



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 27

(2003, chapter 23)

An Act respecting commercial aquaculture

Introduced 11 November 2003
Passage in principle 19 November 2003
Passage 17 December 2003
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EXPLANATORY NOTES

This bill is designed to provide a framework for commercial aquaculture, for the operation of commercial fish ponds and for aquacultural research and experimentation in the waters in the domain of the State.

The bill authorizes the Minister to establish regional or local aquaculture development frameworks, in keeping with the principle of sustainable development and in consultation with the stakeholders concerned, so as to promote the ordered growth of aquaculture in the waters in the domain of the State. A licensing system is proposed under which the issuance of licences will be subject to certain authorizations provided for in the Environment Quality Act and the Act respecting the conservation and development of wildlife. The bill also determines the conditions to be satisfied and obligations to be complied with by a licence holder engaged in aquaculture activities. Special provisions apply to aquaculture sites in the domain of the State.

The bill also provides that the Minister may submit an application for the issue or amendment of an aquaculture licence to a public consultation, on the terms and conditions determined by the Minister. Provision is made for authorizations to be issued for aquacultural research and experimentation in the waters in the domain of the State.

The bill provides for the transmission between the Minister of Agriculture, Fisheries and Food, the Minister of the Environment, the Minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec and the Minister of Health and Social Services of information necessary for the administration of the Act and the prevention of any risk to, and the protection of, public health or safety, the environment or wildlife.

The bill authorizes the Minister to appoint the inspectors necessary for the carrying out of the Act, and determines the powers of the inspectors as regards inspection, seizure and forfeiture. Administrative and penal penalties are also provided for.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting the financing of commercial fishing (R.S.Q., chapter F-1.3);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- Farm Producers Act (R.S.Q., chapter P-28);
- Animal Health Protection Act (R.S.Q., chapter P-42).

Bill 27

AN ACT RESPECTING COMMERCIAL AQUACULTURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

SCOPE

1. This Act applies to aquaculture carried on for commercial purposes and, in the waters in the domain of the State, to aquaculture carried on for research or experimentation purposes. It also applies to the operation of fishing ponds for commercial purposes.

The activities must be carried out with due regard for public health and safety, the environment and wildlife.

“Aquaculture” means the cultivation or raising of aquatic organisms, in particular fish, amphibians, echinoderms, shellfish, crustaceans or plants, except organisms cultivated or raised for aquarium fishkeeping purposes.

“Fishing pond” means a body of water of a maximum area of 20 hectares, containing cultured fish exclusively, closed on all sides to hold the fish captive, and used for recreational fishing.

For the purposes of this Act, “person” includes a partnership, an association and a body, unless the context indicates otherwise.

CHAPTER II

FRAMEWORKS FOR AQUACULTURE DEVELOPMENT

2. The Minister may, in keeping with the principle of sustainable development, establish regional or local aquaculture development frameworks to facilitate the ordered growth of aquaculture in the waters in the domain of the State.

The frameworks shall be developed and revised in consultation with the stakeholders concerned by the use of the waters of the State and their resources and with the regional or local communities.

The frameworks shall indicate, for given geographic sectors, the sites best suited for aquaculture as well as, taking into account, among other things, the

aquaculture zoning determined under the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), the species and varieties of aquatic organisms and the practices and techniques to favour at those sites. The frameworks may also propose the development of infrastructures and services useful to aquaculturists.

3. The aquaculture development frameworks and their revision must be submitted for approval to the Government which may amend them.

CHAPTER III

LICENCES AND AUTHORIZATION

DIVISION I

AQUACULTURE LICENCES AND FISHING POND LICENCES

§1. — *General provisions*

4. A person may not carry on commercial aquaculture activities or operate a fishing pond for commercial purposes unless the person holds a licence.

5. The Minister shall issue

(1) an aquaculture licence ; or

(2) a fishing pond licence.

