

SNL1995 CHAPTER F-12.1

FISHERIES ACT

Amended:

[2006 c40 s21](#); [2019 c8 s10](#)

CHAPTER F-12.1

AN ACT RESPECTING THE FISHERY

(Assented to December 21, 1995)

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Fisheries Act*.

1995 cF-12.1 s1

Definitions

2. In this Act

- (a) "department" means the department presided over by the minister; and
- (b) "minister" means the minister appointed under the [Executive Council Act](#) to administer this Act.

1995 cF-12.1 s2; [2006 c40 s21](#)

Information from fish business or enterprise

3. (1) A person who manages, directs or has control of a fish business or enterprise or has the control, custody or possession of the accounts, documents or records relating to a fish business or enterprise shall, at the written request of the minister and within a reasonable time that the minister may specify in the request,

- (a) provide copies of the accounts, documents or records of that business or enterprise;
- (b) provide information that is sought in respect of that business or enterprise or in respect of the accounts, documents or records of that business or enterprise; and

- (c) grant access to the accounts, documents or records of that business or enterprise for the purpose of examination by an employee of the department.

(2) In this section "fish business or enterprise" means a business or enterprise that includes in its operations

- (a) the catching, producing, processing, buying, selling, exporting or marketing of fish or fish products; or
- (b) the manufacture, importation, distribution, purchase or sale of gear, engines, equipment or other supplies used in fishing or in equipping a boat or vessel for fishing activity; or
- (c) the construction, manufacturing, importation, distribution, purchase or sale of fishing vessels or hulls to be outfitted as fishing vessels and materials to be used in the construction, repair or modification of those vessels,

but does not include a business or enterprise described in paragraph (a) that operates wholly as a retail outlet.

1995 cF-12.1 s3

Secrecy

4. (1) The minister shall keep every return secret and, except for the purpose of a prosecution under this Act, shall not permit a person other than an employee of the department to have access to a return.

(2) An employee of the department shall not disclose or permit to be disclosed to a person other than the minister or another employee of the department a return or part of a return coming to his or her knowledge which can be identified with or related to an individual return or individual person.

(3) Notwithstanding subsections (1) and (2), the minister may, with the written consent of the person from whom a return is obtained, disclose information in that return.

(4) In this section and [section 5](#), "return" means information, oral or written, obtained as a result of a request under [section 3](#).

1995 cF-12.1 s4; [2019 c8 s10](#)

Information may be made available

5. The department may analyze and compile information and statistics from returns and may, with the consent of the minister, make general information and statistics available by publication or otherwise

- (a) to a fisher or fisher's organization or association;
- (b) to an employer or employers' organization or association engaged in or connected with the fishing industry; and
- (c) to a department of government or to another department, body or person.

1995 cF-12.1 s5

Offences re [ss.3](#) and [4](#)

6. (1) A person who wilfully fails to comply with a request made under [section 3](#) is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 for every day or part of a day during which the offence occurs or continues and in default of payment of the fine, to imprisonment for a term not exceeding one year or to both a fine and imprisonment.

(2) A person who wilfully gives false or misleading information in a return or in response to a request made under [section 3](#) is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 and in default of payment of the fine, to imprisonment for a term not exceeding one year or to both a fine and imprisonment.

(3) A person who has the control, custody or possession of the accounts, documents or records referred to in [section 3](#) and who, within 6 months of a request being made under that section, wilfully destroys, mutilates or falsifies those accounts, documents or records is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 and in default of payment of the fine to imprisonment for a term not exceeding one year or to both a fine and imprisonment.

(4) An employee of the department who knowingly discloses information contrary to subsection 4(2) or an employee disclosing information which would if disclosed by the employee constitute an offence under that subsection is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 for every disclosure and in default of payment of the fine to imprisonment for a term not exceeding one year or to both a fine and imprisonment.

1995 cF-12.1 s6

Regulations

7. (1) The Lieutenant-Governor in Council may make regulations

- (a) necessary or desirable for the carrying out of the minister's powers, functions and duties under this Act; and
- (b) generally, to give effect to the purpose of this Act.

(2) The Lieutenant-Governor in Council may, in regulations made under subsection (1), prescribe penalties for contravening those regulations.

1995 cF-12.1 s7

Consent to prosecution

8. A prosecution under this Act or the regulations shall not be taken except with the written consent of the minister.

1995 cF-12.1 s8