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## IPHC Rules of Procedure (2022) - Draft

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### PURPOSE

To provide the Commission with proposed amendments to the current IPHC Rules of Procedure (2021).

### BACKGROUND

In accordance with Rule 19, paragraph 1 of the IPHC Rules of Procedure (2021), which states:

*“1. These Rules of Procedure should be reviewed for their consistency and appropriateness at least biennially.”*

At the 97<sup>th</sup> Session of the IPHC (AM097; January 2021), the Commission made the following request of the IPHC Secretariat regarding on the IPHC Rules of Procedure:

#### **IPHC Rules of Procedure (2021)**

AM097–Req.08 ([para. 107](#)) *The Commission **REQUESTED** that the IPHC Secretariat undertake an inter-sessional review and recommend further improvements to the IPHC Rules of Procedure to the Commission, noting the CB’s recommendation (to change when Chairs are elected in their rule), PAB noting the conflicting text in the Rules, and roles of the Commissions Secretariat.*

**1) Conference Board (CB):** At the 91<sup>st</sup> Session of the IPHC Conference Board (CB091) in January 2021, the CB made the following recommendation to the Commission:

[IPHC-2021-CB097-R](#), para 4: **NOTING** *the issue identified whereby the Co-Chairpersons may change at the start of the CB meeting, which limits the degree of preparedness for a meeting by incoming chairs, the CB **RECOMMENDED** that the IPHC Rules of Procedure be modified so that the tenure of the CB Chairperson and Vice-Chairperson ends at the close of the applicable CB meeting. The intention is to ensure continuity between meetings and allow the IPHC Secretariat to work with, and prepare the Co-Chairpersons leading into a meeting of the CB.* [Canada: In favour=13; against=0; abstain=1] [U.S.A.: In favour=27; against=1; abstain=0].

**2) Processor Advisory Board (PAB):** Subsequent to the Commission’s directive stated above, the IPHC Secretariat undertook a detailed process of reviewing and consulting with all current PAB members, as well as Pacific halibut processors coastwide who were not yet listed on the PAB’s membership. The consultation resulted in the draft edits to the PAB Terms of Reference as provided in [Appendix I](#). These drafts edits will be presented and discussed at the PAB098 meeting in January 2022.

**3) Research Advisory Board (RAB):**

[IPHC-2021-RAB022-R](#), para. 4: The RAB **NOTED** and **ENDORSED** the further improvements suggested to Appendix VII, I.1-2 of the IPHC Rules of Procedure (2021) as follows:

*“1. The Research Advisory Board (RAB) is composed of members of the Pacific halibut community that shall: a. suggest research **ideas, topics to be considered for***

*incorporation in the IPHC 5-year Research Plan; b. ~~review IPHC research proposals, and c.~~ provide the IPHC Secretariat staff (who participate in Sessions of the RAB as Observers) with direct input and advice from industry on current and planned research activities contemplated for inclusion in the IPHC 5-year Research Plan during the development of research plans.*

*2. The RAB may also make recommendations to the Scientific Review Board concerning options for new suggested research topics and current and planned research activities and their prioritization ~~research plans and priorities~~ for its consideration.”*

## DISCUSSION

Provided at [Appendix I](#) are proposed revisions to the current IPHC Rules of Procedure (2021), which incorporate process and functional amendments intended to further modernise the IPHC’s governance procedures.

- 1) Appendix IV Conference Board (CB) – Terms of Reference and Rules of Procedure
- 2) Appendix VI Processor Advisory Board (PAB) – Terms of Reference and Rules of Procedure
- 3) Appendix VII Research Advisory Board (RAB) – Terms of Reference and Rules of Procedure

## RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2022-FAC098-09 which proposed amendments to the current IPHC Rules of Procedure (2021);
- 2) **NOTE** that further input will be obtained from the 27<sup>th</sup> Session of the IPHC Processor Advisory Board (PAB027);
- 3) **RECOMMEND** the Commission adopt revised IPHC Rules of Procedure (2022).

