

Oceans Act of 18 December 1996
(An Act respecting the oceans of Canada, 18 December 1996)

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Preamble

Whereas Canada recognizes that the three oceans, the Arctic, the Pacific and the Atlantic, are the common heritage of all Canadians;

Whereas Parliament wishes to reaffirm Canada's role as a world leader in oceans and marine resource management;

Whereas Parliament wishes to affirm in Canadian domestic law Canada's sovereign rights, jurisdiction and responsibilities in the exclusive economic zone of Canada;

Whereas Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;

Whereas Canada holds that conservation, based on an ecosystem approach, is of fundamental importance to maintaining biological diversity and productivity in the marine environment;

Whereas Canada promotes the wide application of the precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment;

Whereas Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal communities;

Whereas Canada promotes the integrated management of oceans and marine resources;

And Whereas the Minister of Fisheries and Oceans, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, is encouraging the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title

1. This Act may be cited as the Oceans Act.

Interpretation

2. In this Act,
"artificial island" means any man-made extension of the seabed or a seabed feature, whether or not the extension breaks the surface of the superjacent waters;
"Department" means the Department of Fisheries and Oceans;
"federal laws" includes Acts of Parliament, regulations as defined in section 2 of the *Interpretation Act* and any other rules of law within the jurisdiction of Parliament, but does not include ordinances within the meaning of the *Northwest Territories Act* or the *Yukon Act* or, after section 3 of the *Nunavut Act* comes into force, laws made by the Legislature for Nunavut or continued by section 29 of that Act;
"law", in respect of a province, includes a law or rule of law from time to time in force in the province, other than federal laws, and the provisions of any instrument having effect under any such law;

"marine installation or structure" includes (a) any ship and any anchor, anchor cable or rig pad used in connection therewith, (b) any offshore drilling unit, production platform, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredge, floating crane, pipelaying or other barge or pipeline and any anchor, anchor cable or rig pad used in connection therewith, and (c) any other work or work within a class of works prescribed pursuant to paragraph 26(1)(a);

"Minister" means the Minister of Fisheries and Oceans;

"ship" includes any description of vessel, boat or craft designed, used or capable of being used solely or partly for marine navigation without regard to method or lack of propulsion.

Saving

2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the *Constitution Act*, 1982.

Her Majesty

3. This Act is binding on Her Majesty in right of Canada or a province.

PART I

CANADA'S MARITIME ZONES

Territorial Sea and Contiguous Zone

4. The territorial sea of Canada consists of a belt of sea that has as its inner limit the baselines described in section 5 and as its outer limit:
- (a) subject to paragraph (b), the line every point of which is at a distance of 12 nautical miles from the nearest point of the baselines; or
 - (b) in respect of the portions of the territorial sea of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(ii), lines determined from the geographical coordinates of points so prescribed.

Determination of the baselines

5. (1) Subject to subsections (2) and (3), the baseline is the low-water line along the coast or on a low-tide elevation that is situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island.
- (2) In respect of any area for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(i) and subject to any exceptions in the regulations for:
- (a) the use of the low-water line along the coast between given points, and
 - (b) the use of the low-water lines of low-tide elevations that are situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island,
- the baselines are straight lines interpreted as geodesics joining the consecutive geographical coordinates of points so prescribed.
- (3) In respect of any area not referred to in subsection (2), the baselines are the outer limits of any area, other than the territorial sea of Canada, over which Canada has a historic or other title of sovereignty.
- (4) For the purposes of this section, a low-tide elevation is a naturally formed area of land that is surrounded by and above water at low tide but submerged at high tide.

Internal waters of Canada

6. The internal waters of Canada consist of the waters on the landward side of the baselines of the territorial

sea of Canada.

Part of Canada

7. For greater certainty, the internal waters of Canada and the territorial sea of Canada form part of Canada.

Rights of Her Majesty

8. (1) For greater certainty, in any area of the sea not within a province, the seabed and subsoil below the internal waters of Canada and the territorial sea of Canada are vested in Her Majesty in right of Canada.

(2) Nothing in this section abrogates or derogates from any legal right or interest held before 4 February 1991.

Application of provincial law

9. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply in any area of the sea:

- (a) that forms part of the internal waters of Canada or the territorial sea of Canada;
- (b) that is not within any province; and
- (c) that is prescribed by the regulations.

