></p> <p><i>d. Amend 66(1) to include new cl 66(1) (e) as follows:</i></p> <p><i>(e) the suspension or revocation is in accordance with such additional grounds as may be prescribed</i></p> <p><i>e. Insert three new subclauses as follows:</i></p>	
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		<p><i>(2) Where the Director determines that a Certificate of Record should be suspended or revoked in accordance with subsection (1), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(2A) The holder of a Certificate of Record may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the Certificate of Record should not be suspended or revoked.</i></p> <p><i>(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of a Certificate of Record of his decision in writing.</i></p>	
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Clause No. 67 – Surrender of Certificate of Record

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
84C. Fisheries Division	Amend cl 67 to include “fishing related activities” as the Bill regulates both fishing and fishing related activities.	Amend cl 67 as follows: <i>A person who no longer uses the vessel for the purposes of</i>	

		<i>fishing and fishing related activities shall surrender the Certificate of Record to the Director.</i>	
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Clause No. 68- Cancellation of Certificate of Record

Name of Stakeholder	Comment	FD/CPC Responses	Decision of the Committee
85. Moruga La Rufin Fishing Cooperative Society LTD	Our rights to Judicial review or reediness through the courts should not be taken away section (68)	The right of Judicial Review remains. In addition provision is made for redress through an Appeals Committee (Part XIX).	
85A. Fisheries Division	<p>a. Amend cl 68(c) to include “fishing related activities” as the Bill regulates both fishing and fishing related activities.</p> <p>b. Amend cl 68(e) for consistency with reference to “fishing gear” throughout the Bill i.e. change “fishing gears” to “fishing gear”</p> <p>c. Amend 68 to include new subclause 68(f) catch all criterion</p>	<p>a. Amend cl 68 (c) as follows: <i>the vessel is no longer used for the purposes of fishing and fishing related activities;</i></p> <p>b. Amend cl 68 (e) as follows: <i>the Certificate of Record or the identity mark placed on the fishing vessel, fishing gears or engines has been tampered with.</i></p> <p>c. Amend 68 to include subclause 68(f) as follows: <i>68. The Director may cancel a Certificate of Record where-</i></p>	

	<p>d. Amend 68 by inserting three new subclauses after the existing cl 68 for consistency with due process.</p>	<p><i>(f) the cancellation is in accordance with such additional grounds as may be prescribed</i></p> <p>d. Amend cl 68 by inserting new subclauses 68(2A), 68(2B), 68(2C) as follows:</p> <p><i>(2A)Where the Director determines that a Certificate of Record should be cancelled in accordance with subsection (1), he shall give written notice of the cancellation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(2B) The holder of a Certificate of Record may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the Certificate of record should not be cancelled.</i></p> <p><i>(2C) Where the Director is in receipt of written reasons under subsection (2B), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the Certificate of Record of his decision.</i></p>	
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Clause No. 71 – Tampering with Certificate of record or mark on a fishing vessel, fishing gear and an engine

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
85B. Fisheries Division	Amend cl 71 chaussure/shoe – unbold “the” before “Schedule”	Amend cl 71 “chaussure/shoe” as follows: <i>... commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in <u>the</u> Schedule.</i>	

Clause No. 73- Application for a Commercial Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
86. All Tobago Fisher Folk Association	<i>Sec. 73(1) “An application for a commercial fishing vessel licence shall.....be accompanied by the prescribed fee”.</i> The Bill needs to clearly identify whether the prescribed fee will be dependent on the size of the fishing vessel as most Tobago fisherfolk own pirogues to utilize for commercial purposes and the amount of the prescribed fee.	All fees are to be stipulated in subsidiary legislation. There is flexibility to change fees in future depending on, among other factors, administrative costs (e.g. processing, inspections, etc.) and other costs (e.g. resource access and management fees, fisheries monitoring, control and surveillance fees etc.).	
86A. Fisheries Division	<i>a. Clause 73(4)(b) amended to include the term “taking into consideration” and by using the preferred term “ any of the terms or conditions” for consistency throughout the Bill.</i> <i>b. Insert a new clause after cl 73(4)(d) – as suggested by DG MARE to reflect that the Director may refuse to issue a commercial fishing vessel licence if there is evidence that</i>	a. Amend cl 73(4)(b) as follows: <i>the applicant has breached a any of the terms or conditions of a commercial fishing vessel licence previously issued to him and taking into consideration the nature and gravity of the breach;</i> b. Insert new sub-clause as follows:	

	<p>the fishing vessel was engaged in or supporting IUU fishing activities or fishing related activities in support of such fishing.</p> <p>c. Clause 73(4)(e) – amend clause for consistency with the amendments in response to comments no. 60(a) and no. 84A(b)(i).</p> <p>d. Based on DG MARE’s suggestion, insert a new sub-clause under cl 73(4) to allow for refusal to issue a commercial fishing vessel licence if the vessel does not have on board an MTU or other electronic device prescribed by the Director – such a provision strengthens the ability to conduct monitoring, control and surveillance of the respective vessels.</p> <p>e. Insert a new sub-clause to allow for other grounds for refusal to issue a commercial fishing vessel licence to be prescribed – for consistency with similar clauses.</p>	<p><i>there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;</i></p> <p>c. Amend cl 73(4)(e) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of, an offence-</i></p> <p><i>(i) <u>under this Act; or</u></i> <i>(ii) <u>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; or</u></i></p> <p>d. Insert a new sub-clause 73(4)(g) as follows:</p> <p><i>the vessel does not have installed on board an MTU or other electronic device prescribed by the Director; and</i></p> <p>e. Insert a new sub-clause 73(4)(h) as follows:</p>	
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	<p>f. Delete text in cl 73(5) and replace with three new subclauses for consistency with due process.</p> <p>g. Amend cl 73(6) for consistency in timeline for stakeholder to notify of change to the Director “no later than fourteen days”.</p>	<p><i>it is in accordance with such other grounds as may be prescribed.</i></p> <p>f. Insert three new subclauses as follows:</p> <p><i>(5) Where the Director refuses to issue a commercial fishing vessel licence in accordance with subsection (4), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(5A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a commercial fishing vessel licence should not be refused.</i></p> <p><i>(5B) Where the Director is in receipt of written reasons under subsection (5A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p> <p>g. Amend cl 73(6) as follows:</p> <p><i>A licence holder shall notify the Director of any change in the information set out -(a)</i></p>	
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		<i>in his application form for the licence; or (b) provided pursuant to paragraph (a), as soon as is reasonably practicable, and in any case, not later than seven <u>fourteen</u> days after the change.</i>	
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Clause No. 74 – Failure to carry on board the commercial fishing vessel licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
86B. Fisheries Division	Replace uppercase “B” in “Board” in the marginal note with a lowercase “b”	Amend marginal note as follows: <i>Failure to carry on <u>board</u> the commercial fishing vessel licence</i>	

Clause No. 75- General Terms and Conditions Attached to Commercial Fishing Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
87. Environmental Management Authority	Provide a log of dumped catch	This is already required under cl. 75 (1)(f) – the logbook data capture fields will make provision for inclusion of discarded by-catch/catch among other things. Of critical importance however, is the system for verification of the accuracy of logbook data submitted, for example by an Observer Programme (cl. 163).	
88. Institute of Marine Affairs	75 (1) (h) <i>“allow an observer on board and to remain on board the fishing vessel on the terms specified in section 161”</i>	Noted. Alternative methods for verification of fisheries data may be employed for artisanal fishing vessels. Such methods may include random site visits at landing sites to observe the	

	For the observer to remain on board would disrupt the fishing activities of artisanal boats which have a crew of mainly 2 persons, occasionally 3, depending on the fishing methods utilised.	catches offloaded; at-sea inspections; and electronic systems. Logistics regarding the Observer Programme and placement of observers would be agreed upon with the operators of vessels.	
88B. Fisheries Division	<p>Align clauses 75 and 76 with similar provisions throughout the Bill relevant to terms and conditions of approvals and by stating the terms and conditions of an authorisation/licence/permit rather than stating the requirements of an authorisation/licence/ permit holder.</p> <p>Similar changes to be made throughout relevant provisions of the Bill as required.</p> <p>a. Amend cl 75(1) as stated above and also for consistency with cl 116(1).</p>	<p>a. Amend cl 75 (1) as follows:</p> <p><i>75. (1) Without prejudice to any terms and conditions that may be attached to a licence under this Act, the holder issuance of a commercial fishing vessel licence issued in respect of a Trinidad and Tobago fishing vessel shall be subject to the following general terms and conditions:</i></p> <p><i>(a) where a fishing vessel licensed as a Trinidad and Tobago fishing vessel becomes a foreign fishing vessel, the licence shall automatically terminate;</i></p> <p><i>(b) no licence shall be transferable;</i></p>	

		<p>(c) <u>the fishing vessel to which the licence relates shall be marked and identified mark and identify the fishing vessel to which the licence relates in accordance with the Shipping Act and any other <u>written</u> law governing the marking and identification of vessels;</u></p> <p>(d) <u>mark and identify the fishing gear on board shall be marked and identified;</u></p> <p>(da-new subclause (e)) <u>the preparation and submission of reports, including reports on fishing and fishing related activities, in intervals specified in the licence or as required by the Director;</u></p> <p>(f) <u>requirement for the completion and submission of complete and submit fishing logbooks to be completed and submitted to the Director at the intervals specified in the commercial fishing vessel licence;</u></p> <p>(h g) <u>requirement to allow an observer on board and to remain on board the fishing vessel on the terms specified in section 161 167;</u></p>	
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		<p>(ga new subclause (h)) provision of protection and indemnity insurance of observers on board;</p> <p>(i) <u>requirement to allow the authorised officer to board the vessel and to perform his duties in accordance with sections 154, 155, 156, 157, 158, and 159 and 161;</u></p> <p>(e j) <u>requirement to cooperate together with any member of the crew with any an authorised officer or observer and observer in compiling catch and fishing effort data or in taking of samples on behalf of the Director for statistical or scientific purposes;</u></p> <p>(g k) <u>requirement to hand over all data collected or samples taken to an authorised officer or observer on request and in accordance with procedures prescribed by the Director;</u></p> <p>(j l) <u>the fishing vessel to which the licence relates shall have install and maintain on board a functional an MTU or other electronic devices to be prescribed [to be specified in the access agreement];</u></p>	
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	<p>b. Amend 75(2) by removing reference to the term of imprisonment and for consistency throughout the Bill by using the preferred phrase “any of the terms or conditions”.</p>	<p>(k m) <u>requirement to comply with the laws of that other country if the fishing vessel is fishing in the fishery waters of another country; and</u></p> <p>(l n) <u>requirement to comply, together with the crew, with the requirements of this Act and any other written law of Trinidad and Tobago.</u></p> <p>b. Amend 75(2) as follows;</p> <p><i>The operator of a commercial fishing vessel who breaches any <u>of the general terms or conditions</u> attached to a commercial fishing vessel licence commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.</i></p>	
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Clause No. 76- Specific Terms and Conditions Attached to Commercial Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
89. Environmental Management Authority	76(2) Typo on line 2: include the word ‘to’ after ‘subject’.	<p>Agreed. Amend cl 76(2) to read:</p> <p><i>A commercial fishing vessel licence shall be <u>subject to</u> the arrangement adopted under a fisheries management plan or a fisheries strategy, plan or programme.</i></p>	

90. All Tobago Fisher Folk Association	<p><i>Sec. 76(1)(b-c)- On the issuance of a commercial fishing vessel licence, the Director.....may impose such specific terms and conditions as he thinks fit, including but not limited to the following: (b) the fishing areas in which the vessel may operate (c) the fishing times at which the vessel may operate”.</i></p> <p>Fisherfolk in Tobago ply in their trade all around Tobago and at different times based on when fish species are “biting” or in abundance. With the various species of fish available in Tobago waters during different periods in a given year, there should not be a limitation during the day or bight to when fishermen go about their activity based on the presence or availability of fish in any given location.</p>	<p>Depending on the status of the fisheries resources specific fisheries management measures are to be agreed upon in consultation with stakeholders and may be incorporated in the respective FMP. These measures will be stipulated in subsidiary legislation and implemented through the licensing system. Controls on fishing areas and times will be based on the best available scientific evidence and local/traditional ecological knowledge.</p>	
91. Ministry of Planning and Development	<p>76 (2) first sentence should read: “subject to the arrangement adopted...”</p>	<p>Noted and agreed. See response to comment no 89.</p>	
91A. Fisheries Division	<p>a. Amend cl 76(1) by replacing “licensed” with “licenced”.</p> <p>b. Amend cl 76(1)(d) to reflect the range of equipment and devices that a fishing vessel may use.</p>	<p>a. Amend cl 76(1) as follows:</p> <p><i>76. (1) On the issuance of a commercial fishing vessel licence, the Director shall specify the type of fishing for which the vessel is licensed <u>licenced</u> and may impose such specific terms and conditions as he thinks fit, including but not limited to the following:</i></p> <p>b. Amend cl76(1)(d) as follows:</p> <p><i>the fishing operations, methods and fishing gear, <u>equipment and devices</u> that the fishing vessel may use;</i></p>	

	<p>c. Delete cl 76(1)(g) as it is now subsumed in a general sense under cl 76(1)(d)</p> <p>d. Amend cl 76(2) for clarity.</p> <p>e. Amend 76(3) to remove reference to term of imprisonment and for consistency with reference to liability and by using the preferred phrase “breach of any of the (specific) terms or conditions”.</p> <p>f. Amend 76(4)(b) for consistency throughout the Bill by using the referred phrase “a treaty, convention or other international agreement to which Trinidad and Tobago is a party”.</p>	<p>c. Delete cl 76(1)(g)</p> <p>d. Amend cl 76(2) as follows:</p> <p><i>A commercial fishing vessel licence shall be subject to the arrangement adopted under a fisheries management plan or a fisheries strategy, plan or programme.</i></p> <p>e. Amend 76(3) as follows:</p> <p><i>An operator of a Trinidad and Tobago fishing vessel, who uses the vessel in breach of any of the specific terms or conditions of a commercial fishing vessel licence commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.</i></p> <p>f. Amend 76(4)(b) as follows:</p> <p><i>(b) treaties or arrangements a treaty, convention or other international agreement to which Trinidad and Tobago is a party.</i></p>	
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Clause No. 77 - Variation of terms and conditions

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
91B. Fisheries Division	The marginal note is to be amended to include the specific issuance or approval.	Amend the marginal note as follows: <i>Variation of terms and conditions:</i> <u>commercial fishing vessel licence</u>	

Clause No. 78- Validity of Commercial Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
92. All Tobago Fisher Folk Association	<i>Sec. 78 "a commercial fishing vessel licence shall be valid for such period as the Director may specify the licence"</i> The Bill must specify a timeframe as to how long will a commercial license will be valid for an not left to the discretion of the Director in order to promote transparency and eliminate the possibility of any prejudice or ill-will against an applicant. This period of time must be standardized across the board for both Trinidad and Tobago fisherfolk.	Noted. The time period specified in the licence may be informed by the respective FMP – developed in consultation with stakeholders. Nevertheless, the time period will be standardized for the respective fishery.	
92A. Fisheries Division	Amend clause for alignment with clause 95 which cross references the clauses under which the respective authorization may be suspended or revoked. <i>This amendment should be made to similar clauses throughout the Bill.</i>	Amend clause 78 as follows: <i>Subject to this Act, a commercial fishing vessel licence shall be valid, <u>unless suspended or revoked under clause 79</u>, for such period as the Director may specify in the licence.</i>	

Clause No. 79 – Suspension or revocation of commercial fishing vessel licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
92B. Fisheries Division	<p>a. Clause 79(1)(c) - amend clause for consistency with the amendments in response to comments no. 60(a) and no 84A(b)(i)</p> <p>b. Amend 79(1) (d) for consistency throughout the Bill.</p> <p>c. Insert new sub-clause 79(1)(ea) as suggested by DG MARE to include provision for suspension or revocation</p>	<p>a. Amend cl 79(1)(c) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish <u>for which the application is made</u> has been used in the commission of, an offence-</i></p> <p><i>(i) <u>under this Act</u>; or</i></p> <p><i>(ii) <u>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; or</u></i></p> <p>b. Amend 79(1)(d) as follows:</p> <p><i>the fishing vessel has been used in breach of <u>any of the terms or conditions</u> of its licence, or of this Act or any other written law;</i></p> <p>c. Insert a new sub-clause 79(1)(ea) as follows:</p>	

	<p>of the licence if there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>d. Amend cl 79(1)(g) to indicate that such additional grounds may be prescribed. specified in subsidiary legislation, for consistency.</p> <p>e. Delete cl 79(2) as this is subsumed under the proposed new clause 79(3A).</p> <p>f. Delete text in cl 79(3) and replace with three new subclauses for consistency with due process</p>	<p><i>there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</i></p> <p>d. Amend cl 79(1)(g) as follows:</p> <p><i>it is in accordance with such <u>additional</u> grounds as may be prescribed in the Regulations</i></p> <p>e. Delete clause 79(2).</p> <p>f. Insert three new subclauses as follows:</p> <p><i>(3)Where the Director determines that a commercial fishing vessel licence should be suspended or revoked in accordance with subsection (1), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(3A) The holder of a commercial fishing vessel licence may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the</i></p>	
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	<p>g. Insert a new clause 79(3C) as suggested by DG MARE to make provision for issuance of a new licence following suspension or revocation of a licence.</p> <p>h. Amend cl 79(4) for clarity to reflect the specific licence.</p>	<p><i>commercial fishing vessel licence should not be suspended or revoked.</i></p> <p><i>(3B) Where the Director is in receipt of written reasons under subsection (4), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the commercial fishing vessel licence of his decision in writing.</i></p> <p>g. Insert a new clause 79(3C) as follows:</p> <p><i>where a commercial fishing vessel licence is suspended or revoked, no new licence shall be issued unless the licence holder demonstrates that the reasons for suspension or revocation no longer apply</i></p> <p>h. Amend cl79(4) as follows:</p> <p><i>The Director shall determine <u>the procedures</u> with respect to the suspension and revocation of <u>commercial fishing vessel</u> licences.</i></p>	
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Clause No. 80 – Surrender and cancellation of commercial fishing vessel licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
92C. Fisheries Division	<p>a. Clause 80(2)(a) – replace “license” with “licence”. <i>Make similar change throughout the Bill where relevant.</i></p> <p>b. Amend 80(2) to include a catch all provision for cancellation of a commercial fishing vessel licence.</p> <p>c. Amend Clause 80(3) to cross reference the correct subclause - subsection 2, not subsection 1-, replace “license” with “licence” and for consistency with due process.</p>	<p>a. Amend cl 80(2)(a) as follows: <i>the issue of the license <u>licence</u> was based on erroneous information;</i></p> <p>b. Amend 80(2) by inserting new subclause: <i>80(2)(d) It is in accordance with such additional grounds as may be prescribed.</i></p> <p>c. Amend cl 80(3) as follows: <i>Where the Director determines that the a commercial fishing vessel <u>licence</u> should be cancelled in accordance with subsection (1 2), the Director he shall give written notice of the cancellation and provide reasons <u>as soon as is reasonably practicable.</u> to the <u>licensee</u> holder that the <u>licensee</u> shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the <u>licence</u> holder</i></p>	

	<p>d. Insert a new subclause 80(3A) for consistency with due process – the text was drawn from clause s.80(3) and the new text is underlined and original text crossed out.</p> <p>e. Amend 80(4) to cross reference the correct subclause - subsection 3, not subsection 2- and for consistency with due process.</p> <p>f. Delete 80(5) as the provision is now captured in the previous clause.</p>	<p>d. Insert a new sub-clause 80(3A) as follows:</p> <p><i><u>(3A) The holder of a commercial fishing vessel licence may submit written reasons to the satisfaction of the Director, within fourteen days of receipt of the notice, as to why the commercial fishing vessel licence should not be cancelled.</u></i></p> <p>e. Amend 80(4) as follows:</p> <p><i><u>Where the Director is in receipt of written reasons under subsection (23A), the Director he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the commercial fishing vessel licence of his decision in writing.</u></i></p> <p>f. Delete cl 80(5):</p>	
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Clause No. 81- Requirement for a Licence for Commercial Fishing Vessel without a Vessel

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
<p>93. All Tobago Fisher Folk Association</p>	<p><i>Sec. 81(1) "No person shall conduct non-vessel commercial fishing in the fishery waters unless that person has first obtained a non-vessel commercial fishing licence."</i></p> <p>a. With reference to beach seine activities in Tobago, it must be highlighted here that in order for a seine net to be placed in sea, a vessel must be used to carry the seine net to be dropped at a designated area and there is no other feasible means of doing so. Therefore it begs to question whether all seine net owners will automatically in contravention to this regulation.</p> <p>b. Furthermore, seine net owners has to have a crew to assist in the setting and bringing the seine net ashore, for it is not a one-man operation. Therefore it also begs to question whether each individual of this crew will also have to apply for a licence.</p>	<p>a. If a fishing vessel is used in seine fishing then the vessel will have to be registered, entered on the Record of Trinidad and Tobago Fishing Vessels (Part VIII) and carry a valid commercial fishing vessel licence (Part IX).</p> <p>If a vessel used with seine nets is less than 5 m in length, it is not currently eligible for registration under the Shipping Act and therefore it will not be entered in the Record of Trinidad and Tobago Fishing Vessels. Consequently, such fishing activity will most likely be categorised as "non-vessel commercial fishing".</p> <p>The fishing gear (in this case the seine net) and engine are also to be registered by the respective owner and appropriately marked (cl 69 and cl. 70).</p> <p>b. All fishers engaged in commercial fishing and fishing related activities are required to be registered (Part VII). Consequently, if the seine activity is for commercial purposes the crew/fishers would have to be registered.</p>	

	<p>c. Lastly, it is a traditional practice in many fishing villages in Tobago where villagers and even tourists would participate in the pulling the seine net ashore as part of camaraderie and togetherness of Tobagonians. Is it expected these voluntary individuals would also have to apply for this type of licence? AFTA recommends there be an exemption for persons who participate in beach seine activities, however the seine owner must have a license for their property.</p>	<p>c. Noted. It is agreed that the owner of a beach seine will require a non-vessel commercial fishing licence.</p> <p>Persons engaged in seine fishing for recreational purposes (for example tourists or bystanders) are exempt from the requirement for registration as a fisher however, the vessel and gear would still have to be registered; the vessel would have to carry the requisite licence. If the recreational fishers are operating from shore there is no need for them to carry a recreational fishing permit unless prescribed otherwise (cl 101).</p>	
93A. Fisheries Division	<p>a. Amend cl 81(1) for clarity to reflect that the provision pertains to commercial fishing without a fishing vessel.</p> <p>b. Amend 81(2) for consistency with reference to liability.</p>	<p>a. Amend cl 81(1) as follows:</p> <p><i>No person shall conduct non-vessel commercial fishing <u>without a fishing vessel</u> in the fishery waters unless that person has first obtained a non-vessel commercial fishing licence.</i></p> <p>b. Amend 81(2) as follows:</p> <p><i>Any person who fishes in contravention of subsection (1) commits an offence and is liable on summary conviction to the fine set out on <u>in</u> the Schedule.</i></p>	

Clause No. 82- Application for a Non-Vessel Commercial Fishing Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
94. Institute of Marine Affairs	<p>Clause 82(3)- Application for a non-vessel commercial fishing licence</p> <p><i>“Before issuing a non-vessel commercial fishing licence, the Director shall consider the applicant’s historical participation in the fishery and record of compliance with this Act and the former Acts</i></p>	Comment is missing	
95. All Tobago Fisher Folk Association	<p><i>Sec. 82(2) The Director, upon receiving an application under this section and upon payment of the prescribed fee, may issue a non-vessel commercial fishing licence to the applicant”.</i></p> <p>The legislation should state the amount the prescribed fee will be that will be required for approved fisher identity card.</p>	All fees are to be stipulated in subsidiary legislation. There is flexibility to change fees in future depending on, among other factors, administrative costs (e.g. processing, inspections, etc.) and other costs (e.g. resource access and management fees, fisheries monitoring, control and surveillance fees etc.).	
95A. Fisheries Division	<p>a. Amend cl 82(4)(c) – remove reference to use of a fishing vessel in the commission of an offence as the respective Part pertains to commercial fishing without a fishing vessel. Also, amend for consistency with response to comment no. 60(a).</p>	<p>a. Amend cl 82(4)(c) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence-</i></p> <p><i>(i) under this Act; or</i></p> <p><i>(ii) under any <u>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; or</u></i></p>	

	<p>b. Clause 82(4)(d) amended by repositioning and renumbering it as subclause (b) for consistency in the logical sequence of the respective grounds i.e. to be placed after sub-clause 82(4)(a) and also to include the phrase “taking into consideration” There is need for consistency in wording with similar provisions e.g. sub-clause 73(4).</p> <p>c. Amend 82(4) by inserting new sub-clause for a catch all provision for refusal to issue a non-vessel commercial fishing licence.</p> <p>d. Delete text in cl 82(5) and replace with three new subclauses for consistency with due process.</p>	<p>b. Amend 82(4)(d) as follows:</p> <p><i>82(4)(b) the applicant has breached any <u>of the terms or conditions</u> of a non-vessel commercial fishing licence previously issued to him and <u>taking into consideration</u> the nature and gravity of the breach.</i></p> <p>c. Amend 82(4) by inserting new sub-clause:</p> <p><i>82(4) (e) It is in accordance with such additional grounds as may be prescribed.</i></p> <p>d. Insert three new subclauses as follows::</p> <p><i>(5) Where the Director refuses to issue a non-vessel commercial fishing licence in accordance with subsection (4), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(5A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a non-vessel commercial fishing licence should not be refused.</i></p> <p><i>(5B) Where the Director is in receipt of written reasons under subsection (5A), he shall consider those reasons and make a</i></p>	
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		<i>determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i>	
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Clause No. 83-Failure to Present a Non-Vessel Commercial Fishing Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
96. All Tobago Fisher Folk Association	<p>Sec. 83(1-2) “(1) A non-vessel commercial fishing licence shall be presented by the licence-holder to any authorized officer upon request. (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine as set out in the Schedule”.</p> <p>AFTA recommends a registered non-vessel commercial fisher be given twenty-four to forty-eight hours to present their identity card or risk committing an offence and be fined set out in the Schedule.</p>	This is best practice for enforcement purposes. The requirement is aligned with those existing measures for persons driving and not in possession of a driver’s permit.	

Clause No. 84 - General terms and conditions attached to non-vessel commercial fishing

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
96A. Fisheries Division	a. Amend chapeau in Clause 84(1) for consistency.	<p>a. Amend 84(1) as follows:</p> <p><i>Without prejudice to any term and or condition that may be attached to a licence under this Act, issuance of a non-vessel commercial fishing licence shall be subject</i></p>	

	<p>b. Amend cl 84(1)(a) for consistency with timelines for notification.</p> <p>c. Delete cl 84(2) as the requirement for proof of identification is already provided for in cl 152(4) and the requirement for the collection of samples is already provided for in cl 140(3)(c) and cl 165(1)(d).</p>	<p><i>to the following general terms and conditions:</i></p> <p>b. Amend cl 84(1)(a) as follows:</p> <p><i>any change in the information set out in the application form for the licence shall be notified to the Director by the licence-holder as soon as is reasonably practicable, and in any case, not later than seven fourteen days after the change;</i></p> <p>c. Delete cl 84(2)</p>	
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Clause No. 85- Specific Terms and Conditions Attached to Non-Vessel Commercial Fishing Licences

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
97. All Tobago Fisher Folk Association	<p><i>Sec. 85(1) "On the issuance of a non-vessel commercial fishing vessel licence, the Director.....may impose such specific terms and conditions as he thinks fit including, but not limited to (b) the fishing areas in which the licence holder may operate; (c) the fishing times at which the licence holder may operate".</i></p> <p>With various species of fish available in Tobago water during different periods in a given year, there should not be a limitation during the day or night to when fishermen</p>	Depending on the status of the fisheries resources specific fisheries management measures are to be agreed upon in consultation with stakeholders and may be incorporated in the respective FMP. These measures will be stipulated in subsidiary legislation and implemented through the licensing system. Controls on fishing areas and times will be based on the best	

	go about their activity based on the presence or availability of fish in any given location.	available scientific evidence and local/traditional ecological knowledge.	
97A. Fisheries Division	Delete cl 85(1)(g) – “any other condition the Director considers necessary” as this is already incorporated in the chapeau (“but not limited to”)	Delete cl 85(1)(g)	

Clause No. 86- Variation in terms or conditions

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
97B. Fisheries Division	Amend marginal note for consistency throughout the Bill.	<i>Variation in of terms or and conditions: <u>non-vessel commercial fishing licence</u></i>	

Clause No. 87-Validity of Non-Vessel Commercial Fishing Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
98. All Tobago Fisher Folk Association	<p><i>Sec. 87 “a non-vessel commercial fishing licence shall be valid for such period as may be specified in the licence”.</i></p> <p>The Bill must specify a timeframe as to how long will a non-vessel commercial fishing licence will be valid for and not left to the discretion of the Director in order to promote transparency and eliminate the possibility of any prejudice or ill-will against any applicant. This period of time must be standardized across the board for both Trinidad and Tobago.</p>	Noted. The time period specified in the licence may be informed by the respective FMP – developed in consultation with stakeholders. Nevertheless, the time period will be standardized for the respective fishery.	
98A. Fisheries Division	Amend 87 for consistency.	Amend 87 as follows:	

		<i>Subject to this Act, a non-vessel commercial fishing licence shall be valid, unless suspended or revoked under subsection 88, for such period as the Director may specify in the licence</i>	
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Clause No. 88 – Suspension or revocation of non-vessel commercial fishing licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
98B. Fisheries Division	<p>a. Amend cl 88(1)(b) to include any other person jointly engaged in the fishing operations – for example, non-vessel commercial fishing may include beach seine fishing whereby several persons are engaged jointly in the operation.</p> <p>b. Delete cl 88(1)(c) as this is already included as a general term attached to the non-vessel commercial fishing licence under cl 84(1)(d) and cl 88(1)(b) already addresses breach in terms and conditions of the licence.</p> <p>c. Amend cl 88(1)(d) – remove reference to use of a fishing vessel in the commission of an offence as the respective Part pertains to commercial fishing without a fishing vessel. Also, amend for consistency with response to comment no. 60(a).</p>	<p>a. Amend cl88(1)(b) as follows:</p> <p><i>the licence-holder, and any other person who is jointly engaged in his fishing operation, is in breach of any of the terms or conditions set out in sections 84 and 85</i></p> <p>b. Delete cl 88(1)(c)</p> <p>c. Amend cl 88(1)(d) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish has been used in</i></p>	

	<p>d. Delete cl 88(1)(e) - this is already placed in cl 89(2)(c) where it is more relevant as a grounds for surrender and cancellation. Note that in this instance the Director will have to cancel a licence – this is not considered a sanction under such a circumstance as the action is required to provide for proper management and development – not as a consequence of non-compliance of the licence-holder.</p> <p>e. Amend cl 88(1)(f) to indicate that such additional grounds may be prescribed, for consistency.</p> <p>f. Delete text in cl 88(2) and replace with three new subclauses for consistency with due process.</p>	<p><i>the commission of, an offence-</i></p> <p>(i) <i>under this Act; or</i></p> <p>(ii) <i>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; or</i></p> <p>d. Delete cl 88(1)(e)</p> <p>e. Amend cl 88(1)(f) as follows:</p> <p><i>it is in accordance with such additional grounds as may be prescribed in the Regulations.</i></p> <p>f. Insert three new subclauses as follows:</p> <p><i>(2) Where the Director determines that a non-vessel commercial fishing vessel licence should be suspended or revoked in accordance with subsection (1), he shall give written notice of the cancellation and provide reasons as soon as is reasonably</i></p>	
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	<p>g. Insert a new sub-clause 88(5) (similar to 79(3A)) as suggested by DG MARE to make provision for issuance of a new licence following suspension or revocation of a licence.</p>	<p><i>practicable.</i></p> <p><i>(2A) The holder of a non-vessel commercial fishing vessel licence may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the non-vessel commercial fishing vessel licence should not be suspended or revoked.</i></p> <p><i>(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the non-vessel commercial fishing vessel licence of his decision in writing.</i></p> <p>g. Insert a new sub-clause 88(5) as follows:</p> <p><i>where a non-vessel commercial fishing vessel licence is suspended or revoked, no new licence shall be issued unless the licence holder demonstrates that the reasons for suspension or revocation no longer apply</i></p>	
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	h. Insert a new sub-clause 88(6) (similar to 79(4)) for consistency.	h. Insert new sub-clause 88(6) as follows: <i>The Director shall determine the procedures with respect to the suspension and revocation of non-vessel commercial fishing licences.</i>	
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Clause No. 89 – Surrender and cancellation of non-vessel commercial fishing licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
98C. Fisheries Division	<p>a. Amend cl. 89(1) for consistency with timelines – to use the preferred phrase “ as soon as <u>is reasonably practicable</u>”</p> <p>b. Amend cl 89(3) to cross-reference the correct sub-section/sub-clause – the correct sub-clause is sub-clause 2, not sub-clause 1- and for consistency with due process.</p>	<p>a. Amend 89(1) as follows: <i>A person who no longer conducts non-vessel commercial fishing shall surrender the non-vessel commercial fishing licence to the Director as soon as <u>is reasonably practicable</u>.</i></p> <p>b. Amend cl 89(3) as follows: <i>Where the Director determines that the a non-vessel commercial fishing vessel license <u>licence</u> should be cancelled in accordance with subsection (12), the Director <u>he</u> shall give written notice of the cancellation and provide reasons to the license holder that the license shall be cancelled upon the expiration of fourteen days, as soon as is reasonably practicable. from the date of the notice, unless within that period the license holder submits</i></p>	