## APPENDICES

**Appendix I:** DRAFT: International Pacific Halibut Commission Rules of Procedure (2022): Amendments to Appendices IV, VI and VII.



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**Appendix IV**

**Conference Board (CB) – Terms of Reference and Rules of Procedure**

**I. Terms of reference**

1. The Conference Board (CB) is a subsidiary body to the Commission on which individuals represent Pacific halibut harvesters organisations and associations from each Contracting Party. The CB shall:
  - a) provide a forum for the discussion of management and policy matters relevant to Pacific halibut and provide advice to the Commission on management and policy matters relevant to Pacific halibut;
  - b) review IPHC Secretariat reports and recommendations, regulatory proposals received by the Commission, and provide its advice concerning these items to the Commission at its Annual Meeting, or on other occasions as requested.
2. The CB Chairpersons shall communicate with the Commission and the other IPHC subsidiary bodies on the CB's behalf. The Commission's Executive Director may facilitate this communication.

**II. Representation**

3. CB members are Pacific halibut harvester organisations and associations from each Contracting Party and include commercial, guided sport/recreational, unguided sport/recreational, subsistence, and First Nations/Tribal interests. Members are responsible for designating their individual delegate(s) and no delegate may vote on behalf of more than one CB member.
4. The CB regulates its membership by accrediting members at the beginning of each CB session. Accreditation is documented using the Accreditation Questionnaire provided at [Annex 1, submitted through the CB Accreditation portal on the IPHC website](#). The CB members shall compose nationals from Canada and the United States of America.
5. CB members may be re-accredited for successive meetings for a period of five (5) years from their initial accreditation by a simple role call at the beginning of the CB session if



they have participated in at least three (3) CB annual meetings within the five (5) year period. CB members not meeting this criteria or their five year accreditation cycle has elapsed fill out Accreditation Questionnaire provided in Annex 1, [submitted through the CB Accreditation portal on the IPHC website](#). Returning CB members who need to fill out the Accreditation Questionnaire and potential CB members seeking accreditation for the first time are encouraged to notify the IPHC Secretariat at least two weeks before the beginning of the Annual Meeting of the CB session they wish to attend.

6. Members serve without compensation from the Commission.

### III. Officers

#### Co-Chairperson/s and Vice-Chairperson/s

7. The CB is Co-Chaired by two members, one from each of the two Contracting Parties. The Co-Chairpersons convene and adjourn meetings and preside over them, ensuring that meetings are conducted in an orderly and businesslike manner.
8. The Co-Chairpersons present the CB's decisions, recommendations, and advice to the Commission.
- ~~9. The Co-Chairpersons may appoint a Secretary, or one of the Co-Chairpersons may fulfill secretarial duties, including accepting the services of the IPHC Secretariat.~~
- ~~10.9.~~ The Co-Chairpersons may be supported by up to two Vice-Chairpersons, as the CB may desire, one from each of the two Contracting Parties.
- ~~11.10.~~ The Co-Chairpersons and Vice-Chairpersons are entitled to vote if the member organisation/association they represent does not have a participating representative at the CB.

#### Terms of office and election

- ~~12.11.~~ CB members of each Contracting Party elect the Co-Chairperson from their Contracting Party for terms of two (2) years, with no limit to the number of terms an individual Co-Chairperson may serve.



~~13.12.~~ Election of new Co-Chairpersons whose two-year term has expired will be at the ~~beginning~~ end of the annual meeting of the Conference Board.

~~14.13.~~ Election of Vice-Chairpersons will follow the election of the Co-Chairperson(s) if required. Vice-Chairperson term is for ~~one-two~~ (2½) years.

~~15.14.~~ If a Co-Chairperson becomes unable to serve during the annual CB meeting, ~~his/her~~ their Contracting Party shall elect another member as Co-Chairperson. If a Co-Chairperson becomes unable to serve sometime after the completion of the Session, the office will remain vacant until the Contracting Party members elects a replacement ~~at the beginning of the next CB Session.~~

#### IV. Sessions of the Conference Board

~~16.15.~~ **Time and place:** The CB typically meets once each year, in conjunction with the IPHC Annual Meeting.

