



## **PLEASE NOTE**

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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## CHAPTER C-2.1

### CERTIFIED FISHERIES ORGANIZATIONS SUPPORT ACT

#### INTERPRETATION AND ADMINISTRATION

1. (1) In this Act
- |   | Definitions                      |
|---|----------------------------------|
| (a) repealed by 2004,c.34,s.2;  | buyer                            |
| (b) “certified fisheries organization” means a fisheries organization certified under section 7;  | certified fisheries organization |
| (b.1) “core enterprise” means a core enterprise as defined in the March 2000 edition of the Commercial Fisheries Licensing Policy for the Gulf Region of the Department of Fisheries and Oceans Canada; | core enterprise                  |
| (c) “fish” means any fish including molluscs and crustaceans, marine mammals and marine plants, and any parts, products or by-products thereof;   | fish                             |
| (d) “Fund” means the Certified Fisheries Organizations Support Fund established under section 8;  | Fund                             |
| (e) “fisher” means an individual who  | fisher                           |
| (i) is ordinarily resident in the province, and   |                                  |
| (ii) either   |                                  |
| (A) holds a limited entry licence under the <i>Fisheries Act</i> (Canada),  |                                  |
| (B) is the head of a core enterprise, or  |                                  |
| (C) has <i>bona fide</i> fisher status;   |                                  |
| (e.1) “fisheries organization” means a provincial fisheries organization that   | fisheries organization           |
| (i) represents fishers, and   |                                  |
| (ii) provides advocacy on behalf of fishers belonging to the fisheries organization;  |                                  |
| (f) “Minister” means the Minister of Agriculture, Fisheries, Aquaculture and Forestry;  | Minister                         |
| (g) repealed by 2004,c.34,s.2;  | person                           |
| (h) “prescribed” means prescribed in regulations made under section 10;   | prescribed                       |
| (i) “support fee” means the prescribed support fee required to be paid annually under subsection 8(2).  | support fee                      |

*Bona fide* fisher status (2) For the purposes of this Act, an individual has *bona fide* fisher status if

- (a) the individual is registered as a commercial fisher under the *Fisheries Act* (Canada); and
- (b) in either 1993 or 1994,
  - (i) the individual was registered as a commercial fisher under the *Fisheries Act* (Canada),
  - (ii) the individual held a limited entry fishing license under the *Fisheries Act* (Canada), and
  - (iii) the individual
    - (A) held a Category A lobster license under the *Fisheries Act* (Canada),
    - (B) made 75% of his or her earned income from fishing, or
    - (C) had landings of fish worth more than \$15,000. 1995, c.15, s.1; 2000,c.5,s.3; 2004,c.34,s.2.

Application **2.** This Act applies, to the extent of provincial jurisdiction, to all fishers engaged in the fishery in the province. 1995, c.15, s.2; 2004,c.34,s.3.

Object **3.** The object of this Act is to provide a means of funding certified fisheries organizations. 1995, c.15, s.3; 2004,c.34,s.4.

Administration **4.** The Minister is charged with the administration and enforcement of this Act and is responsible for the supervision and control of the Fund. 1995, c.15, s.4.

Register **5.** Repealed by 2004,c.34,s.5. 1995, c.15, s.5; 2004,c.34,s.5.

Advisory Committee **6.** Repealed by 2004,c.34,s.5. 1995, c.15, s.6; 2004,c.34,s.5.

#### CERTIFIED FISHERIES ORGANIZATIONS

Right to belong to certified fisheries organization **7.** (1) Every fisher has the right to belong to a certified fisheries organization and to participate in the lawful activities of that organization.

Certification—application (2) A fisheries organization that wishes to be certified must apply to the Minister in a form satisfactory to the Minister.

Certification—order (3) The Minister may, by order published in the Gazette, certify a fisheries organization for the purposes of this Act where the Minister is satisfied that the fisheries organization

- (a) does not represent a single-species or issue-specific group of fishers;
- (b) has a constitution or bylaws that requires the fisheries organization
  - (i) to elect an executive,

- (ii) to hold an annual meeting of all of its members at which the executive must present an audited financial statement of the fisheries organization, and
- (iii) to represent the interests of its members;
- (c) is established as a non-profit company under Part II of the *Companies Act*; and
- (d) complies with or meets such other eligibility criteria or requirements for certification as may be established by the regulations.

(4) For greater certainty, the certification of a certified fisheries organization continues until it is revoked by the Minister. Duration of certification

(5) Subject to subsection (6), the Minister may, by order published in the Gazette, revoke the certification of a certified fisheries organization where the Minister is satisfied that the certified fisheries organization Decertification

- (a) has contravened a provision of this Act or the regulations;
- or
- (b) no longer meets one or more of the criteria or requirements for certification set out in subsection (3) or the regulations.