(2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that:

- (a) imposes a tax or royalty; or
- (b) relates to mineral or other non-living natural resources.

(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.

(4) Any sum due under a law of a province that applies in an area of the sea under this section belongs to Her Majesty in right of the province.

(5) For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the living or non-living resources of that area, or as limiting the application of any federal laws.

Contiguous zone of Canada

10. The contiguous zone of Canada consists of an area of the sea that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit the line every point of which is at a distance of 24 nautical miles from the nearest point of the baselines of the territorial sea of Canada, but does not include an area of the sea that forms part of the territorial sea of another State or in which another State has sovereign rights.

Prevention in contiguous zone of infringement of federal laws

11. A person who is responsible for the enforcement of a federal law that is a customs, fiscal, immigration or sanitary law and who has reasonable grounds to believe that a person in the contiguous zone of Canada would, if that person were to enter Canada, commit an offence under that law may, subject to Canada's international obligations, prevent the entry of that person into Canada or the commission of the offence and, for greater certainty, section 25 of the *Criminal Code* applies in respect of the exercise by a person of any powers under this section.

Enforcement in contiguous zone of federal laws

12. (1) Where there are reasonable grounds to believe that a person has committed an offence in Canada in respect of a federal law that is a customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of that offence may also be exercised in the contiguous zone of Canada.

(2) A power of arrest referred to in subsection (1) shall not be exercised in the contiguous zone of

Canada to board any ship registered outside Canada without the consent of the Attorney General of Canada.

Exclusive economic zone

13. (1) The exclusive economic zone of Canada consists of an area of the sea beyond and adjacent to the territorial sea of Canada that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit:

- (a) subject to subparagraph (b), the line every point of which is at a distance of 200 nautical miles from the nearest point of the baselines of the territorial sea of Canada; or
- (b) in respect of a portion of the exclusive economic zone of Canada for which geographical coordinates of points have been prescribed pursuant to paragraph 25(a)(iii), lines determined from the geographical coordinates of points so prescribed.

(2) For greater certainty, paragraph (1)(a) applies regardless of whether regulations are made pursuant to paragraph 25(a)(iv) prescribing geographical coordinates of points from which the outer limit of the exclusive economic zone of Canada may be determined.

Sovereign rights and jurisdiction of Canada

14. Canada has:

- (a) sovereign rights in the exclusive economic zone of Canada for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Canada, such as the production of energy from the water, currents and winds;
- (b) jurisdiction in the exclusive economic zone of Canada with regard to:
 - (i) the establishment and use of artificial islands, installations and structures,
 - (ii) marine scientific research, and
 - (iii) the protection and preservation of the marine environment; and
- (c) other rights and duties in the exclusive economic zone of Canada provided for under international law.

Rights of Her Majesty

15. (1) For greater certainty, any rights of Canada in the seabed and subsoil of the exclusive economic zone of Canada and their resources are vested in Her Majesty in right of Canada.

(2) Nothing in this section abrogates or derogates from any legal right or interest held before 4 February 1991.

Fishing zones of Canada

16. The fishing zones of Canada consist of areas of the sea adjacent to the coast of Canada that are prescribed in the regulations.

Continental shelf

17. (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada:

- (a) subject to subparagraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and subsoil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;

- (b) to a distance of 200 nautical miles from the baselines of the territorial sea of Canada where the outer edge of the continental margin does not extend up to that distance; or

(c) in respect of a portion of the continental shelf of Canada for which geographical coordinates of points have been prescribed pursuant to paragraph 25(a)(iii), to lines determined from the geographical coordinates of points so prescribed.

(2) For greater certainty, paragraphs (1)(a) and (b) apply regardless of whether regulations are made pursuant to paragraph (25)(a)(iv) prescribing geographical coordinates of points from which the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined.

Sovereign rights of Canada

18. Canada has sovereign rights over the continental shelf of Canada for the purpose of exploring it and exploiting the mineral and other non-living natural resources of the seabed and subsoil of the continental shelf of Canada, together with living organisms belonging to sedentary species, that is to say, organisms that, at the harvestable stage, either are immobile on or under the seabed of the continental shelf of Canada or are unable to move except in constant physical contact with the seabed or the subsoil of the continental shelf of Canada.

Rights of Her Majesty

19. (1) For greater certainty, any rights of Canada in the continental shelf of Canada are vested in Her Majesty in right of Canada.