~~17.16.~~ **Agenda:** The agenda for the CB will be proposed by the Co-Chairpersons and approved by the membership at the beginning of the Session. The CB typically meets to discuss the issues and proposals under consideration. The CB may call on the IPHC Secretariat or other organisations to clarify or provide more information during its deliberations.

~~18.17.~~ **Conduct of meetings:** Parliamentary procedure according to [Roberts Rules of Order](#) will be used as a guideline in the conduct of CB meetings, unless otherwise specified in the IPHC Rules of Procedure. The CB may set up its own subgroups or committees to consider specific issues or to produce specific documents or other products.

~~19.18.~~ **Decision-making:** Each accredited CB member shall have one vote.

- a) Following a vote on any issue the Co-Chairpersons shall announce the result by Contracting Party, which shall be recorded in the record of the meeting (i.e. Canada: In favor/Against (#for and #against); U.S.A.: In favor/Against (#for and #against). When it is clear that the vote reflects differences of opinion within a Contracting Party the Co-Chairpersons shall ensure that minority viewpoints are summarized and reported to the Commission.



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- b) Decisions regarding the CB's recommendations for mortality limits and fishery regulations, must be made by a recorded vote of members present.
  - c) Other decisions may be made by voice vote of CB members present, unless the Co-Chairpersons decide that a recorded vote is necessary.

## V. Intersessional process and ad-hoc working groups

20.19. During the annual CB meeting, ad-hoc working groups may be created to work on issues or projects, or to represent the CB's interests.

21.20. The work of such ad-hoc working groups may not exceed the mandate approved for them by the CB.

22.21. Completed documents and other work materials from the CB's ad-hoc working groups should be posted for public access on the Commission website.

23.22. Decisions requiring a vote or approval of the CB, regarding or resulting from work undertaken intersessionally, may only be made at the annual CB meeting.

## VI. Reports and Records

24.23. A report shall be adopted at the end of each Session of the CB. The draft report will be sent to all CB attending members for review, and suggested edits will be adopted or rejected by the CB Co-Chairpersons. If no edits are received then the draft report will be deemed final.

25.24. The report shall embody the CB's recommendations, including, when requested by a minority of stakeholders within a Contracting Party, a statement of minority views.

- a) If requested, divergent views within a Contracting Party will be documented in minority reports by accredited organisations of the minority.
- b) Participants requesting the inclusion of a minority report must provide the Co-Chairpersons with a clear and concise serviceable draft in an electronic version "word document" within four (4) hours of the conclusion of the days CB meeting, or within two (2) hours of the conclusion of the annual CB meeting.
- c) Draft minority reports are limited only to information and material discussed during the CB session.



d) The Co-Chairpersons reserve the right to edit draft minority reports for accuracy and brevity. All attendant documents shall be considered part of the Report.

~~26.25.~~ A copy of the final report from each CB meeting shall be forwarded by the IPHC Executive Director to the Contracting Parties and to the Commissioners no later than **15 days** after the close of the Session.

~~27.26.~~ All reports shall be available on the Commission's website.

~~28.27.~~ The CB recommendations and advice will be presented by the Co-Chairpersons to the Commission prior to the Commission making final decisions on management and policy matters relevant to Pacific halibut.



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**Annex 1**  
**IPHC CONFERENCE BOARD MEMBER ACCREDITATION QUESTIONNAIRE**

**1. NAME AND ADDRESS OF ORGANISATION:**

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Mailing Address

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City	State/Province	Zip/Postal Code	Telephone
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FAX	E-mail
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**2. NAME AND TITLE OF OFFICERS:**

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**3. PRIMARY PURPOSE OF ORGANISATION (GENERALLY, WHO DO YOU REPRESENT?)**

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**4. DATE ORGANISATION WAS FORMED:**

**5. DATE OF LAST MEETING:**

**6. HOW MANY MEMBERS IN YOUR ORGANISATION?**

**7. NAMES OF DELEGATES FOR INITIAL MEETING:**

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**8. HAS YOUR ORGANISATION EVER VOTED ON THE CONFERENCE BOARD? YES \_ NO  
WHAT YEAR?**

