

The **CSA 2001** represents the Government of Canada's commitment to modernize shipping legislation and to promote the economic growth of the shipping industry.

The **CSA 2001** has been reorganized, updated and streamlined to make it clearer and easier to understand.

The **CSA 2001** clarifies the responsibilities of the Department of Transport and the Department of Fisheries and Oceans.

The **CSA 2001** will allow the entire marine community to operate in a manner that is safe, efficient, environmentally sound, and responsive to the needs of Canadians in a global economy.

The **CSA 2001** key changes include improvements to provisions that protect and support crews, to promote passenger and vessel safety, and protect the marine environment from damage due to navigation and shipping activities.

The **CSA 2001** is the result of extensive consultations with a wide range of marine stakeholders. It is a prime example of the Government of Canada working in partnership with its stakeholders.

The **CSA 2001** continues the responsibility for all aspects of pleasure craft to the Department of Fisheries and Oceans.

For more information on the **Canada Shipping Act, 2001**

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The *Canada Shipping Act (CSA)* is one of the oldest pieces of legislation still in effect in Canada. The CSA was originally based on the British *Merchant Shipping Act* of 1894 and has been amended in a piecemeal fashion a number of times over the years. Ongoing ad hoc amendments have resulted in a lengthy, complex piece of legislation which contains many archaic provisions, rendering the Act difficult to use and hindering the economic performance of Canada's marine industry.

The *Canada Shipping Act, 2001* (CSA 2001) has been reorganized, updated and streamlined to make it clear and easy to understand.

For example, the *Canada Shipping Act, 2001* now:

- Clarifies the marine responsibilities between the Department of Transport and the Department of Fisheries and Oceans;
- Contains definitions only when the ordinary dictionary meaning has been narrowed or expanded;
- Simplifies the legislative framework, technical detail has been removed and will be placed in regulations, standards or other documents. As well, all liability provisions have been consolidated and moved to the *Marine Liability Act*; and
- Permits marine carriers the right to impose liens for amounts due under the contract of carriage, as set out in the Delivery of Goods provisions.

Canada Shipping Act, 2001



In order to bring the *Canada Shipping Act, 2001* (CSA 2001) into force as soon as possible, those regulations made under the current *Canada Shipping Act* (CSA), other than those in Part XVI of the Act, which are consistent with the CSA 2001, will remain in force until they are repealed.

Over the next four years, our challenge is to:

- Deliver an effective regulatory framework. Over 100 existing regulations will be reviewed and restructured to promote consistency and harmony across regulations.
- Produce regulations that are compact, streamlined and without antiquated provisions.
- Implement regulations that will contribute to the economic performance of the marine industry while maintaining safety as a priority and protecting the marine environment.
- Design regulations that are flexible with rapidly changing knowledge and skill requirements of new technologies.
- Engage stakeholders in meaningful discussion; enable all concerns to be voiced early in the reform process; and enlighten government officials on stakeholder needs and concerns.

Part 1 - General (Transport Canada and Department of Fisheries and Oceans)

- Contains objectives of the Act and the powers of the Minister of Transport and those of the Minister of Fisheries and Oceans.
- Outlines the role of the authorized representative and the adjudicator.

Part 2 - Registration, Listing and Recording (Transport Canada)

- Covers the responsibilities of the Chief Registrar and sets the ground rules for mortgages and mandatory and optional registration.

Part 3 - Personnel (Transport Canada)

- Policy framework regarding the health and safety of personnel.
- Obligations of the Master, contracts of employment, certification, passengers and other persons.
- Outlines the construction of vessels (i.e. design and construction of vessels and equipment, safety certificates for ships and loading).

Part 4 - Safety (Transport Canada)

- Obligations of the master, authorized representative, crew and passengers to maintain safety on board a vessel are outlined.

Part 5 - Navigation Services (Department of Fisheries and Oceans)

- Comprises Parts 9 and 7 of the present CSA.
- Covers vessel traffic services, aids to navigation, search and rescue and Sable Island.

Part 6 - Incidents, Accidents and Casualties (Transport Canada)

- Implements the International Convention on Salvage, 1989 and grants it the force of law in Canada.
- Clarifies Transport Canada's role in accident investigation.

Part 7 - Wreck (Department of Fisheries and Oceans)

- Outlines procedures that must be taken upon finding a wreck and procedures for the disposal of wreck.
- Contains new joint regulation-making authority with the Department of Fisheries and Oceans and Heritage Canada, for the protection of heritage wreck.

Part 8 - Pollution Prevention and Response (Department of Fisheries and Oceans)

- States the requirements for vessels and oil handling facilities to have an arrangement with a response organization, and to have an oil pollution prevention plan.
- The Minister of Fisheries and Oceans has the power to issue a certificate of designation as a response organization to a qualified person.
- The powers of a pollution prevention officer are prescribed.

Part 9 - Pollution Prevention (Transport Canada)

- Prohibits the discharge of prescribed pollutants and requires vessels to have a shipboard oil pollution emergency plan.
- Gives the Minister of Transport the power to give directions to vessels preparing to discharge a pollutant, or vessels having discharged a pollutant.
- Includes regulation-making authority for vessels carrying pollutants, and establishes an offence for discharge of pollutants.

Part 10 - Pleasure Craft (Department of Fisheries and Oceans)

- Outlines the Department of Fisheries and Oceans' responsibilities for pleasure craft.
- Included in this Part are inspections, investigations, enforcement and licencing.

Part 11 - Enforcement (Transport Canada)

- All inspection authorities have been located in one place.
- What a safety inspector may or may not do is outlined in this Part.
- Clarifies the roles of Transport Canada and the Transportation Safety Board of Canada in investigating shipping casualties.
- Procedures for dealing with foreign vessels that have violated international conventions.

Part 12 - Miscellaneous (Transport Canada and Department of Fisheries and Oceans)

- Contains provisions relating to legal proceedings or matters.

Part 13 - Transitional (Transport Canada and Department of Fisheries and Oceans)

- Outlines decisions that cease to have effect, acquired rights and the certificates and regulations which remain in force.

Part 14 - Consequential and Coordinating Amendments (Transport Canada and Department of Fisheries and Oceans)

- This part will ensure that reference to the *Canada Shipping Act* contained in other statutes are consistent with the *Canada Shipping Act, 2001*.

Part 15, 16 and 17

- Provides amendments to the *Shipping Conferences Exemption Act, 1987* and the *Canadian Environmental Protection Act, 1999*.
- Provides the legal basis for repealing certain provisions in other Acts.