The Minister shall issue one licence per aquaculture site or fishing pond but may issue a licence for more than one fishing pond if the ponds are located near each other.

“Aquaculture site” means a determined geographic location on land or water where aquaculture activities are carried on.

6. A licence is valid for a period of ten years and may be renewed for the same period.

The Minister may, however, issue or renew a licence for a shorter period if the Minister considers it advisable.

7. No person may transfer a licence without the authorization of the Minister.

In addition, the Minister may temporarily authorize a person other than the licence holder to act under the authority of the licence, in particular in the case of the death, liquidation of the property or bankruptcy of the licence holder, or in any other similar situation. The person to whom temporary authorization is granted must respect all the obligations of the licence holder under this Act and the regulations.

8. The Minister shall issue, amend or renew a licence, or authorize the transfer of a licence where a person

(1) satisfies the conditions and pays the fees determined by regulation ; and

(2) furnishes, where required, the certificate of authorization provided for in section 22 of the Environment Quality Act (R.S.Q., chapter Q-2) or the authorization issued under section 128.7 of the Act respecting the conservation and development of wildlife.

9. The Minister may subject the issue, amendment, renewal or transfer of a licence to any other condition, restriction or prohibition the Minister determines and specifies in the licence.

10. On receiving an application for the issue or amendment of an aquaculture licence, the Minister may submit the application to a public consultation on the terms and conditions and in the manner the Minister determines.

11. The Minister may, in accordance with section 47, refuse to issue, amend, renew or authorize the transfer of an aquaculture licence for reasons of public interest.

12. A licence holder must, in carrying on aquaculture activities, use the books, registers and other documents prescribed by regulation and make them available to the Minister on request.

A licence holder must also, at the request of the Minister, provide any information relating to the aquaculture activities.

13. A licence holder must comply with any standards that the Government may prescribe by regulation that relate to the operation of an aquaculture site or a fishing pond and that concern, in particular,

(1) the construction, layout and equipment of an aquaculture site or a fishing pond ;

(2) the cultivation, raising and keeping in captivity of aquatic organisms and the transportation of live aquatic organisms intended for consumption ; and

(3) the quality of the operation and of the aquatic organisms cultivated, raised or kept in captivity.

14. A licence holder must pay the annual fees fixed by regulation.

15. A licence holder shall also provide the Minister with an annual report of activities and with any other information or document prescribed by regulation.

16. A licence holder may not, except with the authorization of the Minister, modify activities in such manner as to render the information and documents provided to the Minister inaccurate or incomplete.

In addition, a licence holder must, within 60 days, inform the Minister of any change in the name under which the licence holder carries on activities.

17. A licence holder must display the licence or a duplicate of the licence so that it is clearly legible, in a conspicuous place in the holder's business establishment.

A licence holder must, in the same manner, display a duplicate or the number of the licence at the holder's aquaculture site or fishing pond or on equipment at the site or pond.

18. A licence holder must as soon as practicable remedy any defect or deterioration in equipment or a facility that constitutes a risk to public health or safety, the environment or wildlife.

If a licence holder fails to comply with the first paragraph, the Minister may take the necessary measures to remedy the defect or deterioration, at the holder's expense.

§2. — *Special provisions that apply to aquaculture sites in the domain of the State*

19. The holder of an aquaculture licence for an aquaculture site in the waters in the domain of the State must hold a lease for aquaculture purposes issued under the Watercourses Act (R.S.Q., chapter R-13).

20. The holder of an aquaculture licence for an aquaculture site in the domain of the State must comply with the development and yield standards established by regulation.

21. Every person operating an aquaculture site in the domain of the State whose aquaculture licence has been cancelled or has expired must return the site to a condition satisfactory to the Minister, at the person's expense.

In addition, every person operating an aquaculture site the initial area of which has been reduced must, at the person's expense, return the unexploited portion to a condition satisfactory to the Minister.

If a person fails to comply with the first or second paragraph, the Minister may take the necessary measures to return the site to a satisfactory condition, at the person's expense.

