



SHELLFISH AQUACULTURE INDUSTRY ADVISORY PANEL
TERMS OF REFERENCE
17 May 2022

BACKGROUND:

This 'Terms of Reference' document dated May 17, 2022 replaces all previous versions.

The Shellfish Aquaculture Industry Advisory Panel (SAIAP) is the formal consultation process between Fisheries and Oceans Canada (DFO) and industry to ensure regular communications on major policy, research and regulatory issues, as well as updates from industry on their priorities and business realities.

SAIAP is one component of an overall DFO consultation process, which also includes the Shellfish Aquaculture Management Advisory Committee (SF AMAC). The SF AMAC is a multi-stakeholder forum which is tasked with providing feedback to DFO on the coast-wide management of shellfish aquaculture and the development of the shellfish Integrated Management of Aquaculture Plan (SF IMAP). Further information on the SF AMAC, including the Terms of Reference and the SF IMAP is available on the DFO consultation webpage: <http://www.pac.dfo-mpo.gc.ca/consultation/aquaculture/index-eng.html>.

GOALS AND OBJECTIVES:

The SAIAP is meant to improve communication between the shellfish aquaculture industry and DFO; as well as to provide a mechanism for the industry to provide formal technical advice to DFO on issues, and make recommendations into operational and policy related decisions related to shellfish aquaculture in the Pacific Region.

GUIDING PRINCIPLES:

In general, DFO advisory processes operate according to an accepted set of principles, designed to guide participation of the parties in the advisory committee process. Drawing on many decades of experience, and with reference to other policies and processes, DFO provides the following principles to guide discussion and decisions on how the SAIAP is structured and will operate:

Environmental and social sustainability:

Participants will work to increase their individual and collective knowledge about the aquaculture industry and its possible impacts on the environment. The panel members will provide input to the process which seeks to ensure sustainable aquatic ecosystems, while recognizing that the activity of aquaculture and the success of the industry economically is broadly beneficial to the people of Canada.

Respect for process:

All participants will respect the terms of reference established for the role and conduct of advisory structures in general and this panel in particular. The SAIAP is not intended to duplicate or interfere with any other consultation process within DFO. DFO should refer outside parties who offer unsolicited recommendations and advice outside of the established process to the appropriate advisory body contact.

Transparency:

There should be transparency throughout the advisory process based on open lines of communication and the provision of timely, accurate, accessible, clear and objective information. This information should be available to all participants in the advisory process on an equal basis. Organizers should provide access to agendas and information needed as a starting point for informed discussion well in advance of meetings. In addition, this information will be posted to a public website to ensure accountability to all Canadians.

Accountability:

Participants who are representatives of a constituency are expected to bring to the discussions the general views, knowledge and experience of those they represent, and bring back an awareness and understanding to their constituencies about deliberations of the consultation activity and reasons for decisions taken. All participants share accountability for the success of the process. DFO is accountable to participants for explaining how their advice/input was used and why and how decisions are taken.

Inclusive representation:

Representation on the SAIAP should relate to the mandate and function of the panel, be fairly balanced and reflect a broad range of interests in the shellfish aquaculture industry.

Respectful participation:

Participation in the panel involves responsibilities. Members participate in good faith. Members of the panel will establish an operating environment that promotes and supports civil and productive discussions.

Effectiveness:

All participants should be satisfied that the advisory process can achieve the goals of the panel. The process will not force consensus, but will seek consensus where possible through the collaboration of participants. This does not mean that participants will always agree with the final advice, outcome, or recommendation. Where there is disagreement, or conflicting opinion with respect to the work of the committee, these variations in opinion will be captured in the meeting notes. Processes must be cost-effective, and set and respect realistic timeframes.

STRUCTURE:

One regional SAIAP

- Work in parallel with the DFO-industry bilateral consultation mechanisms established: Freshwater and Land-based Aquaculture Industry Advisory Panel and Finfish Aquaculture Industry Advisory Panel.

- Work in parallel with the multi-stakeholder consultation mechanisms established: the SF AMAC.

MEMBERSHIP:

DFO's objective is that the SAIAP will represent diverse operations and perspectives within the shellfish aquaculture sector. As such, meeting invitations will be broadly circulated to all shellfish aquaculture licence holders and industry association representatives.

