

## **PACIFIC SALMON COMMISSION**

### **BYLAWS**

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# PACIFIC SALMON COMMISSION

## BYLAWS

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## **CHAPTER I**

### **AUTHORITY AND PURPOSE**

#### **SECTION A. AUTHORITY AND PURPOSE**

- Rule 1 Authority. These bylaws consist of rules and regulations adopted by the Pacific Salmon Commission pursuant to Article II paragraph 7 of the Treaty between the Government of Canada and the Government of the United States of America concerning Pacific Salmon (Pacific Salmon Treaty) signed at Ottawa on January 28, 1985, and entered into force March 18, 1985, in Quebec City, Canada and most recently amended XX, 2009.
- Rule 2 Purpose. The purpose of these bylaws is to provide the ground rules for the internal organization and operation of the Pacific Salmon Commission and its subsidiary bodies, to wit, the Northern Panel, Southern Panel, Fraser Panel, Transboundary Panel, Technical Dispute Settlement Board, and other such committees and technical committees as the Commission may from time to time establish.

**CHAPTER II**  
**RULES OF PROCEDURE**  
**THE PACIFIC SALMON COMMISSION**

These rules of procedure apply to the Pacific Salmon Commission established under Article II paragraph 1 of the Pacific Salmon Treaty.

**SECTION A. REPRESENTATION**

- Rule 1 Attendance at Open Meetings. All meetings of the Commission are open to the public unless otherwise designated by the Chair and the Vice-Chair of the Commission
- Rule 2 Attendance at Executive Sessions. At executive sessions of the Pacific Salmon Commission, attendance shall be limited to Commissioners, Alternate Commissioners, and up to eight (8) experts and advisors from each national section or such other numbers as may be agreed by the Chair and Vice-Chair.
- Rule 3 Notification of Intent to Attend. Each Commissioner shall notify the Executive Secretary as far as possible in advance of any meeting, through the respective National Correspondent, whether s/he will attend or whether an Alternate will exercise his/her functions in his/her stead and the names of any experts and advisors that will accompany the Commissioner or Alternate.
- Rule 4 Request for Technical and Panel Support. The Chair or the Vice- Chair may request that members of the joint technical committees and Panels attend Commission meetings.
- Rule 5 Convening of Meetings. The Chair shall convene the annual meetings of the Commission and such other meetings requested by the Chair or Vice-Chair.
- Rule 6 Location of Meetings. The official annual meeting of the Commission shall be alternated between Canada and the United States annually, unless agreed to by the Parties due to extenuating circumstances.
- Rule 7 Convening of Executive Sessions. Meetings of the Commission may be called into executive session by the Chair and/or the Vice-Chair.

**SECTION B. VOTING REQUIREMENTS**

- Rule 8 Decision-Making. A decision or recommendation of the Commission shall be made only with the approval of both United States and Canadian sections. Each national section shall inform the Commission of its vote.

Rule 9 Decision-Making for Non-Agenda Items. The Commission shall not ordinarily take a decision on any item which has not been included in the draft agenda for the meeting. Where circumstances warrant, supplementary decision items may be added to the agenda with the concurrence of each National Section.

Rule 10 Decisions When In-Person Participation is Not Practicable. Between meetings of the Commission, and in cases of special necessity determined by the Chair in consultation with the Vice-Chair, a decision may be taken by mail, other means of textual communication or telephone conference. The Executive Secretary shall promptly notify the Commissioners and Alternate Commissioners of the results of the decisions.

### **SECTION C. CHAIR AND VICE-CHAIR**

Rule 11 Selection.

- (a) At the first meeting of the Commission one section shall select from its members a Commission Chair, and the other section shall select from its members a Vice-Chair, each of whom will remain in office until adjournment of the Fall meeting of the Commission, and a new slate of officers will be approved to take office for a twelve month term ending on adjournment of the next fall meeting, with annual rotation thereafter.
- (b) Whenever the Chair is unable to serve, his/her national section shall designate another Commissioner or Alternate Commissioner to assume the powers and responsibilities of the Chair.

Rule 12 Powers and Responsibilities of Chair. The Chair shall have the following powers and responsibilities:

- (a) to serve as principal representative of the Commission;
- (b) to preside at each meeting of the Commission;
- (c) to make rulings on points of order raised at meetings of the Commission;
- (d) to officially receive reports and recommendations from the Panels and joint technical committees and to forward instructions and other communications to the Chairs of the Panels and joint technical committees;
- (e) to sign, on behalf of the Commission, the reports of each meeting of the Commission;
- (f) to direct Panel or joint technical committee Chairs to convene meetings;
- (g) to disseminate to the Commission, Panels, and joint technical committees reports received;
- (h) to exercise other powers and responsibilities as provided in these bylaws and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

Rule 13 Powers and Responsibilities of Vice-Chair. The Vice-Chair shall work with the Chair to present their respective National interests regarding all Commission meetings and other activities related to the

conduct of Commission business, and in the absence of administrative staff, be responsible for maintaining minutes of the proceedings.

#### **SECTION D. PREPARATION FOR MEETINGS**

Rule 14 Provisional Agendas. The Executive Secretary, with the concurrence of the Chair and the Vice-Chair, shall prepare a provisional agenda for each meeting of the Commission. Unless otherwise agreed, the provisional agenda shall be transmitted to the National Correspondents whenever practicable no later than 21 days in advance of the meeting. The agenda shall specify whether the meeting remains open or may be conducted in whole or in part in executive session.

Rule 15 Additions to Agendas. Any Commissioner or Alternate Commissioner may propose supplementary items by informing the Executive Secretary, through the respective National Correspondent, unless otherwise agreed, no later than 14 days in advance of the meeting, and providing an explanatory memorandum.

Rule 16 Draft Agenda. The Executive Secretary, with the concurrence of the Chair and the Vice-Chair, shall prepare the draft agenda for the meeting, including supplementary items, and circulate it to all Commissioners and Alternate Commissioners whenever practicable, unless otherwise agreed, no later than 7 days in advance of the meeting.

Rule 17 Adoption of Agendas. An agenda shall be adopted by the Commission at the start of each meeting.

Rule 18 Responsibility for Meeting Arrangements. The Executive Secretary shall make all necessary arrangements for meetings of the Commission.

Rule 19 Meeting Expenses. The budget of the Secretariat shall, unless otherwise specified, be responsible only for costs of meeting arrangements required for effective conduct of the meetings of the Commission.

#### **SECTION E. CONDUCT OF BUSINESS**

##### **Rule 20 Maintenance of Proper Order**

(a) The Chair shall ensure the observance of these Rules and the maintenance of proper order.

(b) The Chair shall normally call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Rule 21 Participation by Public Visitors. When appropriate, and with the concurrence of the Vice-Chair, the Chair may provide time for public visitors to speak during the meeting.

Rule 22 Proposals for Commission Consideration. Either national section or any Panel may make a proposal for consideration by the Commission. Proposals ordinarily shall be submitted in writing to the Chair, who shall circulate copies to all Commissioners and Alternate Commissioners. In general, no proposal shall be put to a decision at any meeting of the Commission unless copies have been distributed to all Commissioners and Alternate Commissioners a reasonable time in advance. The Chair, however, with

the concurrence of the Vice- Chair, may permit decisions on such proposals to be taken in accordance with Rules 8 and 9.

**Rule 23 Caucus.** Any Commissioner or Alternate Commissioner may call for a recess to caucus or for other appropriate purpose and the Chair shall provide for a recess immediately.

**Rule 24 Reporting**

- (a) A report of each meeting of the Commission shall be prepared by the Executive Secretary and shall include all decisions and recommendations adopted at the meeting. . All attendant documents shall be considered a part of the report. In the event that an in-camera meeting of the Commission is held, any decision from that session which will impact any action by the Commission, in whole or in part, must be further discussed and approved in a subsequent Executive or Open Meeting and the final decision become part of any aforementioned meeting reports. A draft report shall be considered by the Commission as soon as possible following the meeting. A report shall be made final upon approval of the Commission but must be approved no later than the second meeting following the original meeting. A final report shall be circulated to all Commissioners and Alternate Commissioners and, when appropriate, to the Panels and joint technical committees. The final report will be posted on the PSC website. The Chair, with the concurrence of the Vice-Chair, may restrict access to reports or sections thereof or take other measures necessary to ensure confidentiality. The Executive Secretary will submit a copy of the final meeting report to the Chair and Vice-Chair for their signatures and return to the Secretariat for distribution. Copies will be kept with the permanent Commission records.
- (b) An annual report of the Commission shall be prepared by the Executive Secretary following the end of each fiscal year.

