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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Draft Bill

## **An Act respecting commercial aquaculture**

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**Tabled by  
Mr Maxime Arseneau  
Minister of Agriculture, Fisheries and Food**

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## **EXPLANATORY NOTES**

*The object of this draft bill is to provide a framework for aquaculture carried on for commercial purposes, and a framework for aquaculture carried on for research or experimentation purposes in the waters in the domain of the State, as well as a framework for the operation of fishing ponds for commercial purposes.*

*The draft bill provides for the establishment of a development framework that favours 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 draft 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 draft bill provides that the Minister may hold a public consultation on a project, on the terms and conditions determined by the Minister. Provision is made for authorizations to be issued for research and experimental aquaculture in the waters in the domain of the State.*

*The draft bill provides for the transmission between the Minister of Agriculture, Fisheries and Food, the Minister of the Environment and the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec, of information necessary for the administration of the Act and the prevention of danger to public health and safety, the environment and wildlife, and for their protection.*

*The draft bill proposes that the Minister will 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 draft bill contains transitional provisions and consequential amendments.*

**LEGISLATION AMENDED BY THIS DRAFT 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 C-76);
- 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).



# **Draft Bill**

## **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 to aquaculture carried on, in the waters in the domain of the State, 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, reptiles, echinoderms, shellfish, crustaceans or plants, except organisms cultivated or raised for aquarium fishkeeping purposes.

“Fishing pond” means a body of water 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, a cooperative and a body, unless the context indicates otherwise.

### **CHAPTER II**

#### **FRAMEWORK FOR AQUACULTURE DEVELOPMENT**

2. The Minister shall establish an aquaculture development framework to foster the ordered growth of aquaculture in the waters in the domain of the State.

The framework shall set out among other things the sites best suited for aquaculture and the species and varieties of aquatic organisms as well as the practices and techniques to favour at those sites. It may also provide for the development of infrastructures and services useful to aquaculturists.

3. The aquaculture development framework must be submitted for approval to the Government which may amend it.

## **CHAPTER III**

### **LICENCES AND AUTHORIZATIONS**

#### **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 the following licences :

- (1) aquaculture licences; and
- (2) fishing pond licences.

The Minister shall issue one licence per aquaculture site or fishing pond but may issue one 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 10 years. The Minister may, however, fix a shorter period.

A licence may be renewed.

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

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 of or bankruptcy of the licence holder, or in any other similar situation. The person to whom temporary authorization is granted must fulfil all obligations incumbent on 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 the situation so requires, the certificate of authorization required under 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 (R.S.Q., chapter C-61.1).

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 or for authorization to transfer the licence, the Minister may submit the project to a public consultation on the terms and conditions and in the manner the Minister determines.

11. After giving the interested person notice of the Minister's intention and the reasons therefor, and giving the person an opportunity to present observations, the Minister may refuse to issue, amend, renew or authorize the transfer of an aquaculture licence for reasons of public interest.

Every decision of the Minister refusing to issue, amend, renew or authorize the transfer of an aquaculture licence must include reasons and be transmitted in writing to the persons concerned.

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

13. A licence holder shall in addition comply with the regulatory standards that may be prescribed by the Government that apply 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 shall 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 shall, within 60 days, inform the Minister of any merger, sale or transfer to which the holder's enterprise is a party and of any change in the name under which the licence holder carries on activities.

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

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

18. A licence holder shall as soon as practicable correct any defect or deterioration in equipment or a facility that endangers public health or safety or constitutes a serious threat for the environment or wildlife.

If a licence holder fails to comply with the first paragraph, the Minister may take the necessary measures to correct 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 performance standards determined 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, at the person's expense, to return the site to a satisfactory condition.