Membership will comprise:

- Industry participants;
- Representatives from DFO Pacific Region's Aquaculture Management Division, including operational program leads representing the policy and program development, licensing, environmental operations and enforcement sections, as needed. Additional DFO representation will be on an as required basis depending on the issues to be discussed;
- Up to two ex-officio representatives from the Province of BC; and
- Guests or observers invited by DFO or panel members to participate in the process. This may include other government departments with jurisdictions related to aquaculture, or other interest groups.

MEMBERSHIP APPOINTMENTS:

Term of Members: Each licence holder or industry association representative may participate in the panel at the pleasure of the nominating host organization.

Ad Hoc Working Groups: Sub-committees and technical working committees may be struck as needed with the agreement of the panel, but will normally be short-term and specific task oriented. Working group members may designate an alternate, if they are not available.

Selection of a Facilitator: The SAIAP will be facilitated by an individual with the skills to manage the process.

ROLES AND RESPONSIBILITIES:

DFO-appointed Facilitator:

- Calls meetings;
- Develops the agenda in consultation with the panel and distributes it well in advance of meetings;
- Coordinates attendance of participants and meeting venues;
- Manage the process consistent with the Terms of Reference and agreed upon agenda, promote interactive dialogue, and enable all perspectives to be heard within the constraints of the time available;
- Enforces the panel charter;
- Encourages active participation of all members;
- Mitigates conflict;
- Helps to summarize and focus discussion;
- Provide services of a recorder; and

- Prior to the conclusion of every meeting, engage the members in the identification of agenda items and scheduling for the next meeting of the committee.

DFO Participants:

- Bring forward government and departmental policies and positions related to shellfish aquaculture and seek to understand the interests of the industry;
- Highlight DFO research initiatives and findings; and
- Discuss regulatory issues, objectives and practices.

SAIAP Members:

- Clearly articulate the interest and concerns of the industry and incorporate them into panel discussions;
- Contribute to clarifying perspectives and concerns in all discussions by listening carefully, asking pertinent questions, and educating themselves regarding the interests of other members whether or not they are in agreement with them;
- Encourage and allow members to test tentative ideas and exploratory suggestions without prejudice to future discussions;
- Obtain the input and guidance of their sectors/organizations on the issues of discussion at meetings;
- Encourage the engagement of their sectors/organizations in dialogue which will contribute to the discussions at the committee table;
- Represent information, views and outcomes of panel discussions accurately and appropriately, and;
- Share responsibility for the success of the advisory panel.

PROCEDURES:

Timeline:

The SAIAP will meet two times per year in early winter and late spring.

Each meeting will be structured to address the most pertinent issues for that time period, and provide an opportunity to discuss potential issues in the upcoming time period.

FUNDING:

DFO will provide funding to cover administration and logistical costs (such as document distribution, conference calls, meeting rooms). Participants will be responsible for paying for travel to attend the meeting in person or may choose to participate by conference call.

PANEL CHARTER: (see Appendix A)

ROLE OF FACILITATOR: (see Appendix B)

APPENDIX A PANEL CHARTER

The purpose of a Panel Charter is to promote productive discussion and provide a positive and supportive environment for that discussion. The Charter defines the expectations members have for themselves and each other regarding how they will work together.

Ground rules should be developed and agreed upon jointly by the group and must be reviewed every two years. As new participants become involved with the panel, they should familiarize themselves with the Charter.

Individuals' rights to participate in consultation processes are accompanied by responsibilities. Parties that participate in consultation processes should do so in good faith and with the public interest as well as their own sector's interest in mind. Participants also have a responsibility to engage in effective, balanced and civil communication. All representatives have a responsibility to ensure that they are accountable to their constituents, that the government receives the information it needs to make a well-informed and balanced decisions, and that consultation processes operate as efficiently as possible.

