

Regulatory Offences and Penalties

TABLE A.1: FISHERIES ACT OFFENCES AND MAXIMUM PENALTIES

OFFENCE	PENALTY	
	SUMMARY	INDICTABLE
s. 20 – fail to provide and maintain fish-way	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s. 20(4) – damage, removal or obstruction of a fish guard, fish stop, fishway, leap, screen, covering, netting or other device installed on the Minister's request	1st Offence - \$200,000, Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s. 35 – causing serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery not otherwise authorized by the Minister or legislation	Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000	Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000
s.35(2) - failing to comply with conditions imposed by the Minister authorization or legislation	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	
s. 36(1) – throw overboard certain substances prohibited	Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not	Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three

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	<p>exceeding six months, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000</p>	<p>years, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000</p>
s.36(3) – deposit of deleterious substance	<p>Individual: for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000</p>	<p>Individual: for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both</p> <p>Corporation: for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000</p>
s. 37(1) – fail to provide Minister with requested material or information	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s. 37(1) – carry on any work in manner other than as described to the Minister	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
ss.37(3) and 38(7) – fail to provide material, information or report required by Regulations	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s. 38(4) – fail to report serious harm to fish	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s. 38(5) – fail to report deposit of deleterious substance	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s.38(6) – fail to take reasonable remedial	1 st Offence - \$200,000 Subsequent Offences -	N/A

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measures following deposit of deleterious substance	\$200,000 and/or 6 months in prison	
s. 38(7.1) – fail to comply with direction of inspector	1 st Offence - \$200,000 Subsequent Offences - \$200,000 and/or 6 months in prison	N/A
s. 78 - Offences not otherwise provided for	1 st Offence - \$100,000 Subsequent Offences - \$100,000 and/or 1 year in prison	1 st Offence - \$500,000 Subsequent Offences - \$500,000 and/or 2 years in prison

Superseded

**TABLE A.2: ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT OFFENCES
AND MAXIMUM PENALTIES**

OFFENCE	PENALTY	
	INDIVIDUAL	CORPORATION
s.60 – knowingly fail to obtain an approval or registration	\$100,000 and/or 2 years in prison	\$1,000,000
s.61 – fail to obtain approval or registration	\$50,000	\$500,000
s.108(1) – knowingly release substance into the environment in excess of approval or regulation	\$100,000 and/or 2 years in prison	\$1,000,000
s.108(2) – release substance into environment in excess of approval or registration	\$50,000	\$500,000
s.109(1) – knowingly release substance into the environment that causes or may cause significant adverse effect	\$100,000 and/or 2 years in prison	\$1,000,000
s.109(2) – release substance into environment that causes or may cause significant adverse effect	\$50,000	\$500,000
s.110 – fail to report the release of a substance	\$50,000	\$500,000
s.112 – failure to take remedial measures after release of substance	\$50,000	\$500,000
s.137 – fail to conserve and reclaim specified land	\$50,000	\$500,000
s. 227(a) – knowingly providing false or misleading information required under the Act	\$100,000 and/or 2 years in prison	\$1,000,000
s. 227(b) – providing false or misleading information required under the Act	\$50,000	\$500,000
s. 227(c) – fail to provide information required under the Act	\$50,000	\$500,000
s.227(d) – knowingly contravene a term or condition of an approval	\$100,000 and/or 2 years in prison	\$1,000,000
s.227(e) – contravene a term or condition of an approval	\$50,000	\$500,000