



association of
seafood producers

March 28, 2025

Urgent

Via Electronic Mail

Sheilagh M. Murphy, KC
Standing Fish Price-Setting Panel
PO Box 8700
Confederation Building
PO Box 8700
St. John's, NL
A1B 4J6

Dear Ms. Chair:

Re: Snow Crab Pricing Decision Timing

We write in relation to Minister Gerry Byrne's letter of 9:26 PM last night, March 27, 2025, in which he purported to set a new date under section 19.01 of the *Fishing Industry Collective Bargaining Act* (the "**Act**").

The Minister's direction is *ultra vires* the Act and the Panel should disregard it. Section 19.01 of the Act is clear that the Minister is limited to setting "**the date** by which the price and conditions of sale for a fish species", unless the parties to collective bargaining jointly request that date to be varied:

*19.01 (1) The minister responsible for fisheries and aquaculture shall set **the date** by which the price and conditions of sale for a fish species shall be set in a year.*

(2) Notwithstanding subsection (1), the minister may, upon the joint request of the parties to collective bargaining, vary the date set under that subsection.

Emphasis added

As stated by the Standing Fish Price-Setting Panel's facilitator in email correspondence dated March 25, 2025, the "Minister's date can only be amended with joint request of the parties". ASP have not submitted a request to vary the current legal obligation that the price for snow crab be set by April 1, 2025.

In this regard, the Association of Seafood Producers is ready to proceed as originally scheduled. We will be submitting our written submissions today, unless we hear otherwise, and we plan to be ready to proceed tomorrow at 2 PM, as originally scheduled. The Panel has no jurisdiction to decide the price of crab beyond April 1, 2025 – in this regard, if the Panel accedes to the Minister's unlawful direction, the result will be as if the Act did not exist. The Panel therefore must reject the Minister's unlawful political interference or the legislature's objective in enacting the Act will have been lost. As stated by former Chief Justice Orsborn, the legislature saw it as "**essential to**

ensure a timely start to the most critical fisheries of this province” when it enacted the *Fishing Industry Collective Bargaining Act*.¹

The political interference into the independent price setting process must come to an end. Minister Byrne's error in interfering in this process is compounded by political interference from the Minister of Labour, who has had influence over the Panel's processes without any legal authority to do so. As set out in our correspondence dated March 24, 2025, the Minister responsible for Labour inappropriately interfered with the Panel's procedure.

We request confirmation from the Panel that it will be acting in accordance with its statutory grant of authority regardless of the Minister's unlawful direction by 2 PM today. To be clear, we fully appreciate that the Minister has put the Panel in an extremely difficult position. Similarly, the Minister has put ASP in this difficult position to make this request of the Panel. Depending on your decision, we may have no choice but to initiate urgent proceedings before the Supreme Court – General Division to quash the Minister's improper direction and ensure the Panel proceeds in a timely fashion.

Regards,



Jeff Loder

- c. Dwan Street, FFAW
The Honourable Minister Gerry Byrne
The Honourable Minister Lisa Dempster
The Honourable Minister Bernard Davis
Glenn George, Standing Fish Price Setting Panel Mediator

¹ *Association of Seafood Producers Inc. v Fish, Food and Allied Workers Union*, 2024 CanLII 85294 (NL LA)