

**RSNL1990 CHAPTER F-12
FISH INSPECTION ACT**

Amended:

1994 c38; 1996 c26; 1997 c13 s23; 2004 cL-3.1 s35; 2004 c36 s14; 2004 c43; 2005 c49; 2006 c40 s8; 2006 c45; 2011 c23

CHAPTER F-12

AN ACT RESPECTING THE INSPECTION OF FISH

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Short title

1. This Act may be cited as the Fish Inspection Act.

RSN1970 c132 s1

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Definitions

2. In this Act

(a) "agency agreement" means an agreement between a licensed processor and another person licensed under this Act which authorizes that person to buy fish or marine plants on behalf of the licensed processor;

(b) [Rep. by 2006 c45 s1]

(c) "carton" includes a type of package, wrapper or confining band used in the holding, storing, packing or marketing of fish or marine plants;

(d) "container" means any means by which fish or marine plants may be held and includes a vessel hold, boat pen, vehicle storage area, tote pan, fish bag and an insulated fish box;

(d.1) "data" means representations of information or of concepts that are being prepared or have been prepared in a form suitable for analysis using a variety of software applications;

(e) "decomposed " means having an offensive or objectionable odour, flavour, colour or textural defect associated with spoilage and for greater certainty includes dead shellfish other than dead shrimp and dead squid;

(e.1) "document" means a medium on which is recorded or marked anything that is capable of being read or understood by a person or a computer system or other device and includes a written record, book, account, voucher, manifest, report, financial statement, bank statement, shipping bill, bill of lading, label, drawing, plan, picture, or diagram;

(f) "establishment" means a place where fish or marine plants are handled, processed, graded or stored, or where records relating to that handling, processing, grading or storing are kept;

(g) "fish" includes all finfish, marine invertebrates and marine mammals, whether caught or farmed, and parts, products or by-products of them;

(h) "fish landing station" means a site where fish or marine plants are off loaded for the purpose of marketing;

(i) "labelling" includes marking;

(j) "marine plants" includes Irish moss, kelp, and other marine plants, parts, products or by-products of them;

(k) "marketing" means the buying or selling of fish or marine plants, and includes the holding in possession of, offering, or advertising fish or marine plants for sale;

(l) "minimum processing requirement" means the minimum processing required by the minister;

(m) "minimum production requirement" means the minimum amount of production required by the minister to be processed by a processor;

(n) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(o) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

(p) "processing" means cleaning, grading, filleting, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish or marine plants for market in another manner;

(q) [Rep. by 2006 c45 s1]

(r) "tainted" means being rancid or having an abnormal odour or flavour;

(s) "unwholesome" means having in or upon the fish or marine plants, a bacteria, toxin or other foreign substance of a public health concern, or an aesthetically offensive substance; and

(t) "vehicle" includes a vessel, boat, motor vehicle, aircraft or other means for the transportation of fish or marine plants or containers or cartons of them.

2004 c43 s1; 2006 c45 s1; 2011 c23 s1

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Labrador Inuit rights

2.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement Act and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the Labrador Inuit Land Claims Agreement Act, the provision, term or condition of the Labrador Inuit Land Claims Agreement Act shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues a licence he or she may add to that licence terms and conditions that the licensee must comply with in order to ensure compliance with the terms and conditions of the Labrador Inuit Land Claims Agreement Act .

2004 cL-3.1 s35

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Appointment

3. (1) There may be appointed in the manner authorized by law those inspectors, officers, clerks and other persons that are necessary for the proper administration of this Act.

(2) A person shall not

(a) hinder, obstruct, interfere with, threaten or harass an inspector or other person engaged in the execution of this Act or the regulations;

(b) refuse to admit an inspector or other person engaged in the execution of this Act or the regulations;

(c) provide an inspector or other person engaged in the execution of this Act or the regulations with false or misleading information or refuse to provide him or her with information as required by this Act or the regulations;

(d) fail or refuse to produce for inspection or seizure and detention or removal anything that by section 6, 9 or 9.2 an inspector or other person may inspect or seize and detain or remove under the authority of this Act or regulations; or

(e) aid or abet another person in an act or omission described in paragraphs (a) to (d).

