

chapter B-7.1, r. 1

Regulation respecting recognition of the professional qualification of fishers and assistant fishers

Act respecting the Bureau d'accréditation des pêcheurs et des aides pêcheurs du Québec
(chapter B-7.1, ss. 14 and 22)

TABLE OF CONTENTS

DIVISION I	
APPLICATION AND BOOKLET.....	1
DIVISION II	
APPRENTICE FISHER'S CERTIFICATE.....	4
DIVISION III	
ASSISTANT FISHER'S CERTIFICATE.....	8
DIVISION IV	
FISHER'S CERTIFICATE.....	10
DIVISION V	
EXEMPTION.....	12
DIVISION VI	
FEES.....	13
DIVISION VII	
OBLIGATIONS OF CERTIFICATE HOLDERS.....	16
DIVISION VIII	
TRANSITIONAL MEASURES.....	20

DIVISION I

APPLICATION AND BOOKLET

1. This Regulation applies to any person who, in compliance with other applicable acts and regulations, applies to the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec for a certificate issued under the authority of this Regulation to carry on a fishing activity for a tidal water species, with the exception of anadromous and catadromous species, seal or species fished exclusively for the purpose of aquaculture in tidal waters.

In this Regulation, the term “assistant fisher” refers to any person hired to work on a fisher’s commercial fishing boat.

O.C. 944-2001, s. 1.

2. The certification board shall issue, in a timely manner, a fisher’s booklet, an assistant fisher’s booklet or an apprentice fisher’s booklet to any certificate holder who applies for such a booklet in writing, including, if appropriate, the information needed to update said booklet, and the confirmation certifying that he or she has met the continuing training requirements set out in section 16.

The booklet contains the following information:

- (1) its holder’s name and address;
- (2) the category of the certificate issued;
- (3) its date of issue;
- (4) the level of its holder’s professional qualification;
- (5) the holder’s cumulative experience in the carrying on of his or her fishing activity; for that purpose, the booklet indicates the holder’s fishing periods for each species fished;
- (6) a notation, if applicable, indicating that the fisher holds a commercial fishing licence issued by the licencing authority in Québec holding jurisdiction for issuing fishing licences under the authority of the Fisheries Act (R.S.C. 1985, c. F-14).

It also contains a photograph of its holder.

The booklet shall remain valid for a period of 1 year from the date it is issued or updated.

O.C. 944-2001, s. 2.

3. A certificate issued in compliance with this Regulation shall remain valid for a period of 1 year from its date of issue.

O.C. 944-2001, s. 3.

DIVISION II

APPRENTICE FISHER’S CERTIFICATE

4. The certification board shall issue an apprentice fisher’s certificate to any person who meets the following conditions. Applicants must:

- (1) submit a written application to the certification board for that purpose;

(2) include with their application written proof indicating that they are registered at the Centre spécialisé des pêches de Grande-Rivière in the program leading to the issue of a professional fishery studies diploma, at another professional training centre established by a school board offering a professional fishery studies program, or at another educational institution established by a school board that enables them to complete the training required to register in the program leading to the diploma;

(3) include with their application payment of the fee set out in section 13.

O.C. 944-2001, s. 4.

5. Shall be exempt from the obligation to comply with the requirement set out in subparagraph 2 of section 4, any person under 16 years of age. In such case, any time spent at sea by said person before reaching the age of 16 shall not be taken into consideration for the purposes of this Regulation.

O.C. 944-2001, s. 5.

6. Shall also be exempt from the obligation to comply with the requirement set out in subparagraph 2 of section 4, any person who submits to the certification board a written application for an apprentice fisher's certificate for the first time.

O.C. 944-2001, s. 6.

7. Shall also be exempt from the obligation to comply with the requirement set out in subparagraph 2 of section 4, any person over 16 years of age who submits to the certification board written proof indicating that he or she is registered as a full-time student in a program of studies other than that leading to a professional fishery studies diploma at an educational institution established under the authority of an Act, and written confirmation that said person works aboard a commercial fishing vessel for non-consecutive periods of not more than 5 months each.

O.C. 944-2001, s. 7.