If a structure, equipment, an installation or any other object is abandoned at an aquaculture site, the Minister may dispose of such property in accordance with the rules of the Civil Code.

This section does not operate to limit the powers of the Minister of the Environment as regards management of waters in the domain of the State and environmental protection.

DIVISION II

AUTHORIZATION FOR RESEARCH AND EXPERIMENTATION PURPOSES

22. A person who does not hold an aquaculture licence may not engage in aquaculture for research or experimentation purposes in the waters in the domain of the State unless authorized to do so by the Minister.

The holder of such an authorization must satisfy the conditions and comply with the restrictions or prohibitions determined by the Minister and specified in the authorization.

23. Sections 8, 10 to 18 and 21 apply, with the necessary modifications, to an authorization issued under this division.

CHAPTER IV

REGISTER AND INFORMATION

24. The Minister shall keep a register of licence holders containing the information specified in the licences.

The information contained in the register is public information.

25. The Minister or the person designated by the Minister in his or her department shall transmit to the Minister of the Environment, the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (R.S.Q., chapter S-11.012) and the Minister of Health and Social Services, and shall receive from them, any confidential industrial, financial, commercial, scientific or technical information held by the Minister or furnished by a third person and necessary for the application of this Act and the regulations or for the prevention of a risk to public health or safety, the environment or wildlife, and for their protection.

The first paragraph applies notwithstanding sections 23 and 24 and subparagraphs 5 and 9 of the first paragraph of section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

26. The Minister or the person designated by the Minister in his or her department may transmit to the Minister of Fisheries and Oceans Canada, and receive from that Minister, any confidential industrial, financial, commercial, scientific or technical information held by the Minister or furnished by a third person and necessary for the application of this Act and the regulations or for

the prevention of a risk to public health or safety, the environment or wildlife, and for their protection.

The first paragraph applies notwithstanding sections 23 and 24 and subparagraphs 5 and 9 of the first paragraph of section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

CHAPTER V

INSPECTION, SEIZURE AND FORFEITURE

27. The Minister may appoint the inspectors necessary for the carrying out of this Act and the regulations and may provide for the remuneration of such persons among them who are not remunerated according to the Public Service Act (R.S.Q., chapter F-3.1.1).

28. An inspector has, in the performance of inspection duties, the powers of a peace officer.

An inspector must present identification on request and show the certificate bearing the signature of the Minister and attesting to the inspector's capacity.

29. No person may hinder or refuse to obey an inspector performing inspection duties.

In addition, a person who is the subject of an inspection must give the inspector all reasonable assistance.

30. An inspector may not be prosecuted for any official act done in good faith in the performance of inspection duties.

31. An inspector may, in the performance of inspection duties,

(1) enter, at any reasonable hour, the business establishment of and have access to the aquaculture site or fishing pond of a holder of a licence or authorization or of a person contravening section 4 or 22, and make an inspection thereof;

(2) examine the premises and any equipment, installation, material, apparatus, product or any other property to which this Act or the regulations apply, take samples without charge and take photographs or make recordings;

(3) order the immobilization of any vehicle used to transport a product, and make an inspection thereof; and

(4) require any book, register, bill of lading or other document or record to be produced for examination or for the purpose of obtaining copies or extracts

if the inspector has reasonable grounds to believe that it contains information relating to the application of this Act or the regulations.

32. An inspector may, in the performance of inspection duties, seize any product or other property if the inspector has reasonable grounds to believe that an offence against this Act or the regulations has been committed in respect of the property, or that the property was used to commit such an offence.

An inspector who seizes property shall draw up minutes and give a copy to the person from whom the property was seized.

33. The owner or possessor of the property seized shall have custody of it. However, where the inspector considers it advisable, the inspector may designate another custodian, or transfer the property seized to other premises for safekeeping purposes. In addition, the custodian shall have custody of the property seized and submitted in evidence, unless the judge to whom it was submitted in evidence decides otherwise.