(3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to the penalty prescribed by the regulations or, where no penalty has been prescribed by regulation, to a penalty under section 14.

2004 c43 s2; 2006 c45 s2; 2011 c23 s2

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Regulations

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

(a) requiring and providing for the licensing of persons engaged in the buying, handling, storing, grading, processing, transporting or marketing of fish or marine plants;

(b) providing for the licensing of establishments used in or in connection with the buying, handling, processing, storing, grading, transportation or marketing of fish or marine plants;

(c) providing for the cancellation or suspension of licences issued under this subsection and the method by which that cancellation or suspension may be effected;

(d) which relate to the regional distribution of licences and the development and administration of the fishing industry in the province and other matters that are not directly related to fish quality;

(e) respecting the contravention of sections of this Act and regulations for which an administrative penalty may be imposed and the time and manner in which those penalties may be imposed and collected;

(e.1) respecting the contravention of sections of this Act and the regulations for which proceedings may be commenced in the form of a ticket issued under the Provincial Offences Act and regulations and the fines associated with those contraventions;

(e.2) prescribing penalties in relation to offences under subsection 3(2);

(f) prescribing the procedure to be followed in an appeal to the minister under this Act;

(g) exempting persons, vehicles or establishments or a class of persons, vehicles or establishments from the application of the provisions of this Act or the regulations; and

(h) respecting the detention and return or other disposition of documents or data seized under a warrant under section 9 or produced under an order made under section 9.2.

(2) The minister may make regulations

(a) prescribing grades and standards of fish or marine plants for buying or marketing;

(b) respecting the handling, processing, storing, grading, packaging, buying, labelling, transporting, marketing, inspection and detention of fish or marine plants;

(c) regarding the quality and specifications of containers and cartons, and the labelling and inspection of containers and cartons;

(d) requiring and providing for the standards and operating requirements of vehicles and the transportation of fish or marine plants;

(e) prescribing the requirements for the construction, equipment and operating standards of establishments, and of vehicles or equipment used in an establishment associated with the buying or processing of fish or marine plants;

(f) prohibiting the marketing and labelling of fish or marine plants or containers or cartons of them under grade names or standards unless all the requirements of this Act and the regulations have been complied with, and prohibiting the marketing and labelling of fish or marine plants or containers or cartons of them under a name calculated to mislead or deceive;

(g) prescribing the manner in which samples of fish or marine plants may be taken;

(h) prohibiting or restricting the marketing of fish or marine plants or cartons or containers of them unless all the requirements of this Act and the regulations have been complied with;

(i) prescribing certificates and other documents that may be issued in respect of an inspection made under this Act or the regulations;

(j) respecting fish landing stations in the province;

(k) providing for the disposition of fish or marine plants, so as to prevent them from being marketed for human consumption, where the fish or marine plants are tainted, decomposed or unwholesome and prescribing the methods, supervision and direction of the time within which the disposal is to be effected and by whom and at whose expense, including prescribing the time for disposal following inspection;

(l) requiring processors to retain certified quality control personnel, and the qualifications which shall be required of those quality control personnel;

(m) requiring a processor to disclose the shareholders of the processing operation and those with a majority interest in a processing operation;

(n) prescribing criteria to determine which licences are inactive licences;

(o) prescribing minimum production requirements;

(p) prescribing minimum processing requirements;

(q) [Rep. by 2006 c45 s3]

(r) with respect to the licensing of grading companies;

(s) prescribing operating standards relating to the quality of fish or marine plants;

(t) prescribing the circumstances in which agency agreements may be required or approved;

(u) regarding special permits for the transfer of fish or marine plants, and the circumstances under which those permits may be given; and

(v) generally, to give effect to the purpose of this Act.

(3) The Lieutenant-Governor in Council and the minister may in addition to or instead of regulations made under subsections (1) and (2) adopt by reference and constitute as regulations the whole or part or

provisions of a code adopted or standards fixed, with or without modification, and including amendments to the code or standard of an organization acceptable to the Lieutenant-Governor in Council or the minister.

(4) A certificate of the minister that a document is a copy of a code or standard referred to in subsection (3) or an extract from, a modification of, or an amendment to, a code or standard is without further proof presumptive evidence of the content of that code, standard, extract or amendment.