(2) Nothing in this section abrogates or derogates from any legal right or interest held before 4 February 1991.

Application of federal laws - continental shelf installations

20. (1) Subject to any regulations made pursuant to paragraph 26(1)(j) or (k), federal laws apply:

(a) on or under any marine installation or structure from the time it is attached or anchored to the continental shelf of Canada in connection with the exploration of that shelf or the exploitation of its mineral or other non-living resources until the marine installation or structure is removed from the waters above the continental shelf of Canada;

(b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and

(c) within such safety zone surrounding any marine installation or structure or artificial island referred to in paragraph (a) or (b) as is determined by or pursuant to the regulations.

(2) For the purposes of subsection (1), federal laws shall be applied:

(a) as if the places referred to in that subsection formed part of the territory of Canada;

(b) notwithstanding that by their terms their application is limited to Canada; and

(c) in a manner that is consistent with the rights and freedoms of other States under international law and, in particular, with the rights and freedoms of other States in relation to navigation and overflight.

Application of provincial law

21. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply to the same extent as federal laws apply pursuant to section 20 in any area of the sea:

(a) that forms part of the exclusive economic zone of Canada or is above the continental shelf of Canada;

(b) that is not within any province; and

(c) that is prescribed by the regulations.

(2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that:

(a) imposes a tax or royalty; or

(b) relates to mineral or other non-living natural resources.

(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.

(4) Any sum due under a law of a province that applies in an area of the sea under this section belongs to Her Majesty in right of the province.

(5) For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the living or non-living resources of that area, or as limiting the application of any federal laws.

Court jurisdiction

22. (1) Subject to subsection (4) and to any regulations made pursuant to paragraph 26(1)(h), a court that would have jurisdiction in respect of any matter had the matter arisen in a province has jurisdiction in respect of any such matter involving a federal law that applies pursuant to this Act to the extent that the matter arises in whole or in part in any area of the sea that is not within any province and:

(a) that area of the sea is nearer to the coast of that province than to the coast of any other province; or

(b) that province is prescribed by the regulations.

(2) Subject to any regulations made pursuant to paragraph 26(1)(h), a court that would have jurisdiction in respect of any matter had the matter arisen in a province has jurisdiction in respect of any such matter involving a law of the province that applies pursuant to this Act to the extent that the matter arises in whole or in part in any area of the sea to which the law of the province applies pursuant to this Act.

(3) A court referred to in subsection (1) or (2) may make any order or exercise any power it considers necessary in respect of any matter referred to in that subsection.

(4) The jurisdiction and powers of courts with respect to offences under any federal law are determined pursuant to sections 477.3, 481.1 and 481.2 of the *Criminal Code*.

(5) Nothing in this section limits the jurisdiction that a court may exercise apart from this Act.

(6) In this section, "court" includes a judge of a court and a justice of the peace.

Miscellaneous provisions

23. (1) In any legal or other proceedings, a certificate issued by or under the authority of the Minister of Foreign Affairs containing a statement that any geographic location specified in the certificate was, at any time material to the proceedings,

(a) in the internal waters of Canada,

(b) in the territorial sea of Canada,

(c) in the contiguous zone of Canada,

(d) in the exclusive economic zone of Canada, or

(e) in or above the continental shelf of Canada

is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

(2) In any legal or other proceedings, a certificate issued by or under the authority of the Minister containing a statement that any geographic location specified in the certificate was, at any time material to the proceedings, within an area of the sea in which a law of the province named in the certificate applies under section 9 or 21 is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

(3) A certificate referred to in subsection (1) or (2) is admissible in evidence in proceedings referred to in that subsection, but its production cannot be compelled.

