

1992 BILL 27

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

FISHERIES (ALBERTA) ACT

THE MINISTER OF FORESTRY, LANDS AND WILDLIFE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 27

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FISHERIES (ALBERTA) ACT

(Assented to , 1992)

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

- Interpretation . **1(1)** In this Act,
- (a) “bait fish” means fish defined in the regulations as bait fish for the purposes of this Act;
 - (b) “commercial fisherman”
 - (i) means the holder of a licence under this Act that authorizes fishing for commercial

purposes for fish other than bait fish or cultured fish;

- (ii) for the purposes of sections 5, 6 and 7 means commercial fisherman as defined in subclause (i) and includes a holder of a licence not issued under this Act that authorizes fishing for commercial purposes in Saskatchewan, Manitoba, Ontario or the Northwest Territories;
- (c) “contained waters” means contained waters as defined in the regulations for the purposes of this Act;
- (d) “Corporation” means the Freshwater Fish Marketing Corporation established under the *Freshwater Fish Marketing Act* (Canada);
- (e) “cultured fish” means fish defined in the regulations for the purposes of this Act as cultured fish and includes freshwater-dwelling invertebrates defined in the regulations as cultured fish;
- (f) “fish” means fish as defined in the *Fisheries Act* (Canada) except for those species excluded by the regulations for the purposes of this Act;
- (g) “fishery” means fishery as defined in the *Fisheries Act* (Canada);
- (h) “fishery guardian” means a fishery guardian appointed under this Act;
- (i) “fishery officer” means a fishery officer appointed under this Act;
- (j) “fishing” means fishing as defined in the *Fisheries Act* (Canada);
- (k) “licence” means a licence issued under this Act;
- (l) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (m) “prescribed waters” means waters established by the regulations for the propagating, keeping or rearing of cultured fish;

- (n) “processing” includes icing, packing, cleaning, filleting, freezing, smoking, salting, canning, cooking, pickling, drying or preparing fish for market in any other manner;
- (o) “prohibited waters” means waters established by the regulations as prohibited waters;
- (p) “restricted waters” means waters established by the regulations as restricted waters for the purposes of propagating, keeping or rearing cultured fish.

(2) In this Act, a reference to “this Act” includes the regulations made under this Act.

Corporation

Agreements

2 Subject to the approval of the Lieutenant Governor in Council, the Minister, on behalf of the Government of Alberta, may enter into an agreement with the Government of Canada

- (a) providing for the administration of licensing of fisheries within Alberta,
- (b) providing for the management of fisheries, the use of fish, or other activities involving or affecting fisheries within Alberta,
- (c) providing for the administration of the *Fisheries Act* (Canada),
- (d) providing for any or all aspects of promotion, processing, control and regulation of the marketing of fish within Alberta,
- (e) 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 intraprovincial marketing of fish, and
- (f) 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, but the Government of Alberta’s contribution shall not exceed 5% of the aggregate amount outstanding at any time.

Loans **3** The Lieutenant Governor in Council may authorize the Provincial Treasurer to pay to the Government of Canada any sums of money that by the terms of an agreement the Government of Alberta is obligated to contribute in sharing losses incurred as a result of any loan advanced to the Corporation.

Fish Marketing

Licence to authorize fish marketing **4** No person may buy or sell fish caught under the authority of a licence under this Act or the *Fisheries Act* (Canada) unless the licence authorizes buying or selling the fish.

Corporation buys fish **5** On the Corporation's entering into an agreement with the Minister to serve as a primary purchaser and distributor of fish within Alberta, the Corporation

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

Restricted sale of fish **6(1)** When there is an agreement entered into under section 5,

- (a) no person shall sell, agree to sell or offer to sell fish caught by a commercial fisherman to any person other than the Corporation or its agent,
- (b) no person shall purchase or agree to purchase fish caught by a commercial fisherman from any person other than the Corporation or its agent, and
- (c) no commercial fisherman shall dispose of any fish he catches to or through any person operating directly or indirectly a retail or wholesale outlet or restaurant, or through any other business outlet other than the Corporation or its agent.