2004 c43 s3; 2005 c49 s1; 2006 c45 s3; 2011 c23 s3

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Fees and forms

4.1 The minister may prescribe fees and establish forms for the purpose and administration of this Act.

2004 c43 s4

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Issue of licences

5. (1) The minister may refuse to issue a licence required under this Act or the regulations without assigning a reason for the refusal.

(2) The minister may issue licences under this Act subject to the conditions that the minister considers to be appropriate, including conditions which relate to a matter set out in section 4.

(3) Where a processor has been convicted of engaging in an anti-competitive act as defined in section 78 of the Competition Act (Canada), the minister may suspend or cancel that processor's licence.

(4) The minister may, in the circumstances prescribed in the regulations, issue a special permit for the transportation of fish or marine plants.

(5) Where the minister has reasonable grounds to believe that a person has violated a provision of this Act, the regulations or a condition of licence and the person has not, within a reasonable time, complied with a request of the minister to cease the violating activity, the minister may issue a stop work order and that activity shall cease.

RSN1970 c132 s6; 1996 c26 s2; 2004 c43 s5

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Powers of inspectors

6. (1) Where it is reasonably necessary for the purpose of ensuring compliance with this Act and the regulations, an inspector, officer or other person designated by the minister may, at a reasonable time and without a warrant

(a) enter an establishment, fish landing station or a vehicle used for the carriage or storage of fish or marine plants and may open a container or carton which he or she believes contains fish or marine plants;

(b) require to be produced for inspection or for the purpose of obtaining copies or extracts from books, shipping bills, bills of lading or other documents or papers relating to the quality, landing, buying, processing, transportation or marketing of fish or marine plants;

(c) remove books, shipping bills, bills of lading or other documents or papers or extracts of them referred to in paragraph (b) for the purpose of making copies or otherwise reproducing them; and

(d) take, without charge, the minimum sample of fish or marine plants required for inspection.

(1.1) Where an inspector, officer or other person designated by the minister removes books, shipping bills, bills of lading or other documents or papers under the authority of paragraph (1)(c), he or she shall give to the person from whom those items were taken a receipt for them and shall immediately make copies or otherwise reproduce them and return the originals to the person who was given the receipt.

(2) An inspector, officer, or other person acting under subsection (1) may detain a vehicle for the purpose of performing the inspection or obtaining the sample referred to in that subsection.

(3) A sample taken under subsection (1) shall be disposed of as the minister directs.

2004 c43 s6; 2011 c23 s4

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Appeal

7. (1) A person aggrieved by a decision of an inspector in respect of an inspection, grading, labelling or other matter under this Act or the regulations may appeal to the minister in accordance with the procedure prescribed by the regulations.

(2) Notwithstanding subsection (1), a decision of an inspector to commence proceedings in the form of a ticket issued in accordance with the Provincial Offences Act and regulations may not be appealed to the minister under subsection (1).

RSN1970 c132 s8; 2004 c43 s7; 2005 c49 s2

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Oaths or affirmations

8. For the purpose of this Act, inspectors may administer oaths and take and receive affidavits, declarations and affirmations.

RSN1970 c132 s9

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Powers and protection of inspectors

8.1 An inspector, officer or other person designated by the minister has the powers of a peace officer to enforce this Act and the regulations and when performing his or her duties is entitled to the protection to which a peace officer is entitled under the Criminal Code .

2011 c23 s5

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Identification requirement

8.2 (1) Where an inspector has reasonable and probable grounds to believe that a person is in contravention of this Act or the regulations, the inspector may require the person to provide him or her with identification information for the purpose of enforcing this Act or the regulations.

(2) A person who is required to provide identification under subsection (1) shall identify himself or herself by

(a) giving the inspector the person's correct name and address; and

(b) providing the inspector with the supporting documents sufficient for identification purposes.

2011 c23 s6

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Search and seizure with warrant

9. (1) For the purpose of this section, a reference to "place" includes an establishment, fish landing station, commercial or private premises, a container or a vehicle.

(2) A Provincial Court judge who is satisfied by information in writing and upon oath or affirmation that there are reasonable grounds to believe that there is on, at or in a place anything that will give evidence with respect to a contravention of this Act or the regulations, may issue a warrant authorizing an inspector named in the warrant, either alone or accompanied by one or more inspectors, officers or other persons designated by the minister as the inspector considers necessary, to enter the place and search for and seize anything that will provide evidence with respect to a contravention of this Act or the regulations, subject to the conditions that may be specified in the warrant.