Saving

24. Nothing in this Part limits the operation that any Act, rule of law or instrument has apart from this Part.

Regulations

25. The Governor in Council may, on the recommendation of the Minister of Foreign Affairs, make regulations:
- (a) prescribing geographical coordinates of points from which:
 - (i) baselines may be determined under subsection 5(2) as straight lines interpreted as geodesics,
 - (ii) in respect of a portion of the territorial sea of Canada prescribed in the regulations, an outer limit line may be determined, where, in the opinion of the Governor in Council, a portion of the territorial sea of Canada determined in accordance with paragraph 4(a) would conflict with the territorial sea of another State or other area of the sea in which another State has sovereign rights or would be unreasonably close to the coast of another State,
 - (iii) in respect of a portion of the exclusive economic zone of Canada or the continental shelf of Canada prescribed in the regulations, an outer limit line may be determined, where, in the opinion of the Governor in Council, a portion of the exclusive economic zone of Canada or the continental shelf of Canada determined in accordance with paragraph 13(1)(a) or 17((1)(a) or (b) would conflict with the territorial sea of another State or other area of the sea in which another State has sovereign rights or would be unreasonably close to the coast of another State or is otherwise inappropriate, and
 - (iv) the outer limit of the exclusive economic zone of Canada or the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined, and
 - (b) prescribing areas of the sea adjacent to the coast of Canada as fishing zones of Canada.

Recommendation - Minister of Justice

26. (1) The Governor in Council may, on the recommendation of the Minister of Justice, make regulations:
- (a) prescribing a work or a class of works for the purpose of the definition "marine installation or structure" in section 2;
 - (b) making any law of a province applicable in respect of any part of the area of the sea in which laws of the province apply under section 9 or 21, even though the law, by its own terms, is applicable only in respect of a particular area within the province;
 - (c) restricting the application of subsection 9(1) or 21(1) to such laws of a province as are specified in the regulations;
 - (d) making subsection 9(1) or 21(1) applicable on the terms and conditions, if any, specified in the regulations, in respect of any laws of a province that impose a tax or royalty or relate to mineral or other non-living natural resources;
 - (e) excluding any law of a province from the application of subsection 9(1) or 21(1);
 - (f) determining or prescribing the method of determining the safety zone referred to in paragraph 20(1)(c);
 - (g) prescribing an area of the sea and a province for the purposes of subsection 9(1), 21(1) or 22(1);
 - (h) restricting the application of subsection 22(1), (2) or (3) to courts of a district or territorial division of a province;
 - (i) prescribing, in respect of any area of the sea and for the purpose of subsection 22(1), the manner of determining the province that has the coast nearest to that area;
 - (j) excluding any federal laws or laws of a province or any of their provisions from the application of subsection 20(1) or 21(1), as the case may be, in respect of any area in or above the continental shelf of Canada or in respect of any specified activity in any such area; and
 - (k) making federal laws or laws of a province or any of their provisions applicable, in such circumstances as are specified in the regulations,

(i) in the exclusive economic zone of Canada or a portion of that zone,
(ii) in or above the continental shelf of Canada or a portion of that shelf, or
(iii) in any area beyond the continental shelf of Canada, where that application is made pursuant to an international agreement or arrangement entered into by Canada.

(2) A regulation made pursuant to subsection (1) in relation to a law of a province may be restricted to a specific area or place or to a specific provision of the law.

(3) For the purposes of paragraph (1)(j) and (k), federal laws and the laws of a province shall be applied:

(a) as if the places referred to in any regulations made pursuant to either of those paragraphs formed part of the territory of Canada;

(b) notwithstanding that by their terms their application is limited to Canada or a province; and

(c) in a manner that is consistent with the rights and freedoms of other States under international law and, in particular, with the rights and freedoms of other States in relation to navigation and overflight.

Publication of proposed regulations

27. (1) A copy of each regulation that the Governor in Council proposes to make pursuant to paragraph 25(b) or section 26 shall be published in the *Canada Gazette* at least 60 days before its proposed effective date, and a reasonable opportunity shall be given to interested persons and provinces to make representations with respect to the proposed regulation.

(2) No proposed regulation that has been published pursuant to this section need again be published under this section whether or not it has been altered.

PART II

OCEANS MANAGEMENT STRATEGY

Part does not apply to inland waters

28. For greater certainty, this Part does not apply in respect of rivers and lakes.

Development and implementation of strategy

29. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems in waters that form part of Canada or in which Canada has sovereign rights under international law.

Principles of strategy

30. The national strategy will be based on the principles of:

(a) sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs;

(b) the integrated management of activities in estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law; and

(c) the precautionary approach, that is, erring on the side of caution.

Integrated management plans

31. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with

provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of plans for the integrated management of all activities or measures in or affecting estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law.

