



MEMORANDUM OF UNDERSTANDING

between

FISHERIES AND OCEANS CANADA (DFO)

and

TRANSPORT CANADA (TC)

regarding

SAFETY AT SEA OF COMMERCIAL FISH HARVESTERS

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to provide a framework for cooperation between the Department of Fisheries and Oceans (DFO) and Transport Canada (TC) with regard to promoting safety at sea of commercial fish harvesters. The scope of this MOU is limited to commercial fish harvesters.

2. OBJECTIVE

2.1 Transport Canada, Marine Safety and Security (TC-MSS), Department of Fisheries and Oceans, Ecosystems and Fisheries Management (DFO-EFM) and Department of Fisheries and Oceans, Canadian Coast Guard (DFO-CCG) will endeavour to more closely cooperate, at a national and regional level, to:

- 2.1.1 establish principles that take into account the promotion of a safety culture among commercial fish harvesters;
- 2.1.2 establish a process whereby these principles can be considered when developing rules, regulations, policies and plans;
- 2.1.3 exchange information and consult with the objective of improving the safety of commercial fish harvesters at sea; and,
- 2.1.4 develop safety goals and report on progress at the Canadian Marine Advisory Council (CMAC).

3. MANDATES

Relevant to this agreement:

- 3.1 TC-MSS is responsible for the regulations and enforcement for all vessels and marine personnel, pursuant to the *Canada Shipping Act, 2001* and regulations.
- 3.2 DFO-EFM is responsible for fisheries management regulations, policies, and plans, pursuant to the *Fisheries Act* and associated regulations.
- 3.3 DFO-CCG is responsible for search and rescue of fishing and other vessels and Marine Communications and Traffic Services, pursuant to the *Oceans Act*.

4. COOPERATION WITH REGARD TO FISHING VESSEL SAFETY

4.1 TC-MSS, DFO-EFM and DFO-CCG in National Head Quarter (NHQ) or regions will meet as required, to discuss:

- 4.1.1 promotion and awareness of a safety culture in the fishing industry;
- 4.1.2 TC-MSS's and DFO-EFM's respective fishing vessel safety action plans;

- 4.1.3 fishing vessel modifications (e.g. stern platforms, cutting off bows) and the vessel replacement rules;
 - 4.1.4 fishing gear loading and deployment;
 - 4.1.5 professionalization training for fish harvesters;
 - 4.1.6 data sharing between TC-MSS, DFO-EFM and DFO-CCG, subject to the *Access to Information Act* and *Privacy Act* requirements;
 - 4.1.7 possible joint or shared databases for DFO and TC fishing vessel registration information, and DFO fishing licences, subject to *Access to Information Act* and *Privacy Act* requirements;
 - 4.1.8 the possibility of allowing access to respective electronic communication systems to assist in transmitting safety messages to fish harvesters; and,
 - 4.1.9 other issues contributing to improving the safety of fish harvesters at sea.
- 4.2 DFO-NHQ and TC-NHQ will meet at least twice per year, in advance of the National CMAC, to share updates with regard to safety issues or projects.

5. COOPERATION WITH REGARD TO SAFETY AT SEA

- 5.1 TC-MSS and DFO-CCG will endeavour to identify, by region and fleet, commercial fish harvester safety issues and communicate them to DFO EFM.
- 5.2 TC-MSS, DFO-CCG and DFO-EFM in NHQ and regions will discuss fish harvester safety issues and share information through advisory processes as required. The results of the discussions will be reflected, if required, in relevant documents such as Integrated Fisheries Management Plans (IFMP), DFO decision management website, and minutes of the meeting.
- 5.3 DFO-EFM in NHQ and regions will review the safety at sea section in IFMPs whenever a full update of the document is required. The modification to the IFMP will be conducted to reflect the current management approach of the fishery.

6. NATIONAL AND REGIONAL FISHING SAFETY COMMITTEES

- 6.1 TC-MSS, DFO-EFM and DFO-CCG will recognize industry-established National and Regional Fishing Safety Committees. Committees could be comprised of representatives from:
 - TC-MSS;
 - DFO-EFM;
 - DFO-CCG;
 - The fishing industry;
 - The Transportation Safety Board;
 - Provincial workers safety and other agencies; and,
 - Other parties as appropriate.

These Committees could meet to discuss or make further recommendations for implementation in support of measures that are in the interests of promoting the safety at sea of fish harvesters.

7. GENERAL PROVISIONS


- 7.1 This MOU comes in effect when signed by all parties and remains in effect until terminated by any of the parties by giving the other parties at least 60 days prior written notice.
- 7.2 This MOU may be amended at any time by the agreement in writing of the parties.
- 7.3 The parties agree to review this MOU within five years of its coming in effect, and at five year intervals after the first review.
- 7.4 The Office of Primary Interest (OPI) for TC-MSS is the Director, Domestic Vessel Regulatory Oversight and Boating Safety.
- 7.5 The OPI for DFO-EFM is the Director General, Oceans and National Fisheries Policy.
- 7.6 The OPI for DFO-CCG is the Director General National Strategies, in consultation with the Director General, Operations.

8. REFERENCES

- 8.1 February 15, 2001- DFO Fisheries Management Assistant Deputy Minister Directive to Regional Directors General on safety at sea of fish harvesters.
- 8.2 CMAC Standing Committee on Fishing Vessel Safety - Terms of Reference.
- 8.3 DFO Vessel Replacement Rules.
- 8.4 The Fisheries Act and Regulations.
- 8.5 The Canada Shipping Act, 2001 and Regulations.
- 8.6 The Oceans *Act*.

9. EXECUTION

In consideration of the foregoing, the undersigned hereby execute this Arrangement.



Jody Thomas
Commissioner, Canadian Coast Guard
Fisheries and Oceans Canada

3-3-15

Date



Matthew King
Deputy Minister
Fisheries and Oceans Canada

MAR 09 2015

Date



Louis Lévesque
Deputy Minister
Transport Canada

31/03/2015

Date