

New Marine Safety Approach for Conformity Surveillance

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Plan

- Old and new Canada Shipping Act (CSA)
- Responsibilities as per CSA 2001
- Challenges to meet
- New TCMS* orientation (philosophy and programs)
- Law Enforcement Methods
- Administrative Monetary Penalties (AMP) Regulations
- AMP issued since April 3rd, 2008



Canada Shipping Act (CSA)

- One of Canada's oldest pieces of legislation
- Amended many times over the years
- Difficult to use
- Prescriptive, inspection and certification based regime
- Not really a performance-based regime
- Needed a reform

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Canada Shipping Act 2001 (CSA 2001)

- In force since July 1st, 2007
- Enhances safety and provides better protection for the marine environment
- Insists more on owner and operator responsibilities
- Establishes a new set of voyage classifications
- Introduces new law enforcement tools
- Shifts from an inspection-based regime to a compliance-based regime

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CSA 2001

Sect. 14 Authorized Representative

- Every Canadian vessel must have a person – the authorized representative – who is responsible under this Act for acting with respect to all matters relating to the vessel that are not otherwise assigned by this Act to any other person
- The authorized representative of a Canadian vessel is the owner of the vessel

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Responsibilities Authorized Representatives

Sect. 106 General duties

- Vessel, machinery and equipment meet the requirements
- Procedures for the safe operation and for dealing with emergencies
- Safety training for the crew and passengers

Sect. 106 Inspection

- Inspections for the purpose of obtaining the required Canadian maritime documents
- Meet every term or condition attached to these documents

Sect. 238 Vicarious liability

- Liable for a violation that is committed in respect of any matter that relates to an activity or a requirement under the document
- Liable for a violation that is committed by an employee or agent

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Responsibilities

Captains

Sect. 82 Verify the maritime documents of the persons on board

Sect. 82 Ensure that the crew is sufficient and competent

Sect. 107 Obtain all of the required maritime documents (i.e. inspection certificates)

Sect. 109 Ensure the safety of the vessel and of persons on board

Sect. 109 Protect the vessel and persons on board from the hazard

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Responsibilities

Crew

Sect. 87 *Positions on board Canadian vessels*

- Every person in a position in respect of which a certificate is required shall hold the certificate and comply with its terms and conditions

Sect. 113 *Carrying out duties and reporting*

- Carry out their duties and functions in a manner that does not jeopardize the safety of the vessel or any person on board
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