Implementation of integrated management plans

32. For the purposes of the implementation of integrated management plans, the Minister:
- (a) shall develop and implement policies and programmes with respect to matters as assigned by law to the Minister;
 - (b) shall coordinate with other ministers, boards and agencies of the Government of Canada the implementation of policies and programmes of the Government with respect to all activities or measures in or affecting coastal waters and marine waters;
 - (c) may, on his or her own or jointly with another person or body or with another minister, board or agency of the Government of Canada, and taking into consideration the views of other ministers, boards and agencies of the Government of Canada, provincial and territorial governments and affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements,
 - (i) establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies, and
 - (ii) recognize established advisory or management bodies; and
 - (d) may, in consultation with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, establish marine environmental quality guidelines, objectives and criteria respecting estuaries, coastal waters and marine waters.

Cooperation and agreements

33. (1) In exercising the powers and performing the duties and functions assigned to the Minister by this Act, the Minister:
- (a) shall cooperate with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements;
 - (b) may enter into agreements with any person or body or with another minister, board or agency of the Government of Canada;
 - (c) shall gather, compile, analyse, coordinate and disseminate information;
 - (d) may make grants and contributions on terms and conditions approved by the Treasury Board; and
 - (e) may make recoverable expenditures on behalf of and at the request of any other minister, board or agency of the Government of Canada or of a province or any person or body.
- (2) In exercising the powers and performing the duties and functions mentioned in this Part, the Minister may consult with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements.

Logistics support, etc.

34. The Minister may coordinate logistics support and provide related assistance for the purposes of advancing scientific knowledge of estuarine, coastal and marine ecosystems.

Marine protected areas

35. (1) A marine protected area is an area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada and has been designated under this section for special protection for one or more of the following reasons:
- (a) the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
 - (b) the conservation and protection of endangered or threatened marine species, and their habitats;
 - (c) the conservation and protection of unique habitats;
 - (d) the conservation and protection of marine areas of high biodiversity or biological productivity; and
 - (e) the conservation and protection of any other marine resource or habitat as is necessary to fulfil the mandate of the Minister.
- (2) For the purposes of integrated management plans referred to in sections 31 and 32, the Minister will lead and coordinate the development and implementation of a national system of marine protected areas on behalf of the Government of Canada.
- (3) The Governor in Council, on the recommendation of the Minister, may make regulations:
- (a) designating marine protected areas; and
 - (b) prescribing measures that may include but not be limited to:
 - (i) the zoning of marine protected areas,
 - (ii) the prohibition of classes of activities within marine protected areas, and
 - (iii) any other matter consistent with the purpose of the designation.

Interim marine protected areas in emergency situations

36. (1) The Governor in Council, on the recommendation of the Minister, may make orders exercising any power under section 35 on an emergency basis, where the Minister is of the opinion that a marine resource or habitat is or is likely to be at risk to the extent that such orders are not inconsistent with a land claims agreement that has been given effect and has been ratified or approved by an Act of Parliament.
- (2) An order made under this section is exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act*.
- (3) An order made under this section that is not repealed ceases to have effect 90 days after it is made.

Offence and punishment

37. Every person who contravenes a regulation made under paragraph 35(3)(b) or an order made under subsection 36(1) in the exercise of a power under that paragraph:
- (a) is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$100,000; or
 - (b) is guilty of an indictable offence and liable to a fine not exceeding \$500,000.

Contravention of unpublished order

38. No person may be convicted of an offence consisting of a contravention of an order made under subsection 36(1) in the exercise of a power under paragraph 35(3)(b) that, at the time of the alleged contravention, had not been published in the *Canada Gazette* in both official languages unless it is proved that reasonable steps had been taken before that time to bring the purport of the order to the attention of those persons likely to be affected by it.

Enforcement officers

39. (1) The Minister may designate any person or class of persons to act as enforcement officers for the purposes of this Act and the regulations.
- (2) The Minister may not designate any person or class of persons employed by the government of a province unless that government agrees.
- (3) Every enforcement officer must be provided with a certificate of designation as an enforcement officer in a form approved by the Minister and, on entering any place under this Act, the officer shall, if so requested, show the certificate to the occupant or person in charge of the place.
- (4) For the purposes of this Act and the regulations, enforcement officers have all the powers of a peace officer, but the Minister may specify limits on those powers when designating any person or class of persons.
- (5) For the purpose of investigations and other law enforcement activities under this Act, the Minister may, on any terms and conditions the Minister considers necessary, exempt enforcement officers who are carrying out duties or functions under this Act, and persons acting under their direction and control, from the application of any provision of this Act or the regulations.
- (6) When an enforcement officer is carrying out duties or functions under this Act or the regulations, no person shall:
- (a) knowingly make any false or misleading statement either orally or in writing to the enforcement officer; or
 - (b) otherwise wilfully obstruct the enforcement officer.

