

Information Statement

Public Authority: Marine Resources Board

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Introduction

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

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

How to make a request

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

Key, including definitions

- Act means the Fisheries Act, 1972
- Board means the Marine Resources Board
- Ministry means the Ministry of the Environment
- Minister means the Minister responsible for the Environment

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

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

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

The Marine Resources Board consists of:

- Twelve members appointed by the Minister, including a chair and deputy chair appointed from among the members by the Minister.
- The Director of DENR, or his designate (ex officio)

Board members are appointed annually, and are eligible for re-appointment when their term expires.

[Fisheries Act, 1972, Third Schedule]

The Act does not prescribe the composition of the Board, but members typically represent the range of marine resource user groups.

Insert Governing Legislation:

1. Fisheries Act 1972
2. Fisheries Regulations 2010
3. Fisheries (Protected Species) Order 1978
4. Fisheries (Use of Fishing Nets) Order 1990
5. Fisheries (Protected Areas) Order 2000
6. Fisheries (Anti-fouling Paints Prohibition) Regulations 1989
7. Coral Reef Preserves Act 1966
8. Protected Species Act 2003
9. Protected Species Order 2016

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

Insert power, duties and functions of the Authority (cite Act or Policy):

Functions of Board

The Board advises the Minister on matters relating to the Fisheries Act, 1972, and its subordinate legislation, and on matters relating to the protection and use of marine natural resources and of the environment in which the marine natural resources live and grow.

[Fisheries Act, 1972 s3(2)].

Powers and Duties of Board

The Board acts in an advisory capacity only.

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

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. **To do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

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

Insert a summary of services and programmes provided by the authority:

Services provided by the Board:

The Board advises the Minister on:

1. Fisheries/Marine resources management matters
2. Marine development matters (much of this advice is in the form of feedback via the Department of Planning process)
3. Marine conservation and protection matters

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

List and describe the classes of records held by the authority:

Activities of the Council

1. *Agendas and Meeting minutes of the Marine Resources Board (2006-current).* Marine Resources Board. Records the business addressed and attendance.
2. Correspondence from the Board to the Department of Planning

These records are kept in the offices of the Department of Environment and Natural Resources.

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

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

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

Insert list and description of all policies and guidelines for decision making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]

The following documents govern the functions of the Board:

1. Fisheries Act, 1972. Government of Bermuda. (Public Access). Describes the functions of the Board, as well as being the parent legislation governing matters related to fishing and the use and protection of marine resources. The Minister has various powers under this Act and the Board provides advice to the Minister.
2. Fisheries Regulations, 2010. Government of Bermuda. (Public Access). Contains regulatory measures for the management of commercial and recreational fishing and the use and protection of the marine environment. The Minister has various powers under these Regulations and the Board provides advice to the Minister.
3. Fisheries (Protected Species) Order 1978. Government of Bermuda. (Public Access). Lists marine species which are protected in Bermuda waters and whose welfare the Board must take into account when providing advice to the Minister.
4. Fisheries (Use Of Fishing Nets) Order 1990. Government of Bermuda. (Public Access). Outlines the species of fish which can be taken by nets and the areas in which the use of nets of any description to take fish is prohibited. The Board advises the Minister about these matters and takes them into account when providing advice to the Minister on other issues.
5. Fisheries (Protected Areas) Order 2000. Government of Bermuda. (Public Access). An Order for which the Minister for Health, Seniors and Environment is responsible. Describes areas within Bermuda waters that are managed in a protective manner, about which the Board advises the Minister and which the Board must take into account when providing advice to the Minister on other issues.

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

Insert name and contact information:

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

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

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

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

General:

1. **About us** is available on the government website at: <http://www.gov.bm> then select 'Ministry of Health, Seniors and Environment' from the pull down menu; then select Environmental Protection, then Marine Resources.

Financial:

1. **Remuneration** of board members for service is governed by the Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.
2. **Annual Budget:** For the annual expenditure for the past fiscal period (31st Mar to 1st Apr), see the online Budget Book at: (www.gov.bm); then select Ministry of Finance; then select the "Budget Book" icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).

Legislation:

1. The **legislation** listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.

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

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

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.

2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)]. (Not Applicable)

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

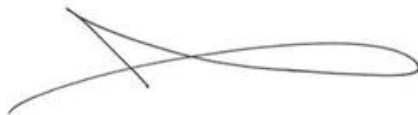
Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement

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

Date Information Statement was updated: 20th December 2022

Signed:



Information Officer) Drew Pettit (for the Chairman)

Ends