

## *Wrecked, Abandoned or Hazardous Vessels Act* & Short-term Funding Programs

Presentation to the Standing Committee on Quebec Fishing Vessel Safety (Hôtel Rimouski)

M. Alex Brassard and M. Randy Bonin – Navigation Protection Program

*Transport Canada  
Canadian Coast Guard  
Fisheries and Oceans Canada*



# Purpose

To provide an overview of the ***Wrecked, Abandoned or Hazardous Vessels Act*** and the **Short-term Funding Programs** - measures part of the **National Strategy** to Address Abandoned and Wrecked Vessels under the Ocean's Protection Plan



# Background

## The National Strategy on Abandoned and Wrecked Vessels – 5 measures



Enhance vessel owner identification



Long-term owner-financed funds to address abandoned and wrecked vessels



National inventory of problem vessels with risk assessment methodology

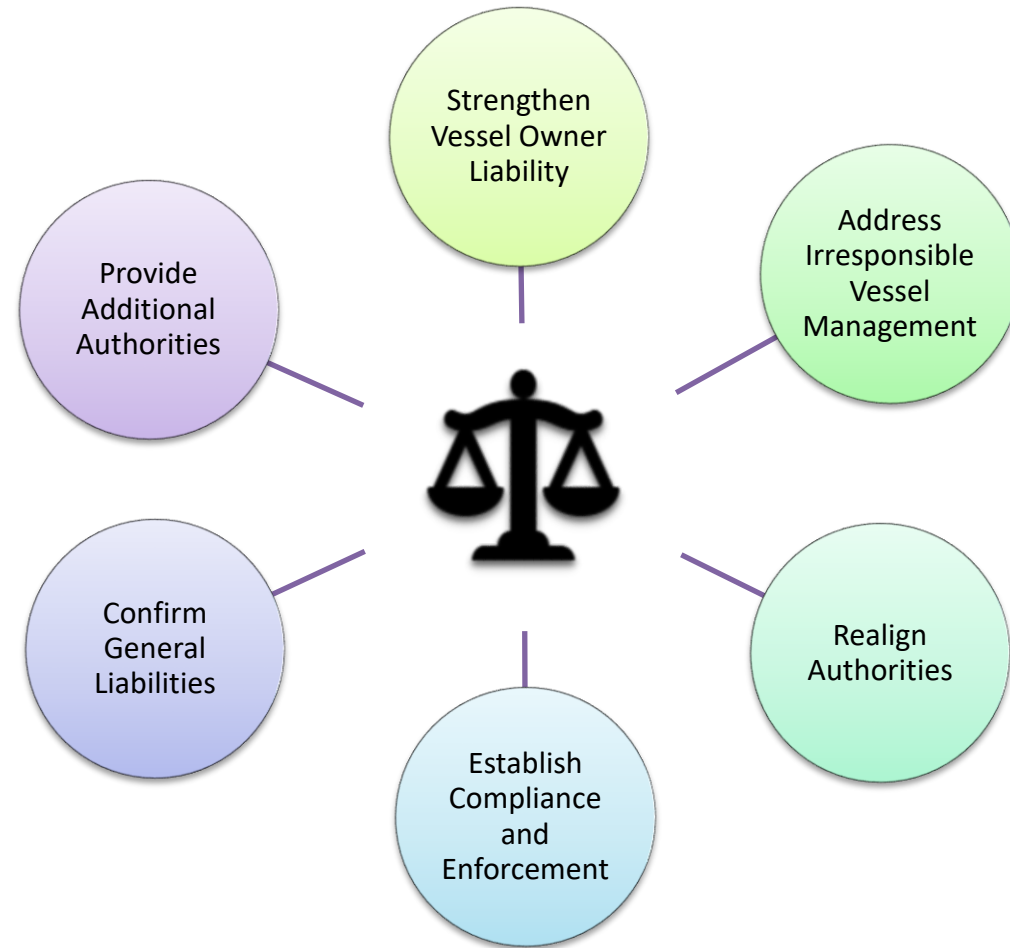


New legislation: Bill C-64, the Wrecked, Abandoned or Hazardous Vessels Act



Short-term funding for: clean up of existing smaller vessels and wrecks; education and awareness; and research on boat recycling and design

# Bill C-64, *The Wrecked, Abandoned or Hazardous Vessels Act* was introduced on October 30, 2017



# Bill C-64 Strengthens Vessel Owner Liability

- Gives force of law to the *Nairobi International Convention on the Removal of Wrecks, 2007*
- Require vessel owners to mark, locate or remove wrecked vessels that resulted from a maritime accident
- Requires owners of vessels 300 gross tons and above to carry wreck removal insurance
- Direct owners to take action



# Bill C-64 Addresses Irresponsible Vessel Management

- Legislation prohibits the following :
  - Abandoning a vessel unless authorized by law or in case of maritime emergency
  - Causing a vessel to become a wreck
  - Leaving a vessel adrift more than 48 hours
  - Leaving a dilapidated vessel (poor condition/state of neglect) in the same area for more than 60 consecutive days without consent
- Proactive measures to address problem vessels and hold owners liable for costs

# Bill C-64 Realigns Authorities

- Consolidate existing authorities into a single legislative regime
- Updated Salvage and Receiver of Wreck authorities to protect and preserve the rights of wrecked vessel owners
- Clarify and establish roles and responsibilities between departments

# Bill C-64 Establishes Compliance and Enforcement

- Establishes an enforcement regime that authorizes the issuance of Administrative Monetary Penalties (AMPs)
- Creates regulatory offences
- Owners are liable for all costs incurred for any actions taken by an officer