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**Authorized Signature**

**Date of Application**



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## Appendix VI

### Processor Advisory Board (PAB) – Terms of Reference and Rules of Procedure

#### I. Terms of reference

1. The Processor Advisory Board (PAB) is a subsidiary body of the International Pacific Halibut Commission (IPHC) that represents the commercial Pacific halibut processing industry from Canada and the United States of America. It advises the Commission on issues related to the management of the Pacific halibut resource in the Convention Area.
2. The PAB encourages stability and growth of the North American Pacific halibut industry by fostering a cooperative relationship, better understanding, and a spirit of mutual benefit among seafood processors, fishermen, the Commission, and all other stakeholders.

#### II. Representation

3. Any company or association, including sole-proprietorships, corporation, or partnerships whose direct business is purchasing, processing and selling Pacific halibut caught in Alaska, British Columbia, Washington, Oregon, or California is eligible for PAB membership.
4. Potential members shall present authorization from their company to represent that company in PAB deliberations. Such authorization will be presented to the general membership of the PAB at its annual meeting. If this authorization is not valid, the member will be removed from the PAB membership list.
5. PAB members agree to carefully and objectively consider all aspects of an issue.
6. PAB members serve without compensation from the Commission.
7. Membership is renewed each year, upon attending the PAB annual meeting.
8. ~~The Halibut Association of North America (HANA) shall serve as the PAB's organisational, administrative, communications, and recruitment facilitator.~~



### III. Officers

~~9.8.~~ The PAB's annual meeting shall be convened by the ~~President of HANA for the purpose of nominating and electing the~~ PAB Chairperson and Vice-Chairperson. ~~Once nominations are made, the election is confirmed by a simple majority vote of PAB members present.~~

~~10.9.~~ In years when the Commission's Annual Meeting is held in Canada, the PAB Chairperson shall be a Canada-based member and the Vice-Chairperson shall be a U.S.A.-based member. In years when the Commission meets in the U.S.A., the PAB Chairperson shall be a U.S.A.-based member and the Vice-Chairperson shall be a Canada-based member.

~~11.10.~~ Officers' terms shall be for one year, or until a replacement is elected.

### IV. Sessions of the PAB

~~12.11.~~ **Time and place:** The PAB meets once a year over the course of a few days, in conjunction with the IPHC Annual Meeting. A quorum is established each year.

~~13.12.~~ **Agenda:** The PAB's draft agenda will be presented by the Chairperson and approved by the membership at the beginning of the meeting. Members may suggest changes to the agenda prior to approval.

~~14.~~ ~~**Conduct of meetings:** Parliamentary procedure will be used in the conduct of the PAB meeting.~~

~~15.13.~~ **Decision-making:** Only one vote per company member is allowed.

- a) If a company has more than one representative in attendance, those representatives will choose from among them one individual to cast the company's single vote on any issue.
- b) Proxies are allowed only from members who have attended the last two sequential meetings of the PAB.
- c) Only one Proxy per member is allowed.
- d) Proxies will be submitted to ~~a PAB member or the executive director of HANA~~ the IPHC Secretariat prior to the PAB meeting in written or electronic form.



~~e) If a Proxy is submitted to a PAB member, that member must submit the Proxy to the Executive Director of HANA. At the meeting, HANA's executive director will submit all Proxies to the chairperson of the PAB.~~

~~f)~~ A General Proxy will authorize a designated PAB member to vote on any or all topics brought before the PAB, on behalf of a PAB member who cannot attend. A Specific Proxy will authorize a PAB member to vote on specifically named topics (listed on the proxy itself) on behalf of the PAB member who cannot attend.

## V. Intersessional process and ad-hoc working groups

~~16.14.~~ The PAB may establish ad-hoc working groups to address issues or projects, or to represent the PAB's interests. Completed documents and other work materials from the PAB working groups will be posted for public access on the IPHC website.

~~17.15.~~ Additional work group members outside of the PAB membership may be added as judged appropriate by the Chairperson.