(3) An inspector acting under the authority of a warrant issued under subsection (2) may enter a place specified in the warrant and

(a) search and make those inquiries that the inspector considers necessary;

(b) seize fish or marine plants, or containers or cartons of them, at, in or on the place;

(c) inspect documents and data and make copies of documents that are considered necessary;

(d) seize and remove data and documents for the purpose of making copies, and, where documents are seized and removed for the purpose of making copies, those documents shall be held and returned or otherwise disposed of in accordance with the regulations.

(4) Fish or marine plants, or containers or cartons of them, seized under subsection (3) may be held and kept for a period of 180 days following the day of seizure unless during that period proceedings under this Act in respect of those fish or marine plants, or containers or cartons of them, are undertaken, in which case the fish or marine plants, or containers or cartons of them, may be further held and kept until the proceedings are finally concluded.

(5) For the purpose of preserving the identity of fish or marine plants, or containers or cartons of them, seized under subsection (3), an inspector may place upon the fish or marine plants, or containers or cartons of them, a numbered tag in the form that the minister may prescribe.

(6) A person shall not remove or alter or cause to be removed or altered a tag placed upon fish or marine plants, or containers or cartons of them, under subsection (5) and shall not move, remove, tamper or interfere with fish or marine plants, or containers or cartons of them, held and kept under this section.

(7) Every copy of a document or data that is seized and removed under paragraph (3)(d) for the purpose of making copies, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original would have if it had been proved in the ordinary way.

(8) Notwithstanding subsection (3), an inspector may exercise the powers of search and seizure referred to in that subsection without a warrant where the conditions for obtaining the warrant exist but by reason of exigent circumstances it would not be practical to obtain the warrant.

(9) For the purpose of subsection (8), exigent circumstances include circumstances in which the delay necessary to obtain the warrant would result in danger to human life or safety or the loss or destruction of evidence.

(10) An owner, employer, operator or person actually or apparently in charge of a place and a person found on, in or at the place shall provide an inspector acting under subsection (2) or (8) reasonable help to enable the inspector to carry out his or her duties and functions under this section and shall provide the information that the inspector may reasonably require.

(11) Nothing in this section replaces, supersedes, diminishes or otherwise affects the powers or the exercise of the powers of an inspector under section 6.

2006 c45 s4; 2011 c23 s7

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Disposition of things seized

9.1 (1) Where, in the opinion of the inspector or other person having custody of the fish or marine plants, or containers or cartons of them, seized under section 9, the seized materials will become tainted, decomposed or unwholesome during the period referred to in subsection 9(4), the inspector or other person shall inform the minister and the minister may direct that the seized materials be sold in a manner that he or she may determine.

(2) The proceeds of a sale referred to in subsection (1) shall be paid into a non-interest bearing special purpose account

- (a) established in the Consolidated Revenue Fund by the Comptroller General of Finance; and
- (b) administered by the deputy minister or his or her delegate.

(3) Where fish or marine plants, or containers or cartons of them, are seized under this section, a person having an interest in the seized materials may apply to a judge of the Trial Division for the return of those materials, and the judge may, where

- (a) he or she is satisfied that the fish or marine plants, or containers or cartons of them, were not seized because they were decomposed, tainted or unwholesome;
 - (b) he or she is satisfied that the retention of the fish or marine plants, or containers or cartons of them, is not necessary as evidence of the commission of an offence;
 - (c) he or she is satisfied as to the value of the fish or marine plants, or containers or cartons of them, seized; and
 - (d) the applicant posts a bond or other form of security in a manner and amount satisfactory to the judge,
- order the return of the fish or marine plants, or containers or cartons of them.

(4) Where no proceedings are taken following a seizure under section 9 or where proceedings are taken and the person charged is acquitted of the charge made against him or her

(a) the inspector or other person having the custody of the fish or marine plants, or containers or cartons of them, seized under subsection 9(3) shall return them to the person from whom they were seized; and

(b) where the fish or marine plants, or containers or cartons of them, are sold under subsection (1), the minister shall pay the proceeds of the sale to the person from whom they were seized under subsection 9(3).