	<p>c. Insert a new subclause 89(3A) for consistency with due process- the text was drawn from clause s.89(3) and the new text is underlined and original text crossed out.</p> <p>d. Amend Clause 89(4) to cross-reference the correct sub-clause and for consistency with due process.</p> <p>e. Delete cl 89(5) as the provision is now captured in the previous clause.</p>	<p>written reasons to the satisfaction of the Director as to why the license should not be cancelled.</p> <p>c. Insert a new subclause 89(3A) as follows:</p> <p><u>89(3A) The holder of a non-vessel commercial fishing licence may submit written reasons to the satisfaction of the Director, within fourteen days of receipt of the notice, as to why the non-vessel commercial fishing licence should not be cancelled.</u></p> <p>d. Amend 89(4) as follows</p> <p><u>Where the Director is in receipt of written reasons under subsection (2 3A), the Director he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the non-vessel commercial fishing licence of his decision in writing.</u></p> <p>e. Delete cl 89(5):</p>	
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Clause No.90 – Requirement for a commercial fishing authorization in areas beyond national jurisdiction

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
98D. Fisheries Division	<p>a. Clause 90 – Amend side note for consistency with the title of the Part – i.e. to include fishing related activities.</p> <p>b. Clause 90(1) – amend to reference “fishing” only, as the details concerning “fishing related activities” are not elaborated in the Part but rather, are to be prescribed.</p>	<p>a. Amend the side note as follows:</p> <p><i>Requirement for a commercial fishing authorisation <u>and an authorisation for fishing related activities</u> in areas beyond national jurisdiction</i></p> <p>b. Amend cl 90(1) as follows:</p> <p><i>No Trinidad and Tobago fishing vessel shall be used for commercial fishing or fishing related activities in areas beyond national jurisdiction unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid commercial fishing authorisation in relation to it.</i></p> <p>c. Insert a new sub-clause – cl90(1a) as follows:</p> <p><i>No Trinidad and Tobago fishing vessel shall be used for fishing related activities in areas beyond national jurisdiction unless the vessel has been entered on the</i></p>	

	<p>c. Refer to comment b. above. Insert a new sub-clause to indicate that authorization of fishing related activities is to be prescribed.</p> <p>Note that above the requirements for authorization of fishing and authorization of fishing related activities are now addressed in separate clauses.</p> <p>d. Amend 90(3) for consistency with reference to liability.</p>	<p><i>Record of Trinidad and Tobago Fishing Vessels and there is a valid authorization for fishing related activities in relation to it in the manner to be prescribed.</i></p> <p>d. Amend 90(3) as follows:</p> <p><i>A person who uses or authorises the use of a Trinidad and Tobago fishing vessel in contravention of subsections (1) and (2) commits an offence and is liable on summary conviction to payment of the fine and term of imprisonment set out in the Schedule.</i></p>	
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Clause No. 91-Application for, and Issue of, a Commercial Fishing Authorisation

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
99. Institute of Marine Affairs	<p>Clause 91(3)(c)-Application for, and issue of, a commercial fishing authorization</p> <p><i>"the applicant's record of compliance with this Act and former Acts;"</i></p> <p>These former Acts referred to should be explicitly stated.</p>	<p>"Former Acts" are defined in cl. 3 (Interpretation)</p>	
99A. Fisheries Division	<p>a. Clause 91(1) – Amend for clarity – include "be" between "and" and "accompanied".</p>	<p>a. Amend cl 91(1) as follows:</p> <p><i>An application for a commercial fishing authorisation shall be made by the owner of the fishing vessel to the Minister on the</i></p>	

	<p>b. Amend cl. 91(2) to include “on the recommendation of the Director”.</p> <p>c. Merge clauses 91(3) and 91(4) as both relate to grounds for refusal to issue a commercial fishing authorization. Amend text in the chapeau for consistency with other similar provisions throughout the Bill and to include “on the recommendation of the Director”.</p> <p>d. (a) Amend cl 91(3)(a) for consistency with similar clauses throughout the Bill.</p>	<p><i>approved form and <u>be</u> accompanied by the prescribed fee.</i></p> <p>b. Amend cl. 91(2) as follows:</p> <p><i>Subject to subsections (3) to (5), the Minister, upon receiving an application under this section and upon payment of the prescribed fee, may, <u>on the recommendation of the Director</u>, issue a commercial fishing authorisation in relation to the vessel to which the application refers.</i></p> <p>c. Amend cl 91(3) as follows:</p> <p><i>The Minister <u>may, on the recommendation of the Director, refuse to issue a commercial fishing authorization on consideration of the following: the grounds shall consider the following matters in determining whether or not to issue a commercial fishing authorization:</u></i></p> <p><i>d. Amend cl. 91(3) (a) as follows:</i></p> <p><i>(a) <u>whether the applicant has breached any of the terms or conditions of an authorisation previously issued to him and taking into consideration the nature and gravity of the breach;</u></i></p>	
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	<p>d. (b) No change.</p> <p>d. (c) No change.</p> <p>d. (d) No change. Note that the conservation and management measures referred to here are interpreted as measures that have not yet been incorporated in national law.</p> <p>d. (e) Relocate original text of cl 91(3)(e) to the end of cl 93(3) and insert here text of original cl 91(4)(c) which is to be amended for consistency with the amendments in response to comments no. 60(a) and no. 84A(b)(i). Also amend, as suggested by DG MARE, to expand the scope of the ground for refusal to include an offence conducted under any law under the jurisdiction of another state or violation of applicable international conservation and management measures as ground for refusal to issue a commercial fishing authorization. This expanded scope is included as a commercial fishing authorization is issued for fishing in areas beyond national jurisdiction (i.e. which may be on the High Seas and/or the waters of another State subject to any required arrangements of that State).</p>	<p><i>(b) the applicant's historical participation in fishing and fishing related activities;</i></p> <p><i>(c) the applicant's record of compliance with this Act and the former Acts;</i></p> <p><i>(d) the applicant's record of compliance with international conservation and management measures;</i></p> <p><i>(e) — any other relevant matter.</i></p> <p><i>(e) <u>whether the applicant has committed, or if the vessel that has caught the fish for which the application is made has been used in the commission of, an offence-</u></i></p> <p><i>(i) <u>under this Act;</u></i></p> <p><i>(ii) <u>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;</u></i></p> <p><i>(iii) <u>under any law under the jurisdiction of another state; or</u></i></p>	
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	<p>d. (f) Delete chapeau to cl 91(4) and insert instead a new sub-clause 91(3)(f) as suggested by DG MARE to include as a ground for refusal whether the vessel has installed on board an MTU or other electronic device prescribed by the Director as this is an international obligation for monitoring, control and surveillance of fishing vessels (refer to the Compliance Agreement, the UN Fish Stocks Agreement, recommendations of the International Commission for the Conservation of Atlantic Tunas).</p> <p>d. (g) In merging cl 91(3) and cl 91(4), make sub sub-clauses 91(4)(a)(i) and 91(4)(a)(ii) two separate sub-clauses (repeating the respective chapeau and shoe in each instance). Also, replace references to “authorization” by a foreign State with “approval”, in order to avoid confusion with the term “commercial fishing authorization” which is approval issued by the flag State (in this case Trinidad and Tobago) to fish in areas beyond national jurisdiction. Replace “on the High Seas” with “areas beyond national jurisdiction” which broadens the area of operation to include the High Seas and any areas under the jurisdiction of another State.</p> <p>d. (h) In merging cl 91(3) and cl 91(4), make sub sub-clauses 91(4)(a)(i) and 91(4)(a)(ii) two separate sub-clauses (repeating the respective chapeau and shoe in each instance). Also, replace references to “authorization” by a foreign State with “approval”, in order to avoid confusion with the term “commercial fishing authorization” which is approval issued by the flag State (in this case Trinidad and</p>	<p>(iv) <u>in violation of applicable international conservation and management measures; or</u></p> <p>(f).(4) — Subject to subsection (3), the Minister shall not issue a commercial fishing authorisation in relation to any Trinidad and Tobago fishing vessel-</p> <p><u>(f) whether the vessel has installed on board an MTU or other electronic device prescribed by the Director;</u></p> <p>(g) <u>whether if that the vessel was previously authorized approved to be used for fishing in areas beyond national jurisdiction on the High Seas by a foreign State, and the foreign State suspended such authorisation approval on the grounds that the vessel was used to undermine the effectiveness of international conservation and management measures and the suspension has not expired;</u></p> <p>(h) <u>whether if that the vessel was previously authorized approved to be used for fishing in areas beyond national jurisdiction on the High Seas by a foreign State, and the foreign State revoked such authorisation approval within the three years preceding the application for a licence</u></p>	
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	<p>Tobago) to fish in areas beyond national jurisdiction. Also, replace “application for the licence” with “application for the commercial fishing authorization” for clarity. Replace “on the High Seas” with “areas beyond national jurisdiction” which broadens the area of operation to include the High Seas and any areas under the jurisdiction of another State.</p> <p>d. (i) Minor change for clarity.</p> <p>d. (j) Insert a new sub-clause 91(3)(j) as suggested by DG MARE to include an additional ground for refusal - whether there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>d. (k) Insert original cl 91(3)(e) here and amend for consistency with similar clauses throughout the Bill.</p> <p>e. Insert new text in cl 91(4) for consistency with cl 114(3) (a) and (b). Change “relates” to “refers”.</p>	<p><u>the commercial fishing authorisation on the grounds that the vessel was used to undermine the effectiveness of international conservation and management measures;</u></p> <p>(i) <u>whether</u> where <u>the vessel is an IUU listed vessel; or</u></p> <p><u>(j) whether there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or</u></p> <p><u>(k) any other relevant matter such other grounds as may be prescribed.</u></p> <p>e. Insert new text in cl 91(4) as follows:</p> <p><u>In the determination of an application made under this section, the Minister shall also take into consideration the following:</u></p> <p><u>(a) The state of the particular fishery to which the application relates refers;</u></p> <p><u>(a) the fisheries management plan, fisheries strategy, plan or programme governing the particular fishery and the particular area applied for; and</u></p>	
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	<p>f. Amend cl 91(5)(a) to allow for an exception to the provisions in cl 91(3)(g) to cl91(3)(j) where the ownership of the vessel has changed and the previous owner of the vessel does not continue to benefit materially from current operations. Also amend for clarity, by replacing “financial” with “material” so as to broaden the scope of consideration. <i>Similar requirement to be included in all clauses relating to refusal of an authorization, licence or permit or in Part XX- General Provisions.</i></p> <p>g. Amend cl 91(5)(b) for consistency with similar clauses in the Bill i.e. reference to international instruments.</p> <p>h. Delete clause 91(6)and replace with three new subclauses for consistency with due process.</p>	<p><i>(b) <u>any other relevant matter.</u></i></p> <p>f. Amend 91(5) (a) as follows:</p> <p><i>(5) Subsections (3)(g) to (3)(j) shall not apply if –</i></p> <p><i>(a)the ownership of the vessel has changed since the suspension or revocation of the authorisation by the foreign State and the new owner has provided sufficient evidence to the Minister that the previous owner or master has no legal, beneficial or financial <u>material</u> interest in the vessel; and</i></p> <p>g. Amend cl 91(5)(b) as follows:</p> <p><i>the Minister is satisfied that issuance of a commercial fishing authorisation would not subvert the purposes of relevant Conventions and Agreements <u>a treaty, convention or other international agreement to which Trinidad and Tobago is a party.</u></i></p> <p>h. Insert three new subclauses as follows:</p> <p><i>(6) Where the Minister refuses to issue a commercial fishing authorisation in accordance with subsection (2), he shall give written notice of the refusal and provide</i></p>	
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	<p>i. Amend cl 91(7) for consistency with timeline for stakeholder to notify.</p> <p>j. Amend cl 91(8) for consistency with reference to liability.</p>	<p><i>reasons as soon as is reasonably practicable.</i></p> <p><i>(6A) The applicant may submit written reasons to the Minister, within fourteen days of receipt of the notice, as to why the issuance of a commercial fishing authorisation should not be refused.</i></p> <p><i>(6B) Where the Minister is in receipt of written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p> <p>i. Amend cl91(7) as follows:</p> <p><i>An authorisation-holder shall notify the Minister in writing of any change in the information set out in his application form for the commercial fishing authorisation as soon as is reasonably practicable, and in any case, not later than seven days after the change.</i></p> <p>j. Amend 91(8) as follows:</p> <p><i>An authorisation-holder who contravenes subsection (7) commits an offence and is</i></p>	
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	<p>k. Clause 91(9) – delete as similar terms re: “licence-holder” and “permit-holder” are not consistently defined in the Bill. The “authorisation holder” is interpreted as the holder of the authorization. Note: the “authorisation-holder” may not necessarily be the owner of the vessel; the authorization holder could also be the operator.</p>	<p><i>liable to payment of the fixed penalty as prescribed on summary conviction to the fine set out in the Schedule</i></p> <p>k. Delete cl 91(9)</p>	
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Clause No. 92-Failure to Carry On Board a Commercial Fishing Authorisation

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
99B. Fisheries Division	a. Amend 92(2) for consistency with reference to liability.	<p>a. Amend cl 92(2) as follows:</p> <p><i>A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a the fine set out in the Schedule.</i></p>	

Clause No. 93- Terms and Conditions Attached to Commercial Fishing Authorisation

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
100. Environmental Management Authority	93 (2) While it speaks to the avoiding the catch of the non-target species, and the notification of the catch of non-target species, there need to be measure for the disposal of the same. This will help to avoid panic and uproar every time a fisherman dumps his bycatch. We have seen this many times in the past and this has a	The FD does not condone the dumping of fish catch, this practice leads to unsustainability of the resources, and negative impacts on the ecosystem.	

	negative effect on the regulatory agencies and the fisheries industry.	Disposal of the catch may be addressed in subsidiary legislation or stipulated as a term or condition of the respective licence/authorization/permit. (Refer to cl 93(2)(j) where the Minister can attach any other term or condition to the commercial fishing authorization)	
100A. Fisheries Division	<p>a. Amend chapeau of cl.93(2) to include “on the recommendation of the Director” and for consistency where a range of international instruments are referenced.</p> <p>b. Amend cl 93(2)(a) to clarify that it addresses “specific terms and conditions” and for consistency throughout the Bill.</p> <p>c. Delete “and” at the end of cl 93(2)(g) as it is not the penultimate sub-clause under cl 93.</p>	<p>a. Amend chapeau of cl. 93(2) as follows: <i>The Minister may, <u>on the recommendation of the Director</u>, attach such other terms and conditions to each <u>a</u> commercial fishing authorisation as are necessary and appropriate to carry out the obligations of Trinidad and Tobago under <u>relevant Conventions and Agreements a treaty, convention or other international agreement to which Trinidad and Tobago is a party and under</u> international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member, including the following:</i></p> <p>b. Amend cl 93(2)(a) as follows: <i>any of the fishing-related <u>specific</u> terms and conditions described in section 76(1) (a) to (g);</i></p> <p>c. Delete “and” at the end of cl93(2)(g)</p>	

	d. Amend cl 93(2)(j) to include any other “terms”. Replace “as the Minister considers necessary” with “as the Minister thinks fit”.	d. Amend cl 93(2)(j) as follows: <i>in accordance with such any other terms and conditions as the Minister thinks fit . considers necessary</i>	
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Clause No. 94 – Variation in terms and conditions: commercial fishing

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
100B. Fisheries Division	<p>a. Amend marginal note of 94(1) for consistency.</p> <p>b. Amend cl 94(1) to include “on the recommendation of the Director” and and for consistency where a range of international instruments are referenced.</p>	<p>a. Amend marginal note as follows: <i>Variation in of terms and conditions: commercial fishing authorisation</i></p> <p>b. Amend cl 94(1) as follows: <i>The Minister may, <u>on the recommendation of the Director</u>, vary any <u>of the terms or and conditions attached to a commercial fishing authorisation where the Minister is satisfied that this is necessary to ensure compliance by Trinidad and Tobago with its obligations under relevant Conventions and Agreements a treaty, convention or other international agreement to which Trinidad and Tobago is a party.</u></i></p>	

Clause No. 95 – Validity of commercial fishing authorisation

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
100C. Fisheries Division	b. Amend cl 95 for consistency	<p>b. Amend 95 as follows:</p> <p><i>Subject to this Act, a commercial fishing authorisation shall be valid, unless suspended or revoked under section 96, for such a period as <u>the Minister</u> may be specified specify in the authorisation.</i></p>	

Clause No. 96 – Suspension or revocation of commercial fishing authorisation

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
100D. Fisheries Division	<p>a. Amend chapeau of cl. 96(1) to include “on the recommendation of the Director”.</p> <p>b. Amend cl 96(1)(c) for consistency with similar provisions e.g. comments no. 60(a) and no. 84A(b)(i).</p>	<p>a. Amend chapeau of cl.96(1) as follows:</p> <p><i>The Minister may, <u>on the recommendation of the Director</u>, suspend or revoke a commercial fishing authorisation issued in respect of a vessel where the Minister is satisfied that-</i></p> <p>b. Amend cl 96(1)(c) as follows:</p> <p><i>the applicant has committed or if the vessel that caught the fish <u>for which the application is made</u> has been used in the commission of an offence-</i></p>	

	<p>c. Amend cl 96(1)(d) for consistency with cl 79(1)(d) and other similar clauses throughout the Bill.</p> <p>d. Insert a new sub-clause 96(1)(ea) as suggested by DG MARE to include provision for suspension or revocation of the authorisation if there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing. This insertion is consisted with other clauses inserted under similar sections of the Bill.</p> <p>e. Amend 96(1) (g) for consistency with reference to international instruments</p>	<p>(i) <u>under this Act;</u> (ii) <u>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;</u> (iii) <u>under any law under the jurisdiction of another state; or</u> (iv) <u>in violation of applicable international conservation and management measures; or</u></p> <p>c. Amend cl (96)(1)(d) as follows:</p> <p><u>the fishing vessel has been used in contravention of this Act or in breach of any of the terms or conditions in the of its authorization, or of this Act or any other written law;</u></p> <p>d. Insert a new sub-clause 96(1)(ea) as follows:</p> <p><u>there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing</u></p> <p>e. Amend cl 96(1)(g) as follows:</p>	
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	<p>f. Insert a new sub-clause at the end of cl 96(1) to take into account consideration of such additional grounds as may be prescribed.</p> <p>g. Delete cl. 96(2) and insert three new clauses for consistency with due process.</p>	<p><i>it is necessary to ensure compliance by Trinidad and Tobago with its obligations under relevant Conventions and Agreements <u>a treaty, convention or other international agreement to which Trinidad and Tobago is a party</u> ; or</i></p> <p>f. Insert a new sub-clause at the end of cl 96(1) as follows:</p> <p><i>it is accordance with such additional grounds as may be prescribed.</i></p> <p>g. The three new subclauses are as follows:</p> <p><i>(2) Where the Minister determines that a commercial fishing authorisation should be suspended or revoked in accordance with subsection (1), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable</i></p> <p><i>(2A) The holder of a commercial fishing authorisation may submit written reasons to the Minister, within fourteen days of receipt of the notice, as to why the commercial fishing authorisation should not be suspended or revoked.</i></p> <p><i>(2B) Where the Minister is in receipt of</i></p>	
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	<p>h. Clause 96(3) - Align with similar provisions in relation to <u>suspension</u> and revocation.</p> <p>i. Insert a new-subclause 96(5) to indicate that the Minister, on recommendation of the Director, shall determine all other procedure with respect to the suspension and revocation of commercial fishing authorisation. This insertion is for consistency with similar provisions in the Bill relating to the procedures for suspension and revocation of licences, authorisations and permits. (e.g. Refer to cl 79(4))</p>	<p><i>written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the commercial fishing authorization of his decision in writing.</i></p> <p>h. Amend 96(3) as follows:</p> <p><i>Where an authorisation is <u>suspended or revoked</u>, no new authorisation shall be issued unless the authorisation-holder demonstrates that the reasons for <u>suspension or revocation</u> no longer apply.</i></p> <p>i. Insert new-subclause 96(5) as follows:</p> <p><i>The Minister shall, on the recommendation of the Director, determine all other procedure with respect to the suspension and revocation of commercial fishing authorisation.</i></p>	
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Clause No. 97 – Surrender and Cancellation of Commercial Fishing Authorisation

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
100E. Fisheries Division	<p>a. Amend cl. 97(3) for consistency with due process and to reference the correct subsection.</p> <p>Note that there is an exception to the policy where the Minister is to be responsible for issuance, suspension or revocation of commercial foreign fishing vessel licence and of commercial fishing authorization – in the case of cancellation (cl 109(2), 118(2)) of licences and authorisations as cancellation is not an administrative sanction but rather a decision necessary prior issuance of another licence or authorisation (eg where a licence or authorisation contains an error).</p> <p>b. Insert a new subclause 97(3A) for consistency with due process- the text was drawn from clause s. 97(3) and the new text is underlined and original text crossed out.</p> <p>c. Amend 97(4) for consistency with due process and to reference the correct subsection.</p>	<p>a. Amend cl 97(3) as follows:</p> <p><i>Where the Director determines that a commercial fishing authorisation should be cancelled in accordance with subsection (12), the Director <u>he</u> shall give written notice of the cancellation and provide reasons as soon as is reasonably practicable. , unless the holder of a commercial fishing authorisation submits written reasons to the satisfaction of the Director as to why a commercial fishing authorisation should not be cancelled.</i></p> <p>b. Insert a new subclause 97(3A) as follows:</p> <p><i>97(3A) <u>The holder of a commercial fishing authorisation may submit written reasons to the satisfaction of the to the Director, within fourteen days of receipt of the notice, as to why the commercial fishing authorisation should not be cancelled.</u></i></p> <p>c. Amend cl 97(4) as follows:</p>	

	c. Delete cl 97(5) as the provision is now captured in the previous clause.	<p><i>Where the Director is in receipt of written reasons under subsection (23A), the Director he shall consider those reasons and make a determination within twenty-one days, <u>or as soon as is reasonably practicable</u>, from the date of receipt of those reasons and notify the holder of the commercial fishing authorization of his decision in writing.</i></p> <p>c. Delete cl 97(5)</p>	
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Clause No. 98 - Application

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
100F. Fisheries Division	Clause 98(a)(i) – amend for clarity to indicate that the clause applies to recreational fishing on a Trinidad and Tobago vessel or a foreign vessel and to replace “within the fishery waters” with “in the fishery waters” for consistency throughout the Bill.	<p>Amend cl 98(a)(i) as follows:</p> <p><i>This Part applies to recreational fishing-</i></p> <p><i>(a) within <u>in</u> the fishery waters -</i></p> <p><i>(i) <u>on a</u> Trinidad and Tobago vessel or foreign vessel; or</i></p>	

Clause No. 99-Requirement for a Recreational Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
101. Environmental Management Authority	Would this include a private recreational vessel, example a yacht.	Yes	
102. All Tobago Fisher Folk Association	<p><i>Sec. 99(3) "An application for a recreational fishing vessel licence shall be made by the owner of a Trinidad and Tobago vessel to the Director in the manner prescribed on the approved form and be accompanied by the prescribed fee".</i></p> <p>AFTA recommends that persons who are fishers or fishworkers, seeking to apply for a recreational fishing vessel licence should not be made to pay for a licence however a stipulation should be set the quantity and size of fish and the fishing time at which the licence holder may operate.</p>	<p>There is an administrative cost associated with processing of the licence.</p> <p>The related FMP, subsidiary legislation and terms and conditions of the recreational fishing licence will specify the respective fisheries management measures (which may include the quantity and size of fish that may be taken and the fishing time).</p>	
102A. Fisheries Division	<p>a. Clause 99(1) - amend marginal note for clarity – "Requirement for a recreational fishing vessel licence for Trinidad and Tobago vessels"</p> <p>b. Clause 99(1) – amend for clarity.</p>	<p>a. Amend marginal note for cl 99(1) as follows:</p> <p><i>Requirement for a recreational fishing vessel licence <u>for Trinidad and Tobago vessels</u></i></p> <p>b. Amend cl 99(1) as follows:</p> <p><i>Unless otherwise prescribed, a person shall</i></p>	

	<p>c. Amend 99(2) for consistency with reference to liability</p> <p>d. For clarity and consistency, place sub-clauses 99(3) to 99(7) in new section with a marginal note that refers to “Application for a recreational fishing licence”. For example, see cl 90 and cl 91.</p> <p>e. Amend cl 99(4) to refer to inclusion of any term or condition as may be prescribed (specifically), noting that cl 104 refers to <u>general</u> terms and conditions which may be applicable to all licences, authorisations or permits as appropriate.</p>	<p><i>not use a Trinidad and Tobago vessel shall for recreational fishing in the fishery waters, unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid recreational fishing vessel licence in relation to it.</i></p> <p>c. Amend 99(2) as follows:</p> <p><i>A person who uses or authorises the use of a Trinidad and Tobago vessel in contravention of subsection (1) commits an offence and is liable on summary conviction to the penalty <u>fine</u> set out in the Schedule.</i></p> <p>d. Place sub-clauses 99(3) to 99(7) in a new section with marginal note: “Application for a recreational fishing licence”</p> <p>e. Amend cl 99(4) as follows:</p> <p><i>The Director, upon receiving an application under subsection (3), may issue the applicant with a recreational fishing vessel licence in respect of the Trinidad and Tobago vessel to which the application refers including specific terms and conditions and may attach <u>specific terms</u></i></p>	
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	<p>f. Amend cl 99(5)(b) for consistency with cl 73(4)(b).</p> <p>g. Delete cl 99(5)(c)(i) as the ground that the vessel is not a Trinidad and Tobago vessel is already implied under cl 99(5)(c)(ii) – since cl 66(2) specifies that all vessels to be entered on the Record of Trinidad and Tobago Fishing Vessels shall be registered under the Shipping Act or any other written law governing the registration of vessels (i.e. the vessel must be a TTO vessel).</p> <p>h. Insert new sub-clause 99(5)(ea) as suggested by DG MARE to include ground for refusal of a recreational fishing vessel licence if there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>i. Amend cl 99(5)(e) for clarity and for consistency for the amendments in response to comments no. 60(a) and no. 84(A0(b)(i).</p>	<p>and conditions]to the licence as he thinks fit as may be prescribed.</p> <p>f. Amend cl 99(5)(b) as follows:</p> <p>the applicant has breached a term or condition of a recreational fishing vessel licence previously issued to him and, taking into consideration the nature and gravity of the breach applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the licence;</p> <p>g. Delete cl 99(5)(c)(i)</p> <p>h. Insert new sub-clause 99(5)(ea) as follows:</p> <p>there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>i. Amend cl 99(5)(e) as follows:</p>	
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		<p><i>the applicant has committed, or if the vessel that caught the fish for which the <u>application is made</u> has been used in the commission of an offence-</i></p> <p><i>(v) <u>under this Act; or</u></i></p> <p><i>(vi) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or</u></i></p>	
	<p>j. Delete the text in cl 99(6) and replace with three new subclauses for consistency with due process.</p>	<p>j. Insert three new subclauses as follows:</p> <p><i>(6) Where the Director refuses to issue a recreational fishing vessel licence in accordance with subsection (5), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(6A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a recreational fishing vessel licence should not be refused.</i></p> <p><i>(6B) Where the Director is in receipt of</i></p>	

	<p>k. Amend cl 99(7) for consistency with liability and the phrase “any of the terms or conditions” throughout the Bill.</p>	<p><i>written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p> <p>k. Amend cl 99(7) as follows:</p> <p><i>A person who breaches a <u>any of the terms or conditions</u> of a recreational fishing vessel licence commits an offence and is liable on summary conviction to <u>the</u> payment of a fine set out in the Schedule.</i></p>	
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Clause No. 100- Requirement for a Recreational Fishing Permit

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
103. All Tobago Fisher Folk Association	<p><i>a. Sec. 100 (2) “The Director, or a person authorized by him, shall issue a recreational fishing permit to a person on receipt of the prescribed fee and may attach terms and conditions to the permit as he thinks fit”.</i></p> <p>AFTA recommends the regulations specify the prescribed fee and the terms and conditions should be stated and not left to the discretion of the Director in order to promote transparency and eliminate the possibility of any prejudice or ill-will against the applicant.</p>	<p>a. Noted. All fees are to be stipulated in subsidiary legislation. There is flexibility to change fees in future depending on, among other factors, administrative costs (e.g. processing, inspections, etc.) and other costs (e.g. resource access and management fees, fisheries monitoring, control and surveillance fees etc.).</p> <p>Note that the requirement for this permit is without an application process. The</p>	

	<p><i>b. Sec. 100(6) "A person referred to in subsection (5) who fails, upon request by an authorized officer, to produce his recreational fishing permit commits an offence and is liable on summary conviction to the fine set out in the Schedule".</i></p> <p>AFTA recommends that a person be given twenty-four to forty-eight hours to present their non-vessel recreational fishing permit or risk committing an offence and be fined set out in the Schedule.</p>	<p><u>general</u> terms and conditions of the permit are to be prescribed as indicated under cl 104. The <u>specific</u> terms and conditions of the permit are linked to the terms and conditions of the licence for the respective vessel engaged in recreational fishing and on which the person will be fishing. The specific terms and conditions of the permit may be "as the Director determines" as the range of management measures would already be stipulated elsewhere (e.g. FMP and prescribed) and will inform the Director's decision. It should also be noted that the management measures are agreed upon in consultation with stakeholders.</p> <p>b. This is best practice for enforcement purposes. The requirement is aligned with those existing measures for persons driving and not in possession of a driver's permit.</p>	
104. Ministry of Planning and Development	<p>A .100(1) Does this mean that all persons on the vessel must have a recreational fishing permit? If so this should be explicitly stated as it has implications of cost, the conduct of crews and the laying of charges. For example,</p>	<p>a. Yes, clause 100(1) clearly states that no person on a recreational fishing vessel shall engage in recreational fishing in the fishery waters ...unless he is the holder of a valid recreational fishing permit.</p>	

	<p>would non-fishing personnel on a recreational fishing vessel be liable for any offences?</p> <p>b. A permit requirement for recreational fishing without a vessel seems onerous at this point since recreational fishing from the shoreline or a river bank is hardly posing a fisheries management problem. Onshore recreational fishing may be controlled through a system of restricted access, rather than restricting the activity itself.</p>	<p>b. The Bill is not intended to regulate recreational fishing without a fishing vessel except for certain prescribed types of fishing e.g. if the method of fishing or gear is targeting sedentary species (e.g. targeting conch or lobster without a vessel but using SCUBA) which are at high risk of being over-exploited. Refer to clause 101.</p>	
104A. Fisheries Division	<p>a. Amend cl 100(1) to: (1) reflect that the requirement for the recreational fishing permit for persons on board a <u>Trinidad and Tobago recreational fishing vessel</u> also pertains to recreational fishing in areas beyond national jurisdiction; (2) consider that a recreational vessel may be used for other purposes besides fishing so on a particular trip there may or may not be the intention to fish; (3) consider that persons on boat a recreational vessel may be heading to a destination with intention to fish off a pier (i.e. fishing without a vessel) which does not require a permit; (4)</p> <p>consider that persons may be fishing for a species required to be released after it is caught (catch/tag/release) – so the fish caught may not necessarily be retained on board as evidence of fishing; (5) consider that persons may be carrying on board fishing gear which may or may not be used on board the vessel (see 3 above).</p> <p>b. Amend cl 100(2) for clarity to indicate that the Director may attach any of the prescribed terms and conditions as he thinks fit. Note that cl 104 makes provision for the</p>	<p>a. Amend cl 100(1) as follows:</p> <p><u>A person on board a-</u></p> <p>(a) <u>Trinidad and Tobago recreational fishing vessel in the fishery waters;</u></p> <p>(b) <u>Trinidad and Tobago recreational fishing vessel in areas beyond national jurisdiction; or</u></p> <p>(c) <u>foreign recreational fishing vessel in the fishery waters,</u></p> <p><u>shall be the holder of a recreational fishing permit unless the vessel is not engaged in recreational fishing. No person on a recreational fishing vessel shall engage in recreational fishing unless he is the holder of a valid recreational fishing permit</u></p> <p>b. Amend cl 100(2) as follows:</p> <p><u>The Director, or a person authorised by</u></p>	