Participants in consultation processes should:

1. Maximize the exchange of information among parties and minimize misunderstandings by:
 - speaking clearly, listening carefully and asking for clarification if a point is not understood;
 - sharing information related to the issues at hand;
 - stating concerns about other participants interests or the process openly and directly;
 - clearly explaining what is important to them and why;
 - stating their perspective as concisely and briefly as possible; and
 - ensuring proper opportunity to clarify the agenda prior to the commencement of meetings.
2. Ensure that all participants have the opportunity to speak and all perspectives are taken into account by:
 - Seeking the participation of all interests.
3. Maintain a respectful atmosphere by:
 - respecting others' values and interests;
 - avoiding accusatory language, rude behaviour and stereotyping;
 - listening to what others have to say without interrupting;
 - beginning meetings on time;
 - seeking a better understanding of other perspectives with an open mind; and
 - leaving personal views on a particular issue "at the door".
4. Ensure accountability to constituencies by:
 - making every effort to attend all important consultation meetings, or sending an alternate as agreed upon by constituents;
 - establishing clear lines of accountability with those they represent, and with other representatives;

- communicating pertinent information to their constituencies regularly and seeking support for negotiated agreements; and
 - acting quickly to raise and resolve any concerns regarding the accountability of the process or any of the representatives to protect the integrity and trust of the group.
5. When negotiating in a consultation process, facilitate agreements across the full spectrum of interests by:
- negotiating in good faith, building as much agreement as possible;
 - avoiding participation in activities that may undermine the negotiation;
 - focusing on underlying interests or objectives rather than positions and seek to understand the interests of others;
 - recognizing the legitimacy of all interests;
 - treating issues as problems to be solved not as personal or sectoral conflicts;
 - allowing representatives the freedom to test ideas without prejudice to future discussion or negotiations — do not hold tentative suggestions or agreements against those who made them;
 - seeking creative solutions that accommodate all interests; and
 - positively supporting consensus agreements once they have been reached.
6. Engaging in appropriate external communication by:
- ensuring that descriptions of the process are as accurate as possible before communicating them to the general public or the media; and
 - ensuring that contact with the media is respectful of others.

APPENDIX B THE ROLE OF THE FACILITATOR

"Facilitation is the impartial management of meetings designed to enable participants to focus on substantive issues and goals. Facilitators develop an agenda for each meeting, enforce ground rules of conduct, promote interaction and communication during meetings, and bring issues to closure. A facilitator remains neutral concerning the content of the group's work and typically has no decision-making authority within the group."¹

A facilitator is the lead of the meeting. It is his/her responsibility to organize the agenda for each meeting, and ensure that the meeting operates in a respectful and efficient manner and in accordance with any previously agreed rules/charters and set agenda. A facilitator helps to frame the issues and sets the tone for the panel's discussions. The facilitator must encourage the expression and constructive discussion of diverse viewpoints. At every meeting, each panel member should feel that he/she has had a full opportunity to express opinions and otherwise contribute to the process. Panels have a diverse composition, which both adds to its strength and complicates the process of reaching consensus. The facilitator, therefore, must always be concerned with the panel's progress toward consensus.

The responsibility for making meetings effective is on the facilitator. They must not only be seen to be in control of the meeting, but actively do so by being well-informed about the agenda and ensuring panel members are able to freely express their views. The facilitator should lead the way towards openness to new ideas. Volunteers must always feel that their time is being used productively, which requires careful planning of each meeting agenda and of work assignments between meetings by both the chair/facilitator and the panel members.

First Meeting and at the beginning of all meetings:

At all meetings, the facilitator briefly sets expectations about the contributions expected from panel members; clarifies process, and reminds the panel about establish ground rules and the panel charter that will assist them in disputes, and establish some acceptable norms for meetings.

Duties of the Facilitator:

- Develops agenda (in consultation with panel);
- Convenes meeting;
- Facilitates communication among panel members;
- Ensures that every member participates;
- Ensures that files/issues are being followed up on;
- Ensures every meeting is productive;
- Ensures that the Panel Charter is respected;
- Ensures the record of decisions is visible for participants for approval; and
- Ensures all participants can hear proceedings.

¹ Michael Poirier Elliott, *"The Role of Facilitators, Mediators, and other Consensus Building Practitioners,"* in *The Consensus Building Handbook: A comprehensive Guide to Reaching Agreement*, Lawrence Susskind, Sarah McKearnan, and Jennifer Thomas-Larmer, editors, Sage Publications, 1999, page 207.