**SECTION F. MODIFICATIONS TO COMMISSION RULES OF PROCEDURE**

**Rule 25 Amendments.** The Rules of Procedure for the Commission may be modified by the Commission in accordance with Chapter XI of these bylaws.



**CHAPTER III**  
**RULES OF PROCEDURE**  
**PANELS**

These rules of procedure apply to all Panels of the Pacific Salmon Commission established under Article II paragraph 18 of the Pacific Salmon Treaty.

**SECTION A. REPRESENTATION**

- Rule 1 Attendance at Open Meetings. All meetings of the Panels are open to the public unless otherwise designated by the Chair or the Vice-chair of the respective panel.
- Rule 2 Attendance at Executive Sessions. At executive sessions, attendance shall be limited to Panel members, alternate Panel members, and up to eight (8) experts and advisors or such other numbers as may be agreed by the Chair and Vice-chair. Commissioners and Alternates may attend any proceedings conducted by the Panels
- Rule 3 Notification of Intent to Attend. Each Panel member shall notify the Executive Secretary, through the National Correspondent, as far as possible in advance of any meeting whether he/she will attend or whether an alternate Panel member will exercise his/her functions in his/her stead and the names of any experts and advisors that will accompany the Panel member.
- Rule 4 Request for Technical Support. The Chair or the Vice-Chair each may request that members of the joint technical committees attend Panel meetings.
- Rule 5 Convening of Meetings. The Chair shall convene the annual meetings of the Panel and such other meetings requested by the Chair or the Vice-Chair of the Panel or by the Chair of the Commission.
- Rule 6 Convening of Executive Sessions. Meetings of a Panel may be called into executive session by the Chair or the Vice-Chair after consultation with each other.

**SECTION B. VOTING REQUIREMENTS**

- Rule 7 Decision-Making. A decision or recommendation of a Panel or a joint Panel shall be made only with the approval of both United States and Canadian Sections. Each national section shall inform the Panel of its vote.
- Rule 8 Decision-Making for Non-Agenda Items. Except with the concurrence of each national section, the Panels shall not take a decision on any proposal which does not appear as an item on the draft agenda for the meeting.
- Rule 9 Decisions When In-Person Participation is Not Practicable. Between meetings of the Panels and in cases of special necessity determined by the Chair or Vice-Chair, decisions may be taken by mail, other means of textual communication, or telephone conference. The Executive Secretary shall facilitate notification to the Panel members and alternates of the results of such decisions.

## **SECTION C. CHAIR AND VICE-CHAIR**

### **Rule 10 Selection**

- (a) At the first meeting of a Panel one section shall select from its members a Panel Chair, and the other section shall select from its members a Vice-Chair, each of whom will remain in office until adjournment of the Fall meeting of the Commission when new officers will be elected to take office for a twelve month term ending on adjournment of the next fall meeting, with annual rotation thereafter. If either office becomes vacant before the end of a term, the appropriate section shall select a replacement for the remainder of the term.
- (b) Whenever the Chair is unable to serve, his/her national section shall designate another Panel member or alternate Panel member to assume the powers and responsibilities of the Chair.

**Rule 11 Selection - Joint Panels.** At the first joint meeting of two or more Panels, the procedures for selecting the Chair and Vice-Chair described in Rule 10 shall apply. The Chairman designated in October will remain in office until adjournment of the October fall meeting of the Commission, when new officers will be elected to take office for a twelve month term ending on adjournment of the next fall meeting, with annual rotation thereafter.

**Rule 12 Powers and Responsibilities of Chair.** The Chair shall have the following powers and responsibilities:

- (a) preside at each meeting of the Panel;
- (b) make rulings on points of order raised at meetings of the Panel;
- (c) officially receive and distribute reports and recommendations;
- (d) officially forward instructions and other relevant communications to the Co-Chairs of the joint technical committees;
- (e) initiate, and with the concurrence of the appropriate Panel Chairs, schedule joint Panel meetings;
- (f) sign on behalf of the Panel the reports and recommendations of the Panel;
- (g) report to the Commission decisions and recommendations of the Panel;
- (h) exercise such other powers and responsibilities as provided in these bylaws and make such decisions as will ensure that the business of the Panel is carried out effectively and in accordance with its decisions.

Rule 13 Powers and Responsibilities of Vice-Chair. The Vice-Chair shall have the following powers and responsibilities:

- (a) request Panel meetings by notice to the Chair;
- (b) request joint Panel meetings by notice to the Chair;
- (c) assist in the preparation of Panel agendas.
- (d) In executive sessions the Vice-Chair shall, in the absence of administrative staff, be responsible for maintaining minutes of the proceedings.

#### **SECTION D. PREPARATION FOR MEETINGS**

Rule 14 Provisional Agendas. The Chair and the Vice-Chair may prepare a provisional agenda for each meeting of the Panel and transmit it to all Panel members and alternates as soon as possible before the meeting. The agenda may specify whether the meeting will be open and whether part or all of the meeting will be held in executive session.

Rule 15 Additions to Agenda. Any Panel member or alternate Panel member may propose supplementary items by informing the Chair and Vice Chair as soon as possible before the meeting, providing an explanatory memorandum.

Rule 16 Draft Agenda. The Chair and the Vice-Chair, shall prepare the draft agenda for the meeting, including the supplementary items, and circulate it to all Panel members and alternates as soon as possible before the meeting.

Rule 17 Adoption of Agendas. The Panel shall adopt the agenda at the start of each meeting.

Rule 18 Responsibility for Meeting Arrangements. The Executive Secretary shall make all necessary arrangements for meetings of a Panel.

Rule 19 Meeting Expenses. The budget of the Secretariat shall, unless otherwise specified, be responsible only for costs of meeting space required for effective conduct of the meetings of the Panels.

#### **SECTION E. CONDUCT OF BUSINESS**

Rule 20 Applicability of Rules to Joint Panels. Except where otherwise provided in these Rules of Procedure, rules applicable to Panels in general apply to joint Panels.

Rule 21 Maintenance of Proper Order

- (a) The Chair shall ensure the observance of these rules and the maintenance of proper order.

- (b) No person may address the meeting without having previously obtained the permission of the Chair. The Chair shall call upon speakers in the order in which they signify their desire to speak or in such other order as may be agreed by the Chair and Vice-Chair. The Chair may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Rule 22 Participation by Public Visitors. When appropriate, and with the concurrence of the Vice-Chair, the Chair may provide time for public visitors to speak during the meeting.

Rule 23 Proposals for Panel Consideration.

- (a) Proposals ordinarily shall be submitted in writing to the Chair, who shall circulate copies to all members.
- (b) Fraser River Panel. In order to expedite the day-to-day in- season management responsibilities of the Fraser River Panel, proposals or recommendations may, where practicable, be submitted in writing to the Chair twenty-four hours in advance of or during an in-season meeting. The Chair shall circulate copies of such proposals to all members in the manner considered most appropriate. However, whenever deemed necessary, meetings or telephone conferences may be convened by the Chair on less than twenty-four hours notice.

Rule 24 Caucus. Any Panel member may call for a recess for caucus or other appropriate purpose, and the Chair or Vice-Chair shall provide for a recess immediately.

Rule 25 Reporting. A summary report of each meeting of the Panel shall be prepared and shall include all decisions and recommendations adopted at the meeting. For executive sessions, the report shall be limited to the attendance, date, time and place of meeting, and the decisions made. All attendant documents shall be considered a part of the report. A draft report shall be considered by the Panel before the end of the meeting or as soon as possible thereafter. A Panel report shall be made final upon approval by each national section. A joint Panel report shall be made final upon approval of each Panel. . The Panel Chair and Vice Chair may be called upon to make a written or oral Panel report to the Commissioners

#### **SECTION F. MODIFICATIONS TO PANEL RULES OF PROCEDURE**

Rule 26 Amendments. The Rules of Procedure for Panels may be modified following advance notice on the written agenda for a Panel meeting, and upon concurring decisions by each of the affected Panels and approval of the Commission in accordance with Chapter XI of these bylaws.

**CHAPTER IV**  
**RULES OF PROCEDURE**  
**COMMITTEES**

These rules of procedure apply to all committees (other than technical committees) of the Pacific Salmon Commission established pursuant to Article II paragraph 17 of the Pacific Salmon Treaty.