	<p>general terms and conditions of all authorizations, licences and permits under this Part to be prescribed.</p> <p>c. Insert a new subclause after 100(2A) by repositioning subclause 100(7) - which created an offence for contravention of subclause 100(1). <i>Note that the cross-reference in the Schedule is to be made to cl 100 (2A) instead of cl 100(7).</i></p> <p>d. Amend cl 100(3) to make specific to a Trinidad and Tobago recreational fishing vessel, to reflect that the clause also applies to recreational fishing in areas beyond national jurisdiction and to make the master of the vessel also liable for contravention of the requirements in cl 100(1) by persons aboard the vessel. Liability of any person on board the vessel is captured under cl 100 (2A).</p>	<p><i>him, shall issue a recreational fishing permit to a person on receipt of the prescribed fee and may attach <u>any of the prescribed</u> terms and conditions to the permit as he thinks fit.</i></p> <p>c. Insert a new subclause 100(2A) as follows:</p> <p><i>A person who contravenes subsection (1) or breaches any of the terms or conditions of a recreational fishing permit commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.</i></p> <p>d. Amend cl 100(3) as follows:</p> <p><i>The master of a -</i></p> <p><i>(a) Trinidad and Tobago recreational fishing vessel in the fishery waters;</i></p> <p><i>(b) Trinidad and Tobago recreational fishing vessel in areas beyond national jurisdiction; or</i></p> <p><i>(c) foreign recreational fishing vessel in the fishery waters,</i></p> <p><i>shall ensure that a person on board the vessel a person who is engaged in recreational fishing in the fishery waters, is the holder of a valid recreational fishing permit, unless the vessel is not</i></p>	
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	<p>e. Amend cl 100(4) to change liability from “a person” to “a master”.</p> <p>f. Insert a new subclause after 100(4). <i>Offence and penalty to be included in the Schedule – same as offence and penalty associated with cl 100 (2A); except in this case the Master is liable.</i></p> <p>g. Delete subclause 100(7) as it is now subclause 100(2A).</p>	<p><i>engaged in recreational fishing.</i></p> <p>e. Amend cl 100(4) as follows:</p> <p><i>A person A master who contravenes subsection (3) commits an offence and is liable on summary conviction to the fine set out in the Schedule.</i></p> <p>f. Insert a new subclause 100(4A) as follows:</p> <p><i>Where a person breaches a term or condition of a recreational fishing permit, the master of the vessel, where the contravention occurred, is deemed to have committed the offence and shall also be held personally liable on summary conviction to the fine set out in the Schedule.</i></p> <p>g. Delete subsection 100(7)</p>	
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Clause No. 101 – Requirement for non-vessel recreational fishing permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
104B. Fisheries Division	a. Amend cl 101(3) for consistency with the amendment in response to comment no. 104 A(b).	<p>a. Amend cl 101(3) as follows:</p> <p><i>The Director, upon receiving an application under subsection (2), may issue the applicant with a non-vessel recreational fishing permit and may attach <u>any of the prescribed terms and</u></i></p>	

	<p>b. Amend cl 101(4)(b) for consistency with similar clauses throughout the Bill.eg cl 73(4)(b) at comment no 86A</p> <p>c. Amend cl 101(4)(c) to remove reference to use of a vessel in the commission of an offence – since the clause addresses non-vessel recreational fishing permit, and for consistency with the amendment in response to comment no. 60(a).</p>	<p><i>conditions to the permit as he thinks fit.</i></p> <p>b. Amend cl 101(4)(b) as follows:</p> <p><i>the applicant has breached a <u>any of the terms or conditions</u> of a non-vessel recreational fishing permit previously issued to him and, taking into consideration the <u>nature and gravity of the breach</u> applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the permit;</i></p> <p>c. Amend cl 101(4)(c) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish <u>for which the application is made</u> has been used in the commission of an offence-</i></p> <p><i>(i) <u>under this Act;</u></i></p> <p><i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i></p>	
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	<p>d. Delete text in cl 101(5) and replace with three new subclauses for consistency with due process</p>	<p><i>(iii) under any law under the jurisdiction of another state; or</i></p> <p><i>(iv) in violation of applicable international conservation and management measures; or</i></p> <p>d. Insert three new subclauses as follows:</p> <p><i>(5) Where the Director refuses to issue a non-vessel recreational fishing permit in accordance with subsection (4), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(5A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a recreational fishing vessel licence should not be refused.</i></p> <p><i>(5B) Where the Director is in receipt of written reasons under subsection (5A6), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p>	
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	e. Delete cl 101(6) as the provision is no contained in the previous subclause.	e. Delete cl 101(6)	
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Clause No. 102 – Requirement for recreational foreign fishing vessel licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
104C. Fisheries Division	<p>Note that there is an overall change in cl.102 in terms of jurisdiction from Director to Minister in accordance with the policy where the Minster has jurisdiction for issuances, suspension and revocation of approvals for Trinidad and Tobago vessels operating in ABNJ and for foreign vessels in the fishery waters.</p> <p>a. Replace cl 102(1) with new text for consistency with language used in cl 72(1), 90(1) and to replace “within the fishery waters” with “in the fishery waters”.</p> <p>b. Amend 102(2) to change jurisdiction from Director to Minister.</p>	<p>a. Replace cl 102(1) with text as follows:</p> <p><i>No foreign fishing vessel shall be used for recreational fishing in the fishery waters, unless the vessel has a valid recreational foreign fishing vessel licence.</i></p> <p>b. Amend 102(2) as follows:</p> <p><i>A person intending to use a foreign fishing vessel for recreational fishing in the fishery waters shall apply to the Director Minister for a recreational foreign fishing vessel licence in the manner prescribed.</i></p> <p>c. Amend 102(3) as follows:</p>	

	<p>c. Amend 102(3) for clarity about the person who is to make the application and to change jurisdiction from Director to Minister.</p> <p>d. Amend cl 102(4) for consistency with the amendment in response to comment no. 104A(b) and to change jurisdiction to Minister but on the recommendation of the Director.</p> <p>e. Insert new subclause (4A) to provide for the appointment of an authorized local representative.</p>	<p><i>An application for a recreational foreign fishing vessel licence shall be made <u>by the owner of the vessel</u> to the Director Minister on the approved form and <u>be</u> accompanied by the prescribed fee.</i></p> <p>d. Amend cl 102(4) as follows:</p> <p><i>The Director Minister, upon receiving an application under subsection (3), may, <u>on the recommendation of the Director</u>, issue the applicant with a recreational foreign fishing vessel licence and may attach <u>any of the prescribed</u> terms and conditions to the licence as he thinks fit.</i></p> <p>e. Insert new clause 102(4A) as follows:</p> <p><i>The operator of a foreign fishing vessel, permitted to be used for recreational fishing, shall-</i></p> <p><i>(a) appoint an authorized local representative resident in Trinidad and Tobago who shall act as the agent of the operator of the foreign fishing vessel; and</i></p>	
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	<p>f. Amend chapeau of cl 102(5) to change jurisdiction from Director to Minister but on the recommendation of the Director.</p> <p>g. Amend cl 102(5)(b) for consistency with similar provisions throughout the Bill.</p>	<p><i>(b) notify the Director, on the approved form, of the name, address and other particulars of the local representative resident in Trinidad and Tobago appointed by him,</i></p> <p><i>and any notices or documents required to be served on an operator of the foreign fishing vessel may be served on the local representative.</i></p> <p>f. Amend chapeau of cl. 102(5) as follows:</p> <p><i>The Director <u>Minister</u> may, <u>on the recommendation of the Director</u>, refuse to issue a recreational foreign fishing vessel licence on any of the following grounds:</i></p> <p>g. Amend cl 102(5)(b) as follows:</p> <p><i>the applicant has breached a <u>any of the terms or conditions</u> of a recreational foreign fishing vessel licence previously issued to him and, taking into consideration the <u>nature and gravity of the breach</u> applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the permit;</i></p>	
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	<p>h. Insert a new sub-clause 102(5)(ca) as suggested by DG MARE to include ground for refusal of a recreational foreign fishing vessel licence if there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>i. Amend cl 102(5)(d) for consistency with the amendments in response to comments no. 60(a) and no. 84A(b)(i).</p>	<p>h. Insert a new sub-clause 102(5)(ca) as follows:</p> <p><i>there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing</i></p> <p>i. Amend cl 102(5)(d) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish <u>for which the application is made</u> has been used in the commission of an offence-</i></p> <ul style="list-style-type: none"> <i>(i) <u>under this Act;</u></i> <i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i> <i>(iii) <u>under any law under the jurisdiction of another state; or</u></i> <i>(iv) <u>in violation of applicable international conservation and management measures; or</u></i> 	
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		<i>commits an offence and is liable on summary conviction to <u>the payment of a fine</u> set out in the Schedule.</i>	
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Clause No 102(A) NEW – Stowage of fishing gear by foreign vessel engaged in recreational fishing

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
104 D. Fisheries Division	<p>Insert a new cl 102(A) comprising two sub-clauses to address the stowage of fishing gear for foreign vessels engaged in recreational fishing in the fishery waters, similar to cl 120 which pertains to commercial fishing by a foreign fishing vessel in the fishery waters. The penalty should not include a term of imprisonment as applies to commercial fishing.</p> <p>The offence and penalty are to be included in the Schedule. The penalty should not include a term of imprisonment. A fixed penalty of TTD 100,000 (max. of TTD 1,000,000) is suggested. This is aligned with the penalty for fishing without a valid recreational foreign fishing vessel licence.</p>	<p>Insert a new subclause 102(A) as follows:</p> <p><i>(1) The fishing gear of any foreign vessel shall be stowed at all times while the vessel is in the fishery waters unless the vessel is engaged in fishing in a location in which it is approved to fish, including pursuant to a recreational foreign fishing vessel licence, and the fishing activity is conducted in accordance with the terms or conditions of a licence and this Act.</i></p> <p><i>(2) The master of a foreign vessel who uses or authorises the use of the vessel in contravention of this section commits an offence and <u>is</u> liable on summary conviction to the fine set out in the Schedule</i></p>	

Clause No. 103- Requirement for Recreational Fishing Authorisation in Areas Beyond National Jurisdiction

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
105. Ministry of Planning and Development	<p>a. This section seems questionable since it implies the Director has authority in waters beyond national jurisdiction</p> <p>b. 103(1)(b) How is this relevant for recreational fishing in waters beyond national jurisdiction? Wouldn't this be an issue for the foreign authority? Suggest omitting (b) since it's conceivable that owners of a local vessel not registered for fishing in TT may wish to recreationally fish elsewhere and being a locally registered fisher shouldn't be a prerequisite for that.</p>	<p>a. This is an international obligation under the 1982 United Nations Convention on the Law of the Sea – Article 94 (which Trinidad and Tobago ratified in 1986); the United Nations Fish Stocks Agreement (which Trinidad and Tobago ratified in 2006) and the United Nations Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas - Compliance Agreement (which Trinidad and Tobago accepted in October 2019). These instruments require a flag State to effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag wherever the vessels may operate.</p> <p>b. See the response to comment no. 105(a). A “local vessel” will be one that is registered under the respective national law as a Trinidad and Tobago flagged vessel – consequently, Flag State duties and responsibilities apply wherever the vessel may operate. The Certificate of Registry will outline the purpose for which the vessel is to be used (which should state fishing). It is international best practice that a coastal State investigates</p>	

	<p>c. 103(2)-(5) What is the applicant applying and paying for?</p> <p>Can the Director stipulate conditions for an activity occurring in waters beyond national jurisdiction?</p>	<p>the legitimacy and legality of the operations of a foreign flagged vessel prior to issuing permission for that vessel to fish in the waters under its jurisdiction. This legitimacy and/or legality is evident if the vessel carries a valid (recreational) fishing authorization to fish in areas beyond national jurisdiction.</p> <p>c. The applicant is applying and paying for a recreational fishing authorization. Yes, the Director can specify terms and conditions for fishing in waters beyond national jurisdiction. See the responses to comment no. 105(a) and 105(b). Note however, that the holder of a recreational fishing authorization issued by the TTO Competent Authority (which provides clearance and approval to fish in the High Seas or clearance to fish in the waters of another State) MUST still acquire the requisite approval from a coastal State to be able to fish in the waters of that State in accordance with the laws of the respective State.</p>	
105A. Fisheries Division	<p>Note that there is an overall change in cl.103 in terms of jurisdiction from Director to Minister in accordance with the policy where the Minister has jurisdiction for issuances, suspension and revocation of approvals for Trinidad and Tobago vessels operating in ABNJ and for foreign vessels in the fishery waters.</p>		

	<p>a. Amend the marginal note to cl 103(1) for clarity to reflect that the recreational fishing authorisation pertains to Trinidad and Tobago vessels.</p> <p>b. Amend cl 103(3) to change jurisdiction from Director to Minister.</p> <p>c. Amend cl 103 (4) for consistency with the amendment in response to comment no. 104A(b) and to change jurisdiction from Director to Minister but on the recommendation of the Director</p> <p>d. Amend chapeau of cl103(5) to change jurisdiction from Director to Minister but on the recommendation of the Director</p>	<p>a. Amend the marginal note to cl 103(1) as follows:</p> <p><i><u>Requirement for recreational fishing authorization in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels</u></i></p> <p>b. Amend cl103(3) as follows:</p> <p><i><u>An application for a recreational fishing authorisation shall be made to the Director Minister on the approved form and accompanied by the prescribed fee.</u></i></p> <p>c. Amend 103 (4) as follows:</p> <p><i><u>The Director Minister, upon receiving an application under subsection (3), may, on the recommendation of the Director, issue the applicant with a recreational fishing authorisation and may attach any of the prescribed terms and conditions to the authorisation as he thinks fit.</u></i></p> <p>d. Amend chapeau of cl.103(5) as follows:</p> <p><i><u>The Director Minister may, on the recommendation of the Director, refuse to</u></i></p>	
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	<p>e. Amend cl 103(5)(b) for consistency with similar provisions throughout the Bill.</p> <p>f. Delete cl 103 (5) (c) (i) for the same reason as provided in the response to comment no. 102A(g).</p> <p>g. Insert a new sub-clause cl 103(5)(ea) as suggested by DG MARE to include an additional ground for refusal of a recreational fishing authorisation if there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>h. Amend cl 103(5)(e) for consistency with the amendments in response to comments no. 60(a) and no. 84A(b)(i). Also, as suggested by DG MARE amend for consistency with 84A(b)(ii) in relation to an offence under any law under the jurisdiction of another state or in violation of applicable international conservation and</p>	<p><i>issue a recreational fishing authorisation on any of the following grounds:</i></p> <p>e. Amend cl 103(5)(b) as follows:</p> <p><i>the applicant has breached or <u>any of the terms or conditions</u> of a recreational fishing authorisation previously issued to him and, taking into consideration the nature and gravity of the breach applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the permit;</i></p> <p>f. Delete cl 103(5)(c)(i)</p> <p>g. Insert a new sub-clause cl 103(5)(ea) as follows:</p> <p><i>there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing</i></p> <p>h. Amend cl 103(5)(e) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish <u>for which the</u></i></p>	
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	<p>management measures. Note that “authorisations” are granted to Trinidad and Tobago fishing vessels to fish in areas beyond national jurisdiction (ABNJ) – such areas may include the High Seas and/or the waters of another State subject to any required arrangements of that State).</p> <p>i. Delete cl 103(6) and replace with three new subclauses for consistency with due process.</p>	<p><i><u>application is made has been used in the commission of an offence-</u></i></p> <ul style="list-style-type: none"> <i>(i) <u>under this Act;</u></i> <i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i> <i>(iii) <u>under any law under the jurisdiction of another state; or</u></i> <i>(iv) <u>in violation of applicable international conservation and management measures;</u></i> <p>i. Insert three new subclauses are as follows:</p> <p><i>(6) Where the Minister refuses to issue a recreational fishing authorisation in accordance with subsection (5), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(6A) The applicant may submit written reasons to the Minister, within fourteen days of receipt of the notice, as to why a recreational fishing authorisation should</i></p>	
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	<p>j. Amend cl 103(7) for consistency with the term “any of the terms or conditions” and with liability throughout the Bill.</p> <p>k. Amend cl 103(8) for consistency with liability throughout the Bill and to include a term of imprisonment</p>	<p><i>not be refused.</i></p> <p><i>(6B) Where the Minister is in receipt of written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p> <p>j. Amend cl 103(7) as follows:</p> <p><i>A person who breaches a <u>any of the terms or conditions of a recreational fishing authorisation commits an offence and is liable on summary conviction to payment <u>of the fine set out in the Schedule</u></u></i></p> <p>k. Amend cl 103(8) as follows:</p> <p><i>A person who contravenes subsection (1) commits an offence and is liable <u>on summary conviction to the penalty fine and term of imprisonment set out in the Schedule.</u></i></p>	
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Clause No. 105 – Validity: recreational fishing vessel licence, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence or a recreational fishing authorisation

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
105B. Fisheries Division	<p>a. Amend marginal note to include a recreational fishing permit.</p> <p>b. Amend cl 105 to include a recreational fishing permit.</p>	<p>Amend marginal note cl 105 as follows:</p> <p><i>Validity: <u>a recreational fishing vessel licence, recreational fishing permit, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence or a recreational fishing authorisation</u></i></p> <p>b. Amend l 105 as follows:</p> <p>A recreational fishing vessel licence, a <u>recreational fishing permit</u>, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence and a recreational fishing authorisation shall be valid, unless suspended or revoked under section 108, for a period to be specified in the authorisation, licence or permit.</p>	

Clause No. 106 – Notification of change

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
105C. Fisheries Division	Amend cl 106(1) to reflect consistency with timelines for notification throughout the Bill	<p>Amend cl 106(1) as follows:</p> <p><i>(1) A holder of an authorisation, licence or permit issued under this Part shall notify the Director of any change in the</i></p>	

		<p>information-</p> <p>(a) set out in his application form for the authorisation, licence or permit; or</p> <p>(b) provided pursuant to paragraph (a),</p> <p>as soon as is reasonably practicable and in any case, not later than seven days after the change.</p>	
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Clause No. 108- Suspension or Revocation of Recreational Fishing Vessel Licence, Non-Vessel Recreational Fishing Permit, Recreational Foreign Fishing Vessel Licence or Recreational Fishing Authorisation

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
106. Ministry of Planning and Development	Every reference of “The Director” does not have the corresponding reference of the “Director-Tobago” as previously done. Is this intentional?	<p>Reference is made to cl 8(3), including the response to comment no 10B, which states the powers of the Director-Tobago, including the respective exemptions. The clause indicates</p> <p><i>“...where in this Act, a power is conferred or a duty is imposed on the Director, then in relation to Tobago, <u>including the Tobago Fishery Waters</u>, the Director-Tobago shall exercise that power or discharge that duty.”</i></p> <p>Consequently, apart from those clauses which require both Director and Director-Tobago to undertake a specific role or</p>	

		<p>responsibility (e.g. administrative arrangements, or matters related to the Trinidad and Tobago Fisheries Financial Board, etc.), there is no need to make the corresponding reference to the Director-Tobago throughout the Bill.</p> <p>Notwithstanding cl 8(3), attention is also drawn to cl 7(3) which states that:</p> <p><i>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></p> <p>[proposed amendment in response to Comment no 10A]</p>	
106A. Fisheries Division	<p>a. Amend marginal note of cl.108 to include recreational fishing permit.</p> <p>b. Amend chapeau of cl 108(1) to include recreational fishing permit.</p>	<p>a. Amend marginal note of 108 as follows:</p> <p>Suspension or revocation of recreational fishing vessel licence, <i>recreational fishing permit</i>, non-vessel recreational fishing permit, recreational foreign fishing vessel licence or recreational fishing authorisation</p> <p>b. Amend chapeau of cl108(1) as follows:</p> <p><i>The <u>Minister or Director</u>, as the case may be, may suspend or revoke a recreational fishing vessel licence, <u>recreational fishing permit</u>, a non-vessel recreational fishing permit, a recreational foreign fishing</i></p>	

	<p>c. Amend cl 108 (1) (a) by removing “or erroneous” – for consistency with similar provisions throughout the Bill. Suspension or revocation of an authorisation/licence or permit is an administrative sanction as a consequence of non-compliance – in this case, provision of false information (see cl 222). On the other hand, an authorisation/licence or permit may be surrendered or cancelled if the information provided is erroneous. This allows for re-issuance of the authorisation/licence or permit with the correct information reflected.</p> <p>d. Amend 108(1) (d) for consistency with amendments in response to comments no. 60(a) and 84A(b)(i). Also, as suggested by DG MARE amend for consistency with 84A(b)(ii) in relation to an offence under any law under the jurisdiction of another state or in violation of applicable international conservation and management measures. Note that “authorisations” are granted to Trinidad and Tobago fishing vessels to fish in areas beyond national jurisdiction (ABNJ) – such areas may include the High Seas and/or the waters of another State subject to any required arrangements of that State).</p>	<p><i>vessel licence or recreational fishing authorisation issued under this Part -</i></p> <p>c. Amend 108 (1) (a) as follows:</p> <p><i>where the issue of such licence, permit or authorisation was based on false or erroneous information;</i></p> <p>d. Amend 108(1)(d) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</i></p> <p><i>(i) under this Act;</i></p> <p><i>(ii) under any <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i></p> <p><i>(iii) <u>under any law under the jurisdiction of another state; or</u></i></p>	
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	<p>e. Delete cl 108(2) and replace with three new subclauses for consistency with due process.</p>	<p><u>(iv) in violation of applicable international conservation and management measures; or</u></p> <p>e. Insert three new subclauses as follows:</p> <p><i>(2) Where the Minister or Director, as the case may be, determines that a recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence or a recreational fishing authorisation should be suspended or revoked in accordance with subsection (1), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(3) The holder of an authorisation, licence or permit may submit written reasons to the Minister or Director, as the case may be, within fourteen days of receipt of the notice, as to why the recreational fishing vessel licence, the recreational fishing permit, the non-vessel recreational fishing permit, the recreational foreign fishing vessel licence or the recreational fishing authorisation should not be suspended or revoked.</i></p>	
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	<p>f. Insert a new subclause 108(5) for consistency with amendments in response to comment no. 92B(g).</p> <p>g. Insert a new subclause 108(6) for consistency with cl 79(4) and amendments in response to comment no. 92B(h)</p>	<p><i>(4) Where the Minister or the Director, as the case may be, is in receipt of written reasons under subsection (3), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the authorisation, licence or permit of his decision in writing.</i></p> <p>f. Insert a new subclause 108(5) as follows:</p> <p><i>(5) Where a recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, a recreational foreign fishing licence or a recreational fishing authorisation is suspended or revoked, no new authorisation, licence or permit shall be issued unless the authorization holder, licence holder or permit holder demonstrates that the reasons for suspension or revocation no longer apply.</i></p> <p>g. Insert a new subclause 108(6) as follows:</p> <p><i>(6) The Minister or Director, as the case may be, shall determine the procedures with respect to the suspension and revocation of recreational fishing vessel</i></p>	
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		<i>licences, recreational fishing permits, non-vessel recreational fishing permits, recreational foreign fishing licences or recreational fishing authorisations.</i>	
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Clause No. 109 – Surrender and cancellation of recreational fishing vessel licence, non-vessel recreational fishing permit, or recreational fishing authorisation

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
106B. Fisheries Division	<p>a.Amend marginal note of cl 109 to include “recreational fishing permit”.</p> <p>b.Amend cl 109(1) for consistency with timelines for actions by stakeholders throughout the Bill and to include the specific issuances.</p>	<p>a.Amend marginal note of cl109 as follows: <i>Surrender and cancellation of <u>a recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, or a recreational fishing authorisation</u></i></p> <p>b.Amend cl 109(1) as follows: <i>A person who no longer conducts recreational fishing shall surrender the authorisation, licence or permit <u>recreational fishing vessel licence, recreational fishing permit, non-vessel recreational fishing permit, recreational foreign fishing vessel licence and recreational fishing authorisation</u> as the case may be, to the Director as soon as <u>is reasonably practicable</u>.</i></p>	

	<p>c. Amend chapeau of cl 109(2) to include the specific issuances.</p> <p>Note that as in cl 97, there is an exception to the policy where the Minister is to be responsible for issuance, suspension or revocation of commercial foreign fishing vessel licence and of commercial fishing authorization – in the case of cancellation (cl 109(2), 118(2)) of licences and authorisations as cancellation is not an administrative sanction but rather a decision necessary prior issuance of another licence or authorisation (eg where a licence or authorisation contains an error).</p> <p>d. Amend cl 109(2) by including a catch all ground for cancellation of the authorisation, licence or permit.</p> <p>e. Amend cl.109(3) for consistency with due process and to include recreational fishing permit.</p>	<p>c. Amend chapeau of cl109(2) as follows:</p> <p><i>The Director may cancel the authorisation, licence or permit <u>recreational fishing vessel licence, recreational fishing permit, non-vessel recreational fishing permit, recreational foreign fishing vessel licence and recreational fishing authorisation</u> where-</i></p> <p>d. Amend cl 109(2) by inserting subclause 109(2) (ca) as follows:</p> <p><i>it is in accordance with such additional grounds as may be prescribed.</i></p> <p>e. Amend cl 109(3) as follows:</p> <p><i>Where the <u>Minister or Director, as the case may be,</u> determines that the <u>a recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, recreational foreign fishing licence or recreational fishing authorisation</u> authorisation, licence or permit should be cancelled in accordance with subsection (2), the <u>Minister or Director, as the case may be,</u> shall give</i></p>	
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	<p>f. Insert a new subclause 109(3A) for consistency with due process - the text was drawn from clause s. 109(3) and the new text is underlined and original text crossed out.</p>	<p><i>written notice of the cancellation and provide reasons <u>as soon as is reasonably practicable.</u> to the holder of the authorisation, licence or permit that the authorisation, licence or permit, as the case may be, shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the holder of the authorisation, licence or permit.</i></p> <p>f. Insert a new subclause 109(3A) as follows:</p> <p><i><u>109(3A) The holder of a recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, a recreational foreign fishing licence or a recreational fishing authorisation may submit</u> written reasons to the <u>Minister or Director, as the case may be, as to why the recreational fishing vessel licence, the recreational fishing permit, the non-vessel recreational fishing permit, the recreational foreign fishing licence or the recreational fishing authorisation</u> should not be cancelled.</i></p>	
	<p>g. Amend cl 109(4) to cross reference the correct subsection/subclause – which should be</p>	<p>g. Amend cl 109(4) as follows:</p>	

	<p>subsection/subclause (3) – and for consistency with due process.</p> <p>g. Delete cl 109(5) as the provision is now captured in the previous clause.</p>	<p><i>Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (23A), the Minister or Director, as the case may be, shall consider those reasons and make a determination within twenty-one days, <u>or as soon as is practicable</u>, from the date of receipt of those reasons and notify the holder of the <u>recreational fishing vessel licence, the recreational fishing permit, the non-vessel recreational fishing permit, the recreational foreign fishing licence or the recreational fishing authorization of his decision in writing</u> .</i></p> <p>g. Delete cl 109(5):</p>	
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Clause No. 110- Agreements with a Foreign State

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
107. All Tobago Fisher Folk Association	When fisheries access agreement are created with other nations, how does the government expect small-scale Tobago fisherfolk to compete with foreign vessels for their own finite, depleting marine resources, more importantly, when these foreign vessels are larger and more equipped to travel long distances for fish catch and remain at sea for longer periods of time? This section of the Bill also needs to stipulate the number of foreign	The concerns are noted. However, Trinidad and Tobago is obligated under the United Nations Convention on the Law of the Sea to allow other States access to its surplus resources in the EEZ if it does not have the capacity to harvest the total allowable catch in that area - taking into consideration a number of factors	

	<p>vessels that can be granted licence to fish in Tobago waters at one given time or during a period for one year and the duration of the licence granted.</p>	<p>including the significance of the living resources of the area to its economy and its other national interests (Article 62 of the Convention).</p> <p>There is however, an established procedure for negotiating fisheries access agreements with other States. The decision whether or not to grant access to the fisheries resources and for what time period is based on a number of factors including: (1) the status of the fish stocks; (2) whether or not there is a surplus of fish stock that cannot be taken by the local fleet; (3) consultation with national stakeholders; (4) the reciprocal or other benefits to stakeholders in Trinidad and Tobago and the State; among other factors. Furthermore, if it is decided to grant access to the fisheries resources to vessels of another State – the terms and conditions under which such access is granted (e.g. number of vessels, fishing area, fishing times) must be negotiated and the agreed details outlined in the access Agreement with the Flag State and reflected in the terms and conditions of the respective licences issued to the foreign flagged fishing vessels.</p> <p>It should be noted that Tobago will have an active part in the negotiation process in respect of foreign fishing vessels having access to the fisheries resources in the</p>	
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		fishery waters (whether or not this includes the Tobago Fishery Waters).	
107A. Fisheries Division	<p>a. Insert new subclause at beginning of cl 110 (1) to clarify that such Agreement may be made between or among States.</p> <p>b. Amend 110(1)(a) to replace “within the fishery waters” with “in the fishery waters”.</p> <p>c. Amend cl 110(1)(b) for consistency with similar provisions throughout the Bill.</p> <p>d. Amend cl 110(2) (b) by inserting reference to permits for fishing related activities.</p>	<p>a. Insert new subclause 110(1) A as follows:</p> <p><i>shall be made between or among States;</i></p> <p>b. Amend 110(1)(a) as follows:</p> <p><i>which relates to areas within in the fishery waters , is subject to the sovereignty and sovereign rights of Trinidad and Tobago over fisheries resources;</i></p> <p>c. Amend cl 110(1)(b) as follows:</p> <p><i>which authorises fishing in areas beyond the fishery waters, is subject to the requirements of any applicable bilateral or multilateral a-treaty, <u>convention or other international agreement</u> arrangement to which Trinidad and Tobago is party;</i></p> <p>d. Amend cl 110(2) (b) as follows:</p> <p><i>the issuance of licences for fishing <u>or permits for fishing related activities or other operations described in this Act;</u></i></p>	

Clause No. 111- General Requirements

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
108. Fishermen and Friends of the Sea	111(1) and (2) Strict measures and monitoring should be implemented to ensure that where Foreign Fishing Vessels are allowed into Trinidad and Tobago waters, the volume of fish extracted can be measured and verified. These measures must go beyond the use of a logbook or an honour system. This is to ensure that we are fully compensated by these foreign companies.	Noted and agreed fully. There are 2 scenarios to be considered here – innocent passage (cl 111(1) and 112) or access to fisheries resources (cl 111(2), Cl 113 to 120). Specific conditions apply in each instance. Consideration will be given to the national fisheries monitoring, control, surveillance and enforcement systems, among other things, in negotiating the details of the Access Agreement. The agreed details are to be outlined in the Access Agreement and the terms and conditions for fishing stipulated in the licences issued to the foreign fishing vessels (Refer to cl 116(2)). These terms and conditions include the requirement that the vessel has electronic devices on board - which may include mobile transceiver units to track their movements (Refer to cl 116(2)(d)) and the vessel has an Observer on board to monitor fishing operations, including catches. Refer to cl 116(2)(c) and cl 163 on Observer Programme. Several MCS and enforcement measures as well as measures to regulate fishing related activities may apply – which may be informed by risk-based assessments.	

