

Correctional law in disciplinary proceedings

T231. (a) Preparation for hearing	\$115
(b) Hearing	\$105

T232. The provisions of sections T228(a), T228(b) and T228(c) apply *mutatis mutandis*.

Coroner's inquest

T233. Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the death and legal research	\$85
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T234. Attendance at coroner's inquest, per day	\$200
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Review committee of the Commission des services juridiques

T235. Hearing before the review committee of the Commission des services juridiques if the advocate succeeds	\$100
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Administrative application for a change of name

T236. Administrative motion for a change of name	\$100
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Draft Regulation

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (1999, c. 32)

**Fishermen and Fishermen's helpers
— Professionalization**

Notice is hereby given, in compliance with Sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the professionalization of fishermen and fishermen's helpers, the text of which appears hereafter, can be approved with or without amendment by the Government 45 days after publication of this notice.

Any interested persons who wish to comment this matter are invited to do so by sending their comments in writing, before the end of said time-period, to the Minister for Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

This proposed regulation aims to establish the conditions and means governing the issue of fishing trade record booklets which would attest to their holders' training and qualifications. Moreover, it sets out the standards which would be used to recognize the training and qualifications equivalent to those required for fishermen and fishermen's helpers. Finally, it provides for the cases and conditions for which certain exemptions would be allowed.

As of today, the studies and analyses conducted have revealed no impact of an economic nature on either citizens or businesses.

Further information can be obtained by contacting Sylvain Lafrance, Maritime Fisheries Labour Sectorial Committee, 185-2, rue de la Reine, Gaspé (Québec) G4X 1T7, telephone: (418) 368-3774, fax: (418) 368-3875, e-mail: comite@gp.cgocable.ca

JEAN-CLAUDE BLANCHETTE,
*Québec Fishermen and Fishermen's helpers
Accreditation Bureau*

**Regulation on the professionalization of
fishermen and fishermen's helpers**

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (1999, c. 32)

**DIVISION I
DEFINITIONS AND GENERAL PROVISIONS**

1. In this regulation, unless the context indicates otherwise, the following words mean:

(a) Fisherman: the holder of a commercial fishing licence, issued by the authority responsible for the en-

forcement of the Fisheries Act in Québec, who uses the licence, with the exception of anyone who holds a fishing licence for seal;

(b) Fisherman's helper: an employee on board a commercial fishing vessel;

(c) Apprentice fisherman: any person who, in accordance with the applicable laws and regulations, applies for a certificate issued under these regulations to engage in the fishing of any species in tidal waters, other than anadromous or catadromous species, or any fisherman or fisherman's helper who has not practiced commercial fishing at least during five weeks, during each one of the two years preceding the date of coming into force of these regulations.

2. The fisherman's booklet issued under these regulations shall include the following information:

- the surname, first name and address of its holder;
- the category of the certificate;
- the date of issue of the certificate;
- the training successfully completed by the certificate holder, related to the profession;
- the experience obtained in the course of his or her fishing activities;
- his or her photograph.

A fisherman's booklet shall remain valid for one year from its date of issue.

DIVISION II **APPRENTICE FISHERMAN'S CERTIFICATE**

3. The Bureau shall issue an apprentice fisherman's certificate to any person who fulfills the following conditions:

(a) the person must submit an application in writing to the Bureau for that purpose;

(b) the person must include, with the application, payment of the fees prescribed in Schedule I.

4. Before they reach the age of 16 years, the sons and daughters of fishermen or of fisherman's helpers may obtain an apprentice fisherman's certificate, but in no event may their time at sea be taken into account for the purposes of this regulation.

5. After they reach the age of 16 years, the sons and daughters of fishermen or of fisherman's helpers who are enrolled full time in a recognized educational institution may maintain their apprentice fisherman's certificate, if they work on board a vessel on which their parents works.

6. After they reach the age of 16 years, the sons and daughters of fishermen or of fisherman's helpers who are not enrolled full time in a recognized educational institution must then comply with the training requirements set out in this regulation.

DIVISION III **FISHERMAN'S HELPER CERTIFICATE**

7. The Bureau shall issue a fisherman's helper certificate to any person who fulfills the following conditions:

(a) the person must submit an application in writing to the Bureau for that purpose;

(b) the person must submit his or her diploma of studies in professional fishing issued by an educational institution recognized by the Ministère de l'Éducation, unless that person benefits from an exemption under this regulation or an equivalent qualification recognized by the Bureau under section 8;

(c) the person must include, with the application, payment of the fees prescribed in Schedule I.

8. Any person who is a member of one of the categories set out below, and who fulfills the conditions provided in the second subsection of section 8, shall benefit from a qualification equivalent to that required under paragraph 7 b:

(a) fishermen or fisherman's helpers who were engaged in commercial fishing at least five weeks, during each one of the two years prior to the coming into force of this regulation;

(b) the holders of a fishing master's certificate issued by Transport Canada and having the amount of sea time required for commercial fishing;

(c) fishermen members of the core group of the Laurentian area at the time of coming into force of this regulation, according to the 1996 fishing licence issuance policy of the Department of Fisheries and Oceans;

(d) fishermen or fishermen's helpers who were engaged in commercial fishing for at least five weeks per year and for at least five (5) years between the years 1990 to 2000 inclusive, and who were registered with the authority responsible for the enforcement of the Fisheries Act.