Inspections

- 39.1 (1) For the purpose of ensuring compliance with this Act and the regulations, an enforcement officer may, subject to subsection (3), at any reasonable time enter and inspect any place in which the enforcement officer believes, on reasonable grounds, there is anything to which this Act or the regulations apply or any document relating to the administration of this Act or the regulations, and the enforcement officer may:
- (a) open or cause to be opened any container that the enforcement officer believes, on reasonable grounds, contains any such thing or document;
 - (b) inspect the thing and take samples free of charge;
 - (c) require any person to produce the document for inspection or copying, in whole or in part;
- and
- (d) seize anything by means of or in relation to which the enforcement officer believes, on reasonable grounds, this Act or the regulations have been contravened or that the enforcement officer believes, on reasonable grounds, will provide evidence of a contravention.
- (2) For the purposes of carrying out the inspection, the enforcement officer may stop a conveyance or direct that it be moved to a place where the inspection can be carried out.
- (3) The enforcement officer may not enter a dwelling-place except with the consent of the occupant or person in charge of the dwelling-place or under the authority of a warrant.
- (4) Where on *ex parte* application a justice, as defined in section 2 of the *Criminal Code*, is satisfied by information on oath that:
- (a) the conditions for entry described in subsection (1) exist in relation to a dwelling-place,
 - (b) entry to the dwelling-place is necessary in relation to the administration of this Act or the regulations, and
 - (c) entry to the dwelling-place has been refused or there are reasonable grounds for believing that entry will be refused,
- the justice may issue a warrant authorizing the enforcement officer to enter the dwelling-place subject to any conditions that may be specified in the warrant.

Search and seizure without warrant

39.2 (1) For the purpose of ensuring compliance with this Act and the regulations, an enforcement officer may exercise the powers of search and seizure provided in section 487 of the *Criminal Code* without a warrant, if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would not be feasible to obtain the warrant.

Custody of the thing seized

- 39.3 (1) Subject to subsections (2) and (3), where an enforcement officer seizes a thing under this Act or under a warrant issued under the *Criminal Code*,
- (a) sections 489.1 and 490 of the *Criminal Code* apply; and
 - (b) the enforcement officer, or any person that the officer may designate, shall retain custody of the thing, subject to any order made under section 490 of the *Criminal Code*.
- (2) Where the lawful ownership of or entitlement to the seized thing cannot be ascertained within thirty days after its seizure, the thing or any proceeds of its disposition are forfeited to:
- (a) Her Majesty in right of Canada, if the thing was seized by an enforcement officer employed in the public service of Canada; or
 - (b) Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by the government of that province.
- (3) Where the seized thing is perishable, the enforcement officer may dispose of it or destroy it, and any proceeds of its disposition must be:
- (a) paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within ninety days after its seizure; or
 - (b) retained by the enforcement officer pending the outcome of the proceedings.
- (4) The owner of the seized thing may abandon it to Her Majesty in right of Canada or a province.

Disposition by Minister

39.4 Anything that has been forfeited or abandoned under this Act must be dealt with and disposed of as the Minister may direct.

Liability for costs

39.5 The lawful owner and any person lawfully entitled to possession of anything seized, abandoned or forfeited under this Act are jointly and severally liable for all the costs of inspection, seizure, abandonment, forfeiture or disposition incurred by Her Majesty in right of Canada in excess of any proceeds of disposition of the thing that have been forfeited to Her Majesty under this Act.

Contravention of Act or regulations

- 39.6 (1) Every person who contravenes subsection 39(6) or any regulation made under section 52.1:
- (a) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$100,000; or
 - (b) is guilty of an indictable offence and is liable to a fine not exceeding \$500,000.
- (2) Where a person is convicted of an offence under this Act a second or subsequent time, the amount of the fine for the subsequent offence may, notwithstanding subsection (1), be double the amount set out in that subsection.
- (3) A person who commits or continues an offence on more than one day is liable to be convicted for a separate offence for each day on which the offence is committed or continued.
- (4) A fine imposed for an offence involving more than one animal, plant or other organism may be calculated in respect of each one as though it had been the subject of a separate information and the fine then imposed is the total of that calculation.