109. Ministry of Planning and Development	111(1) Should include domestic laws and management plans while giving priority to the standards/regulations which are more stringent.	<p>Agreed. Amend cl 111(1) as follows:</p> <p><i>Subject to section 112, a foreign fishing vessel that is in the fishery waters shall act in accordance with <u>national and international law concerning navigation and the protection and preservation of the marine environment</u>.</i></p>	
109A. Fisheries Division	<p>a. Amend cl 111(3) to include permit for fishing related activities.</p> <p>b. Amend cl 111(4) to include a term of imprisonment</p>	<p>a. Amend cl 111(3) as follows:</p> <p><i>An operator of a foreign fishing vessel without a valid commercial foreign fishing vessel licence <u>or relevant permit for fishing related activities</u> shall ensure that, while the vessel is in the fishery waters, all gear on board the vessel is stowed in such manner that it is not readily available for fishing or fishing related activities.</i></p> <p>b. Amend cl 111(4) as follows:</p> <p><i>A person who contravenes this section commits an offence and is liable on summary conviction to the fine <u>and term of imprisonment</u> set out in the Schedule.</i></p>	

Clause No. 112- Reporting by Foreign Fishing Vessels

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
110. Environmental Management Authority	Maintenance schedule should be included.	Comment is somewhat vague, it is assumed that the maintenance schedule relates to the vessel. The requirements for fisheries management (i.e. related to the fishing operations of the vessel) are stated in cl 112, whereas the maintenance schedule for a fishing vessel (related to mechanical operation and adherence to national laws related to safety and marine pollution) may be of interest to the agency with responsibility for maritime services (currently the Maritime Services Division). The MSD in the registration process will require that the vessel be insured. The registration process entails an inspection of the vessel (marine survey) for seaworthiness. For continued insurance coverage updated marine surveys are required periodically. MSD officials also conduct inspections of vessels at port and review the required documentation (including documents related to the mechanical operations of the vessel). The FD in its inspections of fishing vessels could ascertain whether or not fishing vessels are in compliance with the documentary requirements of other regulatory agencies but it is without the	

		competence to assess matters outside the realm of fisheries management.	
110A. Fisheries Division	<p>a. Amend the marginal note for cl 112 to reflect “Reporting by foreign fishing vessels intending to navigate or navigating through the fishery waters” for clarity and to distinguish from the reporting required in cl 119.</p> <p>b. Amend cl 112(1) to include reference to a permit for fishing related activities.</p> <p>c. Amend cl 112(1)(b) for consistency with clause 60(3)(c)</p> <p>d. Insert new subclause in 112(1) after 112(1)(h) to include fishing gear in the report.</p>	<p>a. Amend the marginal note to cl 112 as follows:</p> <p><i><u>Reporting by foreign fishing vessels intending to navigate or navigating through the fishery waters</u></i></p> <p>b. Amend cl 112(1) as follows:</p> <p><i><u>An operator of a foreign fishing vessel intending to navigate or navigating through the fishery waters without a valid commercial foreign fishing vessel licence or relevant permit for fishing related activities shall submit a report containing the –</u></i></p> <p>c. Amend cl 112(1) (b) as follows;</p> <p><i><u>unique vessel identifier the International Maritime Organization (IMO) number, if any, any other unique identifier, and the international radio call sign which is held by the vessel;</u></i></p> <p>d. Amend cl 112(1) to include new subclause after 112(1)(h) as follows:</p> <p><i><u>fishing gear on board;</u></i></p>	

	<p>e. Amend cl 112(2)(d) for consistency throughout the Bill.</p> <p>f. Amend cl 112(3) for consistency throughout the Bill.</p>	<p>e. Amend cl 112(2)(d) as follows:</p> <p><i>at prescribed time intervals while within <u>in</u> the fishery waters;</i></p> <p>f. Amend cl 112(3) as follows:</p> <p><i>Where the operator of a foreign fishing vessel navigating through the fishery waters refuses or otherwise fails to report the information described in subsections (1) and (2), there shall be a presumption that all fish found on board such vessel have been caught within <u>in</u> the fishery waters in contravention of this Act.</i></p>	
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Clause No. 113- Requirement for commercial foreign fishing vessel licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
110B. Fisheries Division	Amend cl 113(2) to include a term of imprisonment. Note that this term of imprisonment is already reflected in the Schedule.	<p>Amend cl 113(2) as follows:</p> <p><i>An operator of a foreign vessel who uses or authorises or directs in any way the use of the foreign vessel in contravention of subsection (1) commits an offence and is liable on summary conviction to the fine <u>and term of imprisonment</u> set out in the Schedule.</i></p>	

Clause No. 114- Application for, and issuance of, commercial foreign fishing vessel licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
110C. Fisheries Division	<p>a. Amend cl 114(2) to remove reference to subsection (4) as it is not relevant and to include “on the recommendation of the Director”.</p> <p>b. Delete cl 114(3)(a) as the provision is already captured in cl 114(3)(b). Reference is made to cl 34(1)(c) which outlines the contents of management plans, including the current status of the fishery.</p> <p>c. Amend cl 114(3)(b) by removing “and the particular area applied for; and”.</p> <p>d. Insert three new subclauses after 114(3) (c) to reflect other factors to be taken into account by the Minister in his decision-making e.g. compliance with international conservation and management measures and approval from the respective flag State.</p>	<p>a. Amend cl.1148(2) as follows:</p> <p><i>Subject to subsection (4), The Minister, upon receiving an application under this section, may, on the recommendation of the Director, issue the applicant with a commercial foreign fishing vessel licence in respect of the vessel to which the application refers.</i></p> <p>b. Delete cl 114(3)(a)</p> <p>c. Amend 114(3)(b) as follows:</p> <p><i>the fisheries management plan, fisheries strategy, plan or programme governing the particular fishery and the particular area applied for; and;</i></p> <p>d. Insert new subclauses as follows:</p> <p><i>(d) the applicant’s record of compliance with international conservation and management measures;</i></p>	

	<p>e. Reposition cl 114 (4) to a new section on validity of commercial foreign fishing licence after cl 116, for consistency with the format in other Parts of the Bill (e.g. cl 78, cl 87, cl 95.</p> <p>f. Amend cl 114(6) for consistency with liability throughout the Bill.</p>	<p><i>(c) if the vessel has the required approvals from its flag State; and</i></p> <p><i>(d) any other relevant matter the Minister thinks fit.</i></p> <p>e. Reposition cl 114 (4) to new section on validity of commercial foreign fishing licence after cl 116.</p> <p>f. Amend cl 114(6) as follows:</p> <p><i>A holder of a commercial foreign fishing vessel licence who contravenes subsection (5) commits an offence and is liable <u>on summary conviction</u> to the fine set out in the Schedule.</i></p>	
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Clause No. 115- Refusal to Issue a Commercial Foreign Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
111. Environmental Research Institute Charlotteville	Minister should refuse license to fish endangered or vulnerable target species. Include: "if the vessel targets any fish species that are nationally or internationally listed as endangered".	The requirement to comply with national or international conservation and management measures (which may include measures pertaining to endangered or vulnerable species) is already outlined in cl 115(1)(g). The two grounds for refusal listed here (re: fishing endangered or	

	Minister should refuse license if the vessel cannot demonstrate the use of fishing methodologies and gear that reduce non-target by catch e.g. marine mammals, sea birds, fish of low value, sharks. Include a paragraph on the obligation to reduce by-catch	vulnerable target species; use of fishing methodologies and gear that reduce non-target by-catch) are likely to be management measures agreed upon in an FMP – which will be made mandatory in subsidiary legislation and implemented through the licensing system (e.g. terms and conditions of authorisations, licences and permits). The grounds for refusal are mainly based on compliance issues. Note also, that cl 48(2) and cl 232 (2)(k) (proposed revision by FD) make provision for protection of environmentally sensitive, vulnerable, threatened, or endangered species.	
112. Fishermen and Friends of the Sea	<p>115. (1) (a)- (i) In every other licensing regime under this act, the Director possesses the power to refuse to issue a licence “to give effect” to management measures imposed by the Minister. The power to refuse a foreign fishing vessel licence for same, does not exist in this section. It raises the question of</p> <p>1) Whether the fisheries management plans and measures implemented by the Minister will apply to foreign fishing vessels?</p> <p>2) Whether preferential treatment is given to foreign fishing vessels over our local commercial and recreational fishers.</p>	<p>The power to refuse to give effect to management measures is subsumed under cl 115(1)(g) which relates to conflict with requirements of this Act, an applicable access agreement, fisheries management agreement, Fisheries Management Plan, or any international conservation and management measures binding Trinidad and Tobago.</p> <p>All fishing vessels (whether TTO or foreign) will be expected to comply with any FMP in place. The respective fisheries management measures would be applied in a non-discriminatory manner in accordance with the fisheries access</p>	

		agreement developed in consultation with stakeholders.	
113. Ministry of Planning and Development	115 (1) Suggest including proof of insurance or the deposition of a bond/fee by the local agent.	Noted. Insurance is mandatory for international voyages and the respective monitoring is the responsibility of the Competent Authority of the flag State and the TTO Competent Authority – the Maritime Services Division.	
113A. Fisheries Division	<p>a. Amend chapeau of cl.115(1) to include “on the recommendation of the Director.</p> <p>b. Amend 115(1) (a) to replace “operator” with “applicant” for consistency throughout the Bill.</p> <p>c. Amend 115(1)(b) to replace “operator” with “applicant” for consistency throughout the Bill.</p> <p>d. Amend 115(1)c) to replace “operator” with “applicant” for consistency throughout the Bill.</p>	<p>a. Amend cl.115(1) as follows: <i>The Minister may, <u>on the recommendation of the Director</u>, refuse to issue a commercial foreign fishing vessel licence on any of the following grounds:</i></p> <p>b. Amend 115(1)(a) as follows: <i>the an operator <u>applicant</u> is the subject of proceedings under bankruptcy laws of any jurisdiction and reasonable financial assurances have not been provided;</i></p> <p>c. Amend 115(1)(b) as follows: <i>failure to satisfy a judgment or other determination for a contravention of this Act or an access agreement by an <u>the applicant</u> operator of the vessel in respect of which an application for a licence has been made until such time as the judgment or other determination has been made;</i></p> <p>d. Amend 115((1)(c) as follows: <i>the an applicant <u>operator</u> of the vessel has contravened, or the vessel <u>for which the application is made,</u> has been used in</i></p>	

	<p>e. Amend 115(1)(d) to replace “operator” with “applicant” and for consistency with similar provisions throughout the Bill.</p> <p>f. Amend 115(1)(e) to replace “operator” with “applicant” and for consistency with similar provisions throughout the Bill.</p> <p>g. Delete cl 115(1)(f) and replace with new subclause to reflect change from “operator” to “applicant” and for consistency with similar provisions throughout the Bill.</p> <p>h. Amend 115(1)(i) for consistency with similar provisions throughout the Bill.</p> <p>i. Insert new subclause after cl 115(1) (f) to reflect an additional ground for refusal if the vessel does not have the requisite approvals from the flag State and for</p>	<p><i>contravention of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member;</i></p> <p>e. Amend 115(1)(d) as follows: <i>an the applicant operator of the vessel has contravened, or the vessel for which the application is made, has been used in the contravention of a treaty, convention, or international access agreement to which Trinidad and Tobago is party;</i></p> <p>f. Amend 115(1)(e) as follows: <i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</i></p> <ul style="list-style-type: none"> <i>(i) under this Act;</i> <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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</i> <i>(iii) under any law under the jurisdiction of another state; or</i> <i>(iv) in violation of applicable international conservation and management measures;</i> 	
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		<p><i>reasons as soon as is reasonably practicable.</i></p> <p><i>(2A) The applicant may submit written reasons to the Minister, within fourteen days of receipt of the notice, as to why a commercial foreign fishing vessel licence should not be refused.</i></p> <p><i>(2B) Where the Minister is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p>	
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Clause No. 115A [new] Failure to carry on board the commercial foreign fishing vessel licence

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
113B. Fisheries Division	<p>a. Insert a new clause between cl 115 and cl 116 to require a foreign fishing vessel to carry on board the commercial foreign fishing vessel licence for consistency with other Parts of the Bill (e.g. cl 74, cl 92) and to include the associated offence.</p> <p>The offence and penalty are to be inserted in the Schedule. Suggested fixed penalty of TTD 5,000 and maximum penalty of TTD 20,000 aligned with the penalty for failure to carry on board a commercial fishing authorization (cl 92).</p>	<p>a. Insert a new clause 115A with two subclauses as follows:</p> <p><i>(A)The master of a foreign fishing vessel shall ensure that a commercial foreign fishing vessel licence is on board the vessel at all times while the vessel is engaged in commercial fishing in the fishery waters.</i></p>	

		<i>(b) a person who contravenes subsection (a) commits an offence and is liable on summary conviction to the fine set out in the Schedule.</i>	
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Clause No. 116-Terms and Conditions of a Commercial Foreign Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
114. All Tobago Fisher Folk Association	Sec. 116(2) AFTA strongly recommends the Minister include in its additional terms and conditions for foreign vessels to be strictly held to Sec. 49(1) while fishing in Tobago Waters or be subjected to suspension of licence.	Operators of all fishing vessels – whether TTO or foreign, will be expected to comply with the Act and its subsidiary legislation – along with other national laws. Note that cl 49(1) prohibits fishing <u>in all of the fishery waters of Trinidad and Tobago</u> with poisons, explosives or electrical devices, unless it is prescribed otherwise.	
114A. Fisheries Division	a. Amend cl 116(1) to specify that the terms and conditions of the licence as the Minister may determine should be in accordance with the fisheries access agreement and to align with some of the provisions in cl 75(1).	<p>a. Amend cl 116(1) as follows:</p> <p><i>Subject to subsection (2), the Minister may, on the recommendation of the Director, impose attach such the following general terms and conditions as he thinks fit on the issue of a commercial foreign fishing vessel licence, including the type of fishing which is allowed under the licence in accordance with the applicable fisheries access agreement:</i></p> <p>(a) <i>no commercial foreign fishing vessel licence shall be transferable;</i></p>	

		<p>(b) <i>the fishing vessel to which the licence relates shall be marked and identified with an IMO number and in accordance with the written law of the flag State governing the marking and identification of vessels;</i></p> <p>(c) <i>the fishing gear on board shall be marked and identified;</i></p> <p>(d) <i>the preparation and submission of reports, including reports on fishing and fishing related activities, in intervals specified in the licence or as required by the Director;</i></p> <p>(e) <i>requirement for fishing logbooks to be completed and submitted to the Director at the intervals specified in the commercial foreign fishing vessel licence;</i></p> <p>(f) <i>to allow an observer on board and to remain on board the fishing vessel on the terms specified in section 167;</i></p> <p>(g) <i>provision of protection and indemnity insurance of observers on board;</i></p> <p>(h) <i>requirement to allow an authorised officer to board the vessel and to perform his duties in accordance with sections 154, 155, 156, 157, 158, 159 and 161;</i></p> <p>(i) <i>requirement to cooperate with an authorised officer or observer in compiling catch and fishing effort data or in taking of samples on behalf of the</i></p>	
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	<p>b. Amend chapeau of cl. 116(2) to include “on the recommendation of the Director” and to insert “specific” before reference to terms and conditions.</p> <p>c. Insert a new subclause before cl 116(2)(a) to specify the area within the fishery waters to which an access agreement refers. This offers flexibility as to whether or not commercial fishing by foreign fishing vessels in the Territorial Sea, Archipelagic Waters or inland waters of Trinidad and Tobago should be allowed.</p> <p>d. No change required in cl116(2)(a)</p>	<p><i>Director for statistical or scientific purposes;</i></p> <p><i>(j) requirement to hand over all data collected or samples taken to an authorised officer or observer on request;</i></p> <p><i>(k) the fishing vessel to which the licence relates shall have on board a functional MTU or other electronic devices;</i></p> <p><i>(l) requirement to comply with this Act and any other written law of Trinidad and Tobago.</i></p> <p>b. Amend chapeau of cl.116(2) as follows:</p> <p><i><u>The Minister may, after consultation with on the recommendation of the Director, attach to a commercial foreign fishing vessel licence <u>specific</u> additional terms and conditions relating to-</u></i></p> <p>c. Insert new subclause as follows:</p> <p><i><u>the area in the fishery waters approved for fishing</u></i></p> <p>d. No change required</p>	
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	<p>e. Delete cl116(2)(b) as it is incorporated into cl.116(1) – general terms and conditions.</p> <p>f. Delete cl116(2)(c) as it is incorporated into cl.116(1) – general terms and conditions.</p> <p>g. Delete cl116(2)(d) as it is incorporated into cl.116(1) – general terms and conditions.</p> <p>h. Amend cl 116(2) (e) to include reference to in transit movement of fish.</p> <p>i. Delete cl116(2)(f) as it is incorporated into cl.116(1) – general terms and conditions.</p>	<p>(a) the amount of catch to be marketed in Trinidad and Tobago;</p> <p>e. Delete cl. 116(2)(b)</p> <p>(b) the periodic preparation and submission of reports on fishing in the Exclusive Economic Zone;</p> <p>f.Delete cl116(2)(c)</p> <p>(c) the placement of observers on board the foreign fishing vessel and protection and indemnity insurance required before such placement;</p> <p>g.Delete cl116(2)(d)</p> <p>(d) the installation and maintenance of electronic devices on board the vessel;</p> <p>h.Amend cl 116(2)(e) as follows:</p> <p>(e) the transshipment or in transit movement of fish from or onto the foreign fishing vessel;</p> <p>i.Delete cl116(2)(f)</p>	
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	<p>j. Amend cl.116(2)(g) to remove “vessels”, to include engines, gear and equipment” as well as to broaden the scope by including “fishing related activities”.</p> <p>k. Amend cl 116(2)(h) to include landing at an identified port or designated landing site.</p> <p>l. Amend cl 116(2)(i) to include the proportion of the catch that may be removed from Trinidad and Tobago without being landed at any identified port or designated landing site in Trinidad and Tobago – for clarity and for consistency in use of terms (<u>identified port</u> or <u>designated landing site</u>) throughout the Bill.</p> <p>m. Insert new subclause at end of 116(2) to include a catch all provision.</p>	<p>(f) reporting requirements during the period of validity of the licence;</p> <p>j. Amend cl116(2)(g) as follows:</p> <p><i>(g) <u>restrictions relating to the numbers, types, sizes, specifications or operation of fishing-related equipment or vessels engines, gear and equipment to be used for fishing and fishing related activities;</u></i></p> <p>k. Amend cl116(2)(h) as follows:</p> <p><i>(h) <u>the proportion of catch that must be landed in Trinidad and Tobago at an identified port or designated landing site;</u></i> and</p> <p>l. Amend cl116(2)(i) as follows:</p> <p><i>(i) <u>the proportion of catch that may be removed from Trinidad and Tobago without being landed at any identified port or designated landing site port of in Trinidad and Tobago;</u></i></p> <p><i><u>m. (j) such other terms and conditions as the Minister thinks fit.</u></i></p>	
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	n. Amend 116(3) by removing reference to the Exclusive Economic Zone as provision may be made for fishing in specific areas of the fishery waters (see proposed new clause before cl 116(2)(a)) and for consistency with the response for comment no. 107A(c)) and to remove “carrying out”.	n. Amend 116(3) as follows: <i>An operator of a foreign fishing vessel carrying out engaged in fishing in the Exclusive Economic Zone, in breach of <u>any</u> of the terms or conditions attached to the commercial foreign fishing vessel licence commits an offence and is liable on summary conviction to the fine set out in the Schedule.</i>	
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New Clause (116A) – Validity of a Commercial Foreign Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
114B. Fisheries Division	Insert new clause between cl 116 and cl 117 to include provision for validity of a commercial foreign fishing vessel licence and to incorporate information from cl 114(4) (which is now deleted).	Insert new marginal note as follows: <i>Validity of commercial foreign fishing licence</i> Insert a new clause as follows: <i><u>Subject to this Act, the duration of a commercial foreign fishing vessel licence shall be valid, unless suspended or revoked under section 117, for such a period as may be specified in the licence and shall not extend beyond the expiration of the corresponding access agreement.</u></i>	

Clause No. 117 – Suspension or Revocation of a Commercial Foreign Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
115. Fishermen and Friends of the Sea	117 (1) (a)-(g) The Minister’s power to revoke a commercial foreign fishing vessel licence should be	Noted and agreed, revocation is to be based on evidence. Also, the Minister’s	

	<p>based on evidence and not on the Minister's discretion.</p> <p>Furthermore, the power to revoke a foreign fishing vessel commercial license should also exist for violations to the management Plan including violations to protected species, overfishing, water pollution or other.</p>	<p>decision to suspend or revoke a licence will be based on the advice of the Director and clause 117 (1) to be amended as follows:</p> <p><i><u>The Minister may, on the recommendation of the Director, suspend or revoke a commercial foreign fishing vessel licence where the Minister is satisfied that -</u></i></p> <p>Any authorization, licence or permit issued under the Act may be revoked as a consequence of non-compliance with the Act or breach of any term or condition (117 (1) (b) of the respective authorization, licence or permit which will be in accordance with fisheries conservation and management measures which may be outlined in an FMP. Furthermore, cl 117 (1) (c) explicitly contains provisions for refusal based on undermining of international conservation and management measures and cl 117(d) and (e) are grounds for refusal based on offences committed against national laws and if the vessel is an IUU listed vessel respectively.</p> <p>Notwithstanding cl 225 which addresses the prevention of marine pollution, the FD is not the Competent Authority for monitoring water pollution. This authority rests with the Environmental Management Authority and the Maritime Services Division.</p>	
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<p>115A. Fisheries Division</p>	<p>a. Amend 117(1)(a) to remove reference to “erroneous” information.</p> <p>b. Amend 117(1)(b) for consistency with similar provisions in the Bill</p> <p>c. Amend 117(1)(d) for consistency with responses to comments no. 60(a) and 84A(b)(i). Further, with respect to EC DG MARE’s suggestion at similar clause e.g cl 91(4)(c) in relation to a commercial fishing authorization for Trinidad and Tobago fishing vessels for fishing in areas beyond national jurisdiction - the same provision should be made for commercial foreign fishing in the fishery waters – i.e. violation under any law under the jurisdiction of another State and violation of applicable international conservation and management measures should be also included as ground for suspension or revocation of the respective licence. Note that violation of international conservation and management measures not yet incorporated in national law is captured at cl117(1)(c) as a ground for suspension or revocation of the licence.</p> <p>d. Insert new subclause after 117(1) (e) – as suggested by DG MARE to include and additional ground for suspension</p>	<p>a. Amend 1179(1)(a) as follows: <i>the issue of the foreign fishing vessel licence was based on false or erroneous information;</i></p> <p>b. Amend 117(1)(b) as follows: <i>the vessel in respect of which the licence was issued has been used in contravention of this Act or in breach of any <u>of the terms and-or</u> conditions or restrictions in the licence;</i></p> <p>c. Amend 117(1)(d) as follows: <i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</i></p> <ul style="list-style-type: none"> <i>(i) <u>under this Act;</u></i> <i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i> <i>(iii) <u>under any law under the jurisdiction of another state; or</u></i> <i>(iv) <u>in violation of applicable international conservation and management measures;</u></i> 	
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	<p>or revocation of a commercial foreign fishing vessel licence if there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>e.Delete cl 117(2) and replace with three new subclauses for consistency with due process.</p>	<p>d.Insert new subclause 117(1)(ea) as follows: <i>there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;</i></p> <p>e.Insert three new subclauses as follows: <i>(2) Where the Minister determines that a commercial foreign fishing vessel licence should be suspended or revoked in accordance with subsection (1), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(2A) The holder of the commercial foreign fishing vessel licence may submit written reasons to the Minister, within fourteen days of receipt of the notice, as to why a commercial foreign fishing vessel licence should not be suspended or revoked.</i></p> <p><i>(2B) Where the Minister is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the commercial foreign fishing vessel licence of his decision in writing.</i></p> <p>f.Insert new cl 117(5) as follows:</p>	
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	<p>f.Insert new cl 117(5) as suggested by DG MARE to make provision for issuance of a new licence following suspension or revocation of a licence and for consistency with similar clauses in the Bill (e.g. cl 79(3A), cl 96(3) and 96(4))</p> <p>g.Insert new subclause 117(6) to make a general provision for the Minister to determine the procedures with respect to the suspension and revocation of commercial foreign fishing vessel licences (and for consistency throughout the Bill, e.g. see cl 79(4)).</p>	<p><i>Where a commercial foreign fishing vessel licence is suspended or revoked, no new licence shall be issued unless the licence-holder demonstrates that the reasons for suspension or revocation no longer apply;</i></p> <p>g.Insert new subclause 117(6) as follows:</p> <p><i>The Minister shall, on the recommendation of the Director, determine the procedures with respect to the suspension and revocation of commercial foreign fishing vessel licences.</i></p>	
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Clause No. 118 – Surrender and Cancellation of Commercial Foreign Fishing Vessel Licence

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
115B. Fisheries Division	<p>a.Amend 118(1) for consistency with similar provisions regarding timelines for notification throughout the Bill.</p> <p>b.Amend the chapeau of cl 118(2) to give the authority to the Minister instead of the Director.</p>	<p>a.Amend 118(1) as follows:</p> <p><i>A person who no longer uses the foreign fishing vessel for the purpose of commercial fishing shall surrender the commercial foreign fishing vessel licence to the Director as soon as <u>is reasonably practicable</u>.</i></p> <p>b.Amend cl 118(2) as follows:</p> <p><i>The Director Minister may, on the recommendation of the Director, cancel a commercial foreign fishing vessel licence where-</i></p>	

	<p>c. Amend cl 118(2) by inserting new subclause after 118(2) (c) to include a catch all criterion for grounds for cancellation of a commercial foreign fishing vessel licence</p> <p>d. Amend cl 118(3) to give the authority to the Minister instead of the Director and for consistency with due process.</p> <p>e. Insert a new subclause 118(3A) for consistency with due process - the text was drawn from clause s.118(3) and the new text is underlined and original text crossed out.</p>	<p>c. Insert new subclause 118(2)(ca) as follows:</p> <p><i>It is in accordance with such additional grounds as may be prescribed.</i></p> <p>d. Amend cl 118(3) as follows:</p> <p><i>Where the Director <u>Minister</u> determines that the a commercial foreign fishing vessel licence should be cancelled in accordance with subsection (2), the Director <u>he</u> shall give written notice of the cancellation and provide reasons <u>as soon as is reasonably practicable.</u>, to the licence-holder that the licence shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the licence-holder of a commercial foreign fishing vessel licence submits written reasons to the satisfaction of the Director as to why the licence should not be cancelled.</i></p> <p>e. Insert a new subclause 118(3A) as follows:</p> <p><i>118(3A) The licence <u>licensee</u>-holder of the commercial foreign fishing vessel licence may submit written reasons to the</i></p>	
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	<p>f. Amend cl 118(4) to give the authority to the Minister instead of the Director, to reference the correct subclause and for consistency with due process.</p> <p>g. Delete cl 118(5) as the provision is not captured in the previous subclause.</p>	<p><i>satisfaction of the Director Minister, within fourteen days of receipt of the notice, as to why the commercial foreign fishing vessel licence should not be cancelled.</i></p> <p>f. Amend cl 118(4) as follows:</p> <p><i>Where the Director Minister is in receipt of written reasons under subsection (23A), the Director he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the commercial foreign fishing vessel licence of his decision in writing.</i></p> <p>g. Delete cl 118(5):</p>	
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Clause No. 119 – Reporting and Record-Keeping by Foreign Fishing Vessels

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
115C. Fisheries Division	a. Amend the marginal note to cl 119 to reflect “Reporting and record-keeping for vessels issued a commercial foreign fishing vessel licence” for clarity and to distinguish from the reporting required in cl 112.	<p>a. Amend the marginal note to cl 119 as follows:</p> <p><i>Reporting and record-keeping by foreign fishing vessels issued a commercial foreign fishing vessel licence</i></p>	

	<p>b. Amend cl 119(1) by replacing “Exclusive Economic Zone” with “fishery waters” and for consistency with the marginal note. The response for comment no. 114A(a) makes provision for specification of the area within the fishery waters approved for fishing.</p> <p>Further, delete “fishing” so that the report covers the full extent of operations in the fishery waters.</p> <p>c. Amend cl 119(2) for consistency with similar provisions regarding timelines for notification throughout the Bill.</p> <p>d. Amend cl 119(3) to remove reference to the Exclusive Economic Zone for the same reasons as provided in comment no. 115C(b), and insert instead “while in the fishery waters”.</p>	<p>b. Amend cl 119(1) as follows:</p> <p><i>While in the fishery waters, the master of the vessel <u>issued a commercial foreign fishing vessel licence</u> shall cause to be prepared, at such times as the Director may require, a written report in English setting out information on the fishing operations of the vessel in the Exclusive Economic Zone <u>fishery waters</u>.</i></p> <p>c. Amend 119(2) as follows:</p> <p><i>A report under subsection (1) shall be made in such form and for such period as the Director may require, and shall be delivered to the Director <u>not later than</u> within fifteen <u>fourteen</u> days, following <u>after</u> the close of the period to which the report applies.</i></p> <p>d. Amend cl 119(3) as follows:</p> <p><i>The master of the vessel <u>issued a commercial foreign fishing vessel licence</u> shall maintain a fishing logbook on a daily basis in a form specified by the Director for the purpose of recording the fishing operations of the vessel, while within the Exclusive Economic Zone <u>while in the fishery waters</u>, including, but not limited to, maintaining a record of catches.</i></p>	
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	<p>eAmend cl 119(4)(c) to remove reference to the Exclusive Economic Zone for the same reasons as provided in comment no. 115C(b), and insert instead “while in the fishery waters”.</p> <p>f.Amend cl 119(7) for consistency on information to be provided in a report for and by a vessel as outlined in cl 112(1).</p>	<p>e.Amend cl 119(4)(c) as follows:</p> <p><i>provide any other specified documents relating to catches or to the composition of those catches made by the vessel in the Exclusive Economic Zone in the fishery waters,</i></p> <p>f.Amend cl 119(7) as follows:</p> <p><i>A report made under subsection (6) shall contain details of-</i></p> <p><i>(a) <u>name of the vessel;</u></i></p> <p><i>(b) <u>the International Maritime Organization (IMO) number, if any, any other unique identifier, and the vessel's international radio call sign which is held by the vessel;</u></i></p> <p><i>(c) <u>flag of registration;</u></i></p> <p><i>(d) <u>date, time and the position to one minute of arc of the vessel</u> at the time of reporting;</i></p> <p><i>(e) <u>complement;</u></i></p> <p><i>(f) <u>fishing gear;</u></i></p> <p><i>(g) <u>the total catch, by species, on board the vessel at the time of reporting; and</u></i></p>	
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		(h) such other matters <u>information</u> relating to fishing operations as the Director may require <u>thinks fit</u> .	
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Clause No. 120 – Stowage of Fishing Gear

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
115D. Fisheries Division	<p>a.Amend cl 120(1) to remove the requirement for the manner in which gear is to be stowed, to be prescribed, for clarity and to reflect exemption to the required action (stowage of fishing gear) pursuant to a commercial foreign fishing vessel licence. In the latter case, note that a recreational fishing permit is issued to a person, not to the vessel.</p> <p>Remove reference to recreational foreign fishing in cl 120(1) which is intended to pertain to commercial fishing by a foreign fishing vessel. Insert a new clause 102A, similar to cl 120(1) and (2) for a foreign recreational fishing vessel to stow fishing gear while in the fishery waters unless the vessel has been issued a valid recreational foreign fishing vessel licence.</p> <p>b.Amend 120(2) for consistency with liability and to include a term of imprisonment.</p>	<p>a.Amend 120(1) as follows:</p> <p><i>The fishing gear of any foreign fishing vessel shall be stowed in the manner prescribed at all times while the vessel is in the fishery waters except when the vessel is engaged in fishing in a location in which it is authorised <u>approved</u> to fish, including pursuant to <u>a commercial foreign fishing vessel licence and a recreational foreign fishing permit vessel licence</u>, and the fishing activity is conducted in accordance with the terms or conditions of a licence or permit and this Act.</i></p> <p>b.Amend 120(2) as follows:</p> <p><i>The master of a foreign fishing vessel who uses or authorises the use of the vessel in contravention of this section commits an offence and are <u>is</u> liable on</i></p>	

		<i>summary conviction to the fine <u>and</u> term of imprisonment set out in the Schedule</i>	
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Clause No. 121- Identification of Ports and Designation of Landing Sites

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
116. Carli Bay Fishing Association	121(3) and (4), further consultation should be undertaken prior to designating ports or landing sites, to ensure stakeholder agreement, if fines are to be instituted for fishermen failing to use these designated sites.	Noted and agreed. In the case of ports, specific criteria under the Port State Measures Agreement (to which TTO acceded in October 2019) would have to be met for a port to be considered an identified designated port (e.g. the presence of regulatory authorities such as the CED, Immigration Division and FD on site, the capacity to conduct inspections, compliance with the requirement for advance request for entry to port). The designation of landing sites, is to be done in consultation with stakeholders and will be based on several factors, including the existing physical infrastructure (e.g availability of electricity, water, internet, roadway etc), the FD's plans for fisheries infrastructure that meets with national and international SPS standards and environmental requirements (among others), availability of financial and other resources, including the FD's capacity	

		to undertake MCS at the location and to provide the requisite facility management services including for safety and security.	
117. Fishermen and Friends of the Sea	<p>121 (1) (a)-(b)</p> <p>a. The designation of a part and landing site should be determined with wide consultation, and finally determined by an interdisciplinary and inclusive multi stakeholder Board, and not on the whim of any private determination.</p> <p>b. The Seafood Industry Development Company spent years and tens of unaccounted millions advocating for food safety in the fishing industry, in particular refraining from buying fish that was not stored on ice yet most fishing facilities do not have any ice production facilities and are incapable of effectively meeting these functions. Are there intentions to upgrade all fishing facilities and depots in Trinidad and Tobago prior to implementing these requirements?</p> <p>121 (3)-(4)</p> <p>See the following extract from the July 13, 2018 edition of The Daily Express, where the then Minister of Agriculture stated, “Everywhere we have had new facilities, “roadside vendors” refuse to move. Fisherfolk will demand a new facility. But they will operate exactly where they were before. They don’t</p>	<p>a. See the response to comment no. 116. The need for consultation with stakeholders is noted and agreed.</p> <p>b. It is intended to upgrade the facilities at <u>designated</u> fish landing sites to meet national and international SPS standards and environmental requirements (refer to cl 122). There is an ongoing programme for maintenance and upgrade of fish landing facilities under the Recurrent and Development Programmes respectively – in addition funds have been expended under the infrastructure Development Fund for construction of such facilities. Also see the response to comment no. 116 concerning the factors to be considered for designation of a fish landing site.</p>	

	<p>want to follow rules. They don't want to get organised. I have said it publicly before."Rambharat said: "We spent \$2 million to upgrade at Oropouche. But they are still outside. We spent at Ortoire to upgrade. They don't use it. Guayaguayare cost us a whopping \$80 million. Guaya is the best of the facilities and they don't want to use it."</p> <p>c. Given the recent reluctance of fisher-folk to use newly constructed facilities, before, a site is designated as port or designated landing site, intense public consultation must occur between the fisher-folk to ensure suitability based on tidal flow, depth, safety, parking, access, among other factors, to ensure effective usage of the facilities and compliance with the Bill.</p>		
<p>118. Fishermen and Friends of the Sea in collaboration with Claxton Bay Fishing Association, Brickfield Fishing Association, Cedros Fishing Cooperative, Grand Chemin Fishing Association, Carli Bay Fishing Association, La Brea Fisherfolk, Marabella Fishing Association and La</p>	<p>a. Fishermen are not opposed to the Minister, pursuant to Section 121, designating certain landing sites or ports as the only areas which fishermen may sell or land fish, however, we request that in exchange for forgoing their ability to land/sell their fish elsewhere, these sites are maintained and are capable of meeting fishermen's needs including sufficient berthing, parking, security, lighting and the provision of adequate ice making facilities among other things. It makes no sense to restrict fishermen to facilities which do not adequately accommodate their needs.</p> <p><u>b. Furthermore, if these designated landing sites/ports are to attract user fees, these fees should</u></p>	<p>a. Noted. Refer to cl 122 and response to comment no. 116.</p> <p>Also note that currently sale of fish is regulated by public health laws and widespread non-compliance has led to an expectation of the continued status quo. eg sale of fish along roadside and from non-refrigerated vehicles.</p> <p>b. Clauses 218(1) and 232(2)(h) make provision for the Director by Order, and</p>	

Ruffin/Moruga Fishing Association	<u>be stated now, and the process for their determination should be inclusive and defined in the Bill.</u>	<p>the Minister by Regulations, to set out guidelines for the use of, and operations at, public facilities provided for the fishing industry, including setting of fees. This approach gives flexibility to change fees in the future depending on, among other factors, administrative costs (processing, inspections, etc.) and other costs (management and fisheries monitoring, control and surveillance etc.). The fees for use of designated landing sites will take into consideration the cost of construction, maintenance and operations and be determined after consultation with stakeholders.</p> <p>Note that clauses 218(1) and 232(2)(h) can co-exist as the Minister may make broad Regulations (e.g. for all landing sites), including fees for use and Director may make more specific Order/Rules for use at a specific landing site or e.g. prohibition on storage of fuel in lockers.</p>	
118A. Fisheries Division	a.Amend chapeau of cl 121(1) to include ‘after consultation with the Director’.	<p>a. Amend chapeau of cl 121(1) as follows:</p> <p>The Minister may, by Order, <u>after consultation with the Director-</u></p>	

