

DALHOUSIE LAW SCHOOL

FISHERIES LAW

Winter Term, 2011

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 can be obtained from the Materials Room. There will also be additional material provided from time to time which will either be distributed in class or be made available on the Course Materials website (see page 3 of this Outline for instructions on accessing).

Evaluation is two written assignments, a brief (15-20 minute) presentation of the main themes of the second assignment and class participation.

COURSE MARK

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| 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. See attached schedule.

Instructor: David Henley

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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 or at my office by appointment.

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COURSE SCHEDULE

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| Monday January 10 | Introduction to Course Session 1 Industry Overview and Policy Considerations Readings – Chapter 1 of Casebook |
| Monday January 17 | Session 2 International Issues Readings – Chapter 2 of Casebook |
| Monday January 24 | Session 3 Constitutional Issues Habitat Protection Readings – Chapters 3 and 4 of Casebook |
| | FIRST ASSIGNMENT ISSUED |
| Monday January 31 | Session 4 Licensing Aboriginal Fisheries Readings – Chapters 5 of Casebook, brief review of Chapter 6 |
| Monday February 7 | Session 5 Aboriginal Fisheries FIRST ASSIGNMENT DUE Readings – Chapter 6 of Casebook |
| Monday February 14 | Session 6 Enforcement SECOND ASSIGNMENT TOPICS IDENTIFIED FIX SCHEDULE FOR STUDENT PRESENTATIONS Readings – Chapter 7 of Casebook |
| Monday February 21 | No class |
| Monday February 28 | Session 7 Private Rights/Remedies Aquaculture Readings – Chapters 8 and 9 of Casebook |
| Monday March 7 | STUDENT PRESENTATIONS |
| Monday March 14 | Professor away – no class |
| Monday March 21 | STUDENT PRESENTATIONS |
| Monday March 28 | STUDENT PRESENTATIONS |
| Monday April 4 | STUDENT PRESENTATIONS 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 plagiarism.dal.ca website, and the Law School policy on plagiarism, as set out in the law school regulations, available online at:

http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/index.php

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

Students seeking special accommodation with regard to any aspect of course evaluation, including exam deferrals and extensions to deadlines, must make an application to the Studies Committee as soon possible and no later than the date on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process. Students wishing to discuss arrangements for classroom assistance should see Professor Sheila Wildeman, the law faculty advisor to students with disabilities.