DIVISION III

ASSISTANT FISHER'S CERTIFICATE

8. The certification board shall issue an assistant fisher's certificate to any person who meets the following conditions. Applicants must:

(1) submit a written application to the certification board for that purpose;

(2) include one of the following documents with the application:

(a) written proof indicating that the applicant has obtained a professional fishery studies diploma granted by the Minister of Education under the authority of the Education Act (chapter I-13.3);

(b) confirmation indicating that the applicant holds an equivalent qualification obtained pursuant to section 9;

(c) a document establishing that the applicant enjoys an exemption pursuant to section 12;

(3) include with their application payment of the fee set out in section 13.

O.C. 944-2001, s. 8.

9. Shall enjoy a qualification equivalent to that required in subparagraph *a* of subparagraph 2 of section 8, any person, among those listed hereafter, who meets the conditions set out in the third paragraph:

(1) fishers or assistant fishers who practiced commercial fishing for at least 5 weeks per year for at least 2 years in 1999, 2000 or 2001, or for at least 5 years between 1 January 1990 and 13 September 2001;

(2) fishers or assistant fishers who, on 13 September 2001, were not carrying on commercial fishing due to illness, pregnancy, maternity leave, paternity leave, or a moratorium imposed by the commercial fishery authority although they did so before, and who:

(a) were registered with the licencing authority in Québec holding jurisdiction for issuing fishing licences under the authority of the Fisheries Act (R.S.C. 1985, c. F-14) during the 2 years prior to their illness or the moratorium;

(b) carried on commercial fishing for at least 5 weeks during the course of those 2 years or was eligible under The Atlantic Groundfish Strategy (TAGS) program of the Government of Canada, in force from May 1994 to August 1998, as a fisher or assistant fisher;

(3) fishers or assistant fishers who carried on commercial fishing for at least 5 weeks between 1990 and 2000, and who were registered with the licencing authority in Québec holding jurisdiction for issuing fishing licences under the authority of the Fisheries Act.

For the purposes of the first paragraph and of subparagraph 1 of the first paragraph of section 11, the term “fisher” refers to the holder, on 13 September 2001, of a commercial fishing licence issued by the licencing authority in Québec holding jurisdiction for issuing fishing licences under the authority of the Fisheries Act, with the exclusion of any person who holds only a seal fishing licence or a fishing licence issued exclusively for the purposes of aquaculture in tidal waters.

To enjoy this qualification equivalence, persons referred to in the first paragraph must submit a written application to the certification board for that purpose, together with a written confirmation indicating that they have successfully completed the following training courses given by the Centre, or another professional training centre established by a school board:

- (1) advanced first aid at sea, for a duration of 16 hours;
- (2) emergency operations at sea, for a duration of 20 hours;
- (3) responsible fishing, 2 courses from a selection of 10, for a duration of 15 hours each;
- (4) organization and team work, for a duration of 15 hours;
- (5) preservation and on-board handling of fish, for a duration of 20 hours;
- (6) fisheries technology, for a duration of 40 hours;
- (7) rules of the road, for a duration of 30 hours;
- (8) radio communications, for a duration of 15 hours.

A person shall enjoy a qualification equivalent to that required in subparagraph *a* of paragraph 2 of section 8 if the person is at least 24 years of age, intends to become an assistant fisher and includes with his or her application written confirmation or a cumulative report from a competent school authority confirming that the person has successfully completed a training course of at least 630 hours pertaining to emergency situations at sea, net mending, rigging of fixed or mobile gear, the introduction to the trade of assistant fisher, the preparation for a fishing trip, the habitats and ways of life of marine organisms, rules of the road, means of communication and the handling and preservation of products as part of a training program recognized by the Ministère de l'Éducation du Québec, offered by one of the centres or institutions referred to in paragraph 2 of section 4 and leading to the issue of a professional fishery studies diploma.

O.C. 944-2001, s. 9; O.C. 819-2009, s. 1.

DIVISION IV

FISHER'S CERTIFICATE

10. The certification board shall issue a fisher's certificate to any person who meets the following conditions. Applicants must:

- (1) submit a written application to the certification board for that purpose;
- (2) include one of the following documents with the application:
 - (a) written confirmation that the applicant has received a professional fishery studies diploma granted by the Minister of Education under the authority of the Education Act (chapter I-13.3);
 - (b) written confirmation that the applicant holds an equivalent qualification pursuant to section 11;
 - (c) a document establishing that the applicant enjoys an exemption pursuant to section 12;
- (3) submit proof that the applicant has accumulated 10 weeks of experience at sea, served in 2 5-week periods over 2 years;
- (4) include with their application payment of the fee set out in section 13.

O.C. 944-2001, s. 10.