The property seized shall remain under safekeeping until it is disposed of in accordance with any of sections 34 to 37, 39 and 40 or, if proceedings are instituted, until a judge disposes of the property by judgment.

34. Where the property seized is perishable or likely to depreciate rapidly, a judge may, on the application of the seizer, authorize the sale of the property.

Prior notice of not less than one clear day of the application must be served on the person from whom the property was seized and on persons claiming a right in the property. However, the judge may exempt the seizer from service if deterioration of the property is imminent.

The sale shall be made on the conditions fixed by the judge. The proceeds of sale shall be deposited with the Minister of Finance in accordance with the Deposit Act (R.S.Q., chapter D-5).

35. Property seized or the proceeds of its sale must be returned to the owner or person who had possession of the property if

(1) ninety days have elapsed since the date of the seizure and no proceedings have been instituted; or

(2) the inspector is of the opinion, after verification within ninety days, that no offence against this Act or the regulations has been committed, or that the owner or person who had possession of the property seized has complied with this Act and the regulations since the seizure.

36. The owner or person who had possession of the property seized may at any time apply to a judge to obtain the return of the property or the proceeds of the sale thereof.

The application must be served on the seizer or, if proceedings have been instituted, on the prosecuting party.

The judge shall grant the application if he or she is satisfied that the applicant will suffer serious or irreparable damage if detention of the property seized or of the proceeds of its sale is maintained and that the return of the property or proceeds will not hinder the course of justice.

37. Notwithstanding section 36, where unlawful possession prevents property seized or the proceeds of its sale from being returned to the person from whom the property was seized or to a person claiming to be entitled thereto, the judge shall, on the application of the seizer or the prosecuting party, order forfeiture of the property or the proceeds; if unlawful possession is not proved, the judge shall designate the person to whom the property or the proceeds may be returned.

Prior notice of the application must be served on the person from whom the property was seized and on the other person entitled to make such an application, except where they are in the presence of the judge. Such prior notice may, where applicable, be given in the statement of offence and specify that the application for forfeiture is to be made at the time of the judgment.

The Minister shall prescribe the manner in which the property forfeited is to be disposed of.

38. A judge may, on the application of the seizer, order that the period of detention be extended for a maximum of ninety days.

Before deciding on the merit of the application, the judge may order that it be served on the person the judge designates.

39. Where a seizure is made under section 32, a judge may, upon pronouncing a conviction for an offence under a provision of this Act or the regulations, and on the application of the prosecuting party, declare the forfeiture of the seized property.

In such a case, however, if aquatic organisms or products of aquatic organisms are among the seized property, the conviction entails forfeiture thereof.

Prior notice of the application for forfeiture must be given by the prosecuting party to the person from whom the property was seized and to the defendant, except where they are in the presence of the judge.

The Minister shall prescribe the manner in which the property forfeited is to be disposed of.

40. Where the rightful owner or possessor of property seized by an inspector is unknown or untraceable, the property or the proceeds of its sale shall be transferred ninety days after the day of seizure to the Public Curator or to the

Minister of Finance, according to whether it is the property or the proceeds of sale that is involved; a statement describing the property or the proceeds of sale and indicating, where applicable, the name and last known address of the interested party shall be sent to the Public Curator at the time of the transfer.

The provisions of the Public Curator Act (R.S.Q., chapter C-81) pertaining to unclaimed property apply to the property or proceeds of sale so transferred to the Public Curator or to the Minister of Finance.

41. Subject to section 34, no person, except with the assent of an authorized person, may sell or offer for sale seized or forfeited property, or remove or allow such property, its container or the writ of seizure or forfeiture to be removed, or remove or break a seal affixed by an inspector.