	<p>b.Amend cl 121(1)(b) to include fishing related activities and port services, which is a more accurate reflection of the intended broader scope of use of designated landing sites.</p> <p>c.Amend cl 121(2) to include reference to privately owned port or landing site.</p> <p>d.Amend cl 121(4) – split into two separate subclauses. One clause is to include flexibility for the landing and sale of fish from certain fishing activities such as non-vessel commercial fishing and recreational fishing – the nature of which make it difficult for fish caught to be landed at a designated landing site e.g. beach seining, hand collection of crabs which are commercial activities. The other clause is to make specific reference to the use of a port or landing site, for specific activities other, than an identified port or designated landing site.</p>	<p>b.Amend cl 121(1)(b) as follows:</p> <p><i><u>designate landing sites, including privately-owned or managed landing sites, for the purposes of the landing or sale of fish catches, fishing related activities and port services.</u></i></p> <p>c.Amend cl 121(2) as follows:</p> <p><i><u>The Minister shall not identify a privately owned port or designate a privately owned landing site under subsection (1) without the written consent of the owner of the port or landing site.</u></i></p> <p>d.Amend 121(4) as follows:</p> <p><i><u>No person shall use a:</u></i></p> <p><i><u>(a) location for landing, or sale of fish catches other than a landing site designated under subsection (1) for that purpose unless otherwise specified by the Director or</u></i></p> <p><i><u>(b) port or landing site for landing, transshipping, in transit movement, import, export, re-export, packaging, processing or sale of fish or for any of</u></i></p>	
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	<p>c.Amend 121(5) by removing “term of imprisonment” for alignment with the Schedule of offences and penalties.</p> <p>d.Amend cl 121 (6) to include non-vessel commercial fishing and recreational fishing in general, i.e. not limited to non-vessel recreational fishing.</p>	<p><i>the port services, including bunkering and provisioning, other than a port identified or landing site designated under subsection (1) for that specified purpose.</i></p> <p>c.Amend 121(5) as follows:</p> <p><i>A person who contravenes subsection (4) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.</i></p> <p>d.Amend cl 121(6) as follows:</p> <p><i>Subsection (4) (b) does not apply to the holders of a non-vessel commercial fishing licence, <u>recreational fishing vessel licence, recreational fishing permit, non-vessel recreational fishing permit, recreational foreign vessel fishing licence or recreational fishing authorisation.</u></i></p>	
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Clause No. 122- Maintenance and Inspection of Designated Landing Sites

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
119. Environmental Management Authority	Should include spill response kit/ equipment	Noted and agreed. The FD is one of the partner agencies involved in implementation of the National Oil Spill Contingency Plan and will liaise with other	

		relevant agencies as appropriate. Note also, that cl 122(1) makes provision for waste disposal systems, which could include disposal of used oil.	
120. Felicity Charlieville Fishing Association	<p>Subsection (1) In cases where bona fide fishermen operate in the absence of a designated landing site what measures are to be put in place to meet these stakeholder needs? The Cacandee landing site is one such site with no infrastructure and is constantly in conflict with other activities that are not suitable for the landing of fish. In cases like these can possible relocation of the landing site be a possible option?</p> <p>The determination of landing sites should also include affiliated marketing divisions such as the Inclusion of NAMDEVO to ensure operations are maintained given that these operations already have the required experience.</p> <p>Landing sites in need of relocation or urgent attention should be placed on priority by the Fisheries Division and the Minister. It is imperative that fishermen be provided equal opportunities especially when they can operate in good conditions that are safe and functional. One must remember that the fishers are the key to sustainability without a change in their attitude and practice all proposed management will fail.</p>	<p>There is a distinction between a designated landing site and a home port. A designated landing site is for the purpose of landing and sale of fish and specific fishing related activities as outlined in cl 121(4)(b) (revised by FD – see response to comment no. 121A) with the requisite servicing facilities for maintaining SPS and environmental standards, safety and security (outlined in cl 122(1)). A home port is a location where a vessel is moored but not authorized to carry out the activities specified in cl 121(4). At home ports facilities such as locker rooms, fishing gear and boat repair sheds, engine storage may be provided. As the provision is to be implemented on a phased basis flexibility is afforded under cl 121(4)(a) whereby the Director may specify a landing site other than a designated landing site where the landing and sale of fish may occur.</p> <p>Yes, the decision to construct new designated fish landing sites and the requisite facilities to be provided will be done in consultation with stakeholders. It is</p>	

		agreed that other stakeholders such as NAMDEVCO may also be consulted.	
121. Ministry of Planning and Development	122(2) And to maintain a log of the inspection record which shall be made available to fisheries officers as required	This is a procedural matter and therefore cl 122(2) should be deleted. Furthermore, there may be other agencies besides the FD (e.g. EMA, Bureau of Standards, Public Health) which may have a role to play in inspection and certification. <i>Delete cl 122(2)</i>	
121A. Fisheries Division	Insert a new subclause 122(1)(e) which refers to provision of facility management services, including for safety and security. Based on experience, the listed services are critical to the effective operations, security (of persons and infrastructure assets) and safety at designated fish landing sites.	Insert a new subclause 122(1)(e) as follows: <i>(e) facility management services, including safety and security services.</i>	

Division 2 Transshipment and In Transit Permits

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
121B. Fisheries Division	Division 2 Heading – delete “Permits” for consistency with the naming of sections/Divisions in the Bill.	Amend the Heading to Division 2 as follows: <i>Transshipment and In Transit Permits</i>	

Clause No. 123- Requirement for a Transshipment Permit

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
122. Ministry of Planning and Development	<p>123(2) “No Trinidad and Tobago vessel shall be used for transshipment in areas beyond national jurisdiction-(a) unless there is a valid transshipment permit;”</p> <p>Which authority issues this permit and if on the high seas how does this apply? Also shouldn’t there be conditions for transshipment permits, such as a prohibition on dumping etc.?</p>	<p>The Fisheries Division will be the Competent Authority for issuance of the transshipment permit. It is necessary to exercise flag State control of fishing vessels even when they are operating on the High Seas (Refer to the Compliance Agreement which TTO accepted in October 2019 and UN Fish Stocks Agreement which TTO acceded in 2006).</p> <p>Furthermore, there are to be stipulated terms and conditions for all authorisations, licences and permits issued under the Act, in accordance with the agreed management measures/FMPs. Ref to cl 127 – Terms and conditions for transshipment and in transit permits.</p> <p>The context with reference to “dumping” is unclear (oil, fish, litter?). If considering “anti-dumping” in the trade context this is addressed under other national law (Anti-Dumping and Countervailing Duties Act) – Ministry of Trade and Industry/Ministry of Finance – Customs and Excise Division. If considering “dumping” in respect of pollution – this matter falls under the mandates of the MSD and EMA.</p>	

122A. Fisheries Division	<p>a. Amend cl 123(1)(a) for alignment with cl 113(1) to reference the relevant subclause.</p> <p>b. Amend cl 123(2) chapeau and cl 123(2)(a) for clarity.</p>	<p>a. Amend cl 123(1)(a) as follows:</p> <p><i>there is a valid transshipment permit <u>issued under section 125</u>; and</i></p> <p>b. Amend cl 123(2) chapeau and cl 123(2)(a) as follows:</p> <p><i>No Trinidad and Tobago vessel shall be used for transshipment in areas beyond national jurisdiction <u>unless</u> –</i></p> <p><i>(a) <u>unless</u> there is a valid transshipment permit; and</i></p>	
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Clause No. 124 – Requirement for in transit permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
122B. Fisheries Division	<p>a. Amend cl 124(1) for alignment with cl 113(1) and for clarity.</p> <p>b. Amend cl 124(2) to indicate that the manner in which fish that is in transit shall be reported is to be prescribed.</p>	<p>a. Amend cl 124(1) as follows:</p> <p><i>No person shall cause or allow fish to be in transit in Trinidad and Tobago unless there is a valid in transit permit <u>issued under section 125</u> and the in transit is carried out as specified in the in transit permit;</i></p> <p>b. Amend cl 124(2) as follows:</p>	

		<i>All fish that are in transit shall be reported in the manner <u>to be</u> prescribed.</i>	
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Clause No. 125 – Application and issuance of a transshipment permit and in transit permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
112C. Fisheries Division	<p>a.Place cl 125(3) in a new section on “Validity”, before the section on “Suspension and Revocation” for consistency with formatting in other Parts of the Bill and ensure that the correct clause is cross referenced instead of making reference to the entire part. The consistency of language with other similar sections is also to be addressed, e.g. should be “...unless suspended, revoked or cancelled under <u>section....</u>” See response at comment no. 112F.</p> <p>b.Amend cl 125(4) for consistency regarding timelines for notifications in similar provisions throughout the Bill (eg cl 106(1)).</p> <p>c.Amend 125(5) by removing “term of imprisonment” for alignment with the Schedule of offences and penalties.</p>	<p>a. <i>Place section 125(3) in a new section on “Validity”, before the section on “Suspension and Revocation” and amend text accordingly for consistency.</i></p> <p>b. Amend cl 125(4) as follows: <i>A permit holder shall notify the Director of any change in the information set out in the application form for the permit as soon as is reasonably practicable, and in any case, not later than seven <u>fourteen</u> days after the change.</i></p> <p>c. Amend 125(5) as follows: <i>A permit holder who contravenes this section commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.</i></p>	

	d. Delete cl 125(6) for the same reasons that cl 91(9) was deleted. The person who applies for the permit may not necessarily be the permit-holder e.g. a broker or agent may apply for the permit on behalf of a person. It is understood that the holder of the permit is the person who holds the permit i.e. the person in whose name the permit is issued.	d. Delete cl 125(6).	
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Clause No. 126 - Refusal to issue transshipment permit and in transit permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
112D. Fisheries Division	<p>a. Amend cl 126(1)(a) for consistency with similar provisions in the Bill. (See cl 73(4)(a))</p> <p>b. Amend cl 126(1)(b) to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish i.e. the donor and recipient fishing vessels or crafts involved in the transshipment or in transit movement of fish.</p> <p>c. Amend cl 126(1)(c) to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish, for clarity and for consistency with the amendments in response to</p>	<p>a. Amend cl 126(1)(a) as follows:</p> <p><i>the issuance of the permit would conflict or be inconsistent with any licensing programme or permitting regime or other management measure specified in a relevant management plan, fisheries strategy, <u>plan</u> or programme;</i></p> <p>b. Amend cl 126(1)(b) as follows:</p> <p>the fishing vessel <i>any of the fishing vessels, in respect of which the application is made, has been used in a manner which contravenes any provision of this Act;</i></p> <p>c. Amend cl 126(1)(c) as follows:</p> <p><i>any of the fishing vessels, the fishing vessel</i></p>	

	<p>comments no. 84A(b)(i) and for consistency with the use of the term “ any of the terms or conditions”.</p> <p>d.Amend cl 126(1)(d) to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish, for clarity and for consistency with the amendments in response to comments no. 60(a) and no 84A(b)(i) and to include the DG MARE’s suggestion to include offences committed under any law under the jurisdiction of another State or violation of applicable international conservation and management measures.</p>	<p><i><u>in respect of which the application is made, has been used in breach of <u>any of the terms and or conditions</u> of a previously issued transshipment permit or in transit permit and the applicant’s record of compliance with this Act and the former Acts;</u></i></p> <p>d. Amend cl 126(1)(d) as follows:</p> <p><i><u>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</u></i></p> <ul style="list-style-type: none"> <i><u>(i) under this Act;</u></i> <i><u>(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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i> <i><u>(iii) under any law under the jurisdiction of another state; or</u></i> <i><u>(iv) in violation of applicable international conservation and management measures;</u></i> <p>e. Amend cl 126(1)(e) as follows:</p> <p><i><u>any of the fishing vessel(s), in respect of which the application is made, is an IUU</u></i></p>	
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	<p>e. Amend cl 126(1)(e) to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish.</p> <p>f. Amend cl 126(1)(g) for consistency with similar catch all provisions throughout the Bill.</p> <p>g. Insert a new sub-clause 126(1)(ea) as suggested by DG MARE to reflect that the Director may refuse to issue a transshipment or in transit permit if there is evidence proving the fishing vessel was engaged in or supporting IUU fishing activities or fishing related activities in support of such fishing.</p> <p>h. Delete cl 126(2) and replace with three new subclauses for consistency with due process.</p>	<p><i>listed vessel;</i></p> <p>f. Amend cl 126(1)(g) as follows:</p> <p><i><u>it is in accordance with such other additional grounds as may be prescribed.</u></i></p> <p>g. Insert a new subclause 126(1)(ea) as follows:</p> <p><i><u>there is evidence that the any of the fishing vessels in respect of which the application is made,</u> was engaged in or supporting IUU fishing or fishing related activities in support of such fishing</i></p> <p>h. Insert three new subclauses are as follows:</p> <p><i>(2) Where the Director refuses to issue a transshipment permit or an in transit permit in accordance with subsection (1), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(2A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a transshipment permit or an in transit permit should not be refused.</i></p>	
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		<i>(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i>	
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Clause No. 127 – Terms and conditions for transshipment and in transit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
112E. Fisheries Division	<p>a. Amend the marginal note for cl 127 to reflect “terms and conditions of transshipment and in transit permits”.</p> <p>b. Amend cl 127(1) for consistency with use of the phrase “any of the terms or conditions”.</p>	<p>a. Amend the marginal note to cl 127 as follows:</p> <p><i>Terms and conditions <u>of</u> for transshipment and in transit <u>permits</u></i></p> <p>b. Amend cl 127(1) as follows:</p> <p><i>The permit holder shall comply with any <u>of</u> the <u>terms</u> or <u>conditions</u> of the transshipment permit or in transit permit to be prescribed.</i></p>	

NEW Clause between Cl 127 and Cl 128 – Validity of transshipment permit and in transit permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
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112F. Fisheries Division	Insert new clause between cl 127 and cl 128 with a marginal note to reflect “validity of transshipment permit and in transit permit” and relocate the text from cl 125 (3) to this clause with amendment to cross reference the respective clauses rather than the entire Part.	<p>Insert new clause between cl 127 and 128 with marginal note as follows:</p> <p><i>Validity of transshipment permit and in transit permit</i></p> <p>Insert the following under the new clause:</p> <p><i>A transshipment permit or an in transit permit shall be valid for the period specified in the respective permit, unless suspended, or revoked under section 128 or cancelled under section 129.</i></p>	
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Clause No. 128 – Suspension or revocation of transshipment permit and in transit permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
112G. Fisheries Division	<p>a. Amend cl 128(1) chapeau for clarity.</p> <p>b. No change required in cl.128(1)(a).</p>	<p>a. Amend cl 128(1) chapeau as follows:</p> <p><i>The Director may suspend or revoke any a transshipment permit or an in transit permit that was issued where he is satisfied that-</i></p> <p>b. No change required</p> <p>(a) the issue of the transshipment permit or the in-transit permit was based</p>	

	<p>c. Insert a new subclause after 128(1)(a) as suggested by DG MARE to include an additional ground for suspension or revocation if the fishing vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities issued by its flag State and to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish.</p> <p>d. Delete clause 128(1)(b) and replace with new text for consistency with similar provisions throughout the Bill and to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish.</p>	<p>on false information;</p> <p>c. Insert a new subclause 128(1)(aa) as follows:</p> <p><i>a fishing vessel to which a transshipment or in transit permit refers, does not have a valid and applicable authorization to engage in fishing or fishing related activities issued by its flag State</i></p> <p>d. Replace original cl 128(1)(b) with the following:</p> <p><i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</i></p> <p>(i) <i>under this Act;</i></p> <p>(ii) <i>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</i></p> <p>(iii) <i>under any law under the jurisdiction of another state; or</i></p>	
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	<p>e. Amend cl128(1)(c) for consistency with use of “any of the terms or conditions” in a similar context.</p> <p>f. Amend cl 128(1)(d) to include “movement”</p> <p>g. Amend cl 128(1)(e) to allow for the provision to apply to any or all of the fishing vessels involved in the transshipment or in transit movement of fish.</p> <p>h. Insert a new subclause 128(1)(ea) as suggested by DG MARE to include an additional ground for suspension or revocation if there is evidence that the fishing vessel <u>seeking entry into port</u> was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p>	<p><i><u>(iv) in violation of applicable international conservation and management measures;</u></i></p> <p>e. Amend cl128(1)(c) as follows:</p> <p><i><u>(c) any of the terms or conditions of the transshipment permit or in-transit permit has been breached;</u></i></p> <p>f. Amend cl 128(1)(d) as follows:</p> <p><i><u>(d) where transshipment or in-transit movement of fish has been undertaken in violation of any regional or international arrangement or agreement to which Trinidad and Tobago is a party; or</u></i></p> <p>g. Amend cl 128(1)(e) as follows:</p> <p><i><u>a of the fishing vessel(s), to which the permit refers, is an IUU listed vessel;</u></i></p> <p>h. Insert a new subclause 128(1)(ea) as follows:</p> <p><i><u>there is evidence that a fishing vessel to which the transshipment or in transit permit refers, which is seeking entry into</u></i></p>	
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	<p>i. Insert a new subclause at the end of cl 128(1) as a catch all phrase.</p> <p>j. Clause 128(2) – delete as there is no previous reference to information to be provided requested by the Director. However, a new set of clauses is inserted to address the related due process.</p> <p>k. Delete cl 128(3) and replace with three new subclauses for consistency with due process.</p>	<p><i>port was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or</i></p> <p>i. Insert a new subclause at the end of cl 128(1) as follows:</p> <p><i>it is in accordance with such additional grounds as may be prescribed.</i></p> <p>j. <i>Delete cl 128(2)</i></p> <p>k. Insert three new subclauses are as follows:</p> <p><i>(3) Where the Director determines that a transshipment permit or in transit permit should be suspended or revoked in accordance with subsection (1), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(3A) The holder of the transshipment permit or in transit permit may submit written reasons to the Director, within</i></p>	
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		<p><i>fourteen days of receipt of the notice, as to why a transshipment permit or in transit permit should not be suspended or revoked.</i></p> <p><i>(3B) Where the Director is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the transshipment permit or in transit permit of his decision in writing.</i></p>	
	<p>l. Insert a new cl 128(6) as suggested by DG MARE to make provision for issuance of a new transshipment permit or in transit permit following suspension or revocation of the respective permits and for consistency with similar clauses in the Bill (e.g. cl 79(3A), cl 96(3) and 96(4)).</p> <p>m. Insert a new cl 128(7) to make general provision for the Director to determine the procedures with respect to suspension or revocation of a transshipment permit or in transit permit, for consistency with cl 79(4).</p>	<p>l. Insert new cl 128(6) as follows:</p> <p><i>where a transshipment permit or in transit permit is suspended or revoked, no new transshipment permit or in transit permit shall be issued unless the permit holder demonstrates that the reasons for suspension or revocation no longer apply</i></p> <p>m. Insert a new cl 128(7) as follows:</p> <p><i>The Director shall determine the procedures with respect to the suspension and revocation of transshipment permits and in transit permits.</i></p>	

Clause No. 129 – Surrender and cancellation of transshipment permit and in transit permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
112H. Fisheries Division	<p>a.Amend cl 129(2) chapeau for clarity.</p> <p>b.Amend cl 129(2)(b) for clarity.</p> <p>c.Amend cl 129(3) for clarity and consistency with due process.</p> <p>d.Insert a new cl 129(3A) for consistency with due process - the text was drawn from clause s.129(3) and the new text is underlined and original text crossed out.</p>	<p>a. Amend cl 129(2) chapeau as follows:</p> <p><i>The Director may cancel the <u>transshipment permit or in transit permit</u> where-</i></p> <p>b. Amend cl 129(2)(b) as follows:</p> <p><i>the holder of the <u>transshipment permit or in transit permit</u> no longer conducts transshipment or in transit; or</i></p> <p>c. Amend cl 129(3) as follows:</p> <p><i>Where the Director determines that the a <u>transshipment permit or in transit permit</u> should be cancelled in accordance with subsection (2), the Director <u>he</u> shall give written notice of the cancellation and provide reasons <u>as soon as is reasonably practicable.</u> to the holder of the permit that the permit shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the holder of the permit submits written reasons to the satisfaction of the Director as to why the permit should not be cancelled.</i></p> <p>d. Insert a new cl 129(3A) as follows:</p>	

	<p>e. Amend cl 129(4) for consistency with due process.</p> <p>f. Delete cl 129(5) as the provision is now captured in the previous subclause.</p>	<p><i>The holder of the <u>a transshipment permit or in transit permit</u> may submit written reasons to the satisfaction of the Director, <u>within fourteen days of receipt of the notice</u>, as to why the permit should not be cancelled.</i></p> <p>e. Amend cl 129(4) as follows:</p> <p><i>Where the Director is in receipt of written reasons under subsection (2 <u>3A</u>), he shall consider those reasons and make a determination within twenty-one days, <u>or as soon as is reasonably practicable</u>, from the date of receipt of those reasons and notify the holder of the transshipment permit or in transit permit of his decision in writing.</i></p> <p>f. Delete cl 129(5)</p>	
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Clause No. 130 – Requirements for landing, bunkering or provisioning

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
122I. Fisheries Division	a. Amend the marginal note to cl 130 for clarity and consistency.	<p>a. Amend the marginal note to cl 130 as follows:</p> <p><i><u>Requirements for landing, bunkering or provisioning permit</u></i></p>	

	<p>b. Amend cl 130(1) chapeau to allow flexibility in the requirement for a landing permit e.g. flexibility may be required for fish being landed by recreational fisheries.</p> <p>c. Amend cl 130(2) to allow flexibility in the requirement for a bunkering permit e.g. flexibility may be required for bunkering of vessels engaged in recreational fishing.</p> <p>d. Amend cl 130(3) to allow flexibility in the requirement for a provisioning permit e.g. flexibility may be required for provisioning of vessels engaged in recreational fishing.</p> <p>e. Amend cl 130(4) to reflect that there is no term of imprisonment associated with this offence.</p>	<p>b. Amend cl 130(1) chapeau as follows:</p> <p><i><u>Unless otherwise prescribed, no person shall cause or allow fish to be landed in Trinidad and Tobago, unless-</u></i></p> <p>c. Amend cl 130(2) as follows:</p> <p><i><u>Unless otherwise prescribed, no operator of a fishing vessel shall engage in the bunkering of the fishing vessel without a valid bunkering permit.</u></i></p> <p>d. Amend cl 130(3) as follows:</p> <p><i><u>Unless otherwise prescribed, no operator of a fishing vessel shall engage in the provisioning of personnel, fuel, gear, equipment or other supplies for the fishing vessel without a valid provisioning permit.</u></i></p> <p>e. Amend cl 130(4) as follows:</p> <p><i><u>A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the</u></i></p>	
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	f.Amend cl 130(7) for clarity.	<p><i>Schedule.</i></p> <p>f.Amend cl 130(7) as follows:</p> <p><i>General terms and conditions, for the grounds for the refusal of, validity of, suspension and revocation—of, and surrender and cancellation of <u>and validity of permits issued under this section are to be prescribed.</u></i></p>	
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Clause No. 131 - Appointment of an authorised local representative as agent of the owner of a foreign fishing vessel permitted to land, transship or transit fish and fish products, or bunker or provision a fishing vessel

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
122J. Fisheries Division	<p>a.Place this clause as a new Division – Division 3A – as it is applicable to the entire Part. In considering whether this clause applies only to Part XIV – it is noted that similar provision is required for recreational foreign fishing (Part XII) and that similar provision is already included for commercial foreign fishing see Part XIII, cl 110(1)(d).</p> <p>b. Amend marginal note to cl 131 to reflect that a permit-holder is not limited to the owner of the foreign fishing vessel and to remove “fish products” in line with the definition of “fish”</p>	<p>a.Place cl 131 as a new Division – Division 3A – named “Authorized Local Representative” under Part XIV – FISHING RELATED ACTIVITIES</p> <p>b.Amend marginal note to cl 131 as follows:</p> <p><i>Appointment of an authorised local representative as agent of the owner operator of a foreign fishing vessel permitted to land, transship or transit fish</i></p>	

	<p>c. Amend cl 131(1) to take into account that a permit-holder is not limited to the owner of the foreign fishing vessel.</p> <p>d. Amend cl 131(2) for clarity and to reflect that a permit-holder is not limited to the owner of the foreign fishing vessel.</p> <p>e. Amend cl 131(3) for clarity.</p>	<p><i>and fish products, or bunker or provision a fishing vessel</i></p> <p>c. Amend cl 131(1) as follows:</p> <p><i>The owner <u>operator</u> of a foreign fishing vessel shall notify the Director, on the approved form, of the name, address and other particulars of the <u>authorised</u> local representative resident in Trinidad and Tobago appointed by him under subsection (1).</i></p> <p>d. Amend cl 131(2) as follows:</p> <p><i>The owner <u>operator</u> of a foreign fishing vessel shall notify the Director, on the approved form, of the name, address and other particulars of the <u>authorised</u> local representative resident in Trinidad and Tobago appointed by him under subsection (1).</i></p> <p>e. Amend cl 131(3) as follows:</p> <p><i>Any notices or documents required to be served on an operator of a foreign fishing vessel may be served on the <u>authorised</u> local representative appointed by him under subsection (1).</i></p>	
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	f.Amend cl 131(4) to reflect that the penalty for non-compliance includes a term of imprisonment.	f.Amend cl 131(4) as follows: <i>A person who contravenes this section commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.</i>	
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Clause No. 132 – Scope and institutional arrangements

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
122K. Fisheries Division	Amend cl 132 to reflect a broader range of items (fishing gear and vessels and equipment intended to be used for fishing and fishing related activities) for which the provisions in this Division shall apply.	Amend section 132 as follows: <i>This division provides for the regulation of trade in fish, fishing vessels, <u>fishing gear and vessels, engines, gear and equipment,</u> bait or any other items intended to be used for fishing and fishing related activities.</i>	

Clause No. 133 –Competent Authority functions

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
122L. Fisheries Division	Amend cl 133(c) as suggested by DG MARE to include the responsibility of the Director to verify the accuracy of information within the Catch Certificate issued by Trinidad and Tobago.	Amend cl 133(c) as follows: <i>oversee the certification of fish discharged from Trinidad and Tobago vessels into foreign ports where required by overseas controlling authorities, <u>including verification of the accuracy of the information within the Catch Certificate issued by Trinidad and Tobago;</u></i>	

Clause No. 134- Requirements for Import, Export or Re-Export of Fish

[illegible]

	<p>c. Amend cl 134(3) chapeau for clarity.</p> <p>d. Amend cl 134(4)(e) for clarity and for consistency with the response to comment no. 60(a).</p> <p>e. Amend cl 134(4)(f) for clarity.</p>	<p><i>An application for a permit to an import, export or re-export fish <u>permit for</u> fish shall be made to the Director on the approved form and be accompanied by the prescribed fees.</i></p> <p>c. Amend cl 134(3) chapeau as follows:</p> <p><i>A person intending to import, export or re-export fish shall comply with all requirements and terms and conditions endorsed on a <u>an import, export or re-export permit</u>, including, but not limited to, the provision of information on the-</i></p> <p>d. Amend cl 134(4)(e) as follows:</p> <p><i>the applicant has committed, or if the vessel that caught the fish for which the application is made has been used in the commission of an offence-</i></p> <p><i>(i) <u>under this Act; or</u></i> <i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or</u></i></p> <p>e. Amend cl 134(4)(f) as follows:</p>	
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	<p>f. Insert a new subclause after cl 134(4)(f) to include an additional ground for refusal to issue the import, export or re-export permit if there is evidence that the fishing vessel that caught the fish or is to be used to transport the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing. This recommendation is consistent with DG MARE's suggestion in response to comment no 86A(b).</p> <p>g. Amend cl 134(4)(g) for consistency with similar terms throughout the Bill.</p> <p>h. Insert three new subclauses after 134(4) for consistency with due process associated with refusal of an application.</p>	<p><i>fishing vessel <u>that caught the fish or is to be used to transport the fish</u> is an IUU listed vessel;</i></p> <p>f. Insert a new subclause after cl 134(4)(f) as follows:</p> <p><i>there is evidence that the fishing vessel that caught the fish or is to be used to transport the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</i></p> <p>g. Amend cl 134(4)(g) as follows:</p> <p><i>denial refusal is in accordance with <u>such additional criteria grounds</u> as may be prescribed.</i></p> <p>h. Insert three new subclauses as follows:</p> <p><i>134 (4A) Where the Director refuses to issue an import, export or re-export permit in accordance with subsection (4), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>134(4B) The applicant may submit written reasons to the Director, within fourteen</i></p>	
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		<p><i>days of receipt of the notice, as to why an import, export or re-export permit should not be refused.</i></p> <p><i>134 (4C) Where the Director is in receipt of written reasons under subsection 134 (4B), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p>	
	i.Amend cl 134(5) chapeau for clarity.	<p>i.Amend cl 134(5) chapeau as follows:</p> <p><i><u>Subject to any other written law the Minister may, by Notice, declare standards applicable to the marketing, distribution, import, export and re-export of fish.</u></i></p>	
	j.Amend cl 134(6)(a) for clarity.	<p>j.Amend cl 134(6)(a) as follows:</p> <p><i><u>imports, exports or re-exports fish without a valid import, export or re-export permit;</u></i></p>	
	k.Amend cl 134(6)(b) for clarity.	<p>k.Amend cl 134(6)(b) as follows:</p> <p><i><u>fails to comply with the terms and conditions of a an import, export or re-export permit;</u></i></p>	

[New Clause) Clause No. 134A - Suspension or revocation of a permit for import, export or re-export of fish

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
124B. Fisheries Division	<p>Insert a new clause for suspension or revocation of a permit for import, export or re-export of fish, including due process, for consistency with similar provisions in other Parts of the Bill and for ease of implementation of existing procedures with respect to trade in fish (as modified in the Bill) once the new law is enacted. Similar provision for import, export and re-export of a fishing vessel, fishing gear and vessel, engine, gear and equipment intended to be used for fishing (reference cl 137) will be developed in Regulations in accordance with clause 232 (2)(a).</p> <p>Change from “the vessel that caught the fish” to “the vessel that was used to catch the fish” where applicable throughout the Bill.</p>	<p><i>The Director may suspend or revoke a permit for the import, export or re-export of fish where he is satisfied that:</i></p> <ul style="list-style-type: none"> <i>(a) the issue of the permit was based on false information;</i> <i>(b) any term or condition of the permit has been breached;</i> <i>(c) the applicant has committed, or the vessel that was used to catch the fish has been used in the commission of, an offence:</i> <ul style="list-style-type: none"> <i>(v) under this Act;</i> <i>(vi) 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;</i> <i>(vii) under any law under the jurisdiction of another State; or</i> <i>(viii) in violation of applicable international conservation and management measures;</i> <i>(d) the fishing vessel that was used to catch the fish is an IUU listed vessel;</i> <i>(e) there is evidence that the fishing</i> 	

		<p><i>vessel that was used to catch the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</i></p> <p><i>(f) it is necessary to ensure compliance by Trinidad and Tobago with its obligations under a treaty, convention or other international agreement to which Trinidad and Tobago is a party; or</i></p> <p><i>(g) it is in accordance with such additional grounds as may be prescribed.</i></p> <p><i>(xx) Where the Director determines that an import, export or re-export permit should be suspended or revoked in accordance with subsection (x), he shall give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(xxx) The holder of an import, export or re-export permit may submit written reasons to the Director as to why the import, export or re-export permit should not be suspended or revoked.</i></p> <p><i>(xxxx) Where the Director is in receipt of written reasons under subsection (xxx), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the import, export or</i></p>	
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		<p><i>re-export permit of his decision in writing.</i></p> <p><i>(xxx) Where a permit for the import, export or re-export of fish is suspended or revoked, no new permit shall be issued unless the permit holder demonstrates that the reasons for suspension or revocation no longer apply;</i></p> <p><i>(xxx) The Director shall determine the procedures with respect to the suspension and revocation of permits for the import, export or re-export of fish.</i></p>	
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[New Clause) Clause No. 134B Surrender and cancellation of a permit for import, export or re-export of fish

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
124C. Fisheries Division	Insert a new clause for surrender and cancellation of a permit for import, export or re-export of fish, including due process, for consistency with similar provisions in other Parts of the Bill and for ease of implementation of existing procedures with respect to the trade in fish (as modified in the Bill) once the new law is enacted. Similar provision for import, export and re-export of a fishing vessel, fishing gear and vessel, engine, gear and equipment intended to be used for fishing (reference cl 137) will be developed in Regulations in accordance with clause 232 (2)(a).	<p><i>(x) A person who no longer imports, exports or re-exports fish shall surrender the import, export or re-export permit for fish, as the case may be, to the Director as soon as is reasonably practicable.</i></p> <p><i>(XX) The Director may cancel a permit for the import, export or re-export of fish where –</i></p> <p><i>(a) the issue of the permit was based on erroneous information;</i></p> <p><i>(b) the holder of the permit no longer imports, exports or re-exports fish, as the case may be;</i></p>	

		<p><i>(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V; or</i></p> <p><i>(d) it is in accordance with such additional grounds as may be prescribed.</i></p> <p><i>(xx) Where the Director determines that an import, export or re-export permit should be cancelled in accordance with subsection (x), he shall give written notice of the cancellation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(xxx) The holder of an import, export or re-export permit may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the import, export or re-export permit should not be cancelled.</i></p> <p><i>(xxxx) Where the Director is in receipt of written reasons under subsection (xxx), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the import, export or re-export permit of his decision in writing.</i></p>	
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Clause No. 135- Requirement for a Release Certificate

