



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 12

(2006, chapter 27)

An Act to amend the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec

**Introduced 9 May 2006
Passage in principle 8 June 2006
Passage 15 June 2006
Assented to 15 June 2006**

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EXPLANATORY NOTES

This bill amends the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec to revise the rules governing the administrative structure and functioning of the certification board and the composition of its board of directors.

The bill also contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., chapter B-7.1).

Bill 12

AN ACT TO AMEND THE ACT RESPECTING THE BUREAU D'ACCREDITATION DES PÊCHEURS ET DES AIDES-PÊCHEURS DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., chapter B-7.1) is replaced by the following sections:

“4. The certification board shall be administered by a board of directors composed of seven members as follows:

(1) one member appointed by the Minister among the employees of the Government or its bodies or among persons appointed to a government department or body by a minister or the Government;

(2) five members appointed as follows by the associations most representative, throughout Québec, of the following groups:

(a) for midshore fishermen, two members;

(b) for inshore fishermen, two members; and

(c) for fisherman's helpers, one member who is not, however, entitled to vote on any matter relating to the professional certification of fishermen; and

(3) one member appointed by all the regional fishermen's associations that are not part of the associations referred to in subparagraph 2.

The Minister shall verify the representativeness of the associations referred to in subparagraph 2 of the first paragraph.

If the associations referred to in subparagraph 3 of the first paragraph fail to appoint a member within 60 days of a vacancy, the Minister shall appoint a member on their behalf.

“4.1. A person convicted of an offence under the Fisheries Act (Revised Statutes of Canada, 1985, chapter F-14) or the regulations or of an offence or an indictable offence committed in the course of fishing activities or involving

fraud or dishonesty may not sit on the board of directors, unless the person has obtained a pardon. The disqualification subsists for two years after the conviction or until the end of the sentence if it is longer than two years.”

2. Section 6 of the Act is amended by replacing “section 4” in the first paragraph by “sections 4 and 4.1”.

3. Section 7 of the Act is replaced by the following section:

“7. On the conditions and to the extent determined by regulation of the certification board, the members of the board of directors may receive remuneration and are entitled to be reimbursed, on presentation of vouchers, for reasonable expenses incurred in exercising their functions.”

4. Section 8 of the Act is amended

(1) by replacing “The chair of the board of directors shall call and preside at the meetings of the board and see to the proper operation of the board. The chair shall” in the first paragraph by “The members of the board of directors shall choose a chair from among their number. The chair shall call and preside at the meetings of the board, see to the proper conduct of the board’s proceedings and”;

(2) by inserting “also” after “shall” in the second paragraph.

5. Section 9 of the Act is amended by striking out “entitled to vote” in the first paragraph.

6. Section 10 of the Act is amended by adding the following paragraph:

“In addition, it must establish a code of ethics and professional conduct applicable to the members of its board of directors.”

7. Section 11 of the Act is replaced by the following section:

“11. The certification board may hire the personnel it needs for the conduct of its business.”

8. Section 14 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

“14. The certification board shall make regulations

(1) determining the criteria for the issue of a fisherman’s or fisherman’s helper’s certificate and the fees payable;

(2) determining the professional training required to qualify for a certificate, including apprenticeship at sea, and equivalent qualifications, including experience;

(3) determining the criteria for the issue of an apprentice fisherman's certificate and the fees payable; and

(4) concerning the issue, content and updating of the fisherman's booklet, the fisherman's helper's booklet and the apprentice fisherman's booklet.”;

(2) by replacing subparagraph 1 of the third paragraph by the following subparagraphs:

“(1) the obligations of certificate holders and the information and documents they must send to the certification board or keep;

“(1.1) the obligations of certificate holders as regards continuing education;”.

9. Section 15 of the Act is replaced by the following sections:

“**15.** Regulations of the certification board under subparagraph 2 of the first paragraph and subparagraphs 1.1 and 3 of the second paragraph of section 14 are subject to the approval of and may be amended by the Government.

If the certification board fails to make or amend a regulation under the first paragraph of section 14 within the time specified by the Minister, the Minister or the Government may do so, and the regulation becomes a regulation of the certification board.

“**15.1.** Regulations of the certification board under subparagraph 2 of the first paragraph and subparagraphs 1.1 and 3 of the second paragraph of section 14 and the second paragraph of section 15 are published in the *Gazette officielle du Québec* and come into force on the fifteenth day after the date of their publication or on any later date specified.

Regulations of the certification board under subparagraphs 1, 3 and 4 of the first paragraph and subparagraphs 1 and 2 of the second paragraph of section 14, and section 22 are published in the *Gazette officielle du Québec* and come into force on the date of their publication or on any later date specified.”

10. The Act is amended by inserting the following section after section 16:

“**16.1.** A person whose application for a certificate is denied or whose certificate is suspended or revoked by the certification board may, within 30 days after receiving the decision, file an application for review with the person designated for that purpose by the Minister.

On sending a copy of its decision to the person concerned, the certification board shall inform the person of his or her right to file an application for review and of the time limit for doing so.”

11. Section 17 of the Act is replaced by the following section:

“**17.** A review decision must be rendered within 30 days after receipt of an application for review and be sent in writing to the person concerned. If the application for review is dismissed, the person concerned may, within 30 days after being notified of the decision, contest it before the Administrative Tribunal of Québec.

On sending a copy of a decision dismissing an application for review to the person concerned, the person designated by the Minister shall inform that person of his or her right to contest the decision and of the time limit for doing so.”

12. Section 18 of the Act is amended by striking out “approved by the Government”.

13. Section 19 of the Act is repealed.

14. Section 20 of the Act is replaced by the following section:

“**20.** The certification board is subject to the Act respecting the protection of personal information in the private sector (chapter P-39.1).”

15. Section 21 of the Act is repealed.

16. Section 22 of the Act is amended by striking out “approved by the Government, which may amend it”.

17. Section 23 of the Act is repealed.

18. Section 24 of the Act is amended by striking out the following sentence: “Any surplus shall be retained by the certification board, unless the Government decides otherwise.”

19. Section 25 of the Act is amended by replacing “31 March” by “31 December”.

20. Section 26 of the Act is repealed.

21. Section 27 of the Act is replaced by the following sections:

“**27.** The certification board shall have its books and accounts audited each year by an auditor. The auditor’s report must be submitted with the financial statements and report of activities.

If the certification board fails to have its books and accounts audited, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration will be charged to the certification board.

“27.1. The auditor shall have access to all the certification board’s books, registers, accounts, other accounting records and vouchers. Any persons having custody of those documents shall facilitate their examination by the auditor.

The auditor may require the information and documents needed to conduct the audit from the certification board’s directors, mandataries or personnel.

“27.2. The auditor may require a meeting of the board of directors on any matter related to the audit.”

22. Section 28 of the Act is amended

(1) by replacing “30 June” in the first paragraph by “31 May”;

(2) by inserting the following paragraph after the second paragraph:

“The certification board shall also send a copy of the report of activities to the associations of the groups referred to in section 4.”

23. Section 29 of the Act is repealed.

24. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Bureau d’*accréditation des pêcheurs et des aides-pêcheurs du Québec*”.

25. The members of the board of directors in office on 14 June 2006 remain in office until all members have been appointed in accordance with section 1 of this Act.

26. Regulations under sections 14 and 15 of the Act respecting the Bureau d’*accréditation des pêcheurs et des aides-pêcheurs du Québec* as they read before 15 June 2006 remain in force until replaced by a regulation in accordance with sections 8 and 9 of this Act.

27. This Act comes into force on 15 June 2006.