(2) Notwithstanding subsection (1), a commercial fisherman may market fish he catches directly to a purchaser for consumption by the purchaser and his family.

(3) A person who buys fish under subsection (2) may not sell that fish.

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

(5) Subsection (1) does not apply with respect to fish after they have been bought by the Corporation or its agent.

Dealing in fish **7(1)** When there is an agreement under section 5, a wholesale or retail outlet shall not buy, sell or have in its possession any fish caught by a commercial fisherman unless the fish were purchased from the Corporation or its agent.

(2) Where there is an agreement entered into under section 5, no person shall buy, sell or otherwise deal in fish caught by a commercial fisherman unless, in addition to any exemption granted by the Corporation, the person holds a licence under this Act that authorizes the buying, selling or dealing.

(3) Notwithstanding subsections (1) and (2), a person may buy fish caught by a commercial fisherman from the commercial fisherman for consumption by the person or his family, but the person may not sell that fish.

Licences

Raising, etc.
cultured fish **8(1)** No person shall propagate, rear or keep alive cultured fish or sell cultured fish unless the person holds a licence for that purpose.

(2) Subject to the regulations, a person may propagate, rear or keep alive cultured fish

(a) in prescribed, restricted or contained waters, or

(b) in prohibited waters if the person holds a licence that specifically authorizes it.

Sale of
cultured fish **9(1)** The requirement to have a licence to sell cultured fish does not apply in the case of dead cultured fish that have been sold by a licensee.

(2) No person shall sell live cultured fish unless the purchaser holds a licence to propagate, rear or keep cultured fish.

Fishing licence **10(1)** Subject to any exemption provided in this Act or the *Fisheries Act* (Canada), no person shall engage in fishing unless the person holds a licence under this Act for that purpose.

(2) Subsection (1) does not apply to a person who engages in fishing under the authority of a licence issued pursuant to the *Fisheries Act* (Canada) that authorizes fishing for subsistence purposes.

(3) A commercial fisherman who catches fish pursuant to a licence shall pay a royalty to the Crown if required to do so by the regulations.

Fish not allowed **11(1)** A person shall not place fish in, keep fish in or allow fish to enter water unless the person holds a licence for that purpose.

(2) Subsection (1) does not apply

- (a) to lawfully kept cultured fish,
- (b) to fish, other than cultured fish, in contained waters,
- (c) if the activity is authorized by the regulations, or
- (d) if the fish is released back into the water from which they were taken.

Licence issues **12(1)** The Minister or a person authorized by him may issue licences with respect to fish research, sportfishing, cultured fish and commercial fishing and other licences in accordance with the regulations to persons who meet the requirements of the regulations and who pay the required fees.

(2) The Minister may provide remuneration to persons authorized by him to sell licences in a manner and in an amount the Minister considers appropriate, from the proceeds of their sales.

(3) The remuneration shall be treated as being paid out of the General Revenue Fund.

Licence conditions **13(1)** Subject to the regulations, the Minister may

- (a) limit the number and type of licences to be issued, and
- (b) if the number of licences is limited, establish how the licences are to be allocated.

(2) Subject to the regulations, the Minister may include terms and conditions in a licence.

(3) Subject to the regulations, the Minister may alter the terms or conditions of a licence.

Term of licence, transferability

14(1) Unless otherwise specified on a licence, the licence expires on March 31 following the date of its issue.

(2) A licence is not transferable except in accordance with the regulations.

Licence suspension, cancellation

15(1) A fishery officer may suspend or cancel a licence if the fishery officer believes, on reasonable and probable grounds, that the licence holder has contravened the terms or conditions of the licence or this Act when acting pursuant to the licence.

(2) A person whose licence is suspended or cancelled may, by written notice, appeal to an Assistant Deputy Minister designated by the Minister.

(3) A person whose licence is suspended or cancelled shall not carry out any activity pursuant to that licence while the suspension or cancellation is in effect.

(4) The Assistant Deputy Minister, on holding a hearing, may uphold the suspension or cancellation or reinstate the licence.

