



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CERTIFIED FISHERIES ORGANIZATIONS SUPPORT ACT

PLEASE NOTE

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CERTIFIED FISHERIES ORGANIZATIONS SUPPORT ACT

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CERTIFIED FISHERIES ORGANIZATIONS SUPPORT ACT CHAPTER C-2.1

INTERPRETATION AND ADMINISTRATION

1. Definitions

(1) In this Act

- (a) repealed by 2004, c.34, s.2;
- (b) “**certified fisheries organization**” means a fisheries organization certified under section 7;
- (b.1) “**core enterprise**” means a core enterprise as defined in the March 2000 edition of the Commercial Fisheries Licensing Policy for the Gulf Region of the Department of Fisheries and Oceans Canada;
- (b.2) “**Department**” means the Department of Fisheries and Communities;
- (c) “**fish**” means any fish including molluscs and crustaceans, marine mammals and marine plants, and any parts, products or by-products thereof;
- (d) Repealed by 2006, c.3, s.1;
- (e) “**fisher**” means an individual who
 - (i) is ordinarily resident in the province, and
 - (ii) either
 - (A) holds a limited entry licence under the *Fisheries Act* (Canada),
 - (B) is the head of a core enterprise, or
 - (C) has *bona fide* fisher status;
- (e.1) “**fisheries organization**” means a provincial fisheries organization that
 - (i) represents fishers, and
 - (ii) provides advocacy on behalf of fishers belonging to the fisheries organization;
- (f) “**Minister**” means the Minister of Fisheries and Communities;
- (g) repealed by 2004, c.34, s.2;
- (h) “**prescribed**” means prescribed in regulations made under section 10;
- (i) “**support fee**” means the support fee prescribed by the regulations;

***Bona fide* fisher status**

- (2) For the purposes of this Act, an individual has *bona fide* fisher status if
 - (a) the individual is registered as a commercial fisher under the *Fisheries Act* (Canada); and
 - (b) in either 1993 or 1994,

- (i) the individual was registered as a commercial fisher under the *Fisheries Act* (Canada),
- (ii) the individual held a limited entry fishing license under the *Fisheries Act* (Canada), and
- (iii) the individual
 - (A) held a Category A lobster license under the *Fisheries Act* (Canada),
 - (B) made 75% of his or her earned income from fishing, or
 - (C) had landings of fish worth more than \$15,000. *1995, c.15, s.1; 2000, c.5, s.3; 2004, c.34, s.2; 2006, c.3, s.1; 2009, c.73, s.2; 2015, c.28, s.3; 2019, c.1, s.3.*

2. **Application**

This Act applies, to the extent of provincial jurisdiction, to all fishers engaged in the fishery in the province. *1995, c.15, s.2; 2004, c.34, s.3.*

3. **Object**

The object of this Act is to provide a means of funding certified fisheries organizations. *1995, c.15, s.3; 2004, c.34, s.4.*

4. **Administration**

The Minister is charged with the administration and enforcement of this Act. *1995, c.15, s.4; 2006, c.3, s.2.*

5. **Register**

Repealed by *2004, c.34, s.5. 1995, c.15, s.5; 2004, c.34, s.5.*

6. **Advisory Committee**

Repealed by *2004, c.34, s.5. 1995, c.15, s.6; 2004, c.34, s.5.*

CERTIFIED FISHERIES ORGANIZATIONS

7. **Right to belong to certified fisheries organization**

- (1) Every fisher has the right to belong to a certified fisheries organization and to participate in the lawful activities of that organization.

Certification—application

- (2) A fisheries organization that wishes to be certified must apply to the Minister in a form satisfactory to the Minister.

Certification—order

- (3) The Minister may, by order published in the Gazette, certify a fisheries organization for the purposes of this Act where the Minister is satisfied that the fisheries organization
- (a) does not represent a single-species or issue-specific group of fishers;
 - (b) has a constitution or bylaws that requires the fisheries organization
 - (i) to elect an executive,



- (ii) to hold an annual meeting of all of its members at which the executive must present an audited financial statement of the fisheries organization, and
- (iii) to represent the interests of its members;
- (c) is established as a non-profit company under Part II of the *Companies Act*; and
- (d) complies with or meets such other eligibility criteria or requirements for certification as may be established by the regulations.

Duration of certification

- (4) For greater certainty, the certification of a certified fisheries organization continues until it is revoked by the Minister.