- Rule 1 Establishment of Committees. The Commission shall establish a committee on Finance and Administration, a Scientific Cooperation Committee, and such other committees as it may, from time to time, deem appropriate. All Committee meetings are open to the public, except the Finance and Administration Committee, unless otherwise designated by the Chair and the Vice-Chair of the Committee.
- Rule 2 Duties and Responsibilities. The Commission shall define the duties and responsibilities of each committee upon its establishment and may, from time to time, assign to it tasks, as appropriate.
- Rule 3 Membership. Each committee established by the Commission, other than the Scientific Cooperation Committee, shall consist of representatives of each national section as the Commission deems appropriate, of which at least one representative of each national section shall be a Commissioner or Alternate Commissioner. Commissioners, Alternate Commissioners, and experts or advisers may serve as representatives. Commissioners and Alternates may attend any Committee meeting.
- Rule 4 Representation. Each national section shall inform the Commission of the names of representatives to a committee and shall notify the Commission of any change.
- Rule 5 Selection. Each national section shall designate a committee member as Section Chair. At the first committee meeting, one of the Section Chairs will be designated Committee Chair with the other serving as Vice-Chair. The Chair/Vice-Chair will remain in office until adjournment of the October fall meeting of the Commission, when new officers will be elected to take office for a twelve month term ending on adjournment of the next fall meeting, with annual rotation thereafter.
- Rule 6 Decisions and Recommendations. Any decision or recommendation of a committee shall be taken upon consensus of the members of such committee.
- Rule 7 Role of the Executive Secretary. The Executive Secretary shall be an ex-officio member of each committee and shall be responsible for maintaining minutes and reports of committee meetings, as appropriate. The Executive Secretary will submit a copy of the final meeting report to the Chair and Vice-Chair for their signatures and return to the Secretariat for distribution. Copies will be kept with the permanent Commission records. The Executive Secretary shall make all necessary arrangements for meetings of Committees.
- Rule 8 Meeting Expenses. The budget of the Secretariat shall, unless otherwise specified, be responsible only for costs of meeting space required for effective conduct of the meetings of the Committees.
- Rule 9 Reporting. Committees shall report any decisions or recommendations to the Commission.

**CHAPTER V**  
**RULES OF PROCEDURE**  
**JOINT TECHNICAL COMMITTEES**

These rules of procedure apply to all joint technical committees of the Pacific Salmon Treaty.

- Rule 1 Establishment of Joint Technical Committees. The Commission shall establish joint technical committees required by Annexes to the Pacific Salmon Treaty, and such other joint technical committees as the Commission from time to time may deem appropriate. Meetings of the Committee are open unless otherwise designated by the Co-chairs.
- Rule 2 Duties and Responsibilities. The duties and responsibilities of each joint technical committee shall be defined by the relevant Annexes to the Pacific Salmon Treaty and as established from time to time by the Commission, including:
- (a) prepare post-season reports, flag areas of disagreement, and forward the same to the Commission;
  - (b) provide analyses and recommendations on proposals for new fishing regimes developed by the Commission or Panels or on other technical issues;
  - (c) identify research needs for review and consideration by the Commission; and
  - (d) perform such other tasks as the Commission may, from time to time, assign, as appropriate.
- Rule 3 Membership. Each joint technical committee shall consist of such technical representatives as may be designated by each national section of the Commission. The Co-Chairs of a joint technical committee, on receipt of prior approval of the Commission, may invite the participation of specialists who are not members of the joint technical committees, when appropriate. Commissioners and Alternates may attend any Technical Committee Meeting
- Rule 4 Representation. Each national section shall inform the Commission of the names of its representatives to a joint technical committee and shall notify the Commission of any change.
- Rule 5 Selection. Each national section shall designate one of its committee members as Section Chair. The Section Chairs will serve as Co-Chairs of the joint technical committee.
- Rule 6 Expenses. Necessary travel costs incurred by members of joint technical committees shall be paid for by each Party for its respective members. Subject to the prior approval of the Commission, costs of specialists who are not members of a joint technical committee, but who are asked to participate in the committee's deliberations by the Co-Chairs, shall be borne by the Pacific Salmon Commission.
- Rule 7 Convening Meetings. Meetings of joint technical committees shall be authorized as follows:
- (a) meetings are to be authorized by the Chair of the Commission, in consultation with the Vice-Chair;
  - (b) once meetings are authorized, Co-Chairs of a joint technical committee are to develop recommendations for meeting schedules to fulfil their responsibilities;

- (c) meeting schedules are to be submitted by the Co-Chairs of the joint technical committee to the respective National Correspondents and the Executive Secretary for approval;
- (d) within constraints approved by the Commission, the Co-Chairs are free to schedule meetings as necessary to perform their responsibilities.

Rule 8 Meeting Expenses. The budget of the Secretariat shall, unless otherwise specified, be responsible only for costs of meeting space required for effective conduct of the meetings of the joint technical committees.

Rule 9 Decisions and Recommendations. Joint technical committees shall conduct their business according to guidelines for the conduct of technical committee members provided in Appendix TC1. The objective of decision making in joint technical committees is to seek consensus. If consensus cannot be attained, a joint technical committee shall provide separate views of individual committee members, as necessary, identifying degrees of difference but not the individuals holding particular opinions.

Rule 10 Policy Questions. Joint technical committees shall not attempt to resolve policy matters. They shall, however, seek to define policy issues, describe alternative approaches when so directed by the Commission, and refer such issues and alternative approaches to the Commission or Panels, as appropriate.

Rule 11 Minutes of Meetings. No detailed formal minutes of joint technical committees shall be required. Attendance lists, a brief summary of results, and any report prepared, shall be maintained as a meeting record.

Rule 12 Role of the Executive Secretary. The Executive Secretary shall be responsible for administrative support for operation of joint technical committees, including secretarial/clerical, travel expense reimbursement for specialists, and meeting arrangements.

Rule 13 Reporting. Joint technical committees shall report any decisions or recommendations to the Commission, and to Panels as appropriate.

## **APPENDIX TC1**

### **ETHICAL GUIDELINES FOR TECHNICAL COMMITTEE MEMBERS**

The manner in which Technical Committees conduct their business is critical to their credibility as scientific advisory groups to the Commission and Panels. The professional integrity of Committee members is dependent not only upon their skills and dedication, but also upon their adherence to recognized principles of ethical behaviour.

This document is intended to provide ethical guidelines for Technical Committee members. Its purpose is to encourage members to be constantly aware of ethical issues that could influence their professional work and to continually strive to increase their personal competence in the practice of their profession.

\*The following documents provided source material for development of these guidelines:

"Ethical Guidelines for Statistical Practices: Report of the Ad Hoc Committee on Professional Ethics"; the American Statistician, February 1983, Vol 37 (1).

Constitution and By-Laws of the Association of Professional Biologists of British Columbia, December 1981.

The Code of Ethics for the Association of Professional Biologists of BC can be found at:

<http://www.apbbc.bc.ca/files/APB%20COE.pdf>

The Ethical Guidelines for Statistical Practice for the American Statistical Association can be found at:

<http://www.amstat.org/profession/index.cfm?fuseaction=ethicalstatistics>



## **GUIDELINES FOR CONDUCT OF TECHNICAL COMMITTEE MEMBERS**

### **GENERAL:**

Individual Committee members shall undertake only those biological assignments for which qualified. They shall strive to maintain the highest personal professional standards. They shall uphold the dignity and integrity of the profession, and shall strive to protect the profession collectively and individually from misrepresentation and misunderstanding.

### **INDIVIDUAL COMMITTEE MEMBERS SHALL SERVE AS SCIENTISTS, NOT AS ADVOCATES FOR THEIR RESPECTIVE AGENCY POSITIONS:**

Individual Committee members shall serve as scientists whose primary responsibilities are to provide scientific analysis and interpretation pertinent to technical issues and problems referred to the Committee.

Technical Committees should carefully define and distinguish technical/biological problems and policy issues. Policy issues should be discussed in Technical Committee meetings only to the extent necessary to clarify relationships or interactions between policy and technical issues.

Members shall not permit the agency he/she represents to directly or indirectly regulate his/her professional judgement.

Members shall apply analytical procedures without concern for a favourable outcome.

Members shall disclose any financial or other interests that may affect, or appear to affect, their professional statements.

Members shall not subjugate professional principles for gifts or rewards of any kind intended to influence their professional judgement or advice.

### **PRESENTATION OF INFORMATION AND OPINIONS:**

Members shall present their findings and interpretations honestly and objectively.

Members shall avoid untrue, deceptive, or undocumented statements.

Members shall be factual in all estimates, reports and testimony, and other matters.

Members shall be prepared to document: Data sources used in an inquiry; known inaccuracies in the data; any limitations in data or concepts; steps taken to correct or refine the data, analytical procedures applied to the data and the assumptions required for their application.

Members shall make the data available for analysis by other responsible parties with appropriate safeguards for privacy concerns.

Members shall recognize and emphasize that biological analysis may be a component of an inquiry, and should be acknowledged in the same manner as other components.