CHAPTER VI

REGULATORY POWERS

42. The Government may make regulations

(1) determining subclasses of licences and the fees, conditions, restrictions or prohibitions relating to each subclass which a licence holder is required to pay, satisfy or comply with;

(2) determining the conditions for the issue, amendment, renewal or transfer of a licence and the related fees and administrative charges;

(3) determining the fees and administrative charges payable for the issue of an authorization;

(4) determining the books, registers and other documents to be used by a licence holder in carrying on aquaculture activities;

(5) prescribing standards that apply to the operation of an aquaculture site or a fishing pond and that concern, in particular,

(a) the construction, layout and equipment of an aquaculture site or a fishing pond;

(b) the cultivation, raising and keeping in captivity of aquatic organisms and the transportation of live aquatic organisms intended for consumption; and

(c) the quality of the operation and of the aquatic organisms cultivated, raised or kept in captivity;

(6) determining the annual fees to be paid by a licence holder;

(7) determining the reports, information and documents to be provided annually by a licence holder;

(8) establishing development and yield standards for aquaculture sites in the domain of the State;

(9) prescribing rules relating to inspection, sample taking, seizure and forfeiture;

(10) exempting, on the conditions it may fix, a class of persons, products, aquatic organisms, establishments, activities or places it determines from the application of all or part of this Act and the regulations; and

(11) determining, from among the provisions of a regulation made pursuant to this Act, those the contravention of which constitutes an offence.

CHAPTER VII

ADMINISTRATIVE PENALTIES AND PROCEEDINGS BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

43. The Minister may suspend, cancel or refuse to renew the licence of a holder who or that

(1) has been convicted of an offence under this Act or the regulations, unless the holder has obtained a pardon;

(2) no longer satisfies the conditions for obtaining a licence or no longer holds the certificate of authorization or the authorization required under paragraph 2 of section 8;

(3) does not satisfy a condition or comply with a restriction or prohibition specified in the licence;

(4) does not satisfy the requirements set out in section 14, 15, 16, 18 or 19;

(5) repeatedly fails to comply with a provision of this Act or a regulation made under this Act; or

(6) has ceased operations permanently or for twelve or more consecutive months.

The Minister may also refuse to authorize a licence holder to transfer a licence to any person referred to in subparagraph 1 of the first paragraph.

In addition, the Minister may suspend, cancel or refuse to renew the licence of a holder who or that refuses to take a measure prescribed in an order issued under Division II of Chapter IV.1 of the Act respecting the conservation and development of wildlife, Chapter II of the Plant Protection Act (R.S.Q.,

chapter P-39.01), Division I of the Animal Health Protection Act (R.S.Q., chapter P-42) or Division IV of Chapter I of the Environment Quality Act.

44. The Minister may amend, suspend, cancel or refuse to renew an aquaculture licence for an aquaculture site in the domain of the State if the licence holder does not operate the site in compliance with the development and yield standards established by regulation.

45. The Minister may revoke the authorization of a holder to carry on research and experimentation in the waters in the domain of the State if the holder fails to satisfy the conditions or comply with the restrictions or prohibitions specified in the authorization.

46. The Minister may amend, suspend or cancel a licence or revoke an authorization for reasons of public interest.

47. Before amending, suspending, cancelling or refusing to issue, amend, renew or transfer a licence, or before refusing to issue or revoking an authorization, the Minister shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and grant the holder at least ten days to present observations. The Minister shall also give notice of his or her decision in writing, with the reasons on which it is based, to any person whose licence the Minister amends, suspends, cancels, refuses to issue, amend, renew or transfer or whose authorization the Minister refuses to issue or revokes.

48. Any person whose application for a licence or authorization is refused, whose licence is amended, suspended, cancelled or not amended, renewed or transferred, or whose authorization is revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within thirty days of notification of the decision.

CHAPTER VIII

PENAL PROVISIONS

49. Every person who contravenes section 13 or 14, the second paragraph of section 16 or section 17, or a provision of a regulation the contravention of which constitutes an offence under paragraph 11 of section 42, is guilty of an offence and is liable to a fine of \$250 to \$750 and, in the case of a second or subsequent offence, to a fine of \$750 to \$2,500.