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
125. Ministry of Trade	<p>135(2) There is a typographical error in the spelling of the word “application”</p> <p>The word “aspplcation” should be amended to read “application”.</p>	<p>Noted. <i>This error does not appear in 2 June 2020 version of the Bill.</i></p>	
125A. Fisheries Division	<p>a.Amend cl 135(3)(d) to more accurately reflect the full scope of information required to be provided by the permit holder for the fishing vessel, to be able to ascertain whether or not the vessel that caught the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>b.Amend cl 135(7)(a) to clarify that the ground for refusal pertains to the issue of the permit being based on false or erroneous information or the application for the Release Certificate contained false or erroneous information. Note that the grounds for suspension, revocation, cancellation or surrender (to be developed) of a permit will also address the issue pertaining to issuance of a permit based on false (suspension or revocation) or erroneous information (cancellation). See responses to comments at 124B and 124C.</p>	<p>a.Amend cl 135(3)(d) as follows:</p> <p><i><u>details of the fishing vessel is an IUU listed vessel, including the name, unique vessel identifier, flag of registration, licence or fishing authorisation or any other approvals to engage in fishing or fishing related activity, quota or allocation of fish, fishing method and gear used;</u></i></p> <p>b.Amend cl 135(7)(a) as follows:</p> <p><i><u>the issue of the permit or Release Certificate was based on false or erroneous information or the application for the Release Certificate contained false or erroneous information</u></i></p>	

	<p>c.Amend 135(7)(b) for consistency with the phrase “any of the terms or conditions”.</p> <p>d.Amend cl 135(7)(c) for clarity and for consistency with the response to comment no. 60(a). Note that in this instance, reference is made to “the vessel that caught the fish or was used to transport the fish”, rather than “the vessel in which the application is made”, the latter being relevant to other parts of the Bill.</p> <p>e.Amend cl 135(7)(d) for clarity</p> <p>f.Insert a new subclause after cl 135(7)(d) as suggested by DG MARE to include an additional ground for refusal to</p>	<p>c.Amend cl 135(7)(b) as follows:</p> <p><i>any <u>of the terms or conditions</u> of the permit has been breached;</i></p> <p>d.Amend cl 135(7)(c) as follows:</p> <p><i>the permit holder has committed, or if the vessel that caught the fish <u>for which the application is made</u> has been used in the commission of an offence-</i></p> <p><i>(i) <u>under this Act; or</u></i></p> <p><i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; and</u></i></p> <p>e.Amend cl 135(7)(d) as follows:</p> <p><i>the fishing <u>vessel that</u> –</i></p> <p><i>(i) <u>caught the fish;</u></i></p> <p><i>(ii) <u>was used to transport the fish; or</u></i></p> <p><i>(iii) <u>is to be used to transport the fish,</u></i></p> <p><i>as the case may be, is an IUU listed vessel;</i></p>	
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	<p>issue a Release Certificate if there is evidence that the vessel that caught the fish or is to be used to transport the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</p> <p>g. Insert a new sub-subclause at the end of cl 135(7) as a catch all phrase, consistent with similar provisions in the Bill.</p>	<p>f. Insert a new subclause after cl 135(7)(d) as follows:</p> <p><i>(e) there is evidence that the vessel that-</i></p> <p><i>(i) caught the fish;</i></p> <p><i>(ii) was used to transport the fish; or</i></p> <p><i>(iii) is to be used to transport the fish, as the case may be, was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</i></p> <p>g. Insert a new sub-subclause at the end of cl 135(7) as follows:</p> <p><i>(f) it is in accordance with such additional grounds as may be prescribed.</i></p>	
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Clause No. 136 – Requirements for a Trinidad and Tobago Catch Certificate

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
125B. Fisheries Division	<p>a. Amend cl 136(1) to clarify that a Trinidad and Tobago Catch Certificate is required for specified species of fish. Also for ease and expediency of implementation (as this may be a requirement of the importing country or of a</p>	<p>a. Amend cl 136(1) as follows:</p> <p><i>A Release Certificate to export fish in respect of prescribed specified species of</i></p>	

	<p>Regional Fisheries Management Organization for certain species of fish) it is suggested that the species be specified by the Director instead of prescribed.</p> <p>b. Amend cl 136(2) to reflect the details concerning application for a Catch Certificate in respect of certain species of fish as specified by the Director depending on requirements of the export market or any Regional Fisheries Management Organization e.g. currently such a certificate (referred to as a Certificate of Eligibility) is required to export bigeye tuna and swordfish to the US and a corresponding Statistical Document Programme is implemented by the International Commission for the Conservation of Atlantic Tunas.</p> <p>c. Delete cl 136(5) as a Catch Certificate provides data verifying the details of the fish being exported or re-exported and does not contain terms and conditions, which are contained in a management plan.</p> <p>d. Amend cl 136(6)(a) to indicate that a Trinidad and Tobago Catch Certificate may be cancelled if it was issued based on both false <u>and erroneous</u> information. The option to suspend or revoke a Catch Certificate if the information provided is false is not feasible at this point as the document is issued in real time. Note that in other Parts of the Bill provision of false information is a ground for suspension or revocation of the respective authorization, licence or permit.</p>	<p><i><u>fish shall not be issued except with a Trinidad and Tobago Catch Certificate issued by the Director for species of fish to be specified by the Director.</u></i></p> <p>b. Amend cl 136(2) as follows:</p> <p><i><u>An application for a Trinidad and Tobago Catch Certificate for species of fish to be specified by the Director shall be-</u></i></p> <p>c. Delete cl 136(5)</p> <p>d. Amend cl 136(6)(a) as follows:</p> <p><i><u>the issue of the Trinidad and Tobago Catch Certificate was based on false or erroneous information; or</u></i></p>	
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	<p>e.Insert a new clause 136(6)(c) for consistency with similar clauses throughout the Bill to reflect that a Trinidad and Tobago Catch Certificate may be cancelled if it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.</p> <p>f.Amend cl 136(7)(a) to make reference to the requirement of subsection 2, whereby a valid Catch Certificate is required to export certain species of fish specified by the Director.</p> <p>g. Delete cl 136(7)(c) as a consequence of the proposed change at cl 136 (5).</p> <p>To delete the corresponding offence and penalty in the Schedule.</p>	<p>e.Insert a new clause 136(6)(c) as follows: <i>it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.</i></p> <p>f.Amend cl 136(7)(a) as follows: <i>exports fish under subsection (2) without a valid Trinidad and Tobago Catch Certificate;</i></p> <p>g. Delete cl 136(7)(c).</p>	
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New Clause No. 136A – Surrender or cancellation of a Catch Certificate

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
125C. Fisheries Division	Insert a new clause for surrender and cancellation of a Catch Certificate, including due process, for consistency with similar provisions in other Parts of the Bill. Note that it would be impractical to suspend or revoke a Catch	<i>136A. (1) A person who no longer exports species of fish specified by the Director pursuant to section 136(1) shall surrender the Trinidad and Tobago Catch Certificate,</i>	

	<p>Certificate because of the timing of issuance in relation to the export process. According to the International Commission for the Conservation of Atlantic Tunas, if a Catch Certificate is proved to be invalid, the trade will be prohibited.</p> <p>The “cancellation” component in clause 136(6) is to be removed as it is instead captured in an entirely new clause 136A.</p>	<p><i>to the Director as soon as is reasonably practicable.</i></p> <p><i>(2) A Trinidad and Tobago Catch Certificate may be cancelled by the Director if -</i></p> <ul style="list-style-type: none"> <i>(a) the issue of the Trinidad and Tobago Catch Certificate was based on false or erroneous information;</i> <i>(b) there has been a contravention of this Act or any other written law;</i> <i>(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.</i> <p><i>(3) Where the Director determines that a Trinidad and Tobago Catch Certificate should be cancelled in accordance with subsection (x), he shall give written notice of the cancellation and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(4) The holder of the Trinidad and Tobago Catch Certificate may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the Trinidad and Tobago Catch Certificate should not be cancelled.</i></p>	
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		<p><i>(5) Where the Director is in receipt of written reasons under subsection (xxx), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the Trinidad and Tobago Catch Certificate of his decision in writing.</i></p>	
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New Clause No. 136B – Requirement for a catch certificate or similar document issued by the Competent Authority of another State

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
125D. Fisheries Division	<p>Insert a new clause outlining the requirement for a catch certificate or similar document issued by the Competent Authority of another State for species of fish to be specified by the Director.</p> <p>Include offence and penalty (fixed penalty of \$25,000 and maximum of \$100,000). Amend Schedule to include offence and penalty.</p>	<p>Insert new clause as follows:</p> <p><i>A Release Certificate to import fish shall not be issued except with a valid catch certificate or similar document issued by the Competent Authority of the exporting State for species of fish to be specified by the Director.</i></p>	

Clause No. 137- Requirements for the Import, Export or Re-Export of a Fishing Vessel, Fishing Gear, and Vessel, Engine and Gear Intended to be used for Fishing

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee

126. Moruga La Rufin Fishing Cooperative Society LTD	<p>“Fish size” re: section 137 Import and Export of fish. Fishermen in Trinidad and Tobago are forbidden to Catch Fish under 8 inches in length in some species and 12 inches in length in other species. What about the Import into the Country of Herring in Tomato Sauce, Brunswick Sardines Salmon and other species on our supermarket shelves</p>	<p>The Fisheries Act of 1917 is applicable only to fish caught in the specified waters under the jurisdiction of TTO (i.e. the Act does not apply to fish caught in other jurisdictions which may have different management measures – e.g. minimum size limits, in place compared to Trinidad and Tobago). This Act also does not address the import, export and re-export of fish. The Fisheries Management Bill is intended to regulate the import, export and re-export of fresh, chilled or frozen fish (cl 133(b)) (which does not apply to fish in tomato sauce or other processed fish).</p>	
126B. Fisheries Division	<p>a.Amend the marginal note to cl 137 for clarity, i.e. to include the requirements for import, export and re-export of equipment (e.g. VHF radios, fish finders, winches, generators, ice machines) intended to be used for fishing, in addition to what is already listed.</p> <p>b.Amend cl 137(1) for consistency with the recommended change at comment no. 126B(a). Given that the requirements for import, export and re-export of fish are developed in detail in the Bill, it is recommended that similar provisions for fishing vessel, fishing gear and vessel, engine, gear and equipment be prescribed (instead of being specified by the Director). This exercise will consider existing legislation (e.g. VAT Act). Priority is to be given to development of subsidiary legislation to facilitate trade. As</p>	<p>a.Amend the marginal note to cl 137 as follows:</p> <p><i>Requirements for the import, export or re-export of a fishing vessel, fishing gear, and vessel, <u>engine, and gear and equipment</u> intended to be used for fishing</i></p> <p>b.Amend cl 137(1) as follows:</p> <p><i>No person shall import, export or re-export a fishing vessel, fishing gear, and vessel, engine, and <u>gear and equipment</u> intended to be used for fishing and fishing related activities except with a valid permit issued</i></p>	

	<p>well, implementation of various components of this Part may be phased, beginning with requirements for fish and phasing in the requirements for fishing vessels, gear, etc. Also the Bill may be proclaimed in parts or sections.</p> <p>c. Amend cl 137(2) for consistency with the recommended change at comment no. 126B(a) and consistency of language with similar provisions throughout the Bill.</p> <p>d. Amend cl 137(3) to reflect that offences associated with (fishing) vessels incur a penalty of both a fine and term of imprisonment while offences associated with (fishing) gear and engines only incur a fine.</p>	<p><i>by the Director in the manner <u>to be prescribed</u>.</i></p> <p>c. Amend cl 137(2) as follows:</p> <p><i>No person shall contravene any <u>of the terms or conditions</u> of a permit issued for the import, export or re-export of a fishing vessel, fishing gear, and vessel, engine, and gear <u>and equipment</u> used for fishing and fishing related activities.</i></p> <p>d. Amend cl 137(3) as follows:</p> <p><i>Any person who contravenes subsection (1) or (2) commits an offence and-</i></p> <p><i>(a) in relation to the import, export or re-export of a fishing vessel or vessel intended to be used for fishing and fishing related activities, is liable on summary conviction to the fine and term of imprisonment set out in the Schedule; and</i></p> <p><i>(b) in relation to the import, export or re-export of –</i></p>	
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		<p>(i) fishing gear; or</p> <p>(ii) engine, gear or equipment intended to be used for fishing and fishing related activities,</p> <p>is liable on summary conviction to the fine set out in the Schedule.</p>	
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Clause No.138 – Marking of fish

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
126C. Fisheries Division	<p>a.Amend marginal note to reflect “marking, labelling or tagging of any container or package containing fish” versus “marking of the fish”.</p> <p>b.Amend cl 138(1) to take into consideration comments from the Ministry of Health in relation to overlapping mandates (text in red) and to indicate that the requirements for marking, labelling or tagging will be prescribed.</p>	<p>a.Amend the marginal note as follows:</p> <p><i>Marking, labelling or tagging of any container or package containing fish</i></p> <p>b.Amend cl 138(1) as follows:</p> <p><i>Subject to any other written law, No no person shall import, export, re-export or transport any container or package containing any fish, unless the container or package has previously been plainly marked, labelled, or tagged in accordance with the prescribed requirements for marking, <u>labelling or tagging to be prescribed.</u></i></p>	

Clause No. 139 – Prohibition of seafood fraud

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
126D. Fisheries Division	<p>a. Amend cl 139(1) to broaden the scope of the provision to include fish which has been or is intended to be landed.</p> <p>b. Amend cl 139(2) to take into consideration, comments from the Ministry of Health in relation to overlapping mandates.</p> <p>c. Amend cl 139(3), taking into consideration that for practical purposes fish may be inter-mixed, however, there is need to accurately label all intermixed fish. Intermixing relates to for example mixing of legal and illegally caught fish; wild and farmed fish; fish products and other products.</p>	<p>a. Amend cl 139(1) as follows:</p> <p><i>No person shall make or submit any false record, account, or label for, or any false identification of, any fish which has been, or is intended to be imported, exported, re-exported, <u>landed</u>, transported, sold, purchased, or received from any country.</i></p> <p>b. Amend cl 139(2) as follows:</p> <p><i><u>Subject to any other written law, No</u> no person shall engage in any practice, including the application of any substance upon fish, to improve the appearance and quality of such fish than it actually is.</i></p> <p>c. Amend cl 139(3) as follows:</p> <p><i><u>Subject to section 138(1), no person shall intermix fish, or otherwise, in the supply chain as part of any fishing related activities.</u></i></p>	

Clause No. 140- Collection and Verification of Data

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
127. Felicity Charlieville Fishing Association	<p>Subsection (2) Bycatch data in form of ratios from all classes of shrimp trawling including Artisanal, Semi-Industrial and Industrial should also be assessed specifically toward determination of changes specific to the prescribe changes in the management plan outlined in sections 43-35 to serve as an indicator.</p> <p>This data is imperative to ensure how exactly sustainable trawling based on its various classes can be. This will provide further strong scientific evidence to support claims.</p>	<p>Noted and agreed. By-catch (both the landed and discarded components) is already included in the term “catch” and the requisite research and data analysis will inform the fisheries management measures proposed for inclusion in the FMP.</p>	
128. Fishermen and Friends of the Sea	<p>140 (1) The provision as it operates, presently places a significant amount of power in the Director, in determining when it is necessary to update fisheries data. It is recommended that the provision specify a specific time period for the updating of data e.g. annually or biannually, and this be determined in consultation with the Multi Stakeholder Board.</p>	<p>The clause makes provision for routine collection and updating of fisheries data, to allow sound statistical analysis in accordance with international standards and guidelines. This is a standard requirement. Under various Conventions and Agreements to which TTO is a party – there already exists international obligations for collection and updating of data – the respective time period for doing such is already stipulated in these instruments (see clauses 39 and 40(2)). In addition, FMPs are to be updated within specific time periods (see cl 38) for which the respective data and information may be updated to inform these updates – recall that FMPs are developed in consultation with stakeholders (cl 37(1)).</p>	

		<p>There is no longer provision for a Fisheries Advisory Board (which appeared in previous versions of the Bill). Instead cl 232(2)(n) makes provision for establishment of a mechanism for stakeholder participation in the decision-making process for the conservation and management of fisheries. Further cl 6(j) makes provision to ensure broad participation by Trinidad and Tobago nationals and relevant stakeholders in activities related to the sustainable use of fisheries resources, in the general principles for decision-making.</p>	
128A. Fisheries Division	<p>a.Amend cl 140(2) to broaden the scope of the data to be collected – to include environmental data.</p> <p>b.Amend cl 140(3)(b) for clarity.</p>	<p>a.Amend cl 140(2) as follows:</p> <p><i>The data collected under subsection (1) may include catch and fishing effort data and biological, ecological, <u>environmental</u>, oceanographic, social, economic and any other data needed to support stock assessment and the ecosystem approach to fisheries management.</i></p> <p>b.Amend cl 140(3)(b) as follows:</p> <p><i>scientific observer programmes to monitor catch, including <u>catch of</u> target and non-target species, effort, and other details of fishing operations; and</i></p>	

	c.Amend cl 140(3)(c) for clarity and to include verification of data through sampling at any other location approved by the Director (e.g. a fish market, a fish processing plant, or a location where fish caught by commercial fishing without a vessel is landed).	c.Amend cl 140(3)(c) as follows: <i>sampling at <u>identified ports</u>, designated fish landing sites or ports <u>any other location approved by the Director</u>.</i>	
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Clause No. 141- Research Collaboration and Data Sharing

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
129. Fishermen and Friends of the Sea	141 (1)-(2) Further to the collection of data, as per international standards, there must be provisions that stipulate that this data is collected and renewed frequently (every 3 years) and made publicly available.	Cl 6(l) makes provision to collect and share data in an appropriate and timely manner, as a general principle of decision-making.	
129A. Fisheries Division	Amend cl 141(2) to replace “covered” with “managed” for clarity.	Amend cl 141(2) as follows: <i>In respect of fish stocks that are covered <u>managed</u> by a sub-regional, regional or international fisheries management organisation or arrangement, the Director shall collaborate in the development of research programmes and compile in any internationally agreed format such fishery-related and other supporting scientific data as required and provide the data in a timely</i>	

		<i>manner to the organisation or arrangement.</i>	
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Clause No. 142- Requirement for a Fisheries Scientific Research Permit

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
130. Fishermen and Friends of the Sea	<p>a.142 (1) All of the information gathered from this research should be made publicly available.</p> <p>b.Further, why is there a need to acquire permits? FFOS have conducted many studies in the past which shows contamination of hydrocarbons in the fish. Anyone should be free to conduct scientific studies as there is a mistrust and a history of misrepresentation from public officers who hide information from the public and tamper with scientific research. FFOS can substantiate if required.</p>	<p>a.Cl 6(l) makes provision to collect and share data in an appropriate and timely manner, as a general principle of decision-making.</p> <p>b.The intention is not to direct the type of fisheries scientific research being conducted by local and foreign entities in Trinidad and Tobago but rather that the fisheries administrations are aware of all such research being conducted in the fishery waters of TTO to enable it to establish and maintain a Record of Fisheries Scientific Research (and Fish Bioprospecting) Permits and a repository of the research outputs which can be used to inform fisheries conservation and management decision-making. It should be noted that although cl 144(3) outlines the specific grounds for refusal of a permit, there is due process provided for in other sub-clauses under cl 144 and Part XIX – Appeals Committee. Furthermore, the revised cl 142(1) – (See response to comment no. 130A(a)) - gives flexibility to the Director to exempt certain types of</p>	

	<p>However, if the reasoning for the permit is that it is common practice and many international scientists conduct research and that information is held confidential and only available to the parent country, then provisions should be made to ensure that this does not occur, but rather all scientific research conducted on our fishery be made publicly available.</p>	<p>fisheries scientific research from the requirement for a permit.</p> <p>Yes, one of the main impetus for the provision is the conduct of fisheries scientific research in TTO by foreign entities that do not share the results with the fisheries administrations.</p>	
130A. Fisheries Division	<p>a. Amend cl 142(1) to give flexibility in respect of the requirement for a fisheries scientific research permit and for clarity. Flexibility may be required to exempt certain research e.g. research being conducted by primary or secondary level students, individuals from the requirement for a permit.</p> <p>b. cl 142(2) - Extract the offence for breach of any of the terms or conditions of a fisheries scientific research permit and include as a new subclause under cl 145 which addresses terms and conditions of such permit for consistency in formatting with similar clauses throughout the Bill.</p>	<p>b. Amend cl 142(1) as follows:</p> <p><i>No person shall engage in fisheries scientific research in the fishery waters, unless-</i></p> <p><i>(a) he is a holder of a <u>valid fisheries scientific research permit issued under this Part clause 144(2)</u>; or</i></p> <p><i>(b) <u>otherwise specified by the Director.</u></i></p> <p>b. Extract the offence for breach of any of the terms or conditions of a fisheries scientific research permit from cl 142(2) as follows:</p> <p><i>Any person who engages in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit or breaches any term or condition of such permit commits an offence and is liable on summary conviction to the fine set out in the Schedule.</i></p>	

Clause No 143 – Application for a fisheries scientific research permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
130B. Fisheries Division	<p>a.Amend cl 143(2) for clarity.</p> <p>b.Amend cl 143(3) chapeau for clarity.</p> <p>c.Amend cl 143(3)(e) for clarity.</p>	<p>a.Amend cl 143(2) as follows:</p> <p><i>Pursuant to subsection (1), an applicant for a fisheries scientific research permit shall prepare and submit a <u>fisheries</u> scientific research proposal to the Director.</i></p> <p>b.Amend cl 143(3) chapeau as follows:</p> <p><i>A fisheries scientific research proposal shall <u>include</u>, where applicable contain a full description of –</i></p> <p>c.Amend cl 143(3)(e) as follows:</p> <p><i>the <u>expected dates</u> of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as the case may be;</i></p>	

Clause No. 144- Issue or Refusal of Fisheries Scientific Research Permit

Name of Stakeholder	Comment	FD/CPC Comments	Decision of the Committee
131. Institute of Marine Affairs	The role, functioning and composition of the scientific research committee is not clearly defined. This is in contrast to other committees outlined in the legislation.	Noted. Details concerning the Committee's composition, role and operations will be determined by the Director.	

<p>132. Ministry of Planning and Development</p>	<p>a.144(1) Is it the Committee to be established to review applications for fisheries scientific research permits and fish bioprospecting permits for both Trinidad and Tobago? What role will the Director-Tobago have on the Committee?</p>	<p>a.Yes, where a Committee is established (see response to comment no. 132A (a)), the Committee will review applications for Trinidad and for Tobago. Details concerning the Committee’s composition, role and operations will be determined by the Director. Cl 9(2) makes provision for the Director and the Director-Tobago, and the staff of their respective divisions, to work in collaboration and to share data and information to achieve coordinated and harmonised fisheries conservation, management and development. As well, cl 8 sets out the responsibilities and powers of the Director-Tobago. Furthermore, cl 217 makes provision for the Director (including the Director-Tobago) to 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. It is expected that the Director-Tobago will take a lead role in decision-making concerning applications received from local entities to conduct fisheries scientific research in the Tobago Fishery Waters.</p> <p>b. Clause 144(4) (new, proposed by the Fisheries Division) makes provision for due process in relation to refusal to issue a</p>	
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	<p>b.144(4) When the Director refuses to issue a fisheries scientific research permit, and he notifies the applicant of refusal, does the applicant have any recourse to query the decision?</p>	<p>fisheries scientific research permit. Recourse is also possible through the Appeals Committee which will hear and determine all decisions made in respect of records, registers, authorisations, licences, permits and certificates under the Act.</p>	
<p>132A. Fisheries Division</p>	<p>a. It is intended that the Committee will review the applications for a fisheries scientific research permit and a fish bioprospecting permit and to advise the Director, as it is the Director who makes the decision concerning issuance of the respective permit. Consequently, the Committee may be established in law or may be established based on principle of collaboration among agencies (see cl 217). To maintain this flexibility amend cl 144(1) to indicate that the Director <u>may</u> establish the Committee, instead of <u>shall</u> establish the Committee.</p> <p>b. Amend 144(3)(a) for consistency with similar provisions throughout the Bill (cl 7394)(a) and 82(4)(a).</p> <p>c. Amend cl 144(3)(b) for consistency with similar provisions throughout the Bill.</p>	<p>a. Amend cl 144(1) as follows:</p> <p><i>The Director shall <u>may</u> establish a Committee to review applications for fisheries scientific research permits and fish bioprospecting permits.</i></p> <p>b. Amend cl 144(3)(a) as follows:</p> <p><i>it is necessary to do so in order to give effect to any <u>licencing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme</u>;</i></p> <p>c. Amend cl 144(3)(b) as follows:</p>	

	<p>d. Amend cl 144(3)(f) for consistency with similar provisions throughout the Bill, including the responses to comment no. 60(a), 84A(b)(i) and 84A(b)(ii).</p> <p>e. Insert new clause after 144(3)(f) to include a catch all criterion.</p>	<p><i>the applicant has breached a <u>any of the terms or conditions</u> of a fisheries scientific research permit previously issued to him and <u>taking into consideration</u> the nature and gravity of the breach;</i></p> <p>d. Amend cl 144(3)(f) as follows:</p> <p><i>the applicant has committed; or if the vessel that caught the fish to be used for the fisheries scientific research has been used in the commission of an offence-</i></p> <ul style="list-style-type: none"> <i>(i) <u>under this Act;</u></i> <i>(ii) <u>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 law offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;</u></i> <i>(iii) <u>under any law under the jurisdiction of another state; or</u></i> <i>(iv) <u>in violation of applicable international conservation and management measures;</u></i> <p>e. Insert new clause 144(3)(fa) as follows:</p> <p><i>it is in accordance with such additional grounds as may be prescribed.</i></p>	
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	<p>f.Delete 144(4) and insert three new subclauses for consistency with due process.</p>	<p>f.Insert three new subclauses are as follows:</p> <p><i>144 (4) Where the Director refuses to issue a fisheries scientific research permit in accordance with subsection (3), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>144(4A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a fisheries scientific research permit should not be refused.</i></p> <p><i>144(4B) Where the Director is in receipt of written reasons under subsection (4A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p>	
	<p>g.Amend cl 144(5) for consistency with timelines for notifications.</p>	<p>g.Amend 145(5) as follows:</p> <p><i>The permit holder shall notify the Director of any change in the information set out in the application form for the permit as soon</i></p>	

		<i>as is reasonably practicable, and in any case, not later than seven days after the change.</i>	
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Clause No. 145 – Terms and conditions attached to a fisheries scientific research permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
132B. Fisheries Division	<p>Cl 145 – Insert a new subclause 145(4) to include an offence for breach of any of the terms or conditions of a fisheries scientific research permit.</p> <p>Amend the Schedule to correctly reference the offence and penalty.</p>	<p>Insert a new subclause 145(4) as follows:</p> <p><i>A persons who breaches any of the terms or conditions of a fishery scientific research permit commits an offence and is liable on summary conviction to the fine set out in the Schedule.</i></p>	

Clause No. 146 – Validity of fisheries scientific research permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
132C. Fisheries Division	Amend cl 146(1) for clarity.	<p>Amend cl 146(1) as follows:</p> <p><i>A fisheries scientific research permit shall be valid for the duration of the fishery research project as stated in the research proposal required under section 143(2), unless suspended <u>or</u> revoked <u>under section 148</u> <u>or</u> cancelled or surrendered under section 148 <u>or</u> section 149, respectively.</i></p>	

Clause No. 147 – Fish bioprospecting

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
132D. Fisheries Division	<p>a.Amend cl 147(1) to recognize any other written law. Currently there is no such other written law however, it is anticipated that TTO will develop specific legislation to comprehensively address the issue of bioprospecting of natural resources, including access and benefit-sharing (consistent with the Nagoya Protocol under the Convention on Biological Diversity to which TTO is a party).</p> <p>b.Amend cl 147(7) to reflect that the terms and conditions are to be prescribed.</p> <p>c.Amend cl 147(8) to cross reference the correct section/clause.</p> <p>d.Amend cl 147(5) to indicate that grounds for refusal are to be prescribed rather than may be prescribed.</p>	<p>a.Amend cl 147(1) as follows:</p> <p><i>Subject to any other written law, Unless prescribed otherwise, no person shall engage in fish bioprospecting except with a permit issued by the Director.</i></p> <p>b.Amend cl 147(7) as follows:</p> <p><i>The Director may attach to a fish bioprospecting permit issued under this Part such terms and conditions as he thinks fit to be prescribed.</i></p> <p>c.Amend cl 147(8) as follows:</p> <p><i>A fish bioprospecting permit shall be valid for the duration of the bioprospecting activity, unless suspended or revoked under section 148 112(1).</i></p> <p>d.Amend cl 147(5) as follows:</p> <p><i>The Director may refuse to issue a fish bioprospecting permit on such grounds as</i></p>	

	<p>e.Delete cl 147(6) and replace with three new subclauses for consistency with due process.</p> <p>f.Amend cl147(10) for consistency with the phrase “any of the terms of conductions” and with liability.</p>	<p><i>may <u>to be prescribed.</u></i></p> <p>e.Insert three new subclauses are as follows:</p> <p><i>(6) Where the Director refuses to issue a fish bioprospecting permit in accordance with subsection (5), he shall give written notice of the refusal and provide reasons as soon as is reasonably practicable.</i></p> <p><i>(6A) The applicant may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why a fish bioprospecting permit should not be refused.</i></p> <p><i>(6B) Where the Director is in receipt of written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is practicable, from the date of receipt of those reasons and notify the applicant of his decision in writing.</i></p> <p>f.Amend cl 147(10) as follows:</p> <p><i>A person who breaches a <u>any of the terms or conditions</u> of a fish bioprospecting permit commits an offence and is liable <u>on summary conviction</u> to the fine set out in</i></p>	
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		<i>the Schedule.</i>	
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Clause No 148 – Suspension or revocation of a fisheries scientific research permit or fish bioprospecting permit.