(5) Where a person has been convicted of an offence and the court is satisfied that monetary benefits accrued to the person as a result of the commission of the offence,

(a) the court may order the person to pay an additional fine in an amount equal to the court's estimation of the amount of the monetary benefits; and

(b) the additional fine may exceed the maximum amount of any fine that may otherwise be imposed under this Act.

Forfeiture

39.7 (1) Where a person is convicted of an offence, the convicting court may, in addition to any punishment imposed, order that any seized thing by means of or in relation to which the offence was committed, or any proceeds of its disposition, be forfeited to Her Majesty in right of Canada.

(2) Where the convicting court does not order the forfeiture, the seized thing, or the proceeds of its disposition, must be returned to its lawful owner or the person lawfully entitled to it.

Retention or sale

39.8 Where a fine is imposed on a person convicted of an offence, any seized thing, or any proceeds of its disposition, may be retained until the fine is paid, or the thing may be sold in satisfaction for the fine and the proceeds applied, in whole or in part, in payment of the fine.

Orders of court

39.9 Where a person is convicted of an offence, the court may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order containing one or more of the following prohibitions, directions or requirements:

(a) prohibiting the person from doing any act or engaging in any activity that could, in the opinion of the court, result in the continuation or repetition of the offence;

(b) directing the person to take any action that the court considers appropriate to remedy or avoid any harm to estuarine, coastal or ocean waters, or their resources that resulted or may result from the commission of the offence;

(c) directing the person to publish, in any manner that the court considers appropriate, the facts relating to the commission of the offence;

(d) directing the person to pay the Minister or the government of a province compensation, in whole or in part, for the cost of any remedial or preventive action taken by or on behalf of the Minister or that government as a result of the commission of the offence;

(e) directing the person to perform community service in accordance with any reasonable conditions that may be specified in the order;

(f) directing the person to submit to the Minister, on application to the court by the Minister within three years after the conviction, any information respecting the activities of the person that the court considers appropriate in the circumstances;

(g) requiring the person to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences; and

(h) directing the person to post a bond or pay into court an amount of money that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement under this section.

Suspended sentence

39.10 (1) Where a person is convicted of an offence and the court suspends the passing of sentence pursuant to the *Criminal Code*, the court may, in addition to any probation order made on suspending the passing of that sentence, make an order containing one or more of the prohibitions, directions or requirements mentioned in section

39.9.

(2) Where the person does not comply with the order or is convicted of another offence, within three years after the order was made, the court may, on the application of the prosecution, impose any sentence that could have been imposed if the passing of sentence had not been suspended.

Limitation period

39.11 (1) Proceedings by way of summary conviction in respect of an offence may be commenced at any time within, but not later than, two years after the day on which the subject matter of the proceedings became known to the Minister.

(2) A document appearing to have been issued by the Minister, certifying the day on which the subject matter of any proceedings became known to the Minister, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is proof of the matter asserted in it.

Procedure

39.12 (1) In addition to the procedures set out in the *Criminal Code* for commencing a proceeding, proceedings in respect of any offence prescribed by the regulations may be commenced by an enforcement officer:

- (a) completing a ticket that consists of a summons portion and an information portion;
- (b) delivering the summons portion to the accused or mailing it to the accused at the accused's latest known address; and
- (c) filing the information portion with a court of competent jurisdiction before the summons portion has been delivered or mailed or as soon as is practicable afterward.

(2) The summons and information portions of the ticket must:

- (a) set out a description of the offence and the time and place of its alleged commission;
- (b) include a statement, signed by the enforcement officer who completes the ticket, that the officer has reasonable grounds to believe that the accused committed the offence;
- (c) set out the amount of the fine prescribed by the regulations for the offence and the manner in which and the period within which it may be paid;
- (d) include a statement that if the accused pays the fine within the period set out in the ticket, a conviction will be entered and recorded against the accused; and
- (e) include a statement that if the accused wishes to plead not guilty or for any other reason fails to pay the fine within the period set out in the ticket, the accused must appear in the court on the day and at the time set out in the ticket.

(3) Where a thing is seized under this Act and proceedings relating to it are commenced by way of the ticketing procedure, the enforcement officer who completes the ticket shall give written notice to the accused that, if the accused pays the fine prescribed by the regulations within the period set out in the ticket, the thing, or any proceeds of its disposition, will be immediately forfeited to Her Majesty.