(6) Before revoking the certification of a certified fisheries organization, the Minister Notice

- (a) shall give the certified fisheries organization a written notice of the Minister's intent to revoke the certification that
  - (i) specifies the grounds referred to in subsection (5) for the revocation, and
  - (ii) advises the certified fisheries organization that it has 30 days from the date the notice is given to respond in writing to the Minister; and
- (b) shall consider any written response of the certified fisheries organization that is submitted to Minister in accordance with clause (a). 1995, c.15, s.7; 2004,c.34,s.7.

**7.1** (1) A certified fisheries organization shall, in respect of each fiscal year of the certified fisheries organization, file with the Minister, within six months of its fiscal year end, a copy of its annual report. Annual report

(2) A certified fisheries organization shall attach to the copy of an annual report it files under subsection (1) a copy of its audited financial statements, for the fiscal year to which the annual report relates, that have been audited by a person qualified to practise as a public accountant under the *Public Accounting and Auditing Act* R.S.P.E.I 1988, Cap. P-28. Audited financial statements

Information (3) In addition to the information provided in the documents referred to in subsections (1) and (2), a certified fisheries organization shall, on the request of the Minister, provide the Minister with such other information concerning the certified fisheries organization as the Minister may require. 2004,c.34,s.7.

Members **7.2** A certified fisheries organization shall accept as a member any fisher who applies to join the certified fisheries organization and who meets the membership requirements of the certified fisheries organization. 2004,c.34,s.7.

#### CERTIFIED FISHERIES ORGANIZATIONS SUPPORT FUND

Fund— establishment **8.** (1) There is hereby established a fund to be known as the Certified Fisheries Organizations Support Fund comprising the moneys deposited by the Minister under this section.

Support fee— liability for payment (2) Every person who, as of March 31 in a year,  
 (a) is a fisher; and  
 (b) is not a member of a certified fisheries organization,  
 shall, on or before May 31 of that year,  
 (c) pay to the Minister the annual support fee prescribed by the regulations; and  
 (d) provide the Minister with a written statement indicating the name and address of the fisher.

Annual list of members (3) A certified fisheries organization shall, not later than April 15 in each year, provide to the Minister a list of the members of the organization as of March 31 of that year.

Payment of moneys received into Fund (4) The Minister shall place all moneys received under this Act in the Fund.

Remission of moneys and supply of information to certified fisheries organizations (5) The Minister shall, before August 1 in each year,  
 (a) remit to each certified fisheries organization its share of the moneys of the Fund, as determined under subsection (6); and  
 (b) provide each certified fisheries organization with a list of the names and addresses of the fishers who contributed the moneys remitted to the certified fisheries organization.

Calculation of shares of Fund (6) The Minister shall determine the share of the moneys of the Fund to be remitted to each certified fisheries organization by  
 (a) determining, from the membership lists provided under subsection (3), the total number of the members of all certified fisheries organizations; and

(b) dividing the moneys in the Fund, as of June 1 in a year, in proportion to the share each certified fisheries organization has of the total number of members determined under clause (a).

(7) For greater certainty, no amount shall be remitted under subsection (5) to a certified fisheries organization in respect of a year if the certified fisheries organization was certified after March 31 in that year. Exception

(8) Where, in a year, a certified fisheries organization receives a payment from the Fund under subsection (5), the certified fisheries organization shall, before October 1 in that year, send a written notice to each fisher named in the list provided in a year to a certified fisheries organization under clause (5)(b) advising the fisher that the fisher may, subject to subsections (9) and (10), request a refund from the certified fisheries organization of the support fee paid that year by the fisher. Refunds

(9) Subject to subsection (10), a fisher named in a list provided in a year to a certified fisheries organization under clause (5)(b) may, before November 1 of that year, request by written notice to the certified fisheries organization a refund of the support fee paid by the fisher. Idem

(10) Where a fisher, in accordance with subsection (9), makes a written request to a certified fisheries organization for the refund of the support fee paid in respect of a year, the certified fisheries organization shall refund to the fisher, before December 31 in that year, an amount equal to the support fee paid by the fisher. 1995, c.15, s.8; 2004,c.34,s.8, 11. Idem

OFFENCES

9. (1) Every person who contravenes or violates a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000. 1995, c.15, s.9; 2004,c.34,s.9. Offence

GENERAL

10. The Lieutenant Governor in Council may make regulations Regulations

- (a) prescribing the amount of the support fee payable annually under this Act;
- (b) prescribing forms and providing for their use;
- (b.1) establishing criteria or requirements, in addition to those set out in subsection 7(3), for the certification of a fisheries organization, including criteria or requirements relating to
  - (i) the number, and the location in the province, of the members of the fisheries organization, and

- (ii) the minimum annual membership fee of the fisheries organization;
- (c) providing for such other matters as are considered necessary to carry out the object of this Act. 1995, c.15, s.10; 2004,c.34,s.10.