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
132E. Fisheries Division	<p>a.Amend cl 148(1)(c) for consistency with similar provisions throughout the Bill.</p> <p>b.Insert a new cl 148(1)(aa) to include an additional ground if there is evidence that the vessel being used in the fisheries scientific research was engaged in or supporting IUU fishing or fishing related activities in support of such fishing as suggested by EC DG MARE requirement (see response to comment no. 84B.(b))</p> <p>c. Amend cl 148(1)(e) for consistency with similar provisions in the Bill.</p> <p>d.Delete cl 148(2) and replace with three new subclauses for consistency with due process.</p>	<p>a.Amend cl 148(c) as follows:</p> <p><i>the permit-holder fails to comply with or breaches <u>any of the terms or conditions</u> of the permit;</i></p> <p>b. Insert a new cl 148(1)(aa) as follows:</p> <p><i>there is evidence that the vessel being used in the fisheries scientific research was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.</i></p> <p>c.Amend cl 148(1)(e) as follows:</p> <p><i>it is in accordance with <u>such</u> additional criteria <u>grounds</u> as may be prescribed.</i></p> <p>d.Insert three new subclauses are as follows:</p> <p><i>(2) Where the Director determines that a fisheries scientific research permit or a fish bioprospecting permit should be</i></p>	

		<p><i>suspended or revoked in accordance with subsection (1), he shall-</i></p> <p><i>(a) give written notice of the suspension or revocation and provide reasons as soon as is reasonably practicable; and</i></p> <p><i>(b) inform the permit holder of-</i></p> <p><i>(i) the date on which the suspension or revocation comes into effect; and</i></p> <p><i>(ii) the corrective action to be taken in order for the suspension to cease to take effect, where applicable.</i></p> <p><i>(2A) The holder of a fisheries scientific research permit or a fish bioprospecting permit may submit written reasons to the Director, within fourteen days of receipt of the notice, as to why the fisheries scientific research permit or the fish bioprospecting permit should not be suspended or revoked.</i></p>	
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	<p>e. Insert a new subclause 148(3) for consistency with response to comment no. 92B(g).</p> <p>f. Insert a new cl 148(4).</p>	<p><i>(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the fisheries scientific research permit or fish bioprospecting permit of his decision in writing.</i></p> <p>e. Insert a new cl 148(3) as follows:</p> <p><i>Where the Director decides to suspend or revoke a fisheries scientific research permit or a fish bioprospecting permit, he shall inform the permit holder of the reasons for the decision.</i></p> <p>To be applied to similar clauses throughout the Bill.</p> <p>f. Insert a new cl 148(4) as follows:</p> <p><i>(4) Where the Director makes a decision under subsection (3), he shall, in writing, inform the permit holder of-</i></p> <p><i>(a) the date on which the suspension or revocation comes into effect; and</i></p>	
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		<i>(b) the corrective action to be taken in order for the suspension to cease to take effect, where applicable.</i>	
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Clause No. 149 – Surrender and cancellation of fisheries scientific research permit or a fish bioprospecting permit

Name of stakeholder	Comment	FD/CPC Responses	Decision of the Committee
132F. Fisheries Division	<p>a.Insert new subclause after cl149(2) (c) by including a catch all provision.</p> <p>b.Amend cl 149(3) for consistency with due process.</p>	<p>a.Insert new subclause 149(2)(ca) as follows:</p> <p><i>it is in accordance with such additional grounds as may be prescribed.</i></p> <p>b.Amend cl 149(3) as follows:</p> <p><i>(3) Where the Director determines that the <u>a fisheries scientific research permit or a fish bioprospecting permit</u> should be cancelled in accordance with subsection (2), the Director <u>he</u> shall give written notice of the cancellation and provide reasons <u>as soon as is reasonably practicable.</u> to the holder of the permit that the permit shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the holder of the permit submits written reasons to the satisfaction of the Director as to why permit should not be cancelled.</i></p>	

	<p>c.Insert a new subclause 149(3A) for consistency with due process - the text was drawn from clause s.149(3) and the new text is underlined and original text crossed out.</p> <p>c.Amend cl 149(4) for consistency with due process and timelines for notification and for correct cross reference of another subclause.</p> <p>d.Delete cl 149(5) as the provision is now contained in the previous subclause.</p>	<p>c. Insert a new cl 149(3A) as follows:</p> <p><i><u>The holder of the a fisheries scientific research permit or a fish bioprospecting permit may submit</u> written reasons to the satisfaction of the Director, within fourteen days of receipt of the notice, as to why the fisheries scientific research permit or the fish bioprospecting permit should not be cancelled.</i></p> <p>c.Amend cl 149(4) as follows:</p> <p><i><u>Where the Director is in receipt of written reasons under subsection (23A), the Director he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the fisheries scientific research permit or the fish bioprospecting permit of his decision in writing.</u></i></p> <p>d.Delete cl149(5)</p>	
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Clause No. 150- Reporting and Record Keeping

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Carli Bay Fishing Association	<p>Clauses 150 (3) and (4) concern the maintenance of a logbook for fishermen based on their discretion. The proposal is that this process be digitized and enhanced to perhaps allow for photos of fishermen's catch, and frequently administered visits to fish landing sites by the authorities. While this is the desired option, the registry of Fishing vessels is even now both an elusive and secretive process. The Carli Bay Fishing Association along with other Fishing Associations have been asking to see the register for a long time now, yet the Ministry has never made good on its promise for transparency and co-operation in this regard. If the Ministry cannot be open enough on a simple matter like this, how do they intend to administrate a logbook system</p>		
Fishermen and Friends of the Sea	<p>150 (1) Intensive public consultation should be undertaken with fisherfolk especially, the person/s responsible for keeping this log, to ensure that said person is properly abreast of:</p> <ol style="list-style-type: none"> 1) His obligation to keep a logbook 2) The information he is required to record in his logbook <p>The format that he is required to keep this information.</p> <p>150 (3) The provision outlined in this particular section allows the fisherman to maintain a logbook based on their discretion, thus creating an "honour system."</p> <p>A similar system exists in the quarry sector whereby extractors record the volume of minerals removed without the oversight and verification of the ministry. What occurs</p>		

	<p>in the quarry sector is that ministry peruses the logbooks, taking no further steps to independently verify the volume of minerals extracted.</p> <p>To maintain the integrity of this data acquisition method</p> <p>frequent visits should be made to landing sites to verify that the data being recorded in logbooks is in fact correct or, in addition to written records, fishermen take pictures of the fish caught to be included in the logbook, such a system of logbook keeping</p> <p>exists in Canada, where they have digitized their logbook keeping process.</p>		
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Clause No. 152- Authorisation of Officers

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Ministry of Health (Chemistry Food and Drugs Division)	Amend (1) to include the Director and any inspector as defined in the Food and Drugs Act Chapter 30:01		

Clause No. 154-Power of Entry and Search

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
All Tobago Fisher Folk Association	Sec. 154 (1)- With the exception of Coast Guard or Police officers, authorized officers listed om 152(1) MUST be accompanied by either Coast Guard(s) aboard a vessel or		

	<p>by Police Service officer(s) to carry out such an exercise. The power of entry and search exercises without a warrant; and MUST have concrete evidence to carry out such an exercise. The power of entry and search by an authorized officer other than the Police or Coast Guard will lead to grave incidences in abuse of power, victimization and a desecration of civil rights.</p> <p>Sec. 154(2)- It is absolutely not enough for an authorized offer to “believe on reasonable grounds that an offence is being committed or has been against this Act”, especially without a warrant, to carry out entry and search exercises. Concrete, no shadow of doubt evidence must be put forward by authorized officers of this Act, in order to conduct the above. For far too long in Trinidad and Tobago we have witnessed abuse of power by police officers against citizens without justifiable reasons and very little to no accountability against claims of abuse by ordinary citizens.</p> <p>Sec. 154(3)- With the exception of Coast Guard or Police officers, authorized officers listed in 152(1) MUST NOT be bestowed the power of detainment of any person or vessel, UNLESS accompanied by a Coast Guard or Police officer to carry out the detainment. In respect to detainment of articles or belongings, with the exception of a Coast Guard or Police officer, an authorized officer MUST have concrete, no shadow of doubt evidence to carry out such action for the purpose of search or examination.</p>		
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Clause No. 155- Power to Seize

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Moruga La Rufin Fishing Cooperative Society LTD	Section 155 caters for seizure of traps etc and the officers involved are immune from prosecution that should not be. What about if they are ,malicious or vindictive to another person4		
All Tobago Fisher Folk Association	Sec. 155(1) As iterated, with the exception of Coast Guard or Police officers, authorized officers listed in 152(1) <u>MUST NOT</u> be bestowed the power to seize, without a warrant, a vessel, vehicle, articles of possession, fish etc. <u>UNLESS</u> accompanied by a Coast or Police officer and most importantly <u>MUST</u> have concrete, no shadow of doubt evidence to carry out such action(s) and not what an authorized officer “believes on reasonable grounds”.		

Clause No. 156- Powers to Question Persons and Require Production Documents

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
All Tobago Fisher Folk Association	Sec. 156(1) AFTA strongly belies the authorized officer(s) should have concrete evidence to interrogate a person at any given time, requiring in-depth informations so as to eliminate incidences of abuse of power, victimization and a desecration of civil rights.		
Ministry of Planning and Development	156(c) Exactly how long is “any reasonable time” that is available to question? The exact period should be stated.		

Clause No. 157- Power to Take Copies

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Ministry of Planning and Development	157(a) Exactly how long is “any reasonable time” that is available to question? The exact period should be stated.		

Clause No. 159-Power of Arrest

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
All Tobago Fisher Folk Association	With the exception of Coast Guard or Police officers, authorized officers listed in 152(1) <u>MUST NOT</u> be bestowed the power of arrest of any person(s), <u>UNLESS</u> accompanied by a Coast Guard or Police officer who would then carry out the arrest. The authority to arrest is a very powerful instrument in maintaining law and order and as such should not be expanded to authorized officers who are not agents of National Security of Trinidad and Tobago.		

Clause No. 163- Observer Programme

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Environmental Management Authority	163 (3) Should include the dumping of by-catch		
Fishermen and Friends of the Sea	163(1)-(3) (a) to (g) The Observer Program should be a body independent of the Director of Fisheries. This is to ensure that the information recorded is unbiased and		

	<p>gives a true reflection of the state of the country's fisheries resources.</p> <p>Furthermore, why isn't the Observer Program used to verify fishermen's logbooks? Their function should be expanded to the performance of this duty.</p>		
Ministry of Planning and Development	Is the Director (located in Trinidad) responsible for the administration of the Tobago part of the Observer Programme, as suggested in the Bill?		

Clause No. 207- Establishment of Jurisdiction

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Fishermen and Friends of the Sea	<p>207(1)</p> <p>1) Can decisions of this committee be appealed?</p> <p>2) To ensure impartiality, shouldn't a Multi Stake Holder Board have a role in making appointments to this committee?</p>		
Ministry of Planning and Development	207(1) The Appeals Committee to be established for those aggrieved by decisions taken in respect of their applications for records, registers, authorisations, licences and permits should be mentioned higher up closer to section 144 as it answers the question answered posed there.		

Clause No. 208-Right of Appeal

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Fishermen and Friends of the Sea	Does the committee have the discretion to hear an appeal where time has elapsed?		

Clause No. 209- Composition

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Carli Bay Fishing Association	209(2) does not guarantee that Members of the Appeals Committee, other than the member being the Attorney-at-Law are persons with knowledge of the fisheries sector. The proposal is to delete the word “may” appearing after the words “The other members of the Committee” and substitute with “shall”.		
Fishermen and Friends of the Sea	209 (1)-(2) (a) to (d) A primary stakeholder with experience and knowledge of the fishery sector must be present to represent relevant, practical, firsthand experience and knowledge on this committee.		

Clause No. 219-Use of a Fishing Vessel for Purposes Other Than Fishing or Related Activities

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Fishermen and Friends of the Sea in	<u>We submit that Section 219 of the Bill is harsh and does not accommodate artisanal fishers who very often use</u>		

collaboration with Claxton Bay 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	<p><u>their vessels to perform “side jobs” to subsidize their income when it becomes difficult to make ends meet.</u></p> <p>Fishers very often transport persons to nearshore islands to recreate or goods to the various oil platforms. The provision as it stands denies fishers access to legitimate part time enterprises requiring them to depend entirely on a depleted or seasonal fishery. Whilst we understand the policy objective attempting to restrict illegal trade happening between Trinidad and Tobago and Venezuela, we submit that the term “legitimate business enterprises” be added to the Section to not deprive fishers of any alternative legal means of earning a living.</p>		
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Clause No. 220- Interfering With or Disturbing Fishing

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Environmental Research Institute Charlotteville	There should be a provision for instances if fishing gear is found to be endangering safety of humans or a sensitive ecosystem within fishery waters, such as gill nets entangled on a coral reef and the owner is unresponsive to requests to remove without causing further damage and perhaps identify an authority for reporting these infringements.		

Clause No. 223-Declaration of Marine Protected Areas

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee

Environmental Management Authority	Declaration of a portion of the fishery waters as a protected area. Further details required and to examine whether it needs to synchronize with Environmentally Sensitive Area Rules, 2001 or any aspect of the EM Act.		
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Clause No. 225- Prevention of Marine Pollution

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Environmental Management Authority	Further mechanisms required to enforce this section related to prevention of marine pollution other than stating 'in accordance with international conservation and management measures.' Need to synchronize international obligations and determine whether these are enforceable under this Bill or other local legislation.		
Fishermen and Friends of the Sea	<p>225 (1)-(2) Penalties for lost fishing gear should be implemented. The identity marks placed on all fishing gear should be used to monitor "ghost fishing" with penalties imposed on the owners who have lost gear and made no attempt to retrieve it.</p> <p>Further, the identity marks should be used to charge persons under the Environmental Management Act 2000, where the gear kills Environmentally Sensitive Species and charges should be laid under pollutions legislations such as the:</p> <p>Litter Act (1973); and</p> <p>Water Pollution Rules (2013).</p>		

	Measures should also be implemented to ensure that nets used are biodegradable and thus, limit the risk of ghost fishing.		
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Clause No. 232-Regulations

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Future Fishers (concerns of Cumana Fishing Association addressed)	I believe sea birds and turtles are endangered species but not lobsters and conch. Lobsters and Conch should be removed under the example description of endangered species.		

Clause No. 236- Chap. 35:05³ Amended

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
Environmental Management Authority	Correct reference to ESS Rules, 2001 to amend subrule 2d of Schedule III to include 'a fish that is identified under the Fisheries Management Act.'		

Clause No. 239- Chap. 51:06⁴ Amended

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee

³ The Environmentally Sensitive Species Rules, 2001 <http://extwprlegs1.fao.org/docs/pdf/tri105813.pdf>

⁴ The Archipelagic Waters and Exclusive Economic Zone Act <http://extwprlegs1.fao.org/docs/pdf/tri105030.pdf>

Customs and Excise Division	<p>The Bill provides that Customs Officers are Authorized officers among 6 other persons empowered to conduct monitoring and surveillance activities in respect of clause 239(28)(1). However, the clauses in the Bill do not expressly identify an obligation on the CED to conduct these activities. It may be advisable to clearly provide for Joint Operations among the various authorized entities. Training is therefore of utmost importance to ensure that the officers are aware of their functions and that these functions are not outside of the general functions of officers as provided by the Public Service Regulations. Complementary to the increased tasks and functions of the customs officers would be increasing vehicles, equipment land, marine and human capital.</p> <p>Additionally, there should be a clause indemnifying customs officers for any damages caused in carrying out functions under this proposed legislation, especially in light of the fact that the goods in question that will attract seizure or detention are generally perishable goods for which cold storage may not be readily available.</p> <p>Increased penalties should also be provided for obstructing Authorized officers whether acting independently or in joint operations, in the execution of their functions under the Bill.</p>		
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Clause No. 242- G.N. 444 of 1941⁵ Amended

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
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⁵ The Imports and Exports Control Regulations, 1941

Ministry of Trade	<p>Under this Section an applicant for an import/export licence from the Trade Licence Unit of the MTI must have a permit issued by the Director. MTI's concern is that there must be a way to ensure that the validity of the licence issued by MTI ceases in the event that the permit issued in accordance with the Fisheries Management is revoked.</p> <p>Section 242 seeks to amend the Imports and Exports Control Regulations, 1941 under which the Import and Export negative Lists setting out the goods in respect of which a licence is required from the Ministry of Trade and Industry to import or export goods, were made. At this time, the following items are on the Import Negative List: fish, fresh (live or dead), chilled or frozen and ships and boats (under 250 tonnes).</p> <p>Further, the following items are on the Export Negative List:</p> <p>aquarium fish, fish, molluscs, crustaceans including shrimp, lobster and crabs and other aquatic invertebrates (live, chilled or frozen), fish listed in the the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), as well as endangered fish species of Trinidad and Tobago, whether live specimens or their parts, or derivatives and imported fishing boats and their engines approved by the Ministry of Agriculture, Land and Fisheries to be used in the fishing industry.</p> <p>It is the view of the Ministry of Trade and Industry that:</p> <ol style="list-style-type: none"> 1. There is repetition in this section as it speaks to 'a fishing vessel' as well as a 'vessel' and 'fishing gear' as well as 'gear intended to be used for 		
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	<p>fishing'. If they are distinct, that clarification would be appreciated.</p> <ol style="list-style-type: none"> 2. This section references the intention to make an application for a licence in respect of goods for which no licence is currently required under the Import and Export control Regulations. The goods for which a licence is required are set out above. These do not include fishing gear and engines. The inclusion of these can lead to confusion in the minds of users as to whether they are now required to apply for a licence from the Ministry of Trade and Industry, for these goods. 3. The Section also references the need for a licence for the re-export of these goods. The Import and Export Control Regulations do not currently require a licence for the re-export of such goods. It only applies to the re-export of duty-free capital goods and electro-medical or medical or medical electronic equipment. <p>Section 242 should be amended so that it is clear that where a licence is granted on the basis of an applicant having been granted a permit under the Fisheries Management Act, once that permit is revoked, the licence would also be revoked.</p> <p>Section 242 should be amended by rewording the proposed subregulation (4) as follows:</p> <p>“(4) A persona applying for a licence (a) to import fish, fresh (live or dead), chilled or frozen and ships and boats (under 250 tonnes) or (b) to export aquarium fish, fish, molluscs, crustaceans including shrimp, lobster and crabs</p>		
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	<p>and other aquatic invertebrates (live, chilled or frozen), fish listed in the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), as well as endangered fish species of Trinidad and Tobago, whether live specimens or their parts, or derivatives and imported fishing boats and their engines approved by the Ministry of Agriculture, land and Fisheries to be used in the fishing industry,</p> <p>Shall have a permit issued in accordance with the Fisheries Management Act."</p>		
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General Comments

Name of Stakeholder	Comment	CPC Comments	Decision of the Committee
San Fernando Fishing Co-Operative Society Limited	<ol style="list-style-type: none"> 1. Loss of fishing grounds and vandalism 2. We want something done about the fuel price for fisherfolks in general 3. Bandit kidnapping and murdering at high seas 4. We are claiming that the minister given all the say about fishing related business we reject that; We wrote letters to the minister in 2018 nothing done no reply 5. San Fernando Fishing Co-Operative Society Limited will like for a funds to assist fisherfolks in case of murder, robbery and kidnapping high seas in the bill 6. Vandalism inshore and offshore 7. Proper facilities for fishing industries 8. Lack of infrastructure floodlights cameras 9. How Venezuelan come and kidnapping fisherfolks in Trinidad waters 10. Where is Trinidad and Tobago Coast Guard 		

	11. Seven fishermen were held with fishing gears and given three months hard labour		
Environmental Research Institute Charlotteville	<p>We congratulate on the improvements to the new draft. However, we strongly recommend prohibition of extraction, harming, or harvesting any locally and internationally protected, endangered or CITES species</p> <p>We recognize that fishing with SCUBA gear is allowed again. We strongly advise that fishing in combination with SCUBA gear be strongly prohibited.</p> <p>We recognize that in some instances for poison, explosives and crustacean with eggs, the law is quite specific. We recommend to be specific on prohibition of fishing using SCUBA gear, monofilament nets in anyway and unsupervised gillnets, removal of any coral, targeting fishing of any endangered species, parrotfish.</p> <p>Replace “may” with “shall” in all sections that refer to the support of sustainable fisheries and the protection of sensitive species and habitats.</p> <p>On 01 December 2018, Trinidad and Tobago became a state party to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), agreeing to take necessary action towards the conservation of migratory species and their habitat. According to Governments international obligations under the CMS, the taking of these species should be prohibited under the proposed Fisheries Management Bill 2020.</p> <p>Appendix 2 of the CMS lists migratory species which have an unfavourable conservation status and which require international agreements for their conservation</p>		

	<p>and management, as well as those which have a conservation status which would significantly benefit from the international co-operation that could be achieved by an international agreement.</p> <p>Appendix 1 of the CMS lists migratory species which are endangered occurring in North-East Tobago threatened with extinction</p> <ul style="list-style-type: none"> •Family: Carcharhinidae Carcharhinus longimanus; Oceanic whitetip shark •Family: Rhincodontidae Rhincodon typus‡; Whale shark •Family: Mobulidae Mobula birostris‡; Giant manta ray Mobula hypostoma; Atlantic devilray Mobula tarapacana‡; Chilean devilray, Sicklefin devilray •Family: Pristidae Pristis pectiata; Smalltooth sawfish <p>Appendix II: Endangered, migratory species that need or would significantly benefit from international cooperation</p> <ul style="list-style-type: none"> •Family: Alopiidae Alopias superciliosus‡; Bigeye thresher Alopias vulpinus‡; Thresher shark, Common thresher •Family: Carcharhinidae Carcharhinus falciformis‡; Silky shark Carcharhinus obscurus; Dusky shark Prionace glauca; Blue shark •Family: Lamnidae Isurus oxyrinchus‡; Shortfin mako 		
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	<ul style="list-style-type: none"> •Family: Rhincodontidae Rhincodon typus‡; Whale shark •Family: Sphyrnidae Sphyrna lewini‡; Scalloped hammerhead Sphyrna mokarran‡; Great hammerhead •Family: Mobulidae Mobula birostris‡; Giant manta ray Mobula hypostoma; Atlantic devilray Mobula tarapacana‡; Chilean devilray, Sicklefins devilray •Family: Pristidae Pristis pectiata; Smalltooth Sawfish <p>The CMS states inter alia: Regarding Appendix 1 species: “Parties that are Range States of a migratory species listed in Appendix I shall endeavour:</p> <ol style="list-style-type: none"> a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction; b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species. <p>Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals</p>		
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	<p>belonging to such species. Exceptions may be made to this prohibition only if:</p> <p>a) the taking is for scientific purposes;</p> <p>b) the taking is for the purpose of enhancing the propagation or survival of the affected species;</p> <p>c) the taking is to accommodate the needs of traditional subsistence users of such species; or</p> <p>d) extraordinary circumstances so require;</p> <p>provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.”</p> <p>Regarding Appendix 2 species:</p> <p>“Parties that are Range States of migratory species listed in Appendix II shall endeavour to conclude AGREEMENTS where these would benefit the species and should give priority to those species in an unfavourable conservation status.</p> <p>Parties are encouraged to take action with a view to concluding agreements for any population or any geographically separate part of the population of any species or lower taxon of wild animals, members of which periodically cross one or more national jurisdictional boundaries”</p> <p>According to the Environmentally Sensitive Species Rules and the Environmentally Sensitive Areas Rules of the Environmental Management Act Chap. 35:05, Act 3 of 2000, the Environmental Management Authority may:</p> <ul style="list-style-type: none"> • designate a species as an Environmentally Sensitive Species with high levels of protection if (c) that is required to be protected for the purpose of meeting the Government’s international obligations under any of the 		
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	<p>International Conventions Trinidad and Tobago is party to.</p> <ul style="list-style-type: none"> • declare and area (e.g., parts of the UNESCO NE Tobago Man and the Biosphere Reserve) am Environmentally Sensitive Area if the area is (a) the actual or prospective habitat of any environmentally sensitive species; (b) required to be protected for the purpose of meeting the Government's international obligations under any of the International Conventions is party to. <p>While species listed under Appendix 1 and 2 of the CMS are currently not protected by any law or regulation of Trinidad and Tobago, it should be given serious consideration to protect these species and ideally their habitats through the Environmental Management Act and through the new Fisheries Management Bill 2020 in accordance to the Government's commitment under the CMS.</p>		
Environmental Management Authority	<p>The Bill appears to sufficiently provide for long term sustainable fishery in and beyond our National waters. There also appears to be sufficient control as it relates to the exportation and Importation of fishery related products. I have two main concerns which are the effective implementation of theses controls and the ability to not only take enforcement action but to do so in a timely manner.</p> <p>Clauses 140-149; <i>Scientific Research and Fish Bioprospecting</i>. Need to review and ascertain whether the Institute of Marine Affairs Act Chapter 37:01 should</p>		

	<p>be referenced in this proposed Fisheries Management Bill.</p> <p>Clauses 150-185; Monitoring, Control, Surveillance and Enforcement. What mechanism/ agency/ institution can the Director access 24/7 when there are reports to be investigated of infractions/ offences as outlined in the proposed Fisheries Management Bill? Existing framework has many gaps to investigate and gather evidence to successfully lay charges against perpetrators.</p> <p>The issue of compensation to fishers for competing activities that disrupt their ability to fish has been a longstanding sensitive one in terms of having a proper framework in place to develop and implement an appropriate compensation plan. Should consideration be given to establishing standard requirements either in this proposed act or as subsidiary regulations to minimize potential disputes?</p>		
Environment Tobago	<p>There is no reference to recreational fishing in relation to Tourism- will tourists be required to apply and pay for a permit? Will they be allowed to fish off the beach?</p>		
Carli Bay Fishing Association	<p>Prior versions of the Bill in 2011, 2014 and 2015 were accompanied by Draft Regulations; no such Regulations were received with this current Bill. When will these Regulations come, and will the Government engage stakeholders on the drafting of such?</p> <p>The Bill does not specify any of the prescribed fees in relation to permits and licenses. How are these fees to be determined, and will they be subject to adjustments</p>		

	<p>over time or fixed? Are these prescribed fees part of the Regulations? And if so, when will stakeholders be able to review?</p> <p>Part II (Clauses 5-8). There is a concern that too much power is consolidated in the Director of Fisheries, Tobago. The 2015 iteration of the Bill proposed a Multi-stakeholder Board, which was removed from the current version. This was however, a more agreeable approach which we would like to see be re-inserted into the Bill.</p>		
Institute of Marine Affairs	<p>The draft Fisheries Management Bill 2020 is highly anticipated and almost 30 years in the making. In general it augers well for sustainable exploitation of the fisheries resources, the development of the fisheries sector, and importantly for the economic benefits and livelihood opportunities for the resources users. The Bill will lend significant support to Sustainable Development Goal 14- Life under water, and will assist Trinidad and Tobago in meeting its obligations to many regional and international treaties and agreements to which we are signatories. Give the important of fisheries to livelihoods, it is also important that this process be as transparent and consultative as possible.</p> <p>The Bill (2020) proposes profound changes, which can potentially have wide-ranging impacts on the operational aspects of the fisheries sector, especially to those of the artisanal fishery and the recreational fishery. The proposed changes to the detailed operational activities within the artisanal fishery, which is disproportionately the largest sub-sector, can have dire impacts to income and livelihoods and social cohesion. Therefore, it is critical that the necessary resources, especially the infrastructure, capacity building and training for both the fishing industry as well</p>		

	<p>as the regulatory agency, the Fisheries Division, be made available to effect the Fisheries Management Bill 2020.</p> <p>Entry into the fishery</p> <p>The artisanal sub-sector which is the largest fisheries sub-sector comprises many persons, who are not well educated and may settle disputes in their customary ways, and who may not fully understand the consequences and legal ramifications of some of their actions. Much attention has placed in the draft Fisheries Management Bill 2020 to encourage good practices and behaviour and to dissuade persons who disregard the sustainable exploitation of biological resources and protection of the environment, and those who are involved in the narcotic trade and human trafficking and other illegal activities. However, the inclusion of the term <i>“not have been convicted of an offence under any law of Trinidad and Tobago”</i> is too broad a statement to keep out the intended form the fishing industry. For example, are drunk and disorderly or obscenity charges, domestic disputes, child maintenance charges serious enough for disqualification for entry into the fishery.</p> <p>These types of convictions should be evaluated by the Appeals Committee described in Clause 207 to determine the seriousness of convictions, which can prevent entry in fishing. This should also apply during their active involvement in fishing under this Act for similar offences, as not being able to fish will affect their livelihoods and their families. Some examples where it has been used to include the following:</p> <ul style="list-style-type: none"> • Clause 55(1) (c)- Requirement for registration as a fisher or fishworker • Clause 65(10)(d)- Grounds for refusal to issue a Certificate of Record 		
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	<ul style="list-style-type: none"> • Clause 73(4)(e)- Application for a commercial fishing vessel licence • Clause 79(1)(c)- Suspension or revocation of commercial fishing vessel licence • Clause 99(5)(e)- Requirement for a recreational fishing vessel licence • Clause 101 (4)(c)- Requirement for non-vessel recreational fishing permit • Clause 102(5)(d)- Requirement for recreational foreign fishing vessel • Clause 115(1)(e)- Refusal to issue commercial foreign fishing vessel licence <p>Timelines-Re: responsibilities of Director of Fisheries</p> <p>A key constraint in the interaction between Fisheries Administration and fishers is the length time taken to provide services or address issues. Fishing is an important source of livelihood in coastal communities and many of the activities/responsibilities assigned to the Fisheries Director in this legislation can negatively impact livelihoods if not addressed in a timely manner. In fact, the legislation is one-sided where timelines are concerned. Timelines are mostly assigned to the obligations of the fishers to the Administration but not vice-versa in most cases. Notifications from the Director to the fishers should also have a definite time-frame. For example, in clause 80 (5) which deals with the cancellation of a commercial fishing vessel license it says: “Where the Director decides not to cancel the license, he shall, as soon as is practicable, notify the license-holder in writing.” There should be a definite time-frame.</p> <p>Also in 73(5) dealing with the Application for a commercial fishing vessel license “Where the Director refuses to issue a commercial fishing vessel license, he</p>		
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	<p>shall provide the applicant with written notice of his decision and provide reasons.” There is no time-frame here. Similar in 99(6) regarding the issue of a permit for recreational fishing. There is no time-frame. There are numerous other examples.</p> <p>PART XV- Fisheries Scientific Research and Fish Bioprospecting</p> <p>The definition of fish in the draft Fisheries Management “means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusk, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development”. Additionally, fisheries scientific research is defined to include the following “to investigate a fishery’, to support implementation of the ecosystem approach to fisheries”, “which involves the removal of fish from the aquatic environment” which is prescribed as “fisheries scientific research”, including social, economic, ecological and environmental research of relevance to fisheries”.</p> <p>This infers that a permit is required not only for fisheries scientific research conducted on exploitable finfish and shellfish resources, but also includes all associated habitats and ecosystems (such as coral reefs, sea grasses, tidal mud-flats and mangroves) as well as the contributory factors including various types of pollution, when an ecosystem approach to fisheries is applied. Furthermore, this implies all such research would then require the approval of the Director of Fisheries. This is too impractical given the capacity of the Fisheries Division, but primarily it will prevent legitimate national agencies from fulfilling their mandate. In short, this will stifle fisheries scientific research.</p>		
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	<p>Much of what is contained in Clauses 143(2)(3)(3), (Application for a fisheries scientific research permit) and Clause 145 (Terms and conditions attached to a fisheries scientific research permit), mirrors that of a Draft Marine Scientific Research Regulations (2016), which deal specifically with the conduct of marine scientific research by State or competent international organization under the Law of the Sea Convention (UNCLOS II). While recognizing the need to harmonise legislation, government agencies should be exempted from these Clauses, as it is not relevant to them.</p> <p>Indeed, what should be promoted is the development of a national fisheries research agenda with collaboration among governmental agencies and research organisations including universities. This could possibly be added to Clause 141, Research Collaboration and data sharing.</p> <ul style="list-style-type: none"> • The Fisheries Division has limited technical expertise and capacity to conduct scientific research. There needs to be greater collaboration with national research institutions and academia for this. Under this section, the Director-Fisheries should be urge to develop a National Fisheries Research Agenda in collaboration with nation research institutions and academia. The absence of relevant research is a key hindrance in the development of fisheries policies and management plans. • Under this section there are not timelines for any of the activities. Very often scientific research is time sensitive i.e. Seasonality of sampling, grant deadlines, tertiary degree deadlines. There should be a fixed time-frame as the inability of the authorities to respond in a timely manner has consequences. 		
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	<p>Fines and Penalties</p> <p>At the national consultation on the draft 2018 version, it was indicated that these penalties were similar to international standards/other countries. Concerns were raised by national agencies as well as by the fishing industry concerning the size of the penalties. These penalties largely remain unchanged and do not reflect the national reality especially that of the artisanal fishery sub-sector. The inclusion of these penalties can continue to be a bone of contention especially among the industry stakeholders. The large penalties and prison terms can also negatively impact on livelihoods and families when the main breadwinner is absent. Overall, the fines are very heavy and not in keeping with the artisanal nature of most of our fisheries. In cases when a person simply cannot pay a fixed penalty, what are the alternatives?</p> <p>Stakeholders Consultations</p> <p>In June 2018, the Institute of marine Affairs on the invitation of the Fisheries Division, Ministry of Agriculture, Land and Marine Resources, attended National Stakeholder Consultations on a Draft Fisheries Bill. The document that was presented for review in 2018 comprised 17 parts with 195 clauses. This draft Fisheries Management Bill 2020 comprises 20 parts with 242 clauses and thus contains some changes to what was presented to stakeholder from the fishing industry in 2018. The Institute of marine Affairs is not aware of any subsequent consultations outlining the changes to stakeholder and would like to advice that consistent stakeholder consultations be a very important part of this process.</p> <p>The Fishery Financial Board has replaced the Fishery Advisory Board in the 2018 draft version. The Fishery Advisory Board contained representation from various</p>		
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	<p>segments of the fishing industry whereas this is not the case for the Fishery Financial Board. The draft 2020 Bill has removed the industry stakeholders from participating in the decision-making process and active fisheries management and can be interpreted as a backward step where the management is still top-down and not inclusionary. It does not auger well for any kind of co-management attempts.</p> <p>One of the key omissions/changes from the 2018 Draft was the removal of the Trinidad and Tobago Fishery Advisory Board which included representatives from the different stakeholder groups i.e. artisanal fishers, recreational fishers, fish-processing and scientific research. Members of the fishing industry were highly supportive of this arrangement and saw the establishment of this Board as a key mechanism for their participation in the decision-making process. Removal of this component should be communicated to the fishers via consultations.</p>		
Felicity Charlieville Fishing Association	<p>The drive towards sustainability and a long term fishery is one that should be considered a serious one. The necessary adoption of a desired future vision depends on the proper implementation of the management strategies and prescribe maritime laws. This again must consider the perceptions of all the stakeholders and the need for educational programs to ensure why the legislation is put in place. This will seek to eradicate the ignorance and foster a shift in the perception and attitude towards conservation of our natural biodiversity and environment.</p> <p>The hope of this bill is for the betterment of all especially the future generations to come. The implementation of</p>		

	<p>these protocols will bring about profound change. There is however some areas that may present a challenge however with constant consultation and willingness of the population the drive towards sustainability should be a bright and promising one.</p>		
Fishermen and Friends of the Sea	<p>Without any meaningful inclusive or transparent public consultation on its final draft, will this Bill become yet another promise that fails to materialize? Fishermen and Friends of the Sea (FFOS) commend the efforts that have been undertaken to re-draft The Fisheries Management Bill 2020. It is laudable that the Government would see it fit to address the Illegal Unregulated and Unreported (IUU) fishing currently occurring within Trinidad and Tobago's waters and to close our open access fisheries. However, for almost three decades successive Governments have been making beleaguered attempts to address open access fishing, none having the political will to enact legislation. We are concerned that this new 2020 Bill, that was brought to Parliament on the eve of the 2020 General Election, without any meaningful inclusive or transparent public consultation on its final draft, will become yet another promise that fails to materialize.</p> <p>We take strong objection to the fact that the Draft Regulations/Management Plans, which are the operational blueprint for this Bill, have been completely omitted in this version. The Fisheries Bills prepared in 2011, 2014 and 2015 were all accompanied by Draft Regulations. These Regulations addressed the more practical aspects of Fisheries Management, including; net sizes, restrictions on the catching certain fishes, restrictions on certain fishing practices and safety requirements at sea. Surprisingly, no such Regulations have been submitted for review, for the 2020 Fisheries</p>		