# Bill C-64 Confirms General Liabilities

- Provides general immunity to enforcement officers, receivers of wreck or civil servants, unless there is gross negligence
- Crown remains liable for the negligence of its employees
- Owners of vessels are not immune
- Establishes debt due to the Crown for vessel owners for costs incurred by the TC and DFO-CCG Ministers

## Bill C-64 Provide Additional Authorities

- Authority to delegate powers and functions to other persons or governments (e.g., provincial, local, municipal and Indigenous governments)
- Allows information-sharing between departments to support administering and enforcing provisions of the Act
- Provides regulatory making authorities to the Minister of Transport

# Status of Legislation



The Bill has passed the House of Commons and was referred to the Senate in June 2018



3<sup>rd</sup> reading took place in the Senate on December 10<sup>th</sup> and Senate amendments are being considered in the House of Commons.



Aiming to have the legislation come into force by Summer 2019.

# Contact Information

## **TRANSPORT CANADA**

Jeffrey Johnson  
A/Director, Clean Water Policy  
Jeffrey.Johnson@tc.gc.ca

## **FISHERIES AND OCEANS CANADA**

Luc Boucher  
Director, Harbour Development, Policy and Planning, Small Craft Harbours  
Luc.Boucher@dfo-mpo.gc.ca

## **CANADIAN COAST GUARD**

Kathy Nghiem  
A/Director, Preparedness and  
Response  
Kathy.Nghiem@dfo-mpo.gc.ca

# ABANDONED BOATS PROGRAM TRANSPORT CANADA

*Funding will be available until 2021-22 to address priority boats across Canada. We encourage communities that want to remove problem boats to apply for funding. Please ask anyone who finds an abandoned boat to contact us or visit our website to learn more about the program.*

Chantal Lanthier, Director  
613-998-1756 | [chantal.lanthier@tc.gc.ca](mailto:chantal.lanthier@tc.gc.ca)

Marie-Josée Villeneuve, Sr. Program Analyst for ABP  
613-998-8683 | [marie-josée.villeneuve@tc.gc.ca](mailto:marie-josée.villeneuve@tc.gc.ca)

[www.tc.gc.ca/en/programs-policies/programs/abandoned-boats-program.html](http://www.tc.gc.ca/en/programs-policies/programs/abandoned-boats-program.html)

Email: [tc.abp-pba.tc@tc.gc.ca](mailto:tc.abp-pba.tc@tc.gc.ca)

# SMALL CRAFT HARBOURS ABANDONED AND WRECKED VESSELS REMOVAL PROGRAM FISHERIES AND OCEANS CANADA

*Funding will be available until 2021-22 to address Abandoned or Wrecked vessels in small craft harbours owned by the Department of Fisheries and Oceans. We encourage all harbour users to discuss with local harbour authorities before applying for funding. To learn more about the AWVRP, please contact your regional DFO-Small Craft Harbours office or visit our website.*

<http://dfo-mpo.gc.ca/sch-ppb/vessels-bateaux/index-eng.html>

Regional DFO-Small Craft Harbours  
office information:

[www.dfo-mpo.gc.ca/sch-ppb/vessels-bateaux/page-04-eng.html](http://www.dfo-mpo.gc.ca/sch-ppb/vessels-bateaux/page-04-eng.html)



Government  
of Canada

Gouvernement  
du Canada

# *Canadian Navigable Waters Act (CNWA)*

**Presentation to the Standing Committee on Quebec Fishing Vessel Safety (Hôtel Rimouski)**  
M. Alex Brassard and M. Randy Bonin – Navigation Protection Program



# Canadian Navigable Waters Act

## Purpose

- Restore lost protections so that recreational boaters can continue to travel Canada's vast network of rivers, lakes and canals for years to come ;
- Deliver greater transparency about proposed projects that could affect navigation ;
- Provide opportunities for Indigenous people to partner with Canada in the administration of protections and safeguards.

# Key changes

## Expanded Scope

- New requirement for approvals of **major works** that significantly impact navigation on all navigable waters, such as large dams or other works;
- Authority for the Minister of Transport to regulate obstructions on all navigable waters ;
- Authority for the Minister of Transport to review works on navigable waters (not listed in the Schedule to the Act) where there are unresolved navigation concerns.

# Key changes

## Transparent and Accessible Processes

- New online public registry, so Canadians can access information on proposed works in their communities ;
- Making the factors that are considered when approving a work very clear, including the cumulative impact that multiple works could have on navigation ;
- A better process with clear criteria to identify navigable waters that should receive extra oversight, and add these to the Schedule ;
- Requirement for owners to notify the public and give people the opportunity to ask questions and express concerns **before** construction begins on all navigable waters.



# Key changes

## Advancing Reconciliation with Indigenous Peoples

- Implement a provision that allows the Minister to enter into agreements and arrangements with Indigenous groups for the purposes of administering elements of the Act (e.g., monitoring, enforcement, joint decision-making) ;
- New requirement to consider and protect **Indigenous knowledge** that is provided when deciding whether to issue an approval ;
- Explicitly including in the definition of navigable water, transport or travel to exercise Indigenous rights ;
- A requirement for decision makers to **consider adverse impacts on Indigenous rights** before making decisions under the Act.

**For more information :**

**Quebec Regional Office  
Navigation Protection Program (NPP)**

Transport Canada  
1550, avenue d'Estimauville  
Québec (QC) G1J 0C8

**Phone :** 418-254-9685

**Email :** PPNQUE-NPPQUE@tc.gc.ca