

FISHERIES LAW

Winter Term, 2019

Welcome to Fisheries Law (LAWS 2020). This seminar is designed to acquaint students with the public and private law aspects of fishing and fishery management in Canada. While the central focus is on law and the regulatory framework, questions of policy frequently arise for discussion. The class is taught by a combination of questioning, seminar and lecture. Problems unique to fisheries regulation and methods of fishery management will be discussed to set the context in which the law operates. International considerations, constitutional problems, fisheries legislation, the interplay between private rights and public rights, and problems of enforcement and environmental protection will be the central topics discussed.

Readings for each class will primarily be from the casebook which is in electronic form on the Brightspace system. There will also be additional material provided from time to time which will either be distributed in class or be made available on the Brightspace system. There should also be a copy of the casebook on reserve in the law library, though the chapters may have changed since its printing.

Evaluation is two written assignments, a brief (15-20 minute) presentation of the main themes of the second assignment and class participation. The first assignment is a take-home examination with a series of questions on the material covered to the date of the assignment. The second assignment is a 12-15 page (double-spaced) research memorandum on a topic of choice related to fisheries law.

COURSE MARK

Assignment #1 (mid term)	30%
Assignment #2 (end term)	45%
Presentation of Assignment Topic to Class	15%
Class Participation	10%
TOTAL	100%

Classes: Mondays from 5:00 to 7:00 p.m. in room 204. See attached schedule.

Instructor: Sadira Jan

Phone: 444-1701

Email: sjan@stewartmckelvey.com

Office: Purdy's Wharf Tower 1, Suite 900. I do not maintain an office at the law school but can meet with students on Mondays after class, by phone, by email, or at my office by appointment. The best way to get in touch with me is by email.

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COURSE SCHEDULE

Monday January 7	Introduction to Course Industry Overview and Policy Considerations Readings – Chapter 1 of Casebook
Monday January 14	International Issues Readings – Chapter 2 of Casebook
Monday January 21	Constitutional Issues and Habitat Protection Readings – Chapters 3 and 4 of Casebook
Monday January 28	Licensing, Part 1 Readings – Chapters 5 of Casebook
Monday February 4	Licensing, Part 2 / Enforcement Readings - Chapter 7 of Casebook
	FIRST ASSIGNMENT ISSUED
Monday February 11	Aboriginal Fisheries Readings – Chapter 6 of the Casebook Guest Speaker: TBD.
	FIRST ASSIGNMENT DUE SECOND ASSIGNMENT TOPICS IDENTIFIED SCHEDULE FOR STUDENT PRESENTATIONS SET
Monday February 18	Break – No Class
Monday February 25	Private Rights/Remedies and Aquaculture Readings – Chapters 8 and 9 of Casebook
Monday March 4	Labour and Employment issues. Readings TBD or STUDENT PRESENTATIONS (depending on timelines)
Monday March 11	NO CLASS
Monday March 18	STUDENT PRESENTATIONS
Monday March 25	STUDENT PRESENTATIONS
Monday April 1	STUDENT PRESENTATIONS
Friday April 5	SECOND ASSIGNMENT DUE

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Plagiarism:

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, available online at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Students with Special Needs/Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836 for more information.