

Regulations and other acts

Gouvernement du Québec

O.C. 944-2001, 23 August 2001

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., c. B-7.1)

Fishers and assistant fishers — Recognition of the professional qualification

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

WHEREAS, under subparagraphs 1 to 3 of the first paragraph of section 14 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., c. B-7.1), the second paragraph and subparagraphs 1 to 3 of the third paragraph of that section, the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec may make regulations on the matters mentioned therein;

WHEREAS, under section 22 of the Act, the certification board may 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;

WHEREAS the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec made the Regulation on the professionalization of fishermen and fishermen's helpers on 23 January 2001;

WHEREAS, in accordance with sections 10 to 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 February 2001, with a notice that it could be submitted to the Government which could approve it with or without amendment, upon the expiry of 45 days following the date of its publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation respecting recognition of the professional qualification of fishers and assistant fishers, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

An Act respecting the Bureau d'accréditation des pêcheurs et des aides pêcheurs du Québec (R.S.Q., c. B-7.1, s. 14, 1st par., subpar. 1 to 3, 2nd par., 3rd par., subpar. 1 and 3, and s. 22)

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 practice 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.

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 extension training requirements set out in section 16.

This 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 practice of his or her fishing activity; for this 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 one year from the date it is issued or updated.

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

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 this purpose;

(2) include with their application written proof indicating that they are registered at the Centre spécialisé des pêches de Grande-Rivière in a 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 academic institution established by a school board that enables them to complete the training required to register in the program leading to this diploma;

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

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 this 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.

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.

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 academic 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 no more than five months each.

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 this 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 (R.S.Q., c. I-13);

(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.

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 five weeks; during each of the two years prior to the year this Regulation comes into force;

(2) fishers or assistant fishers who, on 13 September 2001, did not practice commercial fishing due to illness, pregnancy, maternity leave, paternity leave, or a morato-

rium 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 for the two years prior to their illness or the moratorium;

(b) practiced commercial fishing for at least five weeks during the course of these two years;

(3) fishers or assistant fishers who practiced commercial fishing for at least five 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 application 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 purpose of aquaculture in tidal waters.

To enjoy this qualification equivalence, persons affected by the first paragraph must submit a written application to the certification board for this 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, two courses from a selection of ten, 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.

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 this purpose;

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

(a) written confirmation that the applicant has received a professional fishery diploma granted by the Minister of Education under the authority of the Education Act;

(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 two five-week periods over two years;

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

11. Shall enjoy a qualification equivalent to that required in subparagraph *a* of paragraph 2 of section 10, persons who meet the conditions listed hereafter, in addition to those 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 Canada’s Minister of Transport, and who have served the time at sea required to practice commercial fishing.

To enjoy this qualification equivalence, persons affected by the first paragraph must submit a written application to the certification board for this 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, two courses from a selection of ten, for a duration of 15 hours each;

(4) organization and team work, for a duration of 15 hours.

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 this purpose, and who base their incapacity to comply therewith on the following set of reasons:

(1) they are over fifty 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 practiced fishing activities, the species fished, the gear used and the level of experience acquired during these years;

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

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

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) \$50.00 if the fee is paid prior to January 31 of the current year;

(2) \$75.00 if the fee is paid after this date.

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

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

15. Fees can be paid in cash, or by cheque or money order made to the order of the certification board.

DIVISION VII OBLIGATIONS OF CERTIFICATE HOLDERS

16. Holders of an assistant fisher's certificate or a fisher's certificate must, during the third year following the date their first certificate was issued, and every three years thereafter, update their knowledge and skills in advanced first aid at sea by successfully completing an extension course on the subject, offered by an agency recognized by the Commission de la santé et de la sécurité du travail under the authority of the Act respecting Occupational Health and Safety (R.S.Q., c. S-2.1).

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

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

19. Holders of fisher's certificates or assistant fisher's certificates must participate in at least one commercial fishing trip during the three years following the date this Regulation comes into force, and in at least one commercial fishing trip every three 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 exercise their fishing activities due to illness, pregnancy, maternity leave, paternity leave or a moratorium imposed by the authority holding jurisdiction for their fishing activity.

Holders of suspended or cancelled certificates subsequent to the application of subparagraph (1) of the first paragraph of section 16 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs (R.S.Q., c. 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.

DIVISION VIII TRANSITIONAL MEASURES

20. Until 31 December 2006, the certification board shall issue fisher's certificates or assistant fisher's certificates to people who, among those affected by the first paragraph of section 9 or subparagraph (2) of the

first paragraph of section 11, submit applications to the certification board for this purpose within the three years following 13 September 2001, and who cannot provide the confirmation referred to in subparagraph *b* of subparagraph (2) of section 8 or, if applicable, that referred to in subparagraph *b* of subparagraph (2) of section 10.

Those holders must successfully complete the courses set out in the third paragraph of section 9, or the second paragraph of section 11.

21. This Regulation shall come into force on 13 September 2001.

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