(5) If the non-compliance under subsection (1) is the subject-matter of a conviction and the court does not suspend or cancel the licence under section 35(3), the licence is deemed to be reinstated.

Prohibition

16(1) A person who is not eligible to hold a licence shall not apply for, obtain or hold a licence or a document that, but for that ineligibility, would be a licence.

(2) If a document purporting to be a licence is issued to a person who is not eligible to hold it, the document is void as a licence.

(3) A person shall not knowingly have in his possession a document that is void by virtue of subsection (2).

Invalid licence **17** A licence is not valid if

- (a) it has not been signed by the person or persons to whom it is issued, or in the case of a corporation being issued a licence, by a person eligible to sign on behalf of the corporation,
- (b) it contains false or misleading information provided by the licensee, or
- (c) it has been altered other than in accordance with this Act.

Licence to be carried

18 A licence holder or a person authorized by or under a licence to conduct activities pursuant to a licence shall, while carrying out those activities, carry with him

- (a) the licence, if the person is the licence holder, or
- (b) if the person is a person other than the licence holder, an instrument, as provided for in the regulations, indicating that the person is authorized by or under a licence to conduct the activities pursuant to a licence.

Officers and Guardians

Fishery officers

19(1) The Minister may appoint fishery officers for the purpose of administering this Act.

(2) The following are fishery officers by virtue of their office:

- (a) all members of the Royal Canadian Mounted Police;
- (b) all park rangers appointed under the *Provincial Parks Act*;
- (c) all forest officers appointed under section 2 of the *Forests Act*.

Fishery guardians

20(1) The Minister may appoint fishery guardians for the purpose of administering this Act.

(2) A fishery guardian has the powers and duties of a fishery guardian provided by this Act that the Minister directs.

Peace officer

21(1) A fishery officer or fishery guardian, while administering this Act, is a person employed for the preservation and maintenance of the public peace.

(2) Notwithstanding subsection (1), a fishery guardian shall not exercise the powers of arrest given to a peace officer by section 495 of the *Criminal Code* (Canada).

Stopping vehicles, etc.

22(1) A fishery officer may, for the purpose of ensuring that this Act is complied with, signal or otherwise require a person operating a vehicle, aircraft or boat or other watercraft to stop the vehicle, aircraft or boat or other watercraft forthwith or to move it to a particular place and then stop the vehicle, aircraft or boat or other watercraft.

(2) A person operating a vehicle, aircraft or boat or other watercraft shall forthwith comply with a signal or requirement made under subsection (1) and shall not proceed until the end of a period of time reasonably necessary to enable the officer to conduct any lawful inquiries.

(3) This section does not apply to an aircraft that is in flight.

Licence to be shown

23(1) If a fishery officer or fishery guardian believes, on reasonable and probable grounds, that a person is or has been undertaking an activity for which a licence is required by this Act, the officer or guardian may require that person to produce

- (a) a licence authorizing that activity, or
- (b) if the person is a person referred to in section 18(b), the instrument referred to in that section.

(2) When an officer or guardian requires a person to produce anything under this section, that person shall forthwith produce it to the officer or guardian.

ID to be shown

24 While exercising his powers and duties under this Act a fishery officer and a fishery guardian shall, on request, produce identification in accordance with the regulations and provide advice on his powers and duties under this Act.

- Entry without warrant** **25** For the purpose of administering this Act, a fishery officer or fishery guardian may, without a warrant, enter on or pass over land.
- Inspection of licensed premises** **26(1)** A fishery officer or fishery guardian may, without a warrant, enter a place to which a licence applies during regular business hours to ensure that the requirements of this Act are complied with.
- (2)** For the purpose of carrying out an inspection the fishery officer or fishery guardian may
- (a) open any container that the officer or guardian believes on reasonable and probable grounds contains any fish or other thing to which this Act or the regulations apply,
- (b) examine any fish or other thing to which this Act applies that the officer or guardian finds and take samples of the fish, and
- (c) conduct any tests or analyses and take any measurements.
- (3)** The owner or person in charge of a place that is inspected by a fishery officer or fishery guardian under this section and every person found in the place shall
- (a) give the officer or guardian all reasonable assistance to enable the officer or guardian to carry out the inspection, and
- (b) provide the officer or guardian with any information relevant to the administration of this Act or the regulations that the officer or guardian may reasonably require.
- Search** **27(1)** A fishery officer or fishery guardian may,
- (a) on obtaining a warrant, or
- (b) without a warrant if the officer or guardian believes on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence,