~~18.16.~~ When determined by the PAB Chairperson and Vice-Chairperson as necessary, Special Sessions of the PAB may be called. These meetings shall be for a purpose requiring discussion or other action by a quorum of PAB members.

~~19.17.~~ A quorum is established by a majority of the PAB members who were present at the current PAB meeting. ~~Minutes and other reports of the Special Meeting will be distributed to the Commission for posting on the IPHC website in a timely manner by the Executive Director of HANA or his/her designee.~~

~~20.18.~~ Attendance, discussion, voting, reportage, and all other aspects of the Special Meeting may be done electronically.

## VI. Reports and records

~~21.19.~~ A report shall be adopted at the end of each Session of the PAB.

~~22.20.~~ The report shall embody the PAB's recommendations, including, when requested, a statement of minority views.



23.21. A copy of the final report from each PAB meeting shall be forwarded by the IPHC Executive Director to the Contracting Parties and to the Commissioners no later than **15 days** after the close of the Session.

24.22. All reports shall be available on the Commission's website.



## Appendix VII

### Research Advisory Board (RAB) – Terms of Reference and Rules of Procedure

#### I. Terms of reference

1. The Research Advisory Board (RAB) is composed of members of the Pacific halibut community that shall:
  - a. suggest research ~~ideas, topics to be considered for incorporation in the IPHC 5-year Research Plan,~~
  - ~~b. review IPHC research proposals, and~~
  - ~~e.b.~~ provide the IPHC Secretariat staff (who participate in Sessions of the RAB as Observers) with direct input and advice from industry on current and planned research activities contemplated for inclusion in the IPHC 5-year Research Plan during the development of research plans.
2. The RAB may also make recommendations to the Scientific Review Board concerning options for new suggested research topics and current and planned research activities and their prioritization ~~research plans and priorities~~ for its consideration.
3. The Executive Director shall Chair the RAB's meetings, as well as communication with the Commission and the other IPHC subsidiary bodies on the RAB's behalf.

#### II. Representation

4. RAB members are Pacific halibut industry representatives from each Contracting Party and may include commercial, guided sport, unguided sport/recreational, subsistence, and First Nations/Tribal interests.
5. The RAB shall consist of ten to fifteen members.
6. New RAB members shall be nominated by current members, by other IPHC subsidiary bodies, or by the IPHC Secretariat staff. The nominees are reviewed and approved by the IPHC Secretariat staff. Nominees must be members of the Pacific halibut community with



an expressed interest in scientific research. They must be available for meetings and willing to participate in candid discussions about the IPHC research program. It is not necessary to achieve a particular regional or sector balance in the membership of the RAB.

7. The term for RAB membership is two years. There is no limit to how many terms a RAB member may serve.
8. RAB members serve without compensation from the Commission.

### III. Officers

9. The IPHC Executive Director shall act as Chairperson of the RAB and the IPHC Biological and Ecosystem Science Branch Manager shall act as the Vice-Chairperson of the RAB, unless the RAB decides otherwise.

### IV. Sessions of the RAB

10. **Time and place:** The RAB shall meet once each year at the IPHC offices in Seattle. The RAB may also meet at other times and places, or via electronic means, to consider specific issues or to produce specific documents or other products.
11. **Agenda:** The agenda for the RAB meeting is proposed by the Commission's Executive Director and approved by the membership at the beginning of the meeting, in accordance with the Commission's rules of procedure. The agenda will include time for broad discussion of scientific issues between the RAB and the IPHC Secretariat.

### V. Intersessional process and ad-hoc working groups

12. The RAB may set up ad-hoc working groups to consider particular issues and report back to the RAB.

### VI. Reports and Records

13. A report shall be adopted at the end of each Session of the RAB.



14. The report shall embody the RAB's recommendations, including, when requested, a statement of minority views.
15. A copy of the final report from each RAB meeting shall be forwarded by the IPHC Executive Director to the Contracting Parties and to the Commissioners no later than **15 days** after the close of the Session.
16. All reports shall be available on the Commission's website.