	<p>Management Bill. Do these regulations exist and if not, how long after the Bill is passed, if it is passed, will they be implemented? Based on the lack of consultation on this new version of the Bill, we are concerned that there will not be meaningful, transparent and inclusive stakeholder consultation on the drafting of these Regulations.</p> <p>Will the operationalizing of this Bill become another political football like so many Bills before? Pursuant to Part V of the Bill, the Minister may implement management plans and measures to ensure effective fisheries management. The wording of the Bill however does not make it mandatory for him to do so, nor does it specify when or how often the Minister is required to implement these measures. We are concerned, that the wording of this newest version of this age old Bill leaves too much room for a Minister, who as history has shown, “may” lack the political will to create fisheries measures and management plans, and who “may” allow our fishery to fall by the wayside in the pursuit of other endeavors. Our nation has the oldest fisheries legislation on the planet. There are serious problems within our fishery that need to resolved for example destructive fishing practices and the imposition of mandatory requirements (eg. the installation of GPS devices and the use/provision of flare guns) to ensure fishermen’s safety at sea. We cannot afford to use the word “may” any longer and need specific timeframes for the operationalizing of the Bill.</p> <p>By placing an inordinate amount of power in the hands of the Director of Fisheries, this Bill veers away from international best practice and the commonly accepted principles of meaningful “primary” stakeholder inclusion and consultation in the management of</p>		
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	<p>fisheries. Reference is made to the Article “Global Overview of</p> <p>Marine Fisheries” where it is recognized, “The management approaches currently in use reflect largely the paradigm developed in the 1940s and 1950s, with improvements due to scientific and technical progress. It is generally recognized that that the main problem for fisheries management is the inadequacy of fisheries institutions and governance. It is generally science-based (at least theoretically) and the dominant situation is that of free and open access to the resources. A number of alternative measures have been tested in the last two decades to limit fishing effort and capacity, but there is, as yet, no general consensus. In general, as demonstrated by the state of the resources, management performance is rather poor. The main problems relate to overfishing, endangered species (and the interaction with CITES), overcapacity, subsidies, environmental impact, IUU, selectivity and discards, the need for integration of fisheries management into coastal zone management, and the prospect of eco-labelling. Progress is slowed by ideological positions and perceived consequences of the shift to “harder” and more limited fishing rights, and the so-called “privatization” of fisheries. Generally viable solutions have still to be found for small-scale fisheries, and developing countries need collaboration aiming at faster capacity building.” (Garcia 2011).</p> <p>As mentioned above, the current iteration of the Fisheries Management Bill consolidates a lot of the power in the Director of Fisheries and the Director of Tobago. This potentially creates a situation, where the Office of the Director becomes burdened with the sheer amount of functions it is required to fulfill. To</p>		
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	<p>improve this process, facilitate capacity building and create a system of fisheries management that accommodates the needs of all interested parties, it is recommended that a Board be established comprising of representatives from Fisheries, the State, Fisherfolk and CSO's to share the burden of work that is currently placed on the shoulders of the Director. Similar to that of a Multi Stake Holder Group that existed in the 2011 iteration of the Fisheries Management Bill:</p> <p>"18. (1) The Board shall comprise sixteen members appointed by the Minister as follows:</p> <ul style="list-style-type: none"> (i) the Director who shall be the Chairman of the Board; (ii) the Director-THA who shall be the Vice-Chairman of the Board; (iii) one person with special qualifications and proven expertise in fisheries management; (iv) an Attorney-at-Law with at least ten years' experience in civil law and practice; (v) an appropriate officer from the Ministry with responsibility for trade; (vi) an appropriate officer from the Government agency with responsibility for maritime services; (vii) an appropriate officer from the Customs and Excise Division; (viii) an appropriate officer from the Trinidad and Tobago Coast Guard; (ix) one representative of the fish-processing industry; (x) one representative of the non-artisanal fishing sub-sector; (xi) three representatives of the artisanal fishing sub-sector in Trinidad; 		
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	<p>(xii) one representative of the artisanal fishing subsector in Tobago;</p> <p>(xiii) one representative of the recreational fishing sub-sector;</p> <p>Notwithstanding subsection (1), vacancies in the membership of the Board shall not affect its legal existence unless its membership is reduced to less than eight. Based on the above, in the spirit of inclusion, in order to empower primary stakeholders, and further to the 2011 iteration of the Bill, it is imperative that a Multi Stakeholder Board be adopted to ensure the optimum protection and management of our fishery.</p> <p>The Bill does not specify any of the prescribed fees mentioned for the provision of licenses and permits or how they are to be determined. Will these fees be standard or be subject to adjustments over time and if so, based on what criteria, and will stakeholders be consulted?</p> <p>There should be some logical standardization to the proposed penalties. We understand that penalties are used as deterrents. However, there should be some standardization to the penalties implemented. For example, S107(1) creates an offence for the Failure of the master of a vessel to carry on board, a valid recreational fishing license or valid recreational foreign fishing vessel license while fishing in the fishery waters. This offence carries a fixed penalty of \$2000 and a maximum penalty of \$10,000. Alternatively, S107(2) implements a fixed penalty of \$5000 and a maximum penalty of \$10,000 for failing to carry a valid recreational fishing license while on international waters. Why is there such a wide gap between the punishments imposed for violations of this act? They</p>		
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	<p>are essentially the same offence and should be standardized and made more affordable.</p> <p>This Bill seeks to move from an open access fishery to a regulated one which is alien to our fishers. This drastic change in fisheries management will no doubt become a culture shock. To succeed, our Fisheries Division must embark upon an intensive and widespread public consultation/education campaign. This is a prerequisite for the seamless implementation of this management system and the overall Bill. The absence of inclusion continues to alienate and disempower our already disenfranchised fisher communities and will ultimately worsen the regulatory crisis which the Bill seeks to remedy.</p>		
Customs and Excise Division	Sharing of information should be a two-way exercise, so that the proposed amendment to Section 279 of the Customs Act should include that the various authorized agencies may share information with the CED.		
Icacos Fisherfolk United	Also, the maximum fine is too much.		
Moruga La Rufin Fishing Cooperative Society LTD	<ol style="list-style-type: none"> 1. The Fisheries Management Act Number(2) of 2020 in spite of the consultations we had with fisheries Division the points put forward by Fishing Communities were not taken into account, especially Communities/Fishermen who operates on the South Coast. 2. When you examine the definition of “Fish” (a) persons who fish in rivers, Oyster Venders, Crab Catchers, Venders, Jostler’s, Net Repair men, Boat Builders, Boat Repair men, Net Builders, Fish Sellers , none were invited to consultations. 3. Page 7 Fisheries Access Agreement should also include Fishing Agreements with neighbouring states (eg) Guyana, Venezuela, Grenada, Barbados 		

	<p>4. This act is geared towards “Over Fishing “as stated by World Food Health Organization and the regulatory aspect of fishing. The word “over Fishing should be given a meaning.</p> <p>5. This Act provides for a permit for everything, at the end of it all will we have anything left to earn a living?</p> <p>6. Every aspect of Fishing is Seasonal and depends on many factors ie:</p> <ul style="list-style-type: none"> • Sea conditions • Water Conditions • Weather Conditions • Availability of Water Force • Market conditions • Moon Phase <p>The conditions experienced at one or more landing sites may not be at another, ALL MUST BE TAKEN INTO ACCOUNT</p> <p>7. A person with minor infractions of the law may be denied a permit and deemed a Criminal for life</p> <p>8. A person who commits a minor breach of the Fisheries Law may lose his/her fishing gear or traps through confiscation he or she may be</p> <p>9. Should the Galeota Asset Development Project affect fishermen, what do we do?</p> <p>10. There is nothing about the proposed act from transfer of Vessels for commercial to private use or to be used as both</p> <p>11. The slides presented during consultation projected large fishing vessels and multi-purpose not Pirogues. This is deception on behalf of the presentation</p> <p>12. I disagree with Insurance for Pirogues. The system of remunerations is different from the other vessel as well as the Labour Force is unstable. Insurance should be optional</p>		
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	<p>13. The South Coast from the Shore line going out on the sea consist of stone, then you have the Channel either of which poses severe challenges to fishermen The channel into the deep for various types of fishing that is the area which large boats and ships will pass. So we need a fishing agreement with neighbouring states</p> <p>14. An authorized officer should not be allowed to command the appearance of a person before a court, but it should be a Judicial Officer eg Magistrate or Justice of the Peace</p> <p>15. The ticket system may be subjected to abuse by so called authorized persons and fishermen cannot access redress through the courts</p> <p>16. The fines and imprisonment set out in this bill for minor infractions are draconian</p> <p>17. The constant seismic survey and/or search for Hydro Carbons around Trinidad and Tobago, Suriname, Guyana, Venezuela, Barbados etc generates shock waves that affects fish eggs, fish larva, fish hearing and balance, also the breeding grounds for fish (spawning area). As such there is expected to be fish migration in an unprecedented way</p> <p>18. What time is allotted for the recuperating period after seismic survey</p> <p>19. Who will compensate fishermen during the time of survey and recuperating period</p> <p>20. Name the designated landing sites</p> <p>21. Pollution-</p> <p>(a) Nothing has been done with respect to the contribution made by other persons from other landing sites with respect to pollution which I believe causes the greatest depletion of the fish stock closely followed by seismic survey. The entire Gulf of Paria is subjected to the</p>		
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	<p>greatest amount of pollution however, this proposed act is silent on the greatest contributors to the depletion of the fish stock. This act seeks to place severe hardship on not only fishermen but all persons involved in the fishing industry and should not be passed in the House of Representative or the Senate. It appears that the World Food Health Organisation brought these measures wholesale onto Trinidad and Tobago or copied from another Jurisdiction and is bent on imposing these measures on Trinidad and Tobago. The contribution by Fishing Communities appears to have been discarded.</p> <p>(b) The institute of Marine affairs has Data which is accessible with the respect to pollution of Rivers and the Sea also, the Environmental Management Authority (EMA) has data with respect to the many seismic survey that has been conducted in the past and those that are about to be conducted along with exploration for Hydro Carbons. I also make reference to Galeota Asset Development Project involving Trinity Exploration and Production and Coastal Dynamics the project on the East coast of Trinidad and Tobago which will also affect fishermen on the South Coast. The companies recommend that at the time of operation fishermen need to go elsewhere and fish. How could that be possible when you are zoned to a particular area and you are allotted time for fishing and days for fishing?</p> <p>22. I therefore suggest that a massive education program be conducted throughout Trinidad and Tobago involving key stake holders before a Bill of this nature reaches Parliament and at the time</p>		
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	<p>previous discussion were held most of the participants were provided with a slide which projects multi-purpose fishing vessels or big boats and not Pirogue fishermen. This amounts to dishonesty at the highest level.</p> <p>23. There is a likely hood that there could be wanton abuse of a person rights by so called authorized officers see Section 154 to 185.</p> <p>24. An Investigator or authorized person must adhere to the tenants of the Judges Rules when conducting investigation or charging persons for offences. This proposed act is silent in this regard.</p> <p>25. How long after a person is arrested he will be able to make a court appearance? How long must he be kept in custody on suspicion without a trial?</p> <p>26. A person should not be treated as a Criminal for life and debarred from earning a living. In some instances convictions are registered and could only be used against a person for a period of ten years</p> <p>27. This proposed act is silent on infrastructure to be provided by Fisheries Division for the many landing sites throughout the country eg, gas pump, ice machine, running water etc.</p> <p>28. This proposed act is silent on the recognition of Fishing Association and Fishing Cooperative</p> <p>29. A person must retain their rights to silence</p> <p>30. A person is entitled to equality of treatment under the law and should these rights be trampled upon the state or its representative, your rights to seek redress through the courts should always be maintained,</p> <p>31. This act makes no mention about the states response to Sargassum or Seaweed and Lilies which visits our shores yearly and the state's ability subsidise Fishermen for the affected Period.</p>		
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Land Ice and Fish Ltd	<p>The Management of Land Ice and Fish Ltd is thankful for this opportunity to provide feedback on the Fisheries Management (No.2) Bill 2020.</p> <p>We acknowledge that the purpose of this bill is to ensure sustainable fisheries through implementation of regulations and monitoring activities. However, the bill is very broad and not specific to a particular type of fishing activity.</p> <p>We hope that the Director of Fisheries, before specific regulations are implemented and enforced in terms of restrictions to vessels, engine size, catch, close seasons and so forth, will collect and analyze data, and have consultations with stakeholders to ensure mutual understanding of risks and benefits to all concerned.</p>		
T&T Long Liners' Association (in association with Silva Hooks Company Ltd. And Seafood Enterprises)	<p>Kindly note the below clauses to which we <u>object</u>:</p> <ol style="list-style-type: none"> 1. Division 2 Fisheries Management Agreements & Measures Clause 46 2. Division 2 Authorised Officers & Observers <u>Clause 167 #2</u> 3. Division 2 Authorised Officers & Observers Clause 167 #3 - a, b & c 		
Future Fishers (concerns of Cumana Fishing Association addressed)	<p>The bill does not properly describe how it is treating with subsistence fishing, these include black conch, crab catchers, rockfishes, shore fishers including fishing from a pier or jetty or beach.</p> <p>A clarifying statement needs to be included.</p>		

	<p>32. (1) The Minister shall cause to be prepared such fisheries management and development plans</p> <p>37. (1) Management plans shall be prepared in consultation with Relevant stakeholders</p> <p>The stakeholders work to develop the plan but Clause 37. (3) The minister may approve? Oh No!</p> <p>It is recommended that the Minister Shall approve.....</p> <p>The main reason for this recommendation is because of the flexibility for the ministry therein Clause 42 (selection of fisheries management measures). There is flexible implementation options here.</p> <p>This language is also weak in section 43, 44 and we recommend “Shall”</p> <p>All other instances “may” is appropriate.</p>		
Ministry of Health (Chemistry Food and Drugs Division)	<p>CHEMISTRY FOOD AND DRUGS DIVISION- COMMENTS</p> <p>COMMENT-1</p> <p>Clause 235 of the Bill provide for an amendment to the Fish and Fishery Product Regulations, 1998, Chap. 30:01 by deleting the definition of “fish” and substituting a new definition of “fish” in accordance with section 2 of the Fisheries Management Act. Clause 236 of the Bill would provide for an amendment</p> <p><i>Fisheries management Act: “fish” means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusk, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development;</i></p> <p>Reference is made to the Codex Definition of Fish: The Definition as stated in the Food and Drugs Act should not</p>		

	<p>be amended since it is in alignment with the FOA/WHO-Codex Alimentarius Commission. Code of Practice for fish and fishery products international food standards adopted 2003 REVISED 2004, 2005, 2007, 2008, 2010, 2011, 2016 AMENDED 2011, 2013, 2016:- CXC 52-2003 defines fish as:</p> <p>“Fish- Any of the cold-blooded (ectothermic) aquatic vertebrates. Amphibians and aquatic reptiles are not included”. Chapter 30:01-Fish and Fishery Products Regulations also defines as:</p> <p><i>“fish” means all sea water or fresh water animals or parts thereof and includes: shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals; the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals; and fish products or by-products; but excluding turtles, aquatic mammals and frogs</i></p> <p>COMMENT-3</p> <p>Under this Bill the Authorized officer is given by law additional responsibility and powers to enforce the provisions of the Act. These are additional powers and authority that previously were not included in the Food and Drugs Act Chapter 30:01. As such the bases for the precept by the Police Commissioner should be limited to only persons recommended by the Permanent Secretary of Ministry of Health.</p> <p>The new expanded role for the Food and Drugs Inspector envisaged by the Fisheries Management Bill and Act will require additional training since the previous role was only restricted to Sanitary Pyhosantary Measures (SPS)/Food and Safety and Quality of the fish for human consumption. Since this changes the scope of the Food</p>		
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	<p>and Drugs Inspector additional allowance/compensation may be required.</p> <p>COMMENT-4</p> <p>Inspectors are not authorized to use firearms and we would not want to carry out the duties in areas where our safety could be compromised unless accompanied by any state authority which can carry firearms.</p> <p>CHIEF PUBLIC HEALTH/PHI</p> <p>PHI COMMENT-1</p> <p>The Authority of the Public Health Inspector should be limited to areas under our current competency e.g.</p> <ol style="list-style-type: none"> 1. Granting of free pratique as delegated by the Quarantine Authority i.e. Chief medical Officer 2. Landing of the catch 3. Registration of the processing sites 4. Issuing of certificates under the Quarantine Act Chp. 28 05 and the international Health Regulations (IHR) <p>Please note that before the granting of free pratique a fishing vessel arriving into this country can be inspected thoroughly for compliance with relevant sections of the proposed Bill addition to the Health status of the vessel. This can be done by conducting an evaluation of the Ship Sanitation Certificate which is required internationally under IHR for every vessel on an international voyage (Limited to Member States). This Certificate relates to the sanitary condition in all areas of the vessel. Additionally, the captain can be interviewed to provide relevant information e.g. Areas of the catch (relevance of this question relates to diseases e.g. Cholera in Haitian waters) but it can be factored into the information required in the Bill.</p>		
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	<p>PHICOMMENT-2</p> <p>Public Health Inspectors are not authorized to use firearms and we would not want to carry out duties in areas where our safety could be compromised unless accompanied by any state authority which can carry firearms,</p>		
<p>Tobago International Game Fishing Tournament</p>	<p>Board needs some fishing expertise beyond admin of Fisheries. Should also have Tobago Admin as fishing practices vary as does target species.</p> <p>Part III</p> <p>Suggest also including IMA representation on Board</p> <p>Part IX</p> <p>Incoming and outgoing responses/letters need to have time stipulations.</p> <p>Part XII</p> <p>Should also fallow for visitor/tourist certificates and permits to be issued at more accessible locations. Customs or Immigration, charter fishing captains, event organizers.</p> <p>Part XIII</p> <p>Commercial crew should also be required to get permits. Permits issued to crew who agree to abide by the practices outlined in the Bill.</p>		
<p>Milford Bay Stakeholders (in collaboration with South West Tobago Fishing Association)</p>	<p>The seismic activity conducted around Tobago should be halted immediately because of the devastation such activity caused to the fishing grounds.</p> <p>In an attempt to rectify the damage done, manmade reefs should now be implemented using natural type materials such as concrete cylinders and wrecks in order to stimulate fish reproduction in our badly diminished fish resources.</p>		

	<p>The fish depots, constructed and financed by the government should operate by supplying local fishermen with ice and using the fish caught by them to now stimulate local industry in the form of locally labelled fish products for both export and local consumption.</p> <p>Regulate the natural flow of the mangrove swamps which is instrumental in the natural stimulation of fish spawning and fish nurseries, in an effort to increase fish supply and also replenish the reefs, as the rotten mangrove leaves become planktons - natural fertilization encouraging growth of the corals.</p> <p>The government should cease from directly competing with the local fishermen i.e. the both foreign owned and government owned trawlers presently allowed to peruse our waters which further contributes to our already diminished fishing grounds.</p> <p>The fishermen should be considered as contributors to the economy and thus entitled to protection by both laws and policies i.e. implement GPS for all fishermen, fishermen insurance, insurance on fishermen loans, subsidized fishermen loans and supplies, reimbursement on fishermen loss of earnings etc.</p> <p>Educational facilities for all fishermen by requirement on navigation, GPS management, first aid, safety, stay alive tactics, handling of larger upgraded modern type craft and equipment. Periodic mandatory classes to improve overall fishing persona throughout T&T.</p> <p>The excessive removal of Parrot fish and Conch almost to extinction by Poachers has caused much damage to the Eco-System. Many other species of sea life has been</p>		
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	<p>impacted by this. There should be strict laws or a "ban" on all such poaching in our waters.</p> <p>Engineered studies should be directed towards the creation of a type of material that can be used to shade the sea areas with the concentrated flying fish in the spawning/catching season. This type of material should not destroy the flying fish eggs as the coconut-branch and flying fish nets normally do. The flying fish population should then be encouraged/allowed to expand their almost depleted population.</p> <p>There should be mandatory painting of fluorescent glow in the dark orange/pink color to the interior of all fishing boats. The Fisheries Officers should enforce this law and reprimand any fishing vessel that does not comply. Fishing boat licence should not be granted to fishing boat owners whose boats are not appropriate painted. This would ensure better visibility of fishing vessels when lost at sea and save lives, time and expenditure. This would also help to identify illegal drug runners, contraband carrying vessels, and pirate boats etc. This could greatly assist the Coast Guard in their duties.</p> <p>We should encourage greater government Capital investment in the industry such as Capital of Paradise ONLY if Fishermen are trained and enabled to manage and monetize such assets inclusive of maintenance contracts..</p> <p>The MBS firmly believes that with these type of improvements injected into the fishing industry, there would now be the potential for long term sustainability and properly regulated fishing and fishing activities in our waters.</p>		
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<p>Fishermen and Friends of the Sea in collaboration with Claxton Bay 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</p>	<p>Some of the fishing associations that came to our internal consultation were written to by Parliament, requesting comments and were given copies of the Bill. Other associations were given notification of the Bill repeatedly and comments were requested but were not given a copy of the Bill. For example, the San Fernando Fishing Association were written to by Parliament by letters dated November 27th, December 7th and December 21st 2020 but were never given any copy of the Bill.</p> <p>Thirdly, most Associations were not given any notification or any copy of the Bill and were completely locked out. As a case in point, the La Brea Fisherfolk have never been informed although the La Brea Fisherfolk have written to the Fisheries Division on several occasions seeking clarification on any development legislative or infrastructural that would affect the Gulf of Paria fishery and their livelihood.</p> <p>This imbalance and lack of public information has forced Fishermen and Friends of the Sea with its limited resources to do the work of the Joint Select Committee (JSC). This imbalance in the public notification of this Bill is improper and contrary to the critical consultation that is required. We are aware that the JSC has a full listing of all the fishing associations in Trinidad and Tobago and request that they make the Bill available to ALL of the fishing associations for them to make comments and to be duly informed. The long-lasting implications of this Bill are critical to the management of the fishery and all primary stakeholders must be informed of its deliberations therefore our first comment is that our enclosed submissions are by no way representative of all the fisheries concerns.</p>		
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	<p>As you would know, Trinidad and Tobago has the oldest fisheries management legislation in the world (1916) and for the better part of a century our fishermen, recreational, artisanal and commercial, have utilized our fishery under an unregulated and poorly managed fishery management system.</p> <p>We acknowledge the importance of closing our open access fishery but submit that:</p> <ul style="list-style-type: none"> - The implementation of this Bill cannot be done without first meaningfully engaging the primary stakeholders including crab and oyster catchers, recreational, commercial and artisanal fishers (hereinafter referred to as “the primary stakeholders”) and explaining the intention and implications of the Bill in its entirety. This explanation must be in layman’s terms translating the technical language into clear, simple explanations so that there is no misunderstanding as to the legal implications contained therein. - A nationwide educational campaign must be launched to inform the primary stakeholders of the intention and implication of the Bill. - We request that representatives of the line Ministry (Ministry of Agriculture, Land and Fisheries) and Fisheries Division host physical meetings with all registered fishing associations and that the key policy makers and drafters of the Bill explain clearly to fishers: <ul style="list-style-type: none"> a) What the Bill entails? b) What are the impacts of the Bill? c) What will be the fisher’s obligations under the Bill? <p style="text-align: right;">And</p>		
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	<p>d) Address any concerns that the fishers may have.</p> <p>We understand that large physical meetings may be difficult owing to the Covid 19 pandemic, in this instance they are necessary, since many primary stakeholders do not have access to stable internet connections or even computers and smartphones to facilitate a virtual session and will very likely remain ignorant to the Bill's effects if not properly informed.</p> <p>In the 'Interpretation Section,' the definition of commercial fisher is very broad and can be interpreted to also include artisanal fishers. Since these types of fishers, although they were defined by the Bill as using low technology to fish, they also fish to sell commercially on a small scale. We concede that it is unnecessary to have separate fishing management systems for both types of fishers.</p> <p>However we submit that:</p> <ul style="list-style-type: none"> - the fines proposed by the Bill are harsh and do not consider the realities and differences between our artisanal and commercial fishers. <p>For instance:</p> <ol style="list-style-type: none"> a) Failure to comply with a Management plan pursuant to Section 46 will result pon summary conviction of a fine not exceeding TTD\$700,00 and a term not exceeding one-year imprisonment. And b) The use of a licensed fishing vessel for any other purpose other than fishing will result in a maximum fine of TTD\$10,000,000 according to Section 219. <p>The Government should recognise that artisanal fishing communities are among the most impoverished sector</p>		
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	<p>in Trinidad and Tobago and cannot be held to the same standard as fishers who engage in trawling or long lining. Artisanal fishers are out largest supplier of locally consumed fish and whilst we understand that fines are meant to be deterrents, they should not be so harsh that they deter artisanal fishers engaging in fishing entirely. The examples given set the maximum threshold for sentencing so high, that even if a Magistrate were to exercise his/her discretion, the fine imposed on an artisanal fisher would still be so inordinate and unrealistic for a person to engaged in artisanal fishing to meet. The fines, especially those which would directly affect artisanal fishers should be adjusted and made more realistic, so that our marine food basket does not suffer.</p> <p>We firmly believe that powers conferred by the Bill to the Director of Fisheries and the Director of Tobago, should instead be exercised by a Mutli Stakeholder Board comprising of fishers, community groups and relevant government ministries. Pursuant to Section 7(1) of the Bill, the Director has the power to provide the line Minister with technical and administrative advice for the better discharge of his/her duties. This includes the provision of technical advice concerning the creation of fisheries management plans pursuant to Part V. These plans will inevitably impose restrictions which prevent artisanal, long liners and trawler fishers from plying their trade and as such, their voices should be given sufficient weight when deciding to draft, create and implement management plans. Ultimately, the Director of Fisheries and her team are technocrats who lack a practical understanding of the fishery sector. Decisions made solely on their advice even if extensive public consultation is done, will never truly be a decision which is made with the best interests of all concerned</p>		
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	<p>stakeholders in mind. To avoid “shutting out” primary stakeholders of the fishing industry, provisions similar to those proposed in Section 18(1) of the 2011 version of the Draft Fisheries Management Bill should be implemented. These provisions provide:</p> <p>“18(1) The Board shall comprise sixteen members appointed by the Minister as follows:</p> <ul style="list-style-type: none"> • The Director who shall be the Chairman of the Board; • The Director-THA who shall be the Vice-Chairman of the Board; • One person with special qualifications and proven expertise in fisheries management; • An Attorney-at-Law with at least ten years experience in civil law and practice; (v) an appropriate officer from the Ministry with responsibility for trade; • An appropriate officer from the Government agency with responsibility for maritime services; • An appropriate officer from the Customs and Excise Division; • An appropriate officer from the Trinidad and Tobago Coast Guard; • On representative of the fish-processing industry; • One representative of the non-artisanal fishing sub-sector; • Three representatives of the artisanal fishing sub-sector in Trinidad; • One representative of the recreational fishing sub-sector; • One representative selected from the scientific community with qualifications and proven experience in social sciences, natural resource economics, environmental management or extension development...” 		
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	<p>We note with great concern that the Draft Regulations/Management Plans, which give the Bill effect have not been provided for public comment. These Regulations deal with the practical side of fisheries management, such as; net size, restrictions on catching certain fish species, restrictions on certain fish practices and safety requirements at sea. What sense does it make asking fishers to comment on the Bill if the most important part is not included? Fishers are not technocrats and are unable to contribute meaningfully to many aspects of this Bill. If the State wished to meaningfully consult fishers, the Draft Management Plans should have also been prepared and submitted for comment. As it stands, fishers have no way of knowing what these plans entail, when, if ever, they will be implemented and how often they will be reviewed. There is a very real risk of:</p> <ol style="list-style-type: none"> 1) The Bill being passed and no Fisheries Management Plans being implemented without the meaningful input of fishers. 2) The Bill being passed and Fisheries Management Plans being implemented without the meaningful input of fishers. 3) The Bill being passed and Fisheries Management Plans being implemented which are contrary to the fishers' interests. <p>Our concerns are further compounded by the fact that pursuant to Part V of the Bill the Minister "may" implement many aspects of the management plans and measures to ensure effective fisheries management. <u>Using the "may" suggested that the implementation of fisheries management plans depends entirely on if the Minister thinks they should be implemented.</u> This could result in a situation where even though there is a law, nothing is done to address the problems in the fisheries</p>		
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	<p>sector such as illegal shrimp trawling, catching of protected species, illegal fishing gear, or over fishing among other things.</p> <p>We applaud the decision to implement the Fisheries Management Fund pursuant to Section 21 (establishment of the Fisheries Management Fund) however, we request that provisions in Section 23 be amended to include fishers; remuneration. Fishers suffer greatly when there are oil/chemical spills, seismic surveys and even piracy among other things. The losses suffered cripple them financially and prevent them from earning a living to support themselves and their families. In Trinidad and Tobago, activities such as seismic surveys have plagued fishers for decades and often times they are not compensated for the time, money and fish loss as a result. The Fund should take into account the needs of fishers and extraneous circumstances which impact their trade and livelihood. We understand that such a system is open to abuse, but submit that if sufficient safeguards are implemented an appropriate balance between protection of public funds and the compensation of fishers can be struck.</p> <p>Furthermore, to ensure that there is appropriate stakeholder representation and that the monies in the Fund are used to benefit fishers, <u>we also request, that the Fisheries Financial Board, who pursuant to Section 11 is responsible for the management of the fund, include in its composition at least one experienced and appropriately qualified individual with a practical understanding of the fisheries sector.</u></p> <p>We recognize the need for accurate recording data of a fishing vessel's operations but submit that artisanal fishers will require training on how to keep a proper logbook. The harsh reality is that many of our artisanal</p>		
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	<p>fishers are not educated and the task of consistently keeping a logbook would be a difficult one. Furthermore, Fisheries Division must devise a system by which the onus of data collection does not rest entirely on fishers. Officers of Fisheries Division or the proposed Fisheries Inspectorate must be present at landing sites to verify fishermen catches and to advise on the accuracy of the logbook.</p> <p>In the spirit of progress and the proper management of our fishery we maintain that in order for this Bill to succeed, all stakeholders must embrace and empower its lawfulness, These comments are being submitted good faith with the expectation that they will be taken into account and incorporated into this long overdue legislation.</p> <p>We respectfully submit that after the Joint Select Committee makes its recommendations and before Parliament votes on the Bill that we the Primary Stakeholders have an opportunity to see what amendments may or may not have been made.</p>		
All Tobago Fisher Folk Association	<p>A final point of concern identified by AFTA upon examining the Fisheries Management Bill is in Tobago fishers simultaneously engage in small-scale commercial fishing, fish vending and recreational fishing. There must be a feasible resolution put in place for fishers to be able to apply for only for licence to engage in more than one fishing activity instead of applying for multiple licences. As it stands, the regulations does not speak to this situation which currently occurs not only in Tobago but Trinidad.</p>		

<p>Ministry of Planning and Development</p>	<p><u>Management of Marine Turtles</u></p> <p>Clause 3 (Interpretation), of the Bill has a wide definition of “fish” which includes marine turtles. Clause 240 of the Bill proposed an amended to the Conservation of Wild Life Act that would exclude marine turtles from under the jurisdiction of Conservation Wild Life Act. Clause 152 also designated any Game Warden as an Authorised Officer for the purposes of the Act.</p> <p>Given these Clauses clarification is sought as to whether the management of turtle nesting beaches would remain a function of the Forestry Division or is it intended that the Fisheries Division will have such responsibility. In this regard, Clause 6 (g) and Clause 6 (m), provides the Director or Director-Tobago, among other, with the power to protect biodiversity in the aquatic environment, including habitats of particular significance for fisheries resources and implement conservation and management measures through effective monitoring, control and surveillance and enforcement. Considering that the definition of “fish” includes marine turtles, it might be construed that turtles are a fisheries resource and that the Director of Fisheries would have the responsibility for the management of turtle nesting beaches.</p> <p>Similarly if marine turtles are considered to be a fisheries resource by virtue of the definition of “fish” would the development of management plans for marine turtles have to be undertaken in accordance with Part V Division 1 of the Bill which treats with the Fisheries Management and Development Plans. Marine turtles are also environmentally sensitive species and under that the declaration the Environmental Management Authority (EMA) also has responsibility for the development of management plans for marine turtles.</p>		
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	<p>Fisheries in Tobago</p> <p>The provisions of the Bill provided for autonomy to the Director-Tobago and the Secretary to manage the fisheries resources of the island of Tobago. It is noted that issuance of certain permits such as export permit, fish bioprospecting permit, fish scientific research permit, import permit, in-transit permit, landing permit, provisioning permit, recreational permit, recreational fishing authorization, recreational fishing vessel license and recreational foreign fishing are restricted to the Director. Consideration should be given to have some of these permits be also granted by the Director-Tobago as some of these activities may be occurring in the water around Tobago. Additionally, it is noted that fishing logbooks are to be submitted only to the Director consideration should also be given to these logbooks being submitted also to the Director-Tobago in relation to vessels operating in the waters around Tobago.</p>		
David Lanser	<p>I have read the bill which I would say is extremely comprehensive covering many different areas of fisheries management.</p> <p>While I am in full agreement with the idea that we need an updated fisheries Management bill I do have my concerns which are the following.</p> <p>The management plan, funding and enforcement of this bill would be a major task which the current fisheries division set up.</p> <p>My thinking is that we should bring in an expert from a first world country that has the experience to implement and execute a proper plan.</p> <p>The other issue I have is with the level of the fines imposed are extreme to say the least.</p>		

<p>Trinidad and Tobago United Fisherfolk</p>	<p>We need to maintain the quality of our waters. We are going to have an increase in the demand for fish from CARICOM. In the coming days some CARICOM countries will be involved in removing Sargassum in the marine environment.</p> <p>Training from ILO, CNFO, CRFM, CERMES and Universities in the region. Especially the Small scale Fishing Sectors.</p>		
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Legal Unit

Parliament Secretariat

Parliamentary Complex, Cabildo Building,

No. 23-27 St. Vincent Street, Port-of-Spain

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