

chapter B-7.1

ACT RESPECTING THE BUREAU D'ACCRÉDITATION DES PÊCHEURS ET DES AIDES-PÊCHEURS DU QUÉBEC

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REPEAL SCHEDULES

CHAPTER I

ESTABLISHMENT AND MISSION

1. A certification board is hereby established under the name “Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec”.

The certification board is a legal person.

1999, c. 32, s. 1.

2. The mission of the certification board is to develop and implement a system of certification of the professional qualifications of fishermen and fisherman's helpers operating in tidal waters, other than in relation to the fishing for anadromous and catadromous species.

In that regard, the certification board

(1) issues certificates attesting that the applicants qualify to carry on their trade of fisherman or fisherman's helper in keeping with commercial fishing requirements;

(2) advises the Minister on any matter relating to the professional qualifications of fishermen and fisherman's helpers.

1999, c. 32, s. 2.

CHAPTER II

ORGANIZATION AND OPERATION

3. The head office of the certification board shall be at the place the certification board determines. Notice of the location or of any change of location shall be published in the *Gazette officielle du Québec*.

1999, c. 32, s. 3.

4. The certification board shall be administered by a board of directors composed of seven members as follows:

(1) one member appointed by the Minister among the employees of the Government or its bodies or among persons appointed to a government department or body by a minister or the Government;

(2) five members appointed as follows by the associations most representative, throughout Québec, of the following groups:

(a) for midshore fishermen, two members;

(b) for inshore fishermen, two members; and

(c) for fisherman's helpers, one member who is not, however, entitled to vote on any matter relating to the professional certification of fishermen; and

(3) one member appointed by all the regional fishermen's associations that are not part of the associations referred to in subparagraph 2.

The Minister shall verify the representativeness of the associations referred to in subparagraph 2 of the first paragraph

If the associations referred to in subparagraph 3 of the first paragraph fail to appoint a member within 60 days of a vacancy, the Minister shall appoint a member on their behalf.

1999, c. 32, s. 4; 2006, c. 27, s. 1.

4.1. A person convicted of an offence under the Fisheries Act (Revised Statutes of Canada, 1985, chapter F-14) or the regulations or of an offence or an indictable offence committed in the course of fishing activities or involving fraud or dishonesty may not sit on the board of directors, unless the person has obtained a pardon. The disqualification subsists for two years after the conviction or until the end of the sentence if it is longer than two years.

2006, c. 27, s. 1.

5. The term of office of the members of the board of directors shall not exceed three years.

On the expiry of their term, the members shall remain in office until replaced or reappointed.

1999, c. 32, s. 5.

6. Any vacancy on the board of directors shall be filled in accordance with the rules of appointment set out in sections 4 and 4.1 for the unexpired portion of the term of the member to be replaced.

Absence from the number of board meetings determined by regulation of the certification board constitutes a vacancy, in the cases and circumstances indicated therein.

1999, c. 32, s. 6; 2006, c. 27, s. 2.

7. On the conditions and to the extent determined by regulation of the certification board, the members of the board of directors may receive remuneration and are entitled to be reimbursed, on presentation of vouchers, for reasonable expenses incurred in exercising their functions.

1999, c. 32, s. 7; 2006, c. 27, s. 3.

8. The members of the board of directors shall choose a chair from among their number. The chair shall call and preside at the meetings of the board, see to the proper conduct of the board's proceedings and exercise any other functions assigned to the chair by the board.

The members of the board of directors shall also designate a vice-chair from among their number. The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.

1999, c. 32, s. 8; 2006, c. 27, s. 4.

9. The quorum at meetings of the board of directors is a majority of the members.

In the case of a tie-vote, the chair has a casting vote.

1999, c. 32, s. 9; 2006, c. 27, s. 5.

10. The certification board may establish rules of operation.

In addition, it must establish a code of ethics and professional conduct applicable to the members of its board of directors.