Members shall indicate alternative courses of action and the adverse consequences if their technical judgement or advice is not followed.

Members shall support the competence, judgement, and authority of other professionals, and will take care that credit for work is given to those responsible for plans, data interpretations, writings, or other accomplishments.

Members shall recognize that the selection of a biological analysis procedure is to some extent a matter of judgement, and that other professionals may select alternative procedures.

Members shall direct any criticism of an inquiry to the inquiry itself, and not to the individuals conducting it.

Members shall not attempt to injure maliciously or falsely, directly, or indirectly, the professional reputation, prospects or practice of another person. Members shall not express professional opinions which reflect on the ability or integrity of another person or organization, unless convinced that their responsibilities to the profession and the community require them to do so.

### **RESPONSIBILITIES FOR DATA SECURITY:**

Members shall recognize that collecting data may impose a burden on respondents, that it may be viewed as an invasion of privacy, and that it often involves legitimate confidentiality considerations. Members should:

1. Collect only the data needed for the purpose of the inquiry.
2. Inform each potential respondent about the general nature and sponsorship of the inquiry and the intended uses of the data.
3. Establish their intentions, where pertinent, to protect the confidentiality of information collected from respondents; try to ensure that these intentions realistically reflect the ability to do so; and clearly state pledges of confidentiality and their limitations to the respondents.
4. Ensure that the means are adequate to protect confidentiality to the extent pledged or intended; that processing and use of data are in conformity with pledges made; that appropriate care is taken with directly identifying information (using steps such as destroying this type of information or removing it from the file when it is no longer needed for the inquiry); that appropriate techniques are applied to control statistical disclosure.
5. Ensure that any transfer of data to other persons or organizations shall be in conformity with the confidentiality pledges established; require written assurance from the recipients of the data that the measures employed to protect confidentiality will be at least equal to those originally pledged.

### **OTHER MATTERS:**

Members shall act fairly and justly toward vendors, contractors, and other commercial interests, recommending products and services only on the basis of merit and value.

## **CHAPTER VI**

### **RULES OF PROCEDURE TECHNICAL DISPUTE SETTLEMENT BOARD**

The rules of procedure for all Technical Dispute Settlement Boards are established under Article XII and Annex III of the Pacific Salmon Treaty.

## CHAPTER VII

### CONDUCT OF EXECUTIVE SESSIONS OF THE PACIFIC SALMON COMMISSION AND ITS SUBSIDIARY BODIES

#### SECTION A. CONVENING OF EXECUTIVE SESSIONS

- Rule 1 Convening of Executive Sessions. Meetings may be recessed, or convened in whole or in part, for executive sessions by a determination of the Chair or the Vice-Chair (or in the case of joint technical committees, by either Co-Chair) that any of the following concerns could arise from discussion during the meeting:
- (a) Any item that could jeopardize the success of the negotiation (e.g., development or evaluation of fishery regimes and proposals, or the conduct of negotiations on final fishery regimes);
  - (b) personnel or administrative actions; or
  - (c) other matters that may arise that are deemed to be of a sensitive nature.
- Rule 2 Notice of Executive Sessions for Commission and Panels. Upon advice of the Chair and the Vice-Chair, the Executive Secretary shall issue, as far in advance of the meeting date as practicable, a notice announcing if a portion of an open meeting of a Panel or the Commission is to be held in executive session. Whenever a determination is made during an otherwise open meeting that an executive session should be called, the Chair shall announce the convening of an executive session and the time when the meeting is expected to be re-opened.
- Rule 3 Attendance.
- (a) Commission. Attendance at executive sessions of Commission meetings shall be limited to Commissioners, Alternate Commissioners, and up to eight (8) experts and advisors from each national section or such other number as may be agreed by the Chair and Vice-Chair.
  - (b) Panels. Attendance at executive sessions of Panel meetings shall be limited to Panel members, alternate Panel members, and up to eight (8) experts and advisors from each national section or such other number as may be agreed by the Chair and Vice-Chair. Commissioners and Alternates may attend any proceedings conducted by the Panels.
  - (c) Committees. Attendance at executive sessions of any committees shall be limited to members of that committee. Commissioners and Alternates may attend any Committee meeting
  - (d) Technical Committees. Attendance at executive sessions of any joint technical committees shall be limited to members of the joint technical committee and such specialists as may be invited by the Co-Chairs of that technical committee. Commissioners and Alternates may attend any Technical Committee meeting.
- Rule 4 Decisions. The procedure for taking decisions in executive sessions shall be as described in the applicable Rules of Procedure under these bylaws.

## **SECTION B. RECORD KEEPING**

Rule 5 Responsibility for Records. Records of executive sessions shall be maintained by administrative staff under supervision of the Executive Secretary of the Commission. If staff is not present, the Vice-Chair shall assume this responsibility.

Rule 6 Contents of Records. The record of executive sessions shall consist of the following:

- Attendance;
- Time, date, place;
- Record of decisions taken (limited discussion);
- Determinations as to restrictions on distribution of the report.

Rule 7 Reporting. The report of any Executive Session of the Commission is to be circulated to Commissioners in draft form as soon as possible following the meeting. The record of the meeting must be approved no later than at the second meeting following the meeting being reported. The report of an executive session for other subsidiary bodies shall be considered before the end of the meeting or as soon as possible thereafter. Actions from in-camera meetings shall be consistent with Chapter II, Section E, Rule 24. A report shall be made final when approved by the Commission or subsidiary body. A final report shall be circulated in the same manner as a report of an open meeting, except to the extent the Chair and Vice-Chair together (or, in the case of joint technical committees, the Co-Chairs) have provided for restricted access to or confidentiality of the report.

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**CHAPTER VIII**  
**RULES OF OPERATION**  
**EXECUTIVE SECRETARY**

These rules apply to the Executive Secretary of the Pacific Salmon Commission appointed under Article II, paragraph 15 of the Pacific Salmon Treaty.

The Executive Secretary of the Pacific Salmon Commission shall carry out the following powers and responsibilities:

- Rule 1 General Administration. The Executive Secretary shall be responsible for the general administration of the Commission.
- Rule 2 Implementation of Commission Decisions. The Executive Secretary shall facilitate the implementation of Commission decisions and recommendations, as appropriate.
- Rule 3 Authority Over Staff. The Executive Secretary shall have full authority over the staff of the Commission, and shall establish personnel policies and procedures as needed, subject to the direction of the Commission.
- Rule 4 Commission Funds. The Executive Secretary shall receive and disburse funds in accordance with decisions of the Commission and the Financial Regulations.
- Rule 5 Party Financial Contributions. On advice of the Finance and Administration Committee, the Executive Secretary shall establish a date on which the periodic financial contributions of each Party shall be made.
- Rule 6 Commission and Panel Minutes and Reports. The Executive Secretary shall ensure that minutes and reports are prepared for Commission and Panel meetings.
- Rule 7 Committee Responsibilities. The Executive Secretary shall be an ex- officio member of each committee of the Commission and shall ensure that minutes and reports are prepared for committee meetings, as appropriate.
- Rule 8 Official Files. The Executive Secretary shall maintain official files and publications, including all reports, decisions and recommendations taken by the Commission and its subsidiary bodies.
- Rule 9 Reports. The Executive Secretary shall provide reports as required by the Commission.
- Rule 10 Meeting Arrangements. The Executive Secretary shall make all necessary arrangements for meetings of the Commission and its subsidiary bodies.
- Rule 11 Preparation and Transmittal of Reports. The Executive Secretary shall ensure reports of the Commission and its subsidiary bodies are prepared and transmitted to the national sections of the Commission in accordance with the bylaws.
- Rule 12 Transmittal of Communications. The Executive Secretary shall transmit to the national sections communications from the Parties to the Commission.

Rule 13 Correspondence. The Executive Secretary shall prepare correspondence on behalf of the Commission.

Rule 14 Assistance to Commissioners and Panel Members. The Executive Secretary shall assist Commissioners and Panel members generally in the performance of their duties.

Rule 15 Delegation of Duties. Subject to the approval of the Chair of the Commission, the Executive Secretary may assign to senior members of the staff such of his/her duties or responsibilities as appropriate.

Rule 16 Other Functions. The Executive Secretary shall perform such other functions as may be assigned to him/her from time to time by the Commission or by the Chair of the Commission.

## **CHAPTER IX**

### **FINANCIAL REGULATIONS**

#### **SECTION A. APPLICABILITY**

Rule 1 Applicability of Regulations. The following regulations shall govern the financial administration of the Pacific Salmon Commission.

#### **SECTION B. FINANCIAL YEAR**

Rule 2 Designation of Financial Year. The financial year shall be the twelve month period from April 1 to the following March 31, both dates inclusive.

