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# Focus on Canada

## Update on Public Policy Impacting Ports

AAPA Commissioner's Seminar

Montreal, Quebec

June 14, 2006



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# Canada Port Authorities

- Created Under the Canada Marine Act
- ‘Commercial’ Operations
- ‘Self-sufficient’
- Operating Under Local Control
- Work Toward Public Policy Objectives
- Annual Stipend Paid to the Federal Government
- CPAs: The Best of Times, The Worst of Times



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# Canada's National Port System

- 19 Canada Port Authorities:
  - 250 M Tonnes of Cargo
  - Valued at Over \$100 Billion Annually
  - 250,000 Direct and Indirect jobs
  - Three Container Ports
- Several Hundred Regional Public and Private Ports Handle Another 200 M Tonnes



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# New Kids in the Kapital

- Freshly Elected Conservative Government
- Focused on Five Priorities
- Impact of Minority Gov't on Public Policy
- The Legislative Process
- Life Must Go On!
- Reading the Tea Leaves for Ports



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# Federal Acts and Regulations

- Canada Marine Act
- Port Authorities Management Regulations
- Port Authorities Operations Regulations
- CPA Environmental Assessment Regulations
- CPA Letters Patent



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# There's More!

- Access to Information Act
- Canada Pension Plan Regulations
- Canada Elections Act
- Canadian Environmental Assessment Act
- Canada Labour Code (Part II)
- Canada Shipping Act
- Canada Transportation Act
- Canadian Environmental Protection Act
- Canadian Transportation Accident Investigation Act
- Employment Equity Act
- Employment Insurance Act
- Federal Real Property Act and Regulations
- Financial Administration Act



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# ... And More...

- Fishing and Recreational Harbours Act
- Fisheries Act
- Food and Drug Act
- Human Rights Act
- Marine Occupational Health and Safety Regulations
- Marine Transportation Security Act and Regulations
- Navigable Waters Protection Act and Regulations
- Official Languages Act
- Payments in Lieu of Taxes Act
- Privacy Act
- Transportation of Dangerous Goods Act and Regulations



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# A Closer Look

- Canada Transportation Act Amendments
- Canada Marine Act Amendments
- Security Clearance Program for Ports
- Security Contribution Program
- Payment in Lieu of Taxes Act
- Canadian Environmental Assessment Act
- Canadian Environmental Protection Act
- Proposed Clean Air Act
- Proposed Clean Water Act





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# CTA Amendments

“5 (b) ...regulation and strategic public intervention occur only if they are necessary to achieve economic, environmental or social outcomes that cannot be achieved satisfactorily by competition and market forces and they do not unduly favour, or reduce the inherent advantages of, any particular mode of transportation.”



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# Key Elements for Ports

- Report on State of Transportation in Canada Before Parliament Every 3 Years
- 8-year Review of the CTA or Other Transportation Related Acts (CMA?)
- Review of Mergers and Acquisitions Re: Matters of ‘Public Interest’
- Minister May Refer Matter to the Canadian Transportation Agency (150 days)



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# Canada Marine Act

- Mandatory 5-Year Review Completed June 2003
- 22 Positive Recommendations by Review Panel
- Bill C-61 Tabled in Spring of 2005
- Bill C-61 Died Merciful Death in November 2005
- Awaiting New, Improved CMA



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# A New CMA

1. Local Taxes to be Paid by Land Owner - Not Manager
2. Direct Access to Federal Funding by CPAs
3. Eliminate Borrowing Restrictions on CPAs
4. Eliminate Gross Revenue Charge on CPAs
5. CPAs to Retain Proceeds from Land Sales



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# CEAA

- Mandatory 5-Year Review Completed
- Federal Lands Puts Ports Under CEAA
- Ports Provided Direct Input
- Ports Concerned with Coordination and Timing
- CEAA Now Being Reviewed
- Ports Made Case for Expanded Exclusion List
- Ports Made Case for Better Coordination and Timing - AGAIN!



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# Other Acts of Parliament

The Throne Speech Identifies Several Acts:

- Canadian Environmental Protection Act
- Anti-Terrorism Act
- Clean Air Act
- Clean Water Act



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# Regulations/Initiatives

- Ballast Water Regulations
- Oily Waste Reception Facilities/Green Ship Program
- Environment/Transport MOU
- MOU with Industry on GHG Emissions
- Green Marine and West Coast Collaborative
- Waterside Security Policy
- TC Sustainable Development Strategy



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# Managing the Legislative Maze

- ACPA Board and Technical Committees
- Canadian Marine Industry Alliance
- National Marine Industrial Council
- Canadian Marine Advisory Council
- Transportation Optimization Pact
- Coalition for Secure and Trade-Efficient Border