11. Shall enjoy a qualification equivalent to the qualification required in subparagraph *a* of paragraph 2 of section 10, any person, among those listed hereafter, who meets the conditions set out in the second paragraph:

- (1) fishers who meet the conditions set out in the first paragraph of section 9;
- (2) holders of a commercial fishing master's certificate issued by the Minister of Transport of Canada, and who have served the time at sea required to carry on commercial fishing.

To enjoy the qualification equivalence, persons referred to in the first paragraph must submit a written application to the certification board for that purpose, together with a written confirmation indicating that they have successfully completed the following training courses given by the Centre or another professional training centre established by a school board:

- (1) advanced first aid at sea, for a duration of 16 hours;
- (2) emergency operations at sea, for a duration of 20 hours;
- (3) responsible fishing, 2 courses from a selection of 10, for a duration of 15 hours each;
- (4) organization and team work, for a duration of 15 hours.

O.C. 944-2001, s. 11.

DIVISION V

EXEMPTION

12. Shall be exempt from the need to meet the condition set out in subparagraph *a* of paragraph 2 of section 8 or that set out in subparagraph *a* of subparagraph 2 of section 10, fishers or assistant fishers who submit a written application to the certification board for that purpose, and who base their incapacity to comply therewith on the following set of reasons:

(1) they are over 50 years old;

(2) the variance between their academic training and the level of academic training normally required to register in a program leading to the issue of a professional fishery studies diploma is such that it would result in a study and work overload;

(3) the number of years during which they carried on fishing activities, the species fished, the gear used and the level of experience acquired during those years;

(4) if applicable, the fact that they have taken the courses set out in the second paragraph.

To ensure that persons applying for the exemption do not endanger the safety of other persons aboard a fishing vessel, the certification board may require them to take one or more of the courses offered by the Centre before granting them the exemption they seek.

O.C. 944-2001, s. 12.

DIVISION VI

FEES

13. The annual fee payable to obtain a fisher's certificate, assistance fisher's certificate, or an apprentice fisher's certificate shall be as follows:

(1) \$50 if the fee is paid prior to January 31 of the current year;

(2) \$75 if the fee is paid after that date.

Fees payable for the issue of certificates cover the cost of issuing or updating booklets.

O.C. 944-2001, s. 13.

14. The fee payable for replacement of a lost or damaged certificate or booklet shall be \$25.

O.C. 944-2001, s. 14.

15. Fees are payable in cash, or by cheque or postal money order made to the order of the certification board.

O.C. 944-2001, s. 15.

DIVISION VII

OBLIGATIONS OF CERTIFICATE HOLDERS

16. Holders of an assistant fisher's certificate or a fisher's certificate must, during the 3rd year following the date their first certificate was issued, and every 3 years thereafter, update their knowledge and skills in advanced first aid at sea by successfully completing a continuing training course on the subject, offered by a body recognized by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under the authority of the Act respecting occupational health and safety (chapter S-2.1).

O.C. 944-2001, s. 16.

17. Certificate holders must have their booklets with them when carrying on their fishing activities, and must allow the authority holding jurisdiction for applying the law to verify their validity.

O.C. 944-2001, s. 17.

18. Every year, certificate holders must submit to the certification board the information needed to update their booklets.

O.C. 944-2001, s. 18.

19. Holders of fisher's certificates or assistant fisher's certificates must participate in at least one commercial fishing trip during the 3 years following 13 September 2001, and in at least one commercial fishing trip every 3 years thereafter.

Shall be exempt from the requirement set out in the first paragraph, holders of fisher's certificates or assistant fisher's certificates who are unable to carry on their fishing activities due to illness, pregnancy, maternity leave, paternity leave or a moratorium imposed by the authority holding jurisdiction over their fishing activity.

Holders of certificates suspended or cancelled pursuant to subparagraph 1 of the first paragraph of section 16 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (chapter B-7.1) must successfully complete the courses set out in section 9 or section 11 in order to obtain the issue of a new certificate.

O.C. 944-2001, s. 19.

DIVISION VIII

TRANSITIONAL MEASURES

20. *(Obsolete).*

O.C. 944-2001, s. 20.

21. *(Omitted).*

O.C. 944-2001, s. 21.

UPDATES

O.C. 944-2001, 2001 G.O. 2, 4827

O.C. 819-2009, 2009 G.O. 2, 1925

S.Q. 2015, c. 15, s. 237

