

# Fisheries Organizations Support Act

CHAPTER 6  
OF THE  
ACTS OF 1995-96

## An Act to Provide Support for Accredited Fisheries Organizations

### Short title

1 This Act may be cited as the *Fisheries Organizations Support Act*. 1995-96, c. 6, s. 1.

### Purpose

2 The purpose of this Act is to strengthen fisheries organizations in the Province and provide a procedure to enable accredited fisheries organizations to collect mandatory annual dues from licence holders. 1995-96, c. 6, s. 2.

### Interpretation

3 (1) In this Act,

(a) "Department" means the Department of Fisheries;

(b) "licence holder" means a person, other than a part-time fisher or a corporation with an enterprise allocation, who holds a limited entry licence under the *Fisheries Act* (Canada) that permits the taking of fish;

(c) "Minister" means the Minister of Fisheries.

(2) Any reference in this Act to a licence holder in a region is a reference to a licence holder who customarily returns from fishing to a place in that region. 1995-96, c. 6, s. 3.

### **Minister to prescribe regions**

4 The Minister, with the approval of the Governor in Council, shall prescribe areas of the Province to be regions for the purpose of this Act. 1995-96, c. 6, s. 4.

### **Requirement for vote**

5 (1) The Minister shall conduct a vote among the licence holders in a region to determine whether the licence holders want an organization to represent the interests of the licence holders in the region in matters relating to the management and regulation of the inshore fishery.

(2) The vote referred to in subsection (1) shall be conducted at the time and in the manner prescribed by regulation. 1995-96, c. 6, s. 5.

### **Definition of affirmative vote**

6 A vote taken pursuant to Section 5 is an affirmative vote if

(a) at least sixty per cent of the licence holders in the region voted; and

(b) a majority of the valid votes cast were cast in favour of representation by an organization. 1995-96, c. 6, s. 6.

### **Consequences of affirmative vote**

7 (1) Where there is an affirmative vote pursuant to Sections 5 and 6 in a region, the Minister shall

(a) give public notice of the results of the vote; and

(b) invite organizations that meet the criteria prescribed by regulation to apply to the Minister, in the manner prescribed by the Minister, to be accredited to represent the licence holders in the region.

(2) The public notice referred to in subsection (1) shall be published

(a) at least once in each of two consecutive weeks in a newspaper having general circulation in areas in which, in the opinion of the Minister, the notice is likely to come to the attention of licence holders in the region; and

(b) in one issue of the Royal Gazette. 1995-96, c. 6, s. 7.

### **Accreditation**

8 Every organization, that applies to the Minister for accreditation pursuant to this Act with respect to a region and that meets the criteria established by regulation, shall be accredited by the Minister to represent the licence holders in the region. 1995-96, c. 6, s. 8.

### **Annual dues**

9 Every licence holder in a region shall pay annual dues to an organization accredited by the Minister to represent licence holders in that region. 1995-96, c. 6, s. 9.

### **Amount of annual dues**

10 Every licence holder in a region shall pay to an accredited organization annual dues in the amount determined by regulation or such greater amount as determined by the organization. 1995-96, c. 6, s. 10.

### **Duration of accreditation**

**11 (1)** An organization that has been accredited by the Minister pursuant to this Act retains its accreditation for four years.

**(2)** Notwithstanding subsection (1), the Minister may cancel the accreditation of an organization if the organization is not complying with the criteria for accreditation prescribed by regulation. 1995-96, c. 6, s. 11.

### **Delegation of duties and functions**

**12 (1)** The Minister may appoint an employee of the Department to perform the duties and functions with respect to this Act set out in the appointment.

**(2)** A person appointed by the Minister pursuant to subsection (1) has in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada). 1995-96, c. 6, s. 12.

### **Offence and penalty**

**13** Any person who violates any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a penalty of not more than five hundred dollars. 1995-96, c. 6, s. 13.

### **Regulations**

**14 (1)** The Governor in Council may make regulations

(a) defining any word or expression used but not defined in this Act;

(b) respecting the conducting of a vote pursuant to this Act;

(c) respecting the criteria to be met by organizations when applying for accreditation pursuant to this Act;

(d) respecting any matter deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1995-96, c. 6, s. 14.

### **Proclamation**

**15** This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1995-96, c. 6, s. 15.

Proclaimed - November 19, 1996

In force - November 19, 1996