

1969 Bill 82

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 82

An Act respecting the Marketing of Fish

THE MINISTER OF LANDS AND FORESTS

First Reading

Second Reading

Third Reading

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1969

An Act respecting the Marketing of Fish

(Assented to _____, 1969)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Fish Marketing Act*.

2. In this Act,

- (a) "Corporation" means the Freshwater Fish Marketing Corporation established under the *Freshwater Fish Marketing Act* (Canada);
- (b) "fish" means any fresh or frozen round, dressed or filleted fish, parts of fish, fish products or fish by-products, caught, kept or processed for commercial purposes;
- (c) "fisherman" means a person licensed pursuant to the *Fisheries Act* (Canada) to fish for commercial purposes;
- (d) "Minister" means the Minister of Lands and Forests;
- (e) "processing" includes icing, packing, cleaning, filleting, freezing, smoking, salting, canning, cooking, pickling, drying or preparing fish for market in any other manner.

3. Subject to the approval of the Lieutenant Governor in Council, the Minister on behalf of the Province may enter into any arrangement or agreement with the Government of Canada

- (a) providing for any or all aspects of promotion, control and regulation of the marketing of fish within Alberta,
- (b) providing for the appointment of the Corporation as the exclusive primary purchaser and distributor of fish within Alberta and for the vesting in it of all powers necessary for or incidental to intra-provincial marketing of fish,

Explanatory Notes

1. This Bill repeals The Fishery Act, 1962 and ties in with the Freshwater Fish Marketing Act (Canada).

2. Definitions.

3. Power of Minister to enter agreement with federal government on certain matters.

- (c) subject to section 4, providing an undertaking to share with the Government of Canada the initial operating and establishment expenses of the Corporation,
- (d) providing an undertaking to share any losses incurred by the Government of Canada as guarantor for the repayment of principal and interest on loans made to the Corporation, provided the Province's contribution shall not exceed 5 per cent of the aggregate amount outstanding at any time, and
- (e) undertaking the responsibility for the payment to the owner of any plant or equipment used in storing, processing or otherwise preparing fish for market, of compensation for any plant or equipment in Alberta which
 - (i) at the date this Act was assented to, met the standard requirements set out by the Fish Inspection Regulations of the *Fish Inspection Act* (Canada), and
 - (ii) was in use by the owners until rendered redundant by reason of the operation of the Corporation.

4. In accordance with the agreement entered into under section 3 and at the request of the Minister, the Provincial Treasurer shall make grants out of the General Revenue Fund to the Corporation, not exceeding \$5,000 in the aggregate, to enable it to meet its initial operating and establishment expenses.

5. The Lieutenant Governor in Council may authorize the Provincial Treasurer

- (a) to pay to the Government of Canada such sums of money as by the terms of the agreement the Province is obligated to contribute in sharing losses incurred as a result of any loan advanced to the Corporation, and
- (b) to pay compensation in accordance with the agreement under section 3, clause (e).

6. The money authorized by the Lieutenant Governor in Council to be paid under section 5 shall be paid by the Provincial Treasurer out of the General Revenue Fund.

7. Upon the Corporation entering into an agreement with the Minister to serve as a primary purchaser and distributor of fish within Alberta, the Corporation

4. Grants to the Freshwater Fish Marketing Corporation

5. Payments due to losses incurred and redundancy claims.

6. Payment out of the General Revenue Fund.

7. Powers and duties of the Freshwater Fish Marketing Corporation.

- (a) has the exclusive right within Alberta to buy from a fisherman all fish and to distribute and market the fish by itself and by its agents, and
- (b) shall buy from any fisherman all lawfully caught fish that are offered by him for sale upon such terms and conditions and for such price as may be agreed upon by the Corporation and the fisherman subject to any applicable scheme for payment established and operated by the Corporation.

8. (1) Except as may be otherwise permitted by this Act, no person shall

- (a) sell, agree to sell or offer to sell fish to any person other than the Corporation or its agent, or
- (b) purchase or agree to purchase fish from any person other than the Corporation or its agent.

(2) Subsection (1) does not apply in respect of fish that are marketed by a fisherman or a retail store for domestic consumption by the purchaser and his family.

(3) The Corporation may exempt any person from subsection (1).

9. No person (other than the Corporation) shall

- (a) buy, sell or otherwise deal with fish, or
- (b) propagate, breed, rear or keep alive fish or live fish eggs,

unless (in addition to any exemption granted by the Corporation) he is the holder of a licence under the regulations authorizing him to do so.

10. (1) The Minister may appoint fishery officers for the purpose of enforcing this Act and the regulations.

(2) Every member of the Royal Canadian Mounted Police is *ex officio* a fishery officer and has the same powers as are conferred upon a fishery officer appointed under this Act.