#### **SECTION C. BUDGET**

Rule 3 Draft Budget.

- (a) A draft budget comprising estimates of income and expenditure of the Commission including the Panels shall be prepared by the Executive Secretary in consultation with the Chair and Vice Chair of the Finance and Administration Committee for the ensuing financial year.
- (b) The precise form in which the draft budget is to be presented shall be decided by the Commission upon the advice of the committee on Finance and Administration as established under Article II, paragraph 17 of the Treaty.

Rule 4 Budget Categories. The draft budget shall be divided into the following categories:

- (a) Salaries, wages and benefits;
- (b) Travel and transportation of persons and things;
- (c) Rents, communications and utilities;
- (d) Printing and reproduction of documents;
- (e) Professional services and other contractual services;
- (f) Materials and supplies;
- (g) Equipment purchases.

The Executive Secretary may transfer up to \$50,000 from one category to another in any fiscal year. Transfers in excess of \$50,000 may be made only with authorization of the Chair of the Commission upon recommendation of the Chair of F & A.

Rule 5 Details of Appropriations. The draft budget shall be accompanied by details of the appropriations made for the previous year together with such information as the Commission may specify from time to time and as deemed necessary by the Executive Secretary.



- Rule 6 Statement of Financial Implications. The draft budget shall include a statement of the financial implications for the current and subsequent financial years.
- Rule 7 Submission to Parties. The Executive Secretary shall submit the draft budget including a forecast budget for the subsequent financial year to the Standing Committee on Finance and Administration at least 60 days prior to the annual meeting of the Commission.
- Rule 8 Currency Basis for Budget. The draft budget and the forecast budget shall be presented in Canadian dollars.
- Rule 9 Adoption of Budget. At its inaugural meeting and thereafter at each annual meeting the Commission shall adopt the budget as agreed by the Commission.

#### **SECTION D. APPROPRIATIONS**

- Rule 10 Party Financial Contributions. Each Party to the Commission shall contribute in equal shares to the annual budget and any supplementary estimates in accordance with Article II paragraph 12 of the Treaty. Such contributions shall be made in Canadian dollars.
- Rule 11 Authorization to Incur Obligations. The receipt of appropriations in accordance with the approved budget as adopted by the Commission shall constitute authorization for the Executive Secretary to incur obligations and make payments for the purposes authorized by the Commission. Obligations will be considered incurred when purchase orders are issued.
- Rule 12 Obligations Against Future Years. Upon approval of the Commission the Executive Secretary may incur obligations against future years before appropriations are received when such obligations are necessary for the continued effective functioning of the Commission. These obligations shall be met from and shall not exceed the amount included in the approved appropriations.
- Rule 13 Availability of Appropriations. Appropriations shall remain available for twelve months following the end of the financial year to discharge obligations incurred during the year to which the funds relate.
- Rule 14 Unliquidated Obligations. Any obligation which remains unliquidated 12 months after the end of the financial year in which it was incurred shall be cancelled, or where the obligation remains a valid charge, transferred as an obligation against current appropriations. Any balance in appropriations shall be accounted for in accordance with the provisions of Rule 22.
- Rule 15 Investment of Appropriated Funds. Appropriated funds in excess of those required to meet immediate short term requirements may be invested in interest bearing guaranteed bank deposits/notes of chartered banks or other financial institutions that are members of the Canada Deposit Insurance Corporation.
- Rule 16 Credit for Surplus Funds. The Parties shall be credited with surplus funds on the same share basis as the funds were contributed. The Executive Secretary shall adjust assessments, based on budgets adopted by the Commission, to reflect income for which credits have not previously been taken into account.
- Rule 17 Extraordinary Expenses. The Commission shall prescribe the conditions under which unforeseen and extraordinary expenses may be incurred.

## **SECTION E. FUNDS**

Rule 18 Establishment of Accounts. For the purposes of accounting for the income and expenditures of the Commission, a General Fund and a Working Capital Fund shall be established. The Commission may also decide to establish such other Trust or Special Funds, as required.

Rule 19 Monies Credited to General Fund. The following monies shall be credited to the General Fund:

- (a) contributions received from the Parties;
- (b) receipts from the sale of surplus property purchased from the General Fund;
- (c) funds in excess of \$100,000 Canadian in the Working Fund at the end of each fiscal year, pursuant to the provisions of Rule 22;
- (d) interest income earned by the General Fund;

Rule 20 Monies Credited to Working Capital Fund. The following monies shall be credited to the Working Capital Fund:

- (a) receipts from the sale of surplus property purchased from the Working Capital Fund;
- (b) bank interest earned by the Working Capital Fund;
- (c) levy in lieu of income tax.

Rule 21 Transfers Between Funds. The Executive Secretary may transfer funds from the Working Capital Fund to the General Fund as follows:

- (a) temporarily, as may be necessary pending receipt of contributions from the Parties;
- (b) at the end of the financial year when such funds are in excess of \$100,000 Canadian. Pursuant to Rule 22, this transfer will constitute income for the next fiscal year.

Rule 22 Size of Working Capital Fund. The Working Capital Fund shall not normally exceed \$100,000 Canadian. Any surplus in excess of \$100,000 Canadian shall be entered as income in the budget and used to offset members' contributions for the next financial year. The amount of the Working Capital Fund and its uses shall be reviewed by the Commission at regular intervals.

## **SECTION F. OTHER INCOME**

Rule 23 Voluntary Contributions.

- (a) The Executive Secretary may accept voluntary contributions from the Parties or sources other than the Parties, provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission.

- (b) Such contributions shall be treated as Trust or Special Funds and expenditures charged against such funds for the purpose so designated.

Rule 24 Special Joint Research Fund

- (a) In accordance with the provisions of the by-laws Chapter IX, Section E, Rule 18, the Commission hereby establishes a Special Joint Research Fund to facilitate the conduct of joint scientific research approved by the Commission;
- (b) The Executive Secretary may accept monies from representatives of the Parties for deposit into the Special Joint Research Fund in such amounts as may be determined by the Parties. Deposits into the Joint Research Fund shall in no way be considered as increases in the funding contribution of the Parties to support the operations of the Commission;
- (c) The Executive Secretary shall be responsible for administration of the Joint Research Fund, including maintenance of proper fiscal records and controls, execution of contract(s) with contractor(s), and disbursement of funds in accordance with the terms and conditions of such contract(s);
- (d) Interest income earned by the Special Joint Research Fund shall be credited to the Special Joint Research Fund.
- (e) The Parties shall designate scientific authorities who shall develop a statement of work to be performed by the contractor(s) for each research project. Such scientific authorities shall select the contractor(s) to conduct the research and authorize payment for satisfactory work performed;

Rule 25 Special Yukon River Salmon Restoration and Enhancement Fund.

- (a) In accordance with the provisions of the by-laws Chapter IX, Section E, Rule 18, the Commission hereby establishes a Special Yukon River Salmon Restoration and Enhancement Fund to be managed by the Yukon River Panel;
- (b) The Executive Secretary may accept monies from representatives of the Parties for deposit into the Fund in such amounts as may be determined by the Parties; such deposits into the Fund shall in no way be considered as increases in the funding contributions of the Parties to support non-Yukon River Panel operations of the Commission;
- (c) The Executive Secretary shall be responsible for maintenance of proper fiscal records of deposits made to the Fund, and records of lump sum disbursements authorized by the officer(s) of the Yukon River Panel designated by the Parties;
- (d) Interest income earned by the Fund shall be credited to the Fund;
- (e) The Executive Secretary shall terminate the Fund on receipt of agreed instructions from representatives of the Parties.