1999, c. 32, s. 10; 2006, c. 27, s. 6.

11. The certification board may hire the personnel it needs for the conduct of its business.

1999, c. 32, s. 11; 2000, c. 8, s. 234; 2006, c. 27, s. 7.

12. Any member of the personnel of the certification board who has a direct or indirect interest in an enterprise causing the personnel member's personal interest to conflict with that of the certification board must, on pain of forfeiture of office, disclose the interest in writing to the certification board.

1999, c. 32, s. 12.

13. In no case may proceedings be instituted against the certification board, its directors or any person or body to whom or which the certification board has entrusted the exercise of its powers by reason of acts performed in good faith in the exercise of their functions.

1999, c. 32, s. 13.

CHAPTER III

POWERS

14. The certification board shall make regulations

(1) determining the criteria for the issue of a fisherman's or fisherman's helper's certificate and the fees payable;

(2) determining the professional training required to qualify for a certificate, including apprenticeship at sea, and equivalent qualifications, including experience;

(3) determining the criteria for the issue of an apprentice fisherman's certificate and the fees payable; and

(4) concerning the issue, content and updating of the fisherman's booklet, the fisherman's helper's booklet and the apprentice fisherman's booklet.

The certification board may make regulations determining

(1) the obligations of certificate holders and the information and documents they must send to the certification board or keep;

(1.1) the obligations of certificate holders as regards continuing education;

(2) the professional conduct of certificate holders;

(3) the cases in which certain persons may be exempted from the application of all or part of the regulations under this section, subject to any conditions provided.

1999, c. 32, s. 14; 2006, c. 27, s. 8.

15. Regulations of the certification board under subparagraph 2 of the first paragraph and subparagraphs 1.1 and 3 of the second paragraph of section 14 are subject to the approval of and may be amended by the Government.

If the certification board fails to make or amend a regulation under the first paragraph of section 14 within the time specified by the Minister, the Minister or the Government may do so, and the regulation becomes a regulation of the certification board.

1999, c. 32, s. 15; 2006, c. 27, s. 9.

15.1. Regulations of the certification board under subparagraph 2 of the first paragraph and subparagraphs 1.1 and 3 of the second paragraph of section 14 and the second paragraph of section 15 are published in the *Gazette officielle du Québec* and come into force on the fifteenth day after the date of their publication or on any later date specified.

Regulations of the certification board under subparagraphs 1, 3 and 4 of the first paragraph and subparagraphs 1 and 2 of the second paragraph of section 14, and section 22 are published in the *Gazette officielle du Québec* and come into force on the date of their publication or on any later date specified.

2006, c. 27, s. 9.

16. The certification board may suspend or revoke a holder's certificate if the holder

- (1) no longer meets the criteria determined by regulation for the issue of the certificate;
- (2) obtained the certificate by false or misleading representations;
- (3) does not comply with the provisions of the regulations under this Act; or
- (4) does not comply with generally recognized commercial fishing practices applicable to professional fishermen and fisherman's helpers.

The certification board shall not suspend or revoke a certificate without giving the certificate holder 10 days notice in writing to enable the holder to present observations.

1999, c. 32, s. 16.

16.1. A person whose application for a certificate is denied or whose certificate is suspended or revoked by the certification board may, within 30 days after receiving the decision, file an application for review with the person designated for that purpose by the Minister.

On sending a copy of its decision to the person concerned, the certification board shall inform the person of his or her right to file an application for review and of the time limit for doing so.

2006, c. 27, s. 10.

17. A review decision must be rendered within 30 days after receipt of an application for review and be sent in writing to the person concerned. If the application for review is dismissed, the person concerned may, within 30 days after being notified of the decision, contest it before the Administrative Tribunal of Québec.

On sending a copy of a decision dismissing an application for review to the person concerned, the person designated by the Minister shall inform that person of his or her right to contest the decision and of the time limit for doing so.