Where a person is found guilty of an offence under section 13 and the offence entails a risk to public health or safety, the environment or wildlife, the amount of the fine is \$2,000 to \$6,000 and, in the case of a second or subsequent offence, \$6,000 to \$18,000.

50. Every person who contravenes the first paragraph of section 7 or section 12, 15 or 19 is guilty of an offence and is liable to a fine of \$500 to

\$1,500 and, in the case of a second or subsequent offence, to a fine of \$1,500 to \$4,500.

51. Every person who contravenes section 4, 20, 22, 29, 33 or 41, or who does not comply with a condition, restriction or prohibition specified in the person's licence or authorization, is guilty of an offence and is liable to a fine of \$1,000 to \$3,000 and, in the case of a second or subsequent offence, to a fine of \$3,000 to \$9,000.

In addition, every person who carries on an activity referred to in section 4 or 22 after the person's licence has been suspended or cancelled or an authorization has been revoked pursuant to any of sections 43 to 46 is guilty of an offence and is liable to a fine of \$2,000 to \$6,000 and, in the case of a second or subsequent offence, to a fine of \$6,000 to \$18,000.

52. Every person who contravenes the first paragraph of section 16, section 18 or section 21 is guilty of an offence and is liable to a fine of \$2,000 to \$6,000 and, in the case of a second or subsequent offence, to a fine of \$6,000 to \$18,000.

53. Where a legal person, partnership, association or body commits an offence against this Act or any of its regulations, the director, officer, employee, partner or mandatary of the legal person, partnership, association or body who directed, authorized or advised the commission of the offence or consented to it is a party to the offence and is liable to the penalty prescribed for the offence.

54. Every person who knowingly, by any act or omission, aids another person to commit an offence under any of sections 49 to 52 or who advises, encourages or incites a person to commit an offence is a party to the offence and is liable to the penalty prescribed for the offence.

55. In proceedings instituted for an offence under this chapter, the inspection, analysis or sampling report and the minutes of the seizure or forfeiture, signed by an inspector, are proof of their contents, unless there is evidence to the contrary, and no proof of the signature or of the quality of the signatory is required if the person certifies in the inspection, analysis or sampling report that he or she personally observed the facts stated therein.

CHAPTER IX

AMENDING PROVISIONS

56. The title of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is replaced by the following title:

“ACT RESPECTING COMMERCIAL FISHING AND COMMERCIAL HARVESTING OF AQUATIC PLANTS”.

57. The heading of Chapter II of the said Act is replaced by the following heading :

”COMMERCIAL HARVESTING OF AQUATIC PLANTS”.

58. Section 12 of the said Act is repealed.

59. Section 13 of the said Act is replaced by the following section :

“**13.** A person may not harvest aquatic plants on a commercial basis in the places determined by regulation unless the person holds a licence issued by the Minister.

The first paragraph does not apply to the harvesting of aquatic plants cultivated under the Act respecting commercial aquaculture (2003, chapter 23).”

60. Section 14 of the said Act is amended by striking out the fourth paragraph.

61. Section 18 of the said Act is repealed.

62. Section 19 of the said Act is amended by replacing “Division I of the Animal Health Protection Act (chapter P-42)” in the second paragraph by “Chapter II of the Plant Protection Act (chapter P-39.01)”.

63. Section 49 of the said Act is amended

(1) by striking out paragraphs 4 and 5 ;

(2) by replacing “norms relating to the commercial cultivation and harvesting” in paragraph 6 by “standards for the commercial harvesting” ;

(3) by replacing “commercial cultivation or harvesting” in paragraph 7 by “commercial harvesting”.