(5) Where a person is convicted of an offence under this Act or the regulations or of a violation of a condition of a licence issued under this Act or the regulations, the judge by whom he or she is convicted may, in addition to a penalty imposed under this Act,

- (a) order that the

(i) fish or marine plants, or containers or cartons of them, by means of or in relation to which the offence was committed, be forfeited to the Crown and disposed of as the minister directs,

(ii) costs incurred by the Crown of storage of the fish or marine plants, or containers or cartons of them, during the disposition of the case, be paid by the convicted person into the Consolidated Revenue Fund, and

(iii) proceeds in the special purpose account be forfeited to the Crown and paid immediately into the Consolidated Revenue Fund; or

(b) where a bond or other security has been posted under subsection (3), call upon the bond or other security and order the person posting it to pay immediately the amount of the bond or other security into the Consolidated Revenue Fund.

(6) The deputy minister or his or her delegate shall keep and maintain records of sales and proceeds paid into and out of a special purpose account under this section.

2006 c45 s4; 2011 c23 s8

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Production orders

9.2 (1) A Provincial Court judge may order a person, other than a person under investigation for an offence referred to in paragraph 3(a),

(a) to produce documents or copies of documents, certified by affidavit to be true copies, or to produce data; or

(b) to prepare a document based on documents or data already in existence and to produce it.

(2) An order referred to in subsection (1) shall require the document or data to be produced within the time, at the place and in the form specified and to be given to an inspector, officer or other person designated by the minister.

(3) A Provincial Court judge may make an order referred to in subsection (1) where he or she is satisfied on the basis of an application made in writing on oath or affirmation and without notice that there are reasonable grounds to believe that

(a) a person has contravened or is contravening this Act or the regulations or is suspected to have contravened this Act or the regulations;

(b) the document or data will provide evidence respecting a contravention or suspected contravention of this Act or the regulations; and

(c) the person who is subject to the order has possession or control of the document or data.

(4) An order referred to in subsection (1) may contain terms and conditions that the Provincial Court judge considers advisable in the circumstances.

(5) A copy of a document produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document would have if it had been proved in the ordinary way.

(6) Documents or data produced under an order made under subsection (1) shall be held and returned or otherwise disposed of in accordance with the regulations.

(7) Copies of documents produced under this section are not required to be returned to the person who provided them.

2006 c45 s4

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False labelling, marketing or packaging

10. A person shall not mark, label or package fish or marine plants or containers or cartons of them in a manner that is false, misleading or deceptive.

2004 c43 s 9

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Rep. by 2006 c45 s5

10.1 [Rep. by 2006 c45 s5]

2006 c45 s5

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Rep. by 2006 c45 s5

10.2 [Rep. by 2006 c45 s5]

2006 c45 s5

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Rep. by 2004 c43 s11

11. [Rep. by 2004 c43 s11]

2004 c43 s11

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Ticketing

11.1 An inspector may commence proceedings, which may be in the form of a ticket issued in accordance with the Provincial Offences Act and regulations in respect of a violation of this Act or the regulations.

2004 c43 s12

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Falsification of certificates

12. (1) A person shall not falsify or unlawfully alter, destroy, erase or obliterate a declaration, inspection certificate or other document made or issued under this Act or the regulations or a mark placed on containers or cartons under this Act or the regulations.

(2) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction

(a) for a first offence, to a fine of not less than \$5,000 and not more than \$20,000 or to imprisonment for a term of not less than one month or more than 6 months, or to both a fine and imprisonment;

(b) for a second offence, to a fine of not less than \$20,000 and not more than \$50,000 or to imprisonment for a term of not less than 2 months or more than 6 months, or to both a fine and imprisonment; and

(c) for a third offence, to a fine of not less than \$50,000 and not more than \$100,000 or to imprisonment for a term of not less than 3 months or more than 6 months, or to both a fine and imprisonment.

RSN1970 c132 s13; 1990 c35 s2; 2004 c43 s13

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Personating an inspector

12.1 A person who falsely represents himself or herself to be an inspector, officer or other person designated by the minister, or uses a badge or article of uniform or equipment in a manner that is likely to cause persons to believe that he or she is an inspector, officer or other person designated by the minister, is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and in default of payment, to imprisonment for a period not exceeding 6 months.