Rule 26 Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and the Southern Boundary Restoration and Enhancement Fund

- (a) There are hereby established a Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund (hereinafter referred to as “the Northern Fund”) and a Southern Boundary Restoration and Enhancement Fund (hereinafter referred to as “the Southern Fund”), each Fund to be administered by the relevant Fund Committee of the Pacific Salmon Commission.
- (b) The Northern Fund has been constituted by grants totalling \$75 million USD, and the Southern Fund has been constituted by grants totalling \$65 million USD. Either Party may make additional contributions to the Northern Fund or the Southern Fund.
- (c) Contributions to either the Northern Fund or the Southern Fund may also be made by a third party, provided that the purpose of the contribution is consistent with the aims and activities of the relevant Fund as set out in this rule.
- (d) The Northern Fund shall be used to support activities set out in paragraph (g) below in northern and central British Columbia, Southeast Alaska, and the drainage of the Alsek, Taku and Stikine rivers. The Southern Fund shall be used to support activities set out in paragraph (h) below in southern British Columbia, the States of Washington and Oregon, and the Snake River basin in Idaho.
- (e) Expenditures shall not exceed income from the invested principal of either the Northern Fund or the Southern Fund. For purposes of this rule, the term “income” shall include interest, dividends and increases in the value of the invested principal of either the Northern or Southern Fund. The term “principal” shall refer to money contributed to either Fund, and not to income that is reinvested or income from such reinvestment.
- (f) Notwithstanding Section G Rule 30,
  - (i) at the discretion of the Northern Fund Committee, income from investments of the principal of the Northern Fund may be used to support activities set out in paragraph (g) below or may be reinvested and used at a later date to support those activities. At no time may the principal of the Northern Fund be used except to generate income to be used in support of such activities, and
  - (ii) at the discretion of the Southern Fund Committee, income from investments of the principal of the Southern Fund may be used to support activities set out in paragraph (h) below or may be reinvested and used at a later date to support those activities. At no time may the principal of the Southern Fund be used except to generate income to be used in support of such activities, and
- (g) The Northern Fund shall be used to support the following activities:
  - (i) development of improved information for resource management, including better stock assessment, data acquisition, and improved scientific understanding of factors affecting salmon production in the freshwater and marine environments;
  - (ii) rehabilitation and restoration of habitat and improvement of natural habitat to enhance productivity and protection of Pacific salmon; and
  - (iii) enhancement of wild stock production through low technology techniques rather than through large facilities with high operating costs.
- (h) The Southern Fund shall be used to support the following activities:

- (i) development of improved information for resource management, including better stock assessment, data acquisition, and improved scientific understanding of limiting factors affecting salmon production in the freshwater and marine environments;
  - (ii) rehabilitation and restoration of marine and freshwater habitat, and improvement of habitat to enhance productivity and protection of Pacific Salmon; and
  - (iii) enhancement of wild stock production through low technology techniques rather than through large facilities with high operating costs.
- (i) The Executive Secretary shall disburse income from the Northern and Southern Funds at the direction of the Northern Fund Committee and the Southern Fund Committee respectively.
  - (j) The Executive Secretary shall enter into contract(s) on behalf of the Commission with professional investment manager(s) to manage the principal of the Northern and Southern Funds and any earnings. The investment manager(s) shall be selected by the relevant Fund Committee(s), and the terms and conditions of the contract(s) shall be subject to approval of the relevant Fund Committee(s).
  - (k) The contract(s) shall contain the terms and conditions for investment of the Northern and Southern Funds and shall provide that the principal and earnings of each of the Northern and Southern Funds shall be invested in interest-bearing accounts, bonds, securities, or other investments in order to achieve the highest annual yield consistent with protecting the principal of each of the Funds. Further, the contract(s) shall also provide that all investments made shall be the type of investments made by a prudent investor. In addition, it (they) shall also provide termination provisions consistent with those in the 1999 Pacific Salmon Agreement. The investment manager(s) shall carry out its (their) functions with the same degree of knowledge and care as exercised by other investment managers in that state or province. The investment manager(s) shall be bonded.
  - (l) The contract(s) shall further provide that the investment manager(s) shall provide to each of the Northern Fund and Southern Fund Committees and to the Commission reports on at least a quarterly basis regarding the status of each Fund and, in particular, the availability of the income from the Northern and Southern Funds for distribution.
  - (m) The management and use of the Northern Fund by the Northern Fund Committee and the management and use of the Southern Fund by the Southern Fund Committee shall be conducted in accordance with applicable national laws. Either Party or the Commission may conduct financial audits of the Northern and Southern Funds and may review the operation of the Northern Fund and Southern Fund Committees.

#### Rule 27 Northern Fund and Southern Fund Committee

- (a) The Northern Fund Committee and the Southern Fund Committee shall be each composed of six members. Each Party shall appoint three of the members for each committee. Members shall exercise their duties in good faith and with reasonable care.
- (b) Each Committee shall adopt rules of procedure which shall govern its activities notwithstanding any by-laws of the Commission regarding the same or similar subject matter. Each Committee

shall also adopt procedures for the submission, review, evaluation and approval of proposals for use of the income of the relevant Fund.

- (c) The Executive Secretary shall make all necessary arrangements for meetings of the Northern Fund and Southern Fund Committees, including technical and administrative support.
- (d) Decisions of each of the Northern Fund and Southern Fund Committees shall be by consensus. Decisions of each of the Northern Fund and Southern Fund Committees, including decisions regarding disbursement of funds, shall be final and not subject to review by the Commission.

## **SECTION G. CUSTODY OF FUNDS**

Rule 28 Designation of Bank Account. The Executive Secretary shall designate a bank or financial institution insured by Canada Deposit Insurance Corporation in the Vancouver, B.C. metropolitan area in which the funds of the Commission shall be kept. The Executive Secretary shall inform the Commission of the name of the bank or financial institution.

Rule 29 Financial Administrator. The Executive Secretary, subject to the approval of the Commission, may designate an Administrative Officer whose duties, among other administrative responsibilities, shall be to keep accounts for the General Fund and the Working Capital Fund and any other special funds that may be necessary for the effective management of the Commission.

Rule 30 Receipt of Monies for Deposit. The Executive Secretary, or in his absence the Administrative Officer, shall be authorized to receive monies for deposit to the Commission's account.

Rule 31 Authority to Incur Obligations.

- (a) The Executive Secretary shall have the sole authority for incurring obligations by the Commission, except as may be authorized by the Executive Secretary under Rule 25.
- (b) The Panels, standing and technical committees may not incur expense without the prior approval of the Executive Secretary.

Rule 32 Restrictions on Investments.

- (a) The Executive Secretary may make short-term investments of monies not immediately required by the Commission. Such investments shall be restricted to securities and other investments issued under Government guarantee or interest bearing accounts operated by the bank or financial institution where the Commission's account is held. The details of investment transactions and income derived shall be reported in the documents supporting the budget.
- (b) Monies held in Trust or Special Funds, use of which is not required for at least 12 months, may be invested for longer terms when authorized by the Commission, provided that such investment is consistent with the terms under which the monies were provided to the Commission.

Rule 33 Special provisions regarding the Northern Fund and the Southern Fund

- (a) The Executive Secretary shall:
  - (i) provide technical and administrative support to the Northern and Southern Fund Committees as required;

- (ii) establish separate account(s) to hold contributions to the Northern Fund and its earnings; establish separate account(s) to hold contributions to the Southern Fund and its earnings; and make disbursements from the Northern or Southern Funds at the sole direction of the Northern Fund Committee or the Southern Fund Committee respectively;
  - (iii) provide for the maintenance of such records as are reasonably necessary for the operation of the Northern Fund and Southern Fund Committees, to disclose the use of the Northern and Southern Funds as well as to facilitate effective audits; and
  - (iv) provide an annual report regarding each of the Northern and Southern Funds to the Parties.
- (b) All costs of administering the Northern Fund (including the administrative costs of the Commission incurred in providing support for the Northern Fund) shall be drawn from the income of the Northern Fund. All costs of administering the Southern Fund (including the administrative costs of the Commission incurred in providing support for the Southern Fund) shall be drawn from the income of the Southern Fund.
  - (c) No funds may be disbursed from the Northern Fund after the expiration of the fishing arrangements in Chapters 1, 2, and 3 of Annex IV of the Pacific Salmon Treaty until new fishing arrangements have been agreed by the Parties. No funds may be disbursed from the Southern Fund after the expiration of the fishing arrangements in Chapters 3 to 6, inclusively, of Annex IV of the Pacific Salmon Treaty until new fishing arrangements have been agreed by the Parties.
  - (d) If the Pacific Salmon Treaty, the 1999 Agreement Relating to the Pacific Salmon Treaty or Attachment C thereto is terminated, all monies remaining in the Northern Fund and the Southern Fund on the date of such event shall be returned to the government that contributed the monies. Investment income which has accrued to the principal shall be distributed to each government in proportion to its contribution. Any contributions made by third parties, shall, unless otherwise specified in written directions at the time of the contribution, revert to the General Fund.

## **SECTION H. ACCOUNTS AND INTERNAL CONTROL**

Rule 34 Responsibilities of Executive Secretary. The Executive Secretary shall:

- (a) establish, update and monitor detailed financial procedures to ensure effective financial administration and economy in the use of funds. Upon the advice of the Finance and Administration Committee and prior to use, such procedures shall be submitted to the Commission for approval;
- (b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not previously been made;
- (c) ensure that payroll records are kept in accordance with provincial and federal government rules and regulations, with salaries of employees paid in Canadian dollars;
- (d) maintain and be responsible for internal financial control to ensure:
  - (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission; and

- (iii) the conformity of obligations and expenditures with the appropriations adopted by the Commission at its annual meeting.
- (e) be responsible for the custody of the Northern and Southern Funds, consistent with an in accordance with these bylaws and the rules of procedure adopted by the Northern Fund Committee and the Southern Fund Committee;
- (f) exercise reasonable care in fulfilling the foregoing functions.