64. Section 51 of the said Act is amended by striking out “, 12” in the first line of the first paragraph.

65. Section 52 of the said Act is amended by striking out “, 12” in the second line of the first paragraph.

66. Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

- (1) by striking out the definition of “fish-breeding plant”;
- (2) by replacing the definition of “fishing pond” by the following definition:
“**“fishing pond”** means a fishing pond within the meaning of section 1 of the Act respecting commercial aquaculture (2003, chapter 23);”;
- (3) by inserting the following definition in alphabetical order:
“**“aquaculture site”** means a site within the meaning of section 5 of the Act respecting commercial aquaculture (2003, chapter 23);”.

67. Section 51 of the said Act is amended

- (1) by replacing “a licence to operate a fish-breeding plant or a fishing pond under section 14 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01) if the application for a licence” by “an aquaculture licence, a fishing pond licence or an authorization for research and experimentation purposes under the Act respecting commercial aquaculture (2003, chapter 23), if the application for a licence or an authorization”;

- (2) by adding the following paragraph:

“The first paragraph does not apply to a person authorized by the Société under section 47 to disregard a provision of a regulation made under paragraph 1 or 4 of section 73.”

68. Section 73 of the said Act is amended

- (1) by replacing “a fish-breeding” in paragraph 1 by “an aquaculture”;
- (2) by replacing “fish-breeding plants” in paragraph 4 by “aquaculture sites”.

69. Section 74 of the said Act is amended by replacing “a fish-breeding plant” at the end of the first paragraph by “an aquaculture site”.

70. Section 84.2 of the said Act is amended by replacing “fish-breeding” by “aquaculture”.

71. Section 6.1 of the Act respecting the financing of commercial fishing (R.S.Q., chapter F-1.3) is amended by replacing “aquiculture” by “aquaculture”.

72. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended

- (1) by inserting the following paragraph after paragraph 1:

“(1.1) section 48 of the Act respecting commercial aquaculture (2003, chapter 23);”;

(2) by replacing paragraph 14 by the following paragraph :

“(14) section 21 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (chapter P-9.01);”.

73. Section 44 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing “aquicultural” in the second paragraph by “aquaculture”.

74. Section 1 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by replacing “aquicultural” in paragraph *k* by “aquaculture”.

75. Section 2 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended by replacing “bred in a fish-breeding plant or fishing pond referred to in section 12 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01)” in the second paragraph by “raised in a fishing pond or aquaculture site referred to respectively in sections 1 and 5 of the Act respecting commercial aquaculture (2003, chapter 23)”.

CHAPTER X

TRANSITIONAL PROVISIONS

76. In the Regulation respecting the signing of certain permits of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.R.Q., 1981, chapter M-14, r.4.4), a reference to the Act respecting commercial fisheries and aquaculture becomes a reference to the Act respecting commercial aquaculture and to the Act respecting commercial fishing and commercial harvesting of aquatic plants.

77. Unless the context indicates otherwise and having regard to the necessary modifications, in every Act and in every by-law, regulation, order in council or other statutory instrument,

(1) a reference to any of sections 1 to 11 of the Act respecting commercial fisheries and aquaculture becomes a reference to any of sections 1 to 11 of the Act respecting commercial fishing and commercial harvesting of aquatic plants;

(2) a reference to the Act respecting commercial fisheries and aquaculture or to any of its provisions other than the provisions referred to in paragraph 1 becomes a reference to the Act respecting commercial aquaculture or to the corresponding provision of that Act.

78. Licences for the operation of a fish-breeding plant or a fishing pond or for the cultivation of aquatic plants issued under the Act respecting commercial fisheries and aquaculture remain valid for one year as of (*insert the date of coming into force of this section*).

79. A regulation made under the Act respecting commercial fisheries and aquaculture remains in force until it is replaced or revoked by a regulation made under the Act respecting commercial aquaculture or the Act respecting commercial fishing and commercial harvesting of aquatic plants.

CHAPTER XI

FINAL PROVISIONS

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

81. The provisions of this Act come into force on the date or dates to be fixed by the Government.