search for fish and fishing equipment in any vehicle, aircraft, boat or other watercraft or railway car, or in any business premises, building, tent or structure unless it is used as a private dwelling, when, on reasonable grounds, he believes that fish or fishing equipment is contained there.

(2) A fishery officer or fishery guardian may require the operator or person in possession of a vehicle, aircraft, boat or other watercraft, railway car, animal, pack or container to produce all fish and fishing equipment in or on the vehicle, aircraft, boat or other watercraft, railway car, animal, pack or container for the purpose of inspection and to determine the number, species and size of the fish and to ascertain whether the fish are fit for human consumption, diseased or infested with parasites, if

- (a) any fish or fishing equipment in or on the vehicle, aircraft, boat or other watercraft, railway car, animal, pack or container is in plain view of the officer or guardian, or
- (b) the officer or guardian believes, on reasonable and probable grounds, that the vehicle, aircraft, boat or other watercraft, railway car, animal, pack or container contains or is carrying fish or fishing equipment.

(3) A fishery officer or fishery guardian may require the owner or occupant of any business premises, building, tent or other structure that is not used as a private dwelling to produce all fish and fishing equipment in the business premises, building, tent or structure for the purpose of inspection and to determine the number, species and size of the fish and to ascertain whether the fish are fit for human consumption, diseased or infested with parasites, if

- (a) any fish or fishing equipment in the business premises, building, tent or other structure is in plain view of the officer or guardian, or
- (b) the officer or guardian believes, on reasonable and probable grounds, that the business premises, building, tent or other structure contains fish or fishing equipment.

(4) When a fishery officer or fishery guardian requires a person to produce fish or fishing equipment for inspection under this section, that person shall forthwith produce all fish and fishing equipment in or on the vehicle, aircraft, boat or other watercraft, railway car, animal, pack, container, business premises, building, tent or other structure to the officer or guardian.

Seizure

28(1) A fishery officer or fishery guardian may seize anything that he believes on reasonable and probable grounds may afford evidence of the commission of an offence under this Act.

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

(3) The fishery officer or fishery guardian shall, on seizing anything under subsection (1), give a receipt for it to the person, if any, having physical possession of it when it was seized and furnish a justice with an affidavit

- (a) stating that he has reason to believe that an offence has been committed in respect of the thing seized,
- (b) setting out the name of the person, if any, having physical possession of the thing seized at the time it was seized, and
- (c) describing the disposition of the thing seized.

(4) A person may make an application to a justice for an order respecting the disposition of anything seized under subsection (1), and the justice shall

- (a) order that the application be stayed and be dealt with pursuant to section 40, or
- (b) if section 40 is not applicable, make an order that the thing seized
 - (i) be confiscated to the Crown in right of Alberta, or
 - (ii) be returned to the person from whom it was seized.

(5) Subsections (3) and (4) do not apply if the fishery officer or fishery guardian disposes of live fish by releasing them back into the water from which they were taken.

Records

Fish records

29(1) Every vendor, except a retail outlet or restaurant, 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 by weight of each species of fish and the lake of origin,
- (b) the name, address and licence number of the vendor or shipper of 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 2 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 2 copies of the statement prepared pursuant to subsection (1), and a carrier shall cause one copy 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).

(5) This section applies only to fish caught by a commercial fisherman pursuant to a commercial fishing licence.

Records submission

30(1) The Minister may, by written notice, require a licence holder or other person who owns or is in charge of or employed at a premises or location where fish are being held to submit to the Minister, within the time stated in the notice, records and information required by the notice that relate or are incidental to the fish or to any operations that are or have been conducted on the premises or at the location.