Decertification

- (5) Subject to subsection (6), the Minister may, by order published in the Gazette, revoke the certification of a certified fisheries organization where the Minister is satisfied that the certified fisheries organization
 - (a) has contravened a provision of this Act or the regulations;
 - or
 - (b) no longer meets one or more of the criteria or requirements for certification set out in subsection (3) or the regulations.

Notice

- (6) Before revoking the certification of a certified fisheries organization, the Minister
 - (a) shall give the certified fisheries organization a written notice of the Minister's intent to revoke the certification that
 - (i) specifies the grounds referred to in subsection (5) for the revocation, and
 - (ii) advises the certified fisheries organization that it has 30 days from the date the notice is given to respond in writing to the Minister; and
 - (b) shall consider any written response of the certified fisheries organization that is submitted to Minister in accordance with clause (a). *1995, c.15, s.7; 2004, c.34, s.7.*

7.1 Annual report

- (1) A certified fisheries organization shall, in respect of each fiscal year of the certified fisheries organization, file with the Minister, within six months of its fiscal year end, a copy of its annual report.

Audited financial statements

- (2) A certified fisheries organization shall attach to the copy of an annual report it files under subsection (1) a copy of its audited financial statements, for the fiscal year to which the annual report relates, that have been audited by a person licensed as a public accountant or licensed to provide the services of a public accountant under the *Chartered Professional Accountants and Public Accounting Act* R.S.P.E.I. 1988, Cap. C-4.2.

Information

- (3) In addition to the information provided in the documents referred to in subsections (1) and (2), a certified fisheries organization shall, on the request of the Minister, provide the Minister with such other information concerning the certified fisheries organization as the Minister may require. *2004, c.34, s.7; 2006, c.3, s.3; 2014, c.2, s.85.*

7.2 Collection of both fees prohibited

No certified fisheries organization shall accept or collect both a support fee and a membership fee from any fisher. *2004, c.34, s.7; 2006, c.3, s.4.*

CERTIFIED FISHERIES ORGANIZATIONS SUPPORT FUND

8. Payment of support fee by fisher

- (1) Subject to subsection (2), every person who is, as of March 31 of any year, a fisher, shall
- (a) pay the support fee; and
 - (b) provide the fisher's name, address and telephone number, to a certified fisheries organization.

Fisher notifies organization

- (2) A fisher may notify a certified fisheries organization,
- (a) not later than May 1 of each year, that the fisher will not be paying the support fee; or
 - (b) not later than July 1 of each year, that the fisher requests a refund of the support fee that the fisher has paid under clause 8(1)(a).

Refund by August 1

- (3) A certified fisheries organization that receives a request under clause (2)(b) shall, before August 1 of that year, refund to the fisher the support fee paid by the fisher to such organization.

Information provided to Minister

- (4) A certified fisheries organization shall, on or before July 17 in any year, provide the Minister with the name, address and telephone number of each fisher who
- (a) paid the support fee;
 - (b) did not pay the support fee; or
 - (c) requested a refund of the support fee.

8.1 Database

- (1) The Minister shall create and maintain a database of the information reported and collected under subsection 8(4).

Information may be considered

- (2) The information in the database created under subsection (1) may be considered by the Minister or an employee of the Department in determining the eligibility of fishers for any benefit or exemption that may be available to fishers under any enactment or assistance program administered by the Department.

Information sharing

- (3) The Minister may share the information in the database created under subsection (1) with the Minister of Finance or an employee of the Department of Finance.

Information may be considered

- (4) The Minister of Finance or an employee of the Department of Finance may consider the information referred to in subsection (3) in determining the eligibility of fishers for any tax



exemption that may be available to fishers under an enactment administered by the Department of Finance. *1995, c.15, s.8; 2004,c.34,s.8, 11; 2006,c.3,s.5; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

OFFENCES

9. Offence

Every person who contravenes or violates a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000. *1995, c.15, s.9; 2004,c.34,s.9.*

GENERAL

10. Regulations

The Lieutenant Governor in Council may make regulations

- (a) prescribing the amount of the support fee payable annually under this Act;
- (b) prescribing forms and providing for their use;
- (b.1) establishing criteria or requirements, in addition to those set out in subsection 7(3), for the certification of a fisheries organization, including criteria or requirements relating to the number, and the location in the province, of the members of the fisheries organization; and
- (c) providing for such other matters as are considered necessary to carry out the object of this Act. *1995, c.15, s.10; 2004,c.34,s.10; 2006,c.3,s.6.*