

Draft Regulation

An Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01; 1998, c. 29)

Fishing ponds

— Various regulatory provisions

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend various regulatory provisions respecting fishing ponds, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) came into force on 17 June 1998. One of the purposes of that Act is to transfer responsibility for administration of the standards concerning the operation of fishing ponds for commercial purposes, in particular the issue of licences and the development of regulatory standards for this sector of activities from the Minister of the Environment and Wildlife to the Minister of Agriculture, Fisheries and Food.

The draft Regulation proposes amendments to the Commercial Aquaculture Regulation, made pursuant to the Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01), in order to prescribe the standards applicable to fishing ponds, in particular, those related to licences, the conditions for the issue of those licences, as well as to the conditions applicable to subsequent applications for licences.

The draft Regulation proposes an annual cost of \$100 for each licence currently covered by the Commercial Aquaculture Regulation, including fish-breeding plant licences, and proposes an annual adjustment of that cost. It provides certain transitory provisions for persons who were holders of a licence before the transfer of responsibility of fishing ponds. It also abolishes the licence application form.

The draft Regulation also proposes the striking out of provisions related to the operation of fishing ponds in the Regulation respecting aquaculture and the sale of fish and in the Regulation respecting the scale of fees and duties related to the development of wildlife, made pursuant to the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1).

Further information may be obtained by contacting Danielle Hébert, Direction des analyses et des politiques, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6, tel. (418) 528-2304, fax: (418) 643-8820.

GUY JULIEN,

Minister of Agriculture, Fisheries and Food

Regulation to amend various regulatory provisions respecting fishing ponds

An Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01, s. 49; 1998, c. 29, ss. 31 and 37)

1. The Commercial Aquaculture Regulation^(*) is amended by substituting the following for section 1:

“**1.** The Minister of Agriculture, Fisheries and Food shall issue a licence to operate a fish-breeding plant, a licence to cultivate aquatic plants on a commercial basis or a licence to operate a fishing pond to a person or partnership who applies therefor in writing in a document containing the following information:

(1) in the case of a legal person, partnership or natural person who operates an individual business under a name not including his family name or name:

(a) the registration number; and

(b) the telephone number and fax number, if any, of each place of business;

(2) in the case of a natural person who operates a business under his name:

(a) his registration number or his name and, in the latter case, the address of his domicile and that of his main place of business and of each place of business, including postal codes; and

(b) the telephone number and fax number, if any, of each place of business.

The application shall in addition be signed by the applicant or his duly authorized representative, with respect to the class of licence applied for, the species of fish or aquatic plants for which the licence is applied.”.

2. Section 2 is amended by adding the following at the end:

* The Commercial Aquaculture Regulation, made by Order in Council 1311-87 dated 26 August 1987 (1987, G.O. 2, 3368), has not been amended since it was made.

“(4) fishing pond.”.

3. Section 3 is amended by substituting “\$100” for “50 \$”.

4. The following is inserted after section 3:

“**3.1.** As of 1 January 2000, the cost of licences provided for in section 3 shall be indexed on 1 January of each year according to changes in the All-Item Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year. Those changes shall be computed on the basis of the ratio between the index for the above-mentioned period and the index for the period preceding that period. The index for a period is the average of the monthly indexes published by Statistics Canada. The fees shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister shall inform the public, through Part I of the *Gazette officielle du Québec* and by any other means as he considers appropriate, of the indexing calculated under this section.”.

5. The following division is inserted after section 13:

**“DIVISION 4.1
STANDARDS RELATING TO A FISHING POND
OPERATED FOR COMMERCIAL PURPOSES**

13.1. A person who applies for a licence to operate a fishing pond must provide, in his first application, the following information:

- (1) a copy of title deeds or lease;
- (2) an attestation from the municipality that the operation complies with the zoning in effect;
- (3) a plan indicating the geographical location of the project and the size of the fishing pond;

13.2. In each subsequent application for a licence, the person must send, at the time of his application, the report on the operation for the previous year to the year for which the licence is applied and any change in the particulars required under section 13.1.

The report on the operation of a fishing pond shall contain the following information:

- (1) the holder’s name and address;

- (2) the category of licence held; and

- (3) purchases, sales and end-of-year inventories for each fish species and age category.