Rule 35 Bonding of Staff. The Executive Secretary, and such staff as s/he deems necessary, shall be bonded by an approved bonding company in amounts determined by the Commission. The cost of the premium therefore shall be assumed by the Commission.

Rule 36 Maintenance of Accounting Records. The Executive Secretary shall maintain such accounting records as are necessary for each financial year, including but not limited to records respecting:

- (a) income and expenditures;
- (b) the use of appropriations to reflect transfers between appropriation categories, amounts charged against appropriation categories and the status of the general and Working Fund Accounts; and
- (c) assets and liabilities of the Commission.

Rule 37 Currency Bases for Accounts and Records. The annual accounts and accounting records of the Commission shall be kept in Canadian dollars.

Rule 38 Writing Off of Losses. The Executive Secretary may, after full investigation, authorize the writing off of losses of cash, stores and other assets, provided that a statement explaining the losses shall be submitted to the Commission and the Auditors together with the annual accounts.

## **SECTION I. EXTERNAL AUDIT**

Rule 39 Annual Audit Required. The accounts of the Commission shall be audited annually by external auditors appointed by the Commission.

Rule 40 Submissions to Auditors. The Executive Secretary shall submit the accounts to the Auditors not more than 60 days after the end of the financial year. The auditor may be consulted on the introduction or amendment of any financial regulations and on detailed accounting methods, as well as on all matters affecting auditing procedures and methods.

Rule 41 Function of Audit. The Auditors shall perform such audit as they deem necessary to determine:

- (a) that the financial statements are in accord with the books and records of the Commission;
- (b) that the financial transactions reflected in the statements are in accordance with the Financial Regulations; and
- (c) that the monies on deposit and on hand are vouched for by the Commission's depositories or by actual count.



Rule 42 Verification of Financial Records and Reports. The Auditors shall be sole judges as to the acceptance in whole or in part of certifications by the Executive Secretary. They may proceed to such detailed examination and verification of all financial records as they choose and may make such reports to the Commissioners as they deem appropriate respecting the accounting system, internal financial controls and the financial consequences of administrative practices. The Auditors shall discuss their report with the Executive Secretary before submitting it to the Commissioners.

Rule 43 Disallowance of Items in Accounts. The auditors shall have no power to disallow items in the accounts, but shall draw to the attention of the Executive Secretary any transaction the legality or propriety of which may be in doubt.

Rule 44 Distribution of Audit Reports. The Executive Secretary shall provide to the Chair and Vice-Chair of the Standing Committee of Finance and Administration copies of the audit report and the audited financial statements within 15 days of their receipt. The Chair of the Standing Committee on Finance and Administration shall provide within 15 days of receipt, copies of these reports to the Chair and Vice-Chair of the Commission. The Chair of the Commission shall within 15 days of receipt of these reports submit same to the Parties.

Rule 45 Approval of Audits and Reports. Upon the recommendation of the Finance and Administration Committee, following consideration of the audited annual financial statements and reports of the auditors, the Commission shall signify its acceptance at the first annual meeting following receipt of the report or take any other actions it considers appropriate.

## **SECTION J. INSURANCE**

Rule 46 Liability Insurance. The Executive Secretary shall obtain such suitable liability insurance against normal risks to the Commission's assets as the Commission may direct.

## **SECTION K. GENERAL PROVISIONS**

Rule 47 Role of Finance and Administration Committee. The Executive Secretary and the Finance and Administration Committee shall provide the Commission an evaluation of relevant financial and administrative implications for any matter under consideration by the Commission.

Rule 48 Amendments. The Commission may, from time to time, amend these Financial Regulations in accordance with Chapter XI of these bylaws.

## **CHAPTER X**

### **STAFF REGULATIONS**

#### **SECTION A. GENERAL PROVISION**

Rule 1 These regulations set out the conditions of employment, working relationships and rights and responsibilities of employees in the service of the Pacific Salmon Commission (hereinafter referred to as the "Commission").

Rule 2 "Relevant collective agreement" or management category means the collective agreement which applies for similar occupational groups in the Public Service of Canada. Members of the staff will not be members of Canadian Public Service unions. Such reference to standards of the Public Service of Canada is, therefore, used solely for purpose of guidance and shall not bind the Commission to those standards or terms.

Rule 3 Except as hereinafter stated these regulations apply to the employees of the Pacific Salmon Commission. Terms and conditions of employment for the Executive Secretary shall be established only by the Commission.

Rule 4 Interpretation

These regulations shall not be construed or applied so as to limit or restrict the mandate of the Commission.

Rule 5 Amendment

The Commission may amend these regulations from time to time.

#### **SECTION B. DUTIES, OBLIGATIONS AND PRIVILEGES**

Rule 6 Conduct in Interest of Commission

Staff of the Commission (hereinafter referred to as "staff or employees") are employed by a bilateral commission established by treaty between the United States and Canada. As such, upon assuming their responsibilities, employees shall discharge their duties faithfully and conduct themselves in the best interests of the Commission.

Rule 7 Standard of Conduct

(a) Staff shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall exercise loyalty, discretion and tact in the performance of their duties. They shall avoid any actions, statements or public activities of potential detriment to the Commission.

(b) Secretariat staff and clients of the Commission can expect to be in an environment free of discrimination and personal and sexual harassment.

Rule 8 Staff shall not accept direction or instructions from any authority other than the Executive Secretary, or, his or her designate. In the case of the Executive Secretary, the Chairman of the Commission shall provide direction.

Rule 9 Soliciting or Offering of Gifts Prohibited

In connection with their employment, staff shall not solicit, accept or offer any gift, commission, reward, advantage or benefit directly or indirectly without the prior approval of the Executive Secretary. Gifts, rewards or benefits include cash, goods or services including alcohol or fish, reduced prices for goods or services, work done gratuitously with respect to personal property, preferred treatment of any sort in a business enterprise and loans of money, material or equipment of any kind.

Rule 10 Confidentiality

Staff shall not, unless duly authorized, publicly disclose information acquired in the course of employment pertaining to the Commission and shall not use such information for personal gain. In the case of the Executive Secretary the Chairman may authorize to release or disclose to the public, information pertaining to the Commission.

Rule 11 Outside Employment

Staff shall, in general, have no employment other than the Commission. When properly authorized, staff may undertake other employment or work, provided that it shall not interfere or conflict with the employee's duties in the Commission. The Executive Secretary may, where circumstances warrant, authorize staff to accept such employment or work. In the case of the Executive Secretary, the Commission may authorize outside employment.

Rule 12 Outside Interests Prohibited

Staff shall not be associated in the management of or have a financial interest in a business, industry or other enterprise if, by virtue of their employment with the Commission they may benefit from such association or interest. Any technology, product, marketable goods, patent, or copyright developed by an employee in whole or in part during the course of his or her employment by the Commission shall be the property of the Commission. Where staff has doubt about a real or potential conflict between their official duties and any outside investment or association, they shall advise the Executive Secretary in writing of the potential conflict. The Executive Secretary will submit the case to the Commission for consideration and decision. Failure to so advise the Executive Secretary may be grounds for disciplinary action, including dismissal.

## **SECTION C. RECRUITMENT AND APPOINTMENT**

Rule 13 Executive Secretary

The Commission shall appoint the Executive Secretary and prescribe conditions of employment. Unless otherwise provided in their employment contracts, the Executive Secretary shall be bound by these rules to the same degree as all other employees.

Rule 14 Staff

The Executive Secretary may appoint staff to the Secretariat in accordance with staffing requirements prescribed by the Commission. Staff shall be appointed and promoted on the basis of merit.

**Rule 15 Probation**

The Executive Secretary shall be appointed subject to a probationary period of two years; all other staff shall be appointed subject to a probationary period of one year. Where circumstances warrant, the Executive Secretary may extend the probationary period by a period not exceeding six months.

**Rule 16 Offer**

Following selection, staff shall be made an offer of employment stating:

- (a) that these Staff Regulations shall constitute the terms of employment and may be duly amended from time to time;
- (b) the duties of the position;
- (c) the starting date;
- (d) the period of appointment, if applicable, and the period of probation;
- (e) the position title and starting salary;
- (f) any applicable special terms and conditions.

**Rule 17 Regulations to Be Issued to Employees**

Together with the offer of employment, prospective employees shall be issued a copy of these regulations. Upon acceptance of the offer, staff shall indicate in writing to the Executive Secretary that they are familiar with and agree to abide by these regulations.