Persons referred to in the first subsection above, in order to benefit from the equivalence set out therein, must provide an attestation that they have successfully completed the following training courses at the Centre

spécialisé des pêches de Grande-Rivière or at another educational institution recognized by the Ministère de l'Éducation :

- (a) first aid, for a duration of (12) hours ;
- (b) cardiopulmonary resuscitation, for a duration of eight (8) hours ;
- (c) marine emergency duties (MED), for a duration of twenty (20) hours ;
- (d) responsible fishing, two (2) courses out of a choice of ten (10), for a duration of fifteen (15) hours each ;
- (e) organization and team work, for a duration of fifteen (15) hours ;
- (f) conservation and on-board handling of fish, for a duration of twenty (20) hours ;
- (g) fishing technology, for a duration of forty (40) hours ;
- (h) rules of the road (navigational security), for a duration of thirty (30) hours ;
- (i) radiotelephony, for a duration of fifteen (15) hours.

DIVISION IV FISHERMAN'S CERTIFICATE

9. The Bureau shall issue a fisherman's certificate to any person who fulfills the following conditions :

- (a) the person must submit an application in writing to the Bureau for that purpose ;
- (b) the person must submit his or her diploma of studies in professional fishing issued by an educational institution recognized by the Ministère de l'Éducation, unless the person benefits from an exemption under this regulation or from an equivalent qualification recognized by the Bureau under section 8 ;
- (c) the person must hold a commercial fishing licence ;
- (d) the person must include, with the application, payment of the fees prescribed in Schedule I.

10. Persons referred to in the first subsection of section 8, in order to benefit from an equivalent qualification as set out in paragraph 9 b, must provide an attesta-

tion that they have successfully completed the following training courses at the Centre spécialisé des pêches de Grande-Rivière or at another educational institution recognized by the Ministère de l'Éducation :

- (a) first aid, for a duration of (12) hours ;
- (b) cardiopulmonary resuscitation, for a duration of eight (8) hours ;
- (c) marine emergency duties (MED), for a duration of twenty (20) hours ;
- (d) responsible fishing, two (2) courses out of a choice of ten (10), for a duration of fifteen (15) hours each ;
- (e) organization and team work, for a duration of fifteen (15) hours.

DIVISION V EXEMPTIONS

11. Any fisherman or fisherman's helper who satisfies the Bureau of the following shall be exempted from fulfilling the obligation provided in paragraph 7 b, or in paragraph 9 b :

— that a moratorium in the fishery imposed by a competent authority, or an illness, forced him to suspend his fishing activities, provided that he was a fisherman or fisherman's helper registered with the authority responsible for enforcing the Fisheries Act, during the two years preceding his inactivity, and providing that he fished during at least five weeks, during each one of those two years.

12. A fisherman or fisherman's helper shall be exempted from the obligations provided under paragraph 7 b or under paragraph 9 b, if he demonstrates that his inability to comply with these obligations is based, in particular, on the following set of reasons :

- (a) his age ;
- (b) a large gap between his educational background and the level required to register for the program rendering it difficult to undertake the academic training ;
- (c) the number of years of experience acquired in the fishery ;
- (d) the species fished and the types of fishing gear used.

DIVISION VI

OBLIGATIONS OF CERTIFICATE HOLDERS

13. Every holder of a fisherman's certificate or fisherman's helper certificate must, during the year following the third anniversary of the date of issue of his certificate, and subsequently every three years, renew his training in cardiopulmonary resuscitation and first aid provided by an educational institution recognized by the Ministère de l'Éducation or by an organization recognized by the Ministère de la Santé et des Services sociaux.

14. Every holder of an apprentice fisherman's certificate must enroll, in the autumn following his first fishing season, in the program leading to the professional fishing studies diploma, at an educational institution recognized by the Ministère de l'Éducation du Québec, or be in the process of completing the prerequisites for such enrolment, with the exception of the sons and daughters of fishermen as mentioned in sections 4 and 5 of this regulation.

15. Every holder of a fisherman's certificate or fisherman's helper certificate must carry his fisherman's booklet with him while engaged in any fishing activity, and must allow the competent authorities responsible for the enforcement of the Act to verify its validity.

16. Each year, every holder of a certificate must transmit to the BAPAP the information required for the updating of the booklet.

17. Every holder of a fisherman's certificate or fisherman's helper certificate must participate in at least one commercial fishing expedition during the 3 years following the coming into force of this regulation, and must participate in at least one expedition during every subsequent 3-year period, unless the person benefits from the exemption set out in section 11 of this regulation.

18. Any person who has previously held a certificate, but whose certificate has been revoked by reason of inactivity, may resume commercial fishing provided that the person has completed the courses set out in section 8 and 10 of this regulation.

19. Any holder of a fisherman's certificate who is also the master of a fishing vessel shall notify the Bureau if the need arises to hire a person who is not a certificate holder, in order to replace an injured crew member or for any other valid reason. Such hiring must be for a period not exceeding seven (7) days.

DIVISION VII

TRANSITIONAL PROVISIONS

20. Any fisherman or fisherman's helper who benefits from an equivalent qualification, in accordance with section 8 or 10, shall be granted a period of three (3) years in which to complete the training set out in the second subsection of section 8 and in the first subsection of section 10.

21. Any fisherman or fisherman's helper who benefits from an equivalent qualification, in accordance with section 8 or 10, and who has not successfully completed all of the courses set out in the second subsection of section 8 and in the first subsection of section 10, shall be granted an additional time period of two (2) years in which to complete the required training.

DIVISION VIII

COMING INTO FORCE OF THIS REGULATION

22. This regulation will take force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

1. The fees payable to obtain a certificate as an apprentice fisherman, a fisherman's helper or a fisherman shall be as follows:

— \$50.00 if payment is made by January 31 of a given year;

— \$75.00 after January 31 of a given year.

2. The fee payable for the replacement of a lost or damaged booklet shall be \$25.00.

3. The fees payable as set out in this Schedule shall apply for two years from the date of coming into force of this regulation.

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