

**CONSOLIDATION OF FRESHWATER FISH MARKETING ACT**  
R.S.N.W.T. 1988,c.F-11

*(Current to: June 6, 2014)*

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2011,c.10,s.14

s.14 in force March 10, 2011

S.Nu. 2013,c.20,s.13

s.13 in force May 16, 2013

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## FRESHWATER FISH MARKETING ACT

### INTERPRETATION

#### Definitions

1. In this Act,

"Corporation" means the Freshwater Fish Marketing Corporation established by the federal Act; (*Office*)

"federal Act" means the *Freshwater Fish Marketing Act (Canada)*; (*loi fédérale*)

"fish" means round, dressed or filleted fish of any species enumerated in the Schedule to the federal Act whether fresh or frozen and whether packaged or unpackaged, that are fished for commercial purposes and includes parts of any such fish; (*poisson*)

"inspector" means a person appointed as an inspector under section 4; (*inspecteur*)

"marketing" means selling or offering for sale and includes bartering, advertising, packing, processing, storage, shipping and transporting for the purposes of sale or in anticipation of sale. (*commercialisation*)

### CORPORATION

#### Designation of Corporation

2. The Commissioner may by order designate the Freshwater Fish Marketing Corporation established by the federal Act as the appropriate body to control the trading and marketing of fish in Nunavut. S.Nu. 2011,c.10,s.14(2).

#### Powers of Corporation

3. Where the Commissioner has designated the Corporation under section 2, the Corporation, subject to this Act and the regulations,

- (a) has the exclusive right to purchase, market and trade in fish, fish products or fish by-products within Nunavut; and
  - (b) may exercise, for the purposes of paragraph (a), the powers conferred on it by the federal Act in relation to the marketing and trading in fish, fish products and fish by-products that are within the legislative competence of Nunavut.
- S.Nu. 2011,c.10,s.14(2).

### INSPECTORS

#### Inspectors

4. The Minister may appoint one or more inspectors who may exercise the powers and shall perform the duties as may be conferred or imposed on an inspector by the Minister, this Act or the regulations. S.Nu. 2011,c.10,s.14(2).

#### Additional powers and duties

**5.** In addition to the powers and duties referred to in section 4, an inspector has, in relation to the administration of this Act and the regulations, all the powers and duties of an inspector designated under subsection 25(1) of the federal Act.

#### Obstruction of inspector

**6.** (1) No person shall obstruct or hinder an inspector in carrying out his or her duties under this Act.

#### False statements

(2) No person shall knowingly make a false or misleading statement either orally or in writing to an inspector engaged in carrying out his or her duties or functions under this Act or the regulations.

### REGULATION OF TRADE WITHIN NUNAVUT

#### Marketing and purchasing limitations

**7.** (1) Except as permitted by this Act, no person shall

- (a) market or agree to market fish, fish products or fish by-products to any person other than the Corporation or an agent of the Corporation; or
- (b) purchase or agree to purchase fish, fish products or fish by-products from any person other than the Corporation or an agent of the Corporation.

#### Exceptions

(2) Subsection (1) does not apply in respect of fish that are marketed by a fisherman for consumption by the purchaser and the family of the purchaser. S.Nu. 2011,c.10,s.14(2).

#### Void contracts

**8.** Any contract made in respect of the purchase or sale of fish contrary to the federal Act, this Act or the regulations is void.

#### Licence for local trade

**9.** (1) The Corporation may, on application for a licence, issue a licence, without a fee and subject to such conditions as may be imposed by the Corporation, to any person to market and trade in fish for consumption within Nunavut.

#### Prohibition

(2) No person shall market or trade in fish unless he or she is the holder of a licence issued under subsection (1). S.Nu. 2011,c.10,s.14(2).

## PARTICIPATING AGREEMENT

### Agreement with Canada

- 10.** The Minister may, on behalf of the Government of Nunavut, enter into an agreement with the Government of Canada providing for
- (a) the sharing by Nunavut with the Government of Canada of initial operating and establishment expenses of the Corporation and of any losses incurred as a result of the guarantee, under subsection 16(1) of the federal Act, of repayment of loans, and interest on loans, made by a bank to the Corporation;
  - (b) the performance by the Corporation on behalf of Nunavut, of functions relating to trade within Nunavut;
  - (c) the undertaking by Nunavut of arrangements for the payment to the owner of a plant or equipment used in storing, processing or otherwise preparing fish for market, of compensation for a plant or equipment that will or may be rendered redundant by reasons of any operations authorized to be carried out by the Corporation under this Act; and
  - (d) such other matters as may be agreed upon by the Minister and the Government of Canada.
- S.Nu. 2011,c.10,s.14(2).

## OFFENCES AND PUNISHMENT

### Falsifying, destroying or obliterating documents

- 11.** No person shall falsify or unlawfully alter, destroy, erase or obliterate a document issued by the Corporation, or issued or made under this Act or the regulations.

### Sale of tainted fish

- 12.** No person shall sell, offer for sale or hold in possession for sale any fish intended for human consumption that is tainted, decomposed or unwholesome.

### Offence and punishment

- 13.** Every person who, or whose employee or agent, contravenes this Act or the regulations is guilty of an offence punishable on summary conviction.

### Proof

- 14.** In a prosecution for an offence under this Act or the regulations, 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
- (a) the offence was committed without the knowledge or consent of the accused; and
  - (b) the accused exercised due diligence to prevent its commission.

Limitation period

**15.** A prosecution for an offence under this Act or the regulations may not be commenced more than one year after the time when the subject-matter of the prosecution arose. S.Nu. 2013,c.20,s.13(2).

REGULATIONS

Regulations

**16.** The Commissioner, on the recommendation of the Minister, may make regulations for carrying out the purposes and provisions of this Act.