(2) A person to whom a notice is given under subsection (1) shall comply with the notice, but may comply with it by permitting a fishery officer or fishery guardian to inspect the records to which the notice relates.

(3) A document purporting to be certified by a fishery officer or a fishery guardian to be a copy of a record inspected under subsection (2) is admissible in evidence in any judicial proceeding and is prima facie proof of the contents of the record without proof of the officer's or guardian's signature or appointment or of his responsibility for custody of the document.

Inspecting records

31(1) For the purpose of ensuring that this Act is complied with, a fishery officer or fishery guardian may request a person who is required to keep records under this Act to make the records available, on reasonable notice, to the officer or guardian during regular business hours for examination by the officer or guardian.

(2) A fishery officer or fishery guardian may, on giving a receipt for it, remove any record described in subsection (1) for not more than 48 hours for the purpose of making copies of it.

Fish Health

Health problem

32(1) If the Minister, on reasonable and probable grounds, believes that fish or a location where fish are held is diseased or contains disease or is materially infested by parasites and might present a danger to the health of any fish, animal or person, the Minister may order that

- (a) the suspect fish and any affected equipment be quarantined for the period of time and in the manner that the Minister directs,
- (b) a fishery officer seize the fish and kill or otherwise dispose of them in the manner directed by the Minister, and
- (c) any water be prevented from discharging from the location where the fish are found to another location.

(2) If the Minister, on reasonable and probable grounds, believes that any fish pose an ecological threat or genetic danger to any other fish, and that it is in the public interest to do so, the Minister may order that

- (a) the suspect fish and any affected equipment be quarantined for the period of time and in the manner that the Minister directs,

- (b) a fishery officer seize the fish and kill or otherwise dispose of the fish in the manner directed by the Minister, and
- (c) any water be prevented from discharging from the location where the fish are found to another location.

(3) The Minister may order the person in charge of fish to do one or more of the following:

- (a) to take any steps that may be necessary to eradicate the disease, infestation, threat or danger described in subsection (1) or (2);
- (b) to destroy the fish or any contaminated equipment used in relation to the keeping of the fish.

(4) If a person fails to comply with an order under subsection (1), (2) or (3), a fishery officer may cause the fish or equipment, or both, to be destroyed or the disease to be eradicated at the expense of the person in charge.

(5) The Minister may provide compensation in respect of diseased or parasitized fish disposed of under subsection (1)(b) or (2)(b) in an amount that, in the opinion of the Minister, represents the fair value of undiseased or unparasitized fish of the kind and number disposed of.

(6) Notwithstanding subsection (5), no right of compensation exists against the Crown or the fishery officer in respect of the subject-matter of a direction or order of the Minister under subsections (1) to (3) or the actions of an officer under subsection (4).

(7) The Minister may assess the cost of quarantining fish under subsection (1)(a) or (2)(a) or the amount of an expense incurred under subsection (4) to the owner of the fish, and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due to the Crown.

Quarantine

33 The Minister may, by order referred to in section 32, declare a quarantine in respect of fish or contaminated equipment in all or any part of Alberta and may fix the duration and conditions of the quarantine, including a restriction on the movement of fish, equipment or water by any person where the quarantine is in effect.

Enforcement

- Offences**
- 34(1)** A person who hinders, obstructs or impedes a fishery officer or fishery guardian in the performance of his duties is guilty of an offence.
- (2) A person who gives false or misleading information to the Minister, to the Assistant Deputy Minister under section 15 or to a fishery officer or fishery guardian carrying out the administration of this Act is guilty of an offence.
- (3) A licensee who does not comply with any term or condition of the licence is guilty of an offence.
- (4) A person who alters a licence other than in accordance with this Act is guilty of an offence.
- (5) A person who does not comply with an order under section 32(1), (2) or (3) is guilty of an offence.
- (6) A person who contravenes section 4, 6(1) or (3), 7(1), 8(1) or (2), 9(2), 10(1), 11(1), 15(3), 16(1) or (3), 18, 22(2), 23(2), 29(1), (2) or (3) or 30(1) or a provision of the regulations is guilty of an offence.
- Penalty**
- 35(1)** A person who is guilty of an offence is liable to a fine of not more than \$100 000 or to imprisonment for a term of not more than one year or to both.
- (2) If an offence is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.
- (3) In addition to imposing a fine or an imprisonment term the court may suspend or cancel any licence issued to the accused, and the court may direct that an accused does not have the right to obtain or hold a licence for up to 5 years from the date of the conviction.
- Offences by corporate officers, etc.**
- 36** If a corporation commits an offence, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted.