2011 c23 s9

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Prohibition against processing or marketing

13. (1) A person shall not process or market fish or marine plants intended for human consumption if the fish or marine plants are tainted, decomposed or unwholesome.

(2) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction

(a) for a first offence, to a fine of not less than \$5,000 and not more than \$20,000 or to imprisonment for a term of not less than one month or more than 6 months, or to both a fine and imprisonment;

(b) for a second offence, to a fine of not less than \$20,000 and not more than \$50,000 or to imprisonment for a term of not less than 2 months or more than 6 months, or to both a fine and imprisonment; and

(c) for a third offence, to a fine of not less than \$50,000 and not more than \$100,000 or to imprisonment for a term of not less than 3 months or more than 6 months, or to both a fine and imprisonment.

2004 c43 s14; 2011 c23 s10

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Offence

13.1 (1) A person who

- (a) contravenes this Act or the regulations or an order made under this Act or the regulations;
- (b) fails to comply with or otherwise contravenes the terms and conditions of a licence or order issued under this Act or the regulations; or
- (c) makes a false statement in a form or return completed, made or provided under this Act or the regulations,

which is not declared to be an offence by another section is guilty of an offence, and every contravention, failure to comply or false statement relating to a separate transaction constitutes a separate offence.

(2) Where an offence under this Act or the regulations is committed on more than one day or continued for more than one day, it shall be considered to be a separate offence for each day or part of the day on which it is committed or continued and, where an information relating to an alleged offence under this Act or the regulations sets out that the alleged offence was committed or continued on several days or for a period of days, it shall be considered to be a separate information alleging a separate offence for each day or part of the day in the period.

2006 c45 s6

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General penalty

14. A person who violates a provision of this Act or the regulations or a condition attached to a licence issued under this Act or the regulations for which no penalty is provided elsewhere in this Act or the regulations is guilty of an offence and is liable on summary conviction

(a) for a first offence, to a fine of not less than \$5,000 and not more than \$20,000 or to imprisonment for a term of not less than one month or more than 6 months, or to both a fine and imprisonment;

(b) for a second offence, to a fine of not less than \$20,000 and not more than \$50,000 or to imprisonment for a term of not less than 2 months or more than 6 months, or to both a fine and imprisonment; and

(c) for a third offence, to a fine of not less than \$50,000 and not more than \$100,000 or to imprisonment for a term of not less than 3 months or more than 6 months, or to both a fine and imprisonment.

2004 c43 s15; 2005 c49 s3

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Interpretation

15. For the purpose of subsection 12(2), subsection 13(2) and section 14, a person shall be considered to be convicted of a 2nd, 3rd or subsequent offence where he or she is convicted of an offence within 2 years of his or her conviction of a 1st offence under this Act, notwithstanding that the 1st conviction and subsequent conviction may be for different offences under this Act.

1990 c35 s4

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Administrative penalty

16. (1) Where the minister is of the opinion that a person has committed, as specified by regulation, a contravention of this Act or the regulations for which an administrative penalty applies, the minister or a person authorized by the minister may, in writing, notify that person that he or she is to pay to the government of the province an administrative penalty in the amount set out in the notice for each contravention.

(2) A person who pays an administrative penalty with respect to a contravention may not be ticketed under the Provincial Offences Act and regulations or charged with an offence under this Act with respect to that contravention.

(3) Where a person fails to pay an administrative penalty in accordance with a notification under subsection (1), the government of the province may recover the amount owing in respect of the penalty as a debt owed to the Crown.

(4) For the purpose of this section, an administrative penalty is a monetary penalty imposed in accordance with the regulations for a contravention of this Act or the regulations.

2004 c43 s16; 2005 c49 s4

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Limitation period

16.1 A prosecution under this Act or the regulations shall be commenced within 3 years of the date upon which the deputy minister of the department becomes aware of the alleged offence.

2006 c45 s7

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Review

17. The minister shall, every 5 years, perform a review of this Act and the regulations made under it, the principles upon which it is based, and consider the areas in which it may be improved and report his or her findings to the Lieutenant-Governor in Council.

2004 c43 s17

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