**SECTION D. CLASSIFICATION OF STAFF**

**Rule 18 Public Service System Model**

The duties of staff shall be classified in accordance with the classification system of the Public Service of Canada for similar positions or duties. This classification system is used as a model for the Commission's guidance and does not imply employment of staff in the Public Service of Canada.

**Rule 19 Classification Audit**

An audit of classification levels shall be conducted at least once every five years.

**SECTION E. SALARIES AND REMUNERATION**

**Rule 20 Pay scales and Remuneration**

Pay scales for staff will be established with reference to appropriate scales of the Public Service of Canada and shall be paid in Canadian currency.

Rule 21 Adjustments and Increments

In the annual budgeting process, the Commission may, at its discretion, adjust salary scales. The Public Service of Canada procedures shall serve only as a guide. Increments may be awarded only on the basis of satisfactory job performance.

Rule 22 Performance Appraisal

The Executive Secretary is responsible for ensuring that annual performance appraisals are completed for all staff. The appraisal of the Executive Secretary shall be completed by the Chairman of the Commission in consultation with the Vice-Chair.

Rule 23 Promotions

The Commission may authorize the promotion of staff on the basis of duties performed, annual performance appraisals, and a recommendation of the Executive Secretary.

Rule 24 Starting Salary

In general, staff shall be engaged at the lowest grade of their classification. Where circumstances warrant, the Executive Secretary, may authorize appointment at a salary higher than the lowest step of the relevant grade. Staff shall remain in a grade for a period of no less than one year.

Rule 25 Overtime and Compensatory Leave

Overtime shall be authorized by the Executive Secretary or his designate prior to it being worked.

The payment of overtime or granting of compensatory leave shall be as follows:

- a) Paid in the next payroll period if the employee requests by the 15th of the month following.
- b) Booked as compensatory time and taken as mutually agreed with the Executive Secretary or his designate. Compensatory leave must be taken by the end of the fiscal year following the fiscal year earned.

Rule 26 Hospitality and Representation

The Commission may authorize an employee to engage in hospitality and representational activities. The employee shall promptly submit fully documented claims for expenses incurred in the course of such activities. The annual total of such claims for all employees so authorized may not exceed the current allotment for this program in the annual budget of the Commission.

## **SECTION F. HOURS OF WORK**

Rule 27 Weekly required hours of work for each employee shall be in accordance with the provisions of each relevant collective agreement of the Public Service of Canada. The Executive Secretary shall establish daily working hours, and may adjust them as necessary.

## **SECTION G. LEAVE**

### **Rule 28 Vacation Leave**

Employees will earn vacation leave at the rates provided in each relevant collective agreement of the Public Service of Canada.

### **Rule 29 Service with IPSFC**

- (a) Prior service with the International Pacific Salmon Fisheries Commission will be taken into account in computing leave entitlements.
- (b) PSC employees formerly employed by the IPSFC shall be entitled to vacation and sick leave during their term of probationary employment.
- (c) Under no other rule, circumstance or conditions does previous IPSFC employment affect the conditions of employment provided by these rules.

### **Rule 30 To Be Taken in Year Earned**

Vacation leave is to be taken in the fiscal year it is earned. In exceptional circumstances and with the prior approval of the Executive Secretary, earned but unused vacation leave may be carried over from one year to another. Staff may not carry over more than five days of leave credits without the written approval of the Executive Secretary.

### **Rule 31 Scheduling of Leave**

- (a) The Executive Secretary will allocate vacation leave so as to minimize disruption of normal staff operations and the functioning of the Commission.
- (b) In allocating leave the Executive Secretary will have taken into account the personal circumstances, needs and preferences of the employee.
- (c) Vacation leave may be taken in one or more periods.

### **Rule 32 Special Leave**

The Executive Secretary may approve special leave (i.e. for bereavement purposes or emergency situations). Such leave shall be in accordance with guidelines set out in the relevant collective agreements in the Public Service of Canada.

Rule 33 Monetary Compensation for Unused Leave

An employee may apply, upon separation, for monetary compensation for any unused vacation leave or Compensatory leave credits. Such compensation will be paid at the rate of the employee's salary at the time of termination.

Rule 34 Sick Leave

Staff shall earn sick leave credits at the rate of 1 1/4 days per calendar month during which they actually worked.

Rule 35 Medical Certificates

Staff shall submit a medical certificate for any period of sick leave in excess of 3 consecutive working days after using a total of 7 days in a year.

Rule 36 Staff shall be granted certified sick leave not exceeding the accrued benefits accumulated for sick leave.

Rule 37 Maternity Leave

Employees may apply to the Executive Secretary for maternity leave consistent with Public Service of Canada standards.

Rule 38 Statutory Holidays

Staff shall be entitled to the following statutory holidays:

- (a) New Year's Day
- (b) Good Friday
- (c) Easter Monday
- (d) the day fixed by proclamation of the Governor in Council for celebration of the Sovereign's birthday
- (e) Canada Day
- (f) Labour Day
- (g) the day fixed by proclamation of the Governor in Council as a general day of Thanksgiving
- (h) Remembrance Day
- (i) Christmas Day
- (j) Boxing Day
- (k) one additional day each year to be designated by the Commission.

## **SECTION H. SOCIAL SECURITY**

### **Rule 39 Medical, Extended Health Care, Dental Care, Group Life and Disability Insurance**

The Executive Secretary shall make appropriate arrangements for coverage of these benefits for all full time staff. The Executive Secretary shall ensure that provisions are made in the budget for the payment of the employer costs. Staff shall participate in and pay the employee share and any additional costs for extra benefits.

### **Rule 40 Participation in International Fisheries Commission Pension Society**

Employees shall participate in the pension plan of the International Fisheries Commission Pension Society established by Canada and the United States for employees of international commissions.

### **Rule 41 Accidents**

The Executive Secretary shall arrange for the voluntary coverage under WorkSafeBC programs.

Accidents at work must be reported immediately to the Executive Secretary.

## **SECTION I. TRAVEL**

### **Rule 42 Official Travel**

- (a) Official travel shall only be undertaken if authorized in advance by the Executive Secretary. Such travel shall be undertaken in the best interests of the Commission generally in accordance with appropriate Treasury Board guidelines.
- (b) Commission-owned vehicles shall not be used for any personal activity, but only for official business. Use of private vehicles for official business purposes is authorized subject to the provisions of paragraph (a) of this rule.

## **SECTION J. SEPARATION FROM SERVICE**

### **Rule 43 Notice of Intention to Resign**

Employees may resign by providing at least one month's notice in writing, or notice of such lesser length, as may be approved by the Executive Secretary.

### **Rule 44 Severance Pay**

Severance pay in the event of termination as a result of lay-off, retirement or death, shall total one week's pay for each completed year of service and, in the case of a partial year of continuous employment, one (1) week's pay multiplied by the number of days of continuous employment divided by three hundred and sixty five (365), up to a maximum of 30 weeks. Severance pay in the event of resignation after completion of ten or more years of service shall total 1/2 week for each year of continuous full year service and, in the case of a partial year of continuous employment, one (1) week's pay multiplied by the number of days of continuous employment divided by three hundred and sixty five (365), up to a maximum of 13 weeks.

### **Rule 45 Dismissal**



The Executive Secretary may in the best interests of the Commission terminate employment by providing the employee one month's notice in writing.

#### **SECTION K. TEMPORARY PERSONNEL UNDER CONTRACT**

##### **Rule 46 Temporary staff**

The Executive Secretary may hire temporary personnel as necessary.

#### **SECTION L. APPLICATION OF REGULATIONS**

##### **Rule 47 Interpretation**

Disputes concerning the interpretation or application of these Regulations shall be resolved by the Executive Secretary in consultation with the Chairman of the Commission.

##### **Rule 48 Amendments**

The Executive Secretary shall inform the Commission of any relevant matters not referred to in the regulations that may have come to his attention and the Commission may amend the regulations accordingly.

## **CHAPTER XI**

### **REVIEW, AMENDMENT AND INTERPRETATION**

- Rule 1 Amendment. The Pacific Salmon Commission shall have the power to add, repeal, or otherwise amend any chapter or provision of these bylaws. Any amendment shall be taken in accordance with these bylaws upon the approval of each national section.
- Rule 2 Provisional Rules. These bylaws are adopted provisionally. At its second annual meeting the Commission shall review these bylaws, make such amendments as it deems appropriate and adopt final bylaws of the Pacific Salmon Commission.
- Rule 3 Interpretation. Nothing in these bylaws shall be interpreted to modify or supersede any provisions of the Pacific Salmon Treaty.