



SHIP SAFETY BULLETIN

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Ship Safety Bulletins provide safety-related information to the marine community.
All bulletins are available at: www.tc.gc.ca/marinesafety

Subject: **New Compliance and Enforcement Program under the *Canada Shipping Act, 2001***

When the *Canada Shipping Act, 2001* (CSA 2001) came into force on July 1, 2007, it introduced a new administrative enforcement scheme to encourage and promote compliance with regulatory requirements. The CSA 2001 reflects the principle that it is the vessel's authorized representative/owner's responsibility to ensure that a vessel complies with the new Act and its supporting regulations.

Under the CSA 2001, Transport Canada Marine Safety (TCMS) has the authority to enforce compliance through the use of assurance of compliance agreements and administrative monetary penalties. These administrative enforcement tools were implemented when the new *Administrative Monetary Penalties Regulations* came into force on April 3, 2008. With the introduction of these Regulations, TCMS now has a comprehensive and consistent method, outside the criminal court system, to enforce marine safety requirements. This new flexibility will streamline the enforcement process, making the TCMS Enforcement Program a more efficient and effective method of dealing with regulatory contraventions. Court prosecutions will still complement administrative methods of enforcement where necessary.

TCMS has developed, in consultation with stakeholders, a national Compliance and Enforcement Policy that outlines the process that must be adhered to when a contravention has occurred. To view the Policy, please visit www.tc.gc.ca/cea-caa/.

Any person/vessel or corporation who is the subject of a penalty under these Regulations will have the right to have the Minister's decision reviewed by the Transportation Appeal Tribunal of Canada (TATC). The TATC is an independent body created by the *Transportation Appeal Tribunal of Canada Act*. For more information about the TATC, visit their website at www.tatc.gc.ca.

Keywords:

1. Compliance, Enforcement and Appeals
2. Administrative Monetary Penalties
3. Assurance of Compliance

Questions concerning this Bulletin should be addressed to:

AMSXE
Muhammad Akhtar
613-998-0607
Transport Canada
Marine Safety
Tower C, Place de Ville
11th Floor, 330 Sparks Street
Ottawa, Ontario K1A 0N8

To add or change your address, contact us at: marinesafety@tc.gc.ca or 613-991-3135.
Owners of commercial vessels automatically receive Bulletins.

Marine Safety inspectors across the country are receiving comprehensive training on the new enforcement tools so that they can properly assess the need for administrative penalties in any given situation. To ensure national consistency of the training and in the issuance of administrative penalties, a national Compliance, Enforcement and Appeals Section has been created at TCMS national headquarters in Ottawa. This Section will be responsible for overseeing the enforcement activities and further developing national policies and procedures relating to the Compliance and Enforcement Program, so that marine safety enforcement is consistent throughout the country and transparent to the marine community.

A Compliance, Enforcement and Appeals website has been developed to provide stakeholders with more information about the new Compliance and Enforcement Program. Please visit the website at www.tc.gc.ca/cea-cao/. You may also contact your local Transport Canada Centre, or call toll free 1-866-879-9902, or 613-998-7764 in the National Capital Region.