13.3. The holder of a licence to operate a fishing pond shall post the licence or a copy of the licence in such a way that it can be read at all times from the entrance to each of the premises.

13.4. The holder of a licence to operate a fishing pond shall not keep fish in captivity or breed fish for any purpose other than angling.”.

6. Section 15 is amended

- (1) by inserting “, except for the holder of a licence to operate a fishing pond,” after the word “vouchers” in the second paragraph;

- (2) by adding the following at the end:

“Such registers and vouchers must indicate, for the holder of a licence to operate a fishing pond:

- (1) his purchases and sales of fish and end-of-year inventories;
- (2) the names and addresses of the persons from whom he purchased fish.”.

7. Section 17 is amended by inserting “, 13.3, 13.4” after the number “13”.

8. Schedule I to the Regulation is revoked.

9. Notwithstanding section 3, the cost of a licence to operate a fishing pond governed by section 2 of this Regulation is \$75 for the holder of a licence to operate a fishing pond issued under the Act respecting the conservation and development of wildlife who applies for a subsequent licence for the year 1999.

Regulation respecting aquaculture and the sale of fish

10. The Regulation respecting aquaculture and the sale of fish^(*) is amended by substituting “Breeding ponds and fish-tanks for baitfish” for the heading of Subdivision 1 of Division IV.

^(*) The Regulation respecting aquaculture and the sale of fish, made by Order in Council 1302-94 dated 17 August 1994 (1994, *G.O.* 2, 3951), was last amended by the Regulation made by Order in Council 706-97 dated 28 May 1997 (1997, *G.O.* 2, 2477).

11. Section 6 is amended by striking out the words “a fishing pond,” after the words “to operate”.

12. Section 7 is amended by striking out the words “a fishing pond or” after the words “to operate” in paragraph 1.

13. Section 8 is amended by striking out the first paragraph.

14. Section 9 is amended

(1) by striking out the words “a fishing pond,” after the words “to operate” in the first line of the first paragraph;

(2) by striking out subparagraph 1 of the third paragraph.

15. Section 10 is amended by striking out the words “a fishing pond,” after the words “to operate”.

Regulation respecting the scale of fees and duties related to the development of wildlife

16. The Regulation respecting the scale of fees and duties related to the development of wildlife^(***) is amended by striking out paragraph 1 of section 4.2.

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* except for section 3 which will come into force on 1 January 1999.

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Draft Regulation

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Interest

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting interest, the text of which appears below, shall be adopted by the Commission,

*** The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulation made by Order in Council 966-98 dated 21 July 1998 (1998, *G.O.* 2, 3302). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

with or without amendment, upon the expiry of forty-five (45) days after publication of this notice.

The draft Regulation stipulates in what circumstances and on what terms and conditions the Commission de la santé et de la sécurité du travail or an employer may be required to pay interest, as well as the rules for setting the rates of such interest. It replaces the Regulation respecting the interest to be added to the retrospective adjustment and the Regulation respecting the determination of the rate of interest applicable for the purposes of section 323 of the Act respecting industrial accidents and occupational diseases.

To date, study of the matter has revealed the following impact on the employers directly concerned:

- simplification of the rules in respect of interest: whereas previously the rules were to be found in the Act and in three separate regulations, they will now be contained in a single regulation, resulting in improved comprehension among employers of the rules pertaining to interest that they may be required to the pay to the Commission or that the Commission may be required to pay to them; and

- increased fairness among employers in that a single method of calculating interest will henceforth apply to all employers in respect of assessments pertaining to an assessment year after 1998.

Any interested person having comments to make on this draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Roland Longchamps, Vice-Chairman for Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

TREFFLÉ LACOMBE,
*Chairman of the Board of Directors
and Chief Executive Officer of the
Commission de la santé et de la sécurité du travail*

Regulation respecting interest

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 454, paragraph 1, subparagraph 15)

CHAPTER I STATEMENT OF PURPOSE

1. The purpose of this Regulation is to determine in what cases, and on what terms and conditions the Commission de la santé et de la sécurité du travail or an employer shall be required to pay interest, as well as the rules for setting the rates of that interest.