

Fisheries Organizations Support Regulations

made under Section 14 of the

Fisheries Organizations Support Act

S.N.S. 1995-96, c. 6

O.I.C. 96-860 (November 19, 1996), N.S. Reg. 170/96

as amended up to O.I.C. 2011-110 (March 25, 2011, effective April 1, 2011), N.S. Reg. 81/2011

1 In these regulations

(a) “Act” means the Fisheries Organizations Support Act;

(b) “Department” means the Nova Scotia Department of Fisheries and Aquaculture;

[Note: the reference to the Department has been updated in accordance with S.N.S. 2006, c. 44, s. 1, effective April 1, 2007.]

(c) “core fisher” means a person who holds two or more key fishing licences or one vessel-based licence and has earned \$25 000 or more from their fishing enterprise for two of the years 1992, 1993, 1994, 1995, or has at least one vessel-based licence and has made 75 percent of earned income from fishing for two of the years 1992, 1993, 1994, 1995, or has bona fide status in the Gulf Region of Nova Scotia with at least one key licence;

(d) “part-time fishers” means those persons with fishing licences excluded from the Department of Fisheries and Oceans core status.

2 The Province is divided into the following six regions:

(a) Gulf-Nova Scotia - New Brunswick border to the Inverness/Victoria County line;

(b) Cape Breton Atlantic - Inverness/Victoria County line to Canso Causeway;

(c) Eastern Shore - Canso Causeway to Halifax Harbour;

(d) South Shore - Halifax Harbour to the Queen's/Shelburne County line;

(e) Southwestern - Shelburne and Yarmouth Counties;

(f) Fundy - from Yarmouth/Digby County line to the New Brunswick border.

3 Voting procedures to decide whether the licence holders want an organization to represent their interests in the region shall be determined by the Minister and may be conducted by ballot box, registered mail, telephone or any other method or combination of methods considered to be fair by the Minister and allowing for maximum participation.

4 The Minister may appoint an independent overseer of the vote.

5 All licence holders as defined by Section 3 of the Act are eligible to vote in the region to which they customarily return from fishing.

6 Lists of eligible voters will be compiled on a region by region basis by the Minister and be made available to local Nova Scotia Office of Fisheries and Aquaculture offices for perusal at least two months prior to a vote, and a registration notice will be sent to each eligible voter on the list.

7 (1) A licence holder not on the voters list may appeal to the Minister to be added to the list.

(2) Proof of eligibility to vote will be required.

8 (1) Voting shall be held, or a voting date set, in all regions within one year of proclamation of the Act.

(2) Once a vote is held, no further vote shall be taken for a period of at least 24 months.

9 (1) An accredited organization shall

(a) have the representation of its members as its primary object;

(b) have a duly elected executive composed of a president, a vice president, a secretary, and a treasurer (or a secretary-treasurer) and a board of directors;

(c) demonstrate in its application to the Minister for accreditation that there is a regular reporting mechanism to its members;

(d) be registered under the Societies Act or as a limited company, through the Registry of Joint Stock Companies;

(e) require that its members pay a minimum of \$100 in annual dues;

(f) have a membership of at least 100 eligible licence holders or 15 percent of the eligible licence holders in a region, or be otherwise recognized by the Minister on a special sectoral basis to be genuinely representative of a unique industry sector, which recognition shall take into consideration the following criteria:

(i) whether the organization was in existence at the time of the vote,

(ii) any recognition by the Department of Fisheries and Oceans or the Province,

(iii) the geographical isolation of its membership,

(iv) whether the organization represents only a specific species or type of fishing gear and comprises 25 individuals or 80% of this sector,

(v) whether the membership is truly unique, special and separable from general multi-species enterprises and other sectors of the fishery,

(vi) whether the licences held by core fishers who are members

(A) fit the requirements of the special sector, and

(B) are specific licences for the species represented by the organization,

(vii) whether the proposed membership can be effectively represented by any other accredited group;

Clause 9(1)(f) replaced: O.I.C. 2001-618, N.S. Reg. 152/2001.

(g) pay an annual accreditation fee to the Province of

(i) \$20.40 per member, or

(ii) \$1020.00,

whichever is less.

Clause 9(1)(g) replaced: O.I.C. 2001-618, N.S. Reg. 152/2001; amended: O.I.C. 2011-110, N.S. Reg. 81/2011.

Section 9 renumbered 9(1): O.I.C. 2001-618, N.S. Reg. 152/2001.

(2) An organization may only represent those sectors of the fishery for which it is accredited.

Subsection 9(2) added: O.I.C. 2001-618, N.S. Reg. 152/2001.

10 (1) Following a positive vote in a region, organizations in existence at the time of the vote must apply to the Minister for accreditation within 90 days of the publication of the results of the vote.

Subsection 10(1) amended: O.I.C. 2001-618, N.S. Reg. 152/2001.

(2) Applications shall be in Form A and must include

(a) name and address of the organization;

(b) statement of purpose;

(c) names and addresses of executive;

(d) reporting mechanism;

(e) registration number under the Societies Act or the name and registration number of limited company, through Registry of Joint Stock Companies;

(f) amount of membership fee; and

(g) number of members and a list of the names of members.

(3) An application shall be accompanied by the accreditation fee calculated in accordance with clause 9(1)(g) in the form of a money order or certified cheque made payable to the Minister of Finance.

Subsection 10(3) amended: O.I.C. 2011-110, N.S. Reg. 81/2011.

11 (1) Annual dues to organizations and accreditation fees to the Province shall be paid on the basis of a calendar year.

(2) Should a region vote for organized representation part way through a calendar year, annual dues will be prorated or come due on January 1 of the next calendar year; the decision to be at the discretion of the Minister.

(3) Should an organization gain accreditation part way through a calendar year, accreditation fees will be prorated or come due on January 1 of the next calendar year; the decision to be at the discretion of the Minister.

12 (1) An accredited organization may represent licence holders in one or more regions.

(2) If an organization is accredited in one region, no additional annual accreditation fee shall be required for accreditation in other regions.

13 (1) An accredited organization may also have members who do not meet the eligibility requirements of the Act.

(2) Some organizations may restrict membership while others may be more broadly based.

(3) In addition to representing members from a region where a positive vote has taken place, an organization may represent members in a region where a negative vote has taken place, but payment of annual dues will remain voluntary in the region having the negative vote.

14 (1) Organizations may solicit membership and collect dues.

(2) In a region where a positive vote has taken place, all licence holders are required to pay annual dues to an accredited organization of their choice.

15 Each accredited organization shall submit a current report to the Minister during the months of May and October of each calendar year listing those of its members who have paid their annual dues and those who are in arrears.

Section 15 replaced: O.I.C. 2001-618, N.S. Reg. 152/2001.

Form A (Accreditation)

Fisheries Organizations Support Act

1.
Name of Organization:

Address:

Telephone:
Fax:

2.
Statement of Purpose:

3.

Names and Addresses of Executive (including Directors):

Please attach.

4.
Reporting Mechanism (i.e. to members)

5.
Registration Number:

6.
Annual Individual Membership Fee:
\$

7.
Number of Members (fees paid within past 12 months).

Please attach list of same.

8.
Accreditation Fee Enclosed
 Certified Cheque

Money Order

Last updated: 04-01-2012