11. The Minister may, at his discretion, grant, suspend or cancel any licence issued under this Act or the regulations.

12. The Lieutenant Governor in Council may make regulations for the purpose of carrying out this Act, and without restricting the generality of the foregoing may make regulations

- (a) governing the issue of licences,

8. Sale of fish restricted.

9. Licences.

10. Appointment of fishery officers.

11. Self-explanatory.

12. Regulations.

- (b) prescribing licence fees,
- (c) governing the imposition and collection of royalties in respect of fish caught,
- (d) providing for the inspection of fish,
- (e) establishing quality standards of fish,
- (f) controlling the handling, processing, storing and transporting of fish,
- (g) providing for the establishment and operation of fish farms for private and commercial purposes,
- (h) governing the propagation, rearing and keeping of live fish and fish eggs, and
- (i) providing for the maintenance of records by any person producing or handling fish.

13. (1) At the request of a fishery officer, a person required to keep records under this Act or the regulations shall make available to the officer all the records, books and documents for the purpose of having them examined by the officer.

(2) A fishery officer may examine and make extracts from any records, books and documents made or kept pursuant to this Act or the regulations.

14. (1) A fishery officer may, without a search warrant, search for fish in any vehicle, vessel, launch, boat, canoe or other watercraft, aircraft, railway car, structure or building, other than a structure or building used as a private dwelling, office or store, when upon reasonable grounds he believes that fish are contained therein.

(2) Before making any search pursuant to the authority of subsection (1), a fishery officer shall identify himself by producing his official badge or certificate of appointment to the person apparently in charge of or occupying the chattel or place to be searched.

15. (1) A fishery officer may seize, without warrant, any fish, with or without its container, and may also seize the vehicle, craft or chattel used as a means of transporting the fish if upon reasonable grounds he believes that the fish were obtained or dealt with contrary to law.

(2) When fish is seized, the officer shall store the fish but where no proper storage facilities are readily available for that purpose, he may sell or dispose of the fish in a manner that appears expedient to him under the circumstances.

(3) In making a seizure pursuant to subsection (1), the officer may also seize all such papers, documents, records

13. Fishery officer may inspect and make extracts from books and documents.

14. Power of search without warrant.

15. Power of seizure without warrant.

and books he finds and believes might be of evidential value in proving an offence.

16. No person shall hinder, obstruct or impede a fishery officer in the performance of his duties.

17. A fishery officer may arrest without a warrant any person he believes to be contravening the Act or the regulations and may bring the person before a magistrate to be dealt with according to law.

18. No person may buy or sell fish caught under the authority of an angling licence or a domestic fishing licence obtained pursuant to the Alberta Fishery Regulations.

19. (1) Every vendor, except a licensed retail store, and every shipper of fish shall prepare and sign in triplicate a written statement with regard to each individual transaction setting forth

- (a) the quantity in pounds of each species of fish and the lake of origin,
- (b) the name, address and licence number of the vendor or shipper of the fish, and
- (c) the name and address of the purchaser or consignee of the fish

and shall give to the carrier or purchaser of the fish two copies of the statement and shall retain one copy in his possession for a period of not less than one year.

(2) At the time of accepting delivery of the fish, every purchaser of fish and every carrier shall obtain from the vendor or shipper two copies of the statement prepared pursuant to subsection (1) and a carrier shall cause one copy thereof to accompany the shipment of fish and to be delivered to the consignee.

(3) One copy of the sale or shipping statement shall be retained by the carrier or purchaser of the fish for a period of not less than one year.

(4) No purchaser, carrier or consignee may accept fish unless it is accompanied by a statement prepared pursuant to subsection (1).

20. (1) Any person, other than a corporation, who contravenes this Act or the regulations is guilty of an offence and is liable on summary conviction

- (a) for a first offence to a fine of not less than \$10 and not more than \$200, or in default of payment to imprisonment for a term not exceeding 30 days, and

16. Self-explanatory.

17. Power of arrest without warrant.

18. Self-explanatory.

19. Statement of transactions.

20. Offences and penalties.

(b) for a second or subsequent offence to a fine of not less than \$50 and not more than \$500, or in default of payment to imprisonment for a term not exceeding 90 days.

(2) Any corporation that contravenes this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not more than \$1,000.

(3) In addition to imposing a fine or an imprisonment term the court may suspend or cancel any licence issued to the accused under this Act or the regulations.

21. Upon conviction the magistrate may order that any thing seized or the proceeds of any thing seized relating to the charge

- (a) be confiscated to the Crown in right of Alberta, or
- (b) be returned to the person from whom it was seized.

22. *The Fishery Act, 1962* is repealed.

23. (1) This Act, except sections 7 to 22, comes into force on the day upon which it is assented to.

(2) Sections 7 to 22 come into force on a date to be fixed by Proclamation.

21. Confiscation and return of goods seized.

22. Repeals chapter 21 of the Statutes of Alberta, 1962.