1999, c. 32, s. 17; 2006, c. 27, s. 11.

18. The certification board may, to the extent and on the conditions it determines by regulation, entrust the exercise of its functions with respect to the issue of certificates or the issue and updating of booklets to any other person or body.

1999, c. 32, s. 18; 2006, c. 27, s. 12.

19. (*Repealed*).

1999, c. 32, s. 19; 2006, c. 27, s. 13.

20. The certification board is subject to the Act respecting the protection of personal information in the private sector (chapter P-39.1).

1999, c. 32, s. 20; 2006, c. 22, s. 177; 2006, c. 27, s. 14.

CHAPTER IV

FINANCIAL PROVISIONS

21. *(Repealed).*

1999, c. 32, s. 21; 2006, c. 27, s. 15.

22. The certification board shall finance its activities. It may, by regulation, prescribe the payment of annual fees by the certificate holders, and the payment of fees for the examination of an application or for any other act performed by the certification board.

1999, c. 32, s. 22; 2006, c. 27, s. 16.

23. *(Repealed).*

1999, c. 32, s. 23; 2006, c. 27, s. 17.

24. The monies received by the certification board must be allocated to the payment of its obligations.

1999, c. 32, s. 24; 2006, c. 27, s. 18.

CHAPTER V

ACCOUNTS AND REPORTS

25. The fiscal year of the certification board ends on 31 December.

1999, c. 32, s. 25; 2006, c. 27, s. 19.

26. *(Repealed).*

1999, c. 32, s. 26; 2006, c. 27, s. 20.

27. The certification board shall have its books and accounts audited each year by an auditor. The auditor's report must be submitted with the financial statements and report of activities.

If the certification board fails to have its books and accounts audited, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration will be charged to the certification board.

1999, c. 32, s. 27; 2006, c. 27, s. 21.

27.1. The auditor shall have access to all the certification board's books, registers, accounts, other accounting records and vouchers. Any persons having custody of those documents shall facilitate their examination by the auditor.

The auditor may require the information and documents needed to conduct the audit from the certification board's directors, mandataries or personnel.

2006, c. 27, s. 21.

27.2. The auditor may require a meeting of the board of directors on any matter related to the audit.

2006, c. 27, s. 21.

28. The certification board shall, not later than 31 May each year, file with the Minister its financial statements and a report of its activities for the preceding fiscal year.

The financial statements and report of activities must contain all the information required by the Minister.

The certification board shall also send a copy of the report of activities to the associations of the groups referred to in section 4.

1999, c. 32, s. 28; 2006, c. 27, s. 22.

29. *(Repealed).*

1999, c. 32, s. 29; 2006, c. 27, s. 23.

30. The certification board shall forward to the Minister, within the time and in the form prescribed by the Minister, any documents or other information the Minister requires on its activities.

1999, c. 32, s. 30.

CHAPTER VI

MISCELLANEOUS PROVISIONS

31. Where in the opinion of the Minister the certification board neglects or is unable to carry out its responsibilities, the Minister shall, after giving the certification board the opportunity to present observations, order it to take the necessary corrective measures; if the certification board fails to act, the Minister shall take the appropriate measures to ensure the Act and the regulations are applied, in particular by substituting the Minister's decisions for those of the certification board.

1999, c. 32, s. 31.

32. *(Amendment integrated into c. J-3, Schedule IV).*

1999, c. 32, s. 32.

33. The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

1999, c. 32, s. 33.

34. *(Omitted).*

1999, c. 32, s. 34.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 32 of the statutes of 1999, in force on 1 April 2000, is repealed, except section 34, effective from the coming into force of chapter B-7.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), subparagraph 1 of the second paragraph of section 2 as well as sections 16, 17, 31 and 32 of chapter 32 of the statutes of 1999, in force on 1 April 2002, are repealed effective from the coming into force of the updating to 1 April 2002 of chapter B-7.1 of the Revised Statutes.