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

## **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 specified by the Minister and specified in the authorization.

23. Sections 8 to 18 and 20 and 21 apply with the necessary modifications to the holder of an authorization.

## **CHAPTER IV**

### **REGISTER AND INFORMATION**

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

25. The Minister or the person designated by the Minister in his or her department shall transmit to the Minister of the Environment and 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 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 administration of this Act and the regulations or for the prevention of danger to public health and safety, the environment and 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 administration of this Act and the regulations or for the prevention of danger to public health and safety, the environment and 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 demand 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, equipment, installation, material, apparatus, product or any other property to which this Act or the regulations apply, take samples free of 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 believes on reasonable grounds that it contains information relating to the application of this Act or the regulations.

32. An inspector may, in the performance of his or her 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 they were 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, the 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 the persons who claim to have a right in the property. However, the judge may exempt the seizer from service if deterioration of the property seized 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. The property seized or the proceeds of its sale shall be returned to the owner or person who had possession of the property in the following cases :

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

(2) the inspector is of opinion, after verification within that period, 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 plaintiff.

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 a property seized or the proceeds of its sale from being returned to the person from whom the property was seized or to a person who claims to have a right in the property, 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 found 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 of disposing of the seized property.

40. Any property seized by an inspector and whose rightful owner or possessor is unknown or untraceable, or the proceeds of sale of such property, 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 the property, its container, 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 upon the issue of an authorization;

(4) determining the books, registers and other documents that a licence holder must use 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 performance standards for aquaculture sites in the domain of the State;

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

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

(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 any 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 or 18;

(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 12 or more consecutive months.

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

As well, 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 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 where the licence holder does not operate the site in compliance with the development and performance standards determined 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 where 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 renew or transfer a licence, 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 or refuses to renew or transfer.

48. Any person whose application for a licence is refused or whose licence is amended, suspended, cancelled or not renewed or transferred 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. Any person who contravenes section 13 or 14, the second paragraph of section 16 or section 17, or a provision of a regulation the violation 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 conviction, 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 for 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 conviction, \$6,000 to \$18,000.

50. Any 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 conviction, to a fine of \$1,500 to \$4,500.

51. Any 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 conviction, to a fine of \$3,000 to \$9,000.

In addition, any 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 conviction, to a fine of \$6,000 to \$18,000.

52. Any person who contravenes section 16, 18 or 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 conviction, to a fine of \$6,000 to \$18,000.

53. Where a legal person, partnership, association, cooperative 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, cooperative or body who directed, authorized or advised the commission of the offence or consented to it is 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 referred to in any of sections 49 to 52 or who advises, encourages or incites a person to commit an offence is party to the offence and is liable to the penalty prescribed for the offence.

55. In the case of proceedings instituted for an offence under this chapter, the report of the inspection, analysis or sampling 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 report of the inspection, analysis or sampling 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. No person may harvest aquatic plants on a commercial basis in the places determined by regulation, except under 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 (*insert here the year and chapter number of that Act*).”

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 replacing the definition of “fish-breeding plant” by the following definition :

““**aquaculture site**” means a site within the meaning of section 5 of the Act respecting commercial aquaculture (*insert here the year and chapter number of that Act*);” ;

(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 (*insert here the year and chapter number of that Act*);”.

67. Section 51 of the said Act is amended by replacing “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)” by “commercial aquaculture licence or a commercial fishing pond licence under the Act respecting commercial aquaculture (*insert here the year and chapter number of that Act*)”.

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 C-76) is amended by replacing “aquiculture” by “aquaculture”.

72. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 22 of chapter 10 of the statutes of 2000, section 65 of chapter 53 of the statutes of 2000 and section 98 of chapter 38 of the statutes of 2001, is again amended

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

“(1.1) section 48 of the Act respecting commercial aquaculture (*insert here the year and chapter number of that Act*);”;

(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 “aquacultural”.

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

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 in sections 1 and 5, respectively, of the Act respecting commercial aquaculture (*insert here the year and chapter number of that Act*)”.

## **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., 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 instruments,

(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 here the date of coming into force of this Act*).

79. A regulation made under the Act respecting commercial fisheries and aquaculture remains in force until it is replaced or repealed 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.