Offences by employees

37 In any prosecution for an offence, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.

Offences by licence holders

38 In any prosecution for an offence, it is sufficient proof of the offence to establish that it was committed by a person in respect of any matter relating to any operations under a licence, whether or not the person is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.

Burden of proving licence

39 In any prosecution for an offence, where a question arises as to whether a person was issued a licence, the burden is on the person to establish that the licence was issued.

Confiscation

40(1) Subject to this section, on conviction the court may order that anything seized or the proceeds of anything seized relating to the charge

(a) be confiscated to the Crown, or

(b) be returned to the person from whom it was seized.

(2) If a person is convicted of an offence that relates to fish seized under section 28(1) that were dead when seized or that have died or have been destroyed since being seized but prior to the time that the conviction is imposed, the court shall, in addition to any punishment imposed, order that the fish, or any proceeds realized from its disposition, be forfeited to the Crown.

(3) If fish have been seized under section 28(1) and the person is acquitted but it is proven that the fish were unlawfully caught or possessed, the court may order that the fish or any proceeds realized from their disposition be forfeited to the Crown.

(4) Where the ownership of any fish or other thing seized cannot be ascertained at the time of the seizure and cannot be ascertained within 30 days subsequent to the seizure and there is no application made under section 28(4), the fish or thing or the proceeds realized from the disposition of the fish or thing are forfeited to the Crown.

Limitation period **41** A prosecution in respect of an offence may not be commenced later than 2 years after the alleged commission of the offence.

General

Liability exemption **42** No action lies against the Crown, the Minister or any fishery officer or fishery guardian for anything done or not done by any of them in good faith while exercising their powers and performing their duties under this Act.

Regulations **43(1)** The Lieutenant Governor in Council may make regulations

- (a) establishing categories of licences, activities to be authorized by licences and classifications of licences;
- (b) respecting the terms, conditions and transferability of a licence;
- (c) respecting the eligibility requirements and applications for and the issuing of licences;
- (d) respecting instruments under section 18(b);
- (e) governing the imposition and collection of royalties in respect of fish caught pursuant to a licence;
- (f) respecting the inspection of fish, fishing equipment and fish processing facilities and of the handling, marketing, processing, storage, transportation, preservation and disposition of fish;
- (g) establishing quality standards for fish for human consumption;
- (h) respecting fish, fishing and the handling, marketing, processing, storage, transportation, preservation, disposition and sale of fish;
- (i) respecting the propagation, rearing and keeping of fish.

(2) Regulations under this section may apply generally or specifically.

- Regulations **44** The Minister may make regulations
- (a) establishing forms for the purpose of this Act;
 - (b) establishing restricted waters, prescribed waters and prohibited waters for the purposes of this Act;
 - (c) excluding species of fish from the definition of fish for the purposes of this Act;
 - (d) defining “contained waters”, “bait fish” and “cultured fish” for the purposes of this Act;
 - (e) prescribing fees for licences;
 - (f) providing for the maintenance and submission of records by licensees and any person producing or handling fish;
 - (g) respecting the circumstances under which fish may be placed in, kept in or allowed to enter water;
 - (h) providing for identification of fishery officers and fishery guardians.
- Transitional **45** *On the coming into force of this Act, a person who holds a licence under the Fish Marketing Act or under the Alberta Fishery Regulations under the Fisheries Act (Canada) is deemed to have a licence under this Act under the same terms and conditions unless they are altered pursuant to section 13(3) of this Act, and the licence expires on the next March 31 after this Act comes into force.*
- Repeal **46** *The Fish Marketing Act is repealed.*
- Coming into force **47** *This Act comes into force on Proclamation.*