(4) Where an accused to whom the summons portion of a ticket is delivered or mailed pays the prescribed fine within the period set out in the ticket,

- (a) the payment constitutes plea of guilty to the offence and a conviction must be entered against the accused and no further action may be taken against the accused in respect of that offence; and
- (b) notwithstanding section 39.3 anything seized from the accused under this Act that relates to the offence, or any proceeds of its disposition, are forfeited to:
 - (i) Her Majesty in right of Canada, if the thing was seized by an enforcement officer employed in the public service of Canada, or
 - (ii) Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by the government of that province.

(5) The Governor in Council may make regulations prescribing:

- (a) offences in respect of which this section applies and the manner in which the offences are

to be described in tickets; and

- (b) the amount of the fine for a prescribed offence, but the amount may not exceed \$2,000.

PART III

POWERS, DUTIES AND FUNCTIONS OF THE MINISTER

General

40. (1) As the Minister responsible for oceans, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to the policies and programmes of the Government of Canada respecting oceans.

(2) For the purpose of subsection (1), the Minister shall encourage activities necessary to foster understanding, management and sustainable development of oceans and marine resources and the provision of coast guard and hydrographic services to ensure the facilitation of marine trade, commerce and safety in collaboration with other ministers of the Government of Canada.

Coast guard services

41. (1) As the Minister responsible for coast guard services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to:

(a) services for the safe, economical and efficient movement of ships in Canadian waters through the provision of:

- (i) aids to navigation systems and services,
- (ii) marine communications and traffic management services,
- (iii) ice-breaking and ice-management services, and
- (iv) channel maintenance;

(b) the marine component of the federal search and rescue programme;

(c) pleasure craft safety, including the regulation of the construction, inspection, equipment and operation of pleasure craft;

(d) marine pollution prevention and response; and

(e) the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.

(2) The Minister shall ensure that the services referred to in subparagraphs (1)(a)(i) to (iv) are provided in a cost-effective manner.

Marine sciences

42. In exercising the powers and performing the duties and functions assigned by paragraph 4(1)(c) of the *Department of Fisheries and Oceans Act*, the Minister may:

(a) collect data for the purpose of understanding oceans and their living resources and ecosystems;

(b) conduct hydrographic and oceanographic surveys of Canadian and other waters;

(c) conduct marine scientific surveys relating to fisheries resources and their supporting habitat and ecosystems;

(d) conduct basic and applied research related to hydrography, oceanography and other marine sciences, including the study of fish and their supporting habitat and ecosystems;

(e) carry out investigations for the purpose of understanding oceans and their living

resources and ecosystems;

(f) prepare and publish data, reports, statistics, charts, maps, plans, sections and other documents;

(g) authorize the distribution or sale of data, reports, statistics, charts, maps, plans, sections and other documents;

(h) prepare in collaboration with the Minister of Foreign Affairs, publish and authorize the distribution or sale of charts delineating, consistently with the nature and scale of the charts, all or part of the territorial sea of Canada, the contiguous zone of Canada, the exclusive economic zone of Canada and the fishing zones of Canada and adjacent waters;

(i) participate in ocean technology development; and

(j) conduct studies to obtain traditional ecological knowledge for the purpose of understanding oceans and their living resources and ecosystems.

Powers

43. Subject to section 4 of the *Department of Fisheries and Oceans Act* respecting the powers, duties and functions of the Minister in relation to matters mentioned in that section over which Parliament has jurisdiction, the Minister:

(a) is responsible for coordinating, promoting and recommending national policies and programmes with respect to fisheries science, hydrography, oceanography and other marine sciences;

(b) in carrying out his or her responsibilities under this section, may:

(i) conduct or cooperate with persons conducting applied and basic research programmes and investigations and economic studies for the purpose of understanding oceans and their living resources and ecosystems, and

(ii) for that purpose maintain and operate ships, research institutes, laboratories and other facilities for research, surveying and monitoring for the purpose of understanding oceans and their living resources and ecosystems; and

(c) may provide marine scientific advice, services and support to the Government of Canada and, on behalf of the Government of Canada and, on behalf of the Government, to the governments of the provinces, to other States, to international organizations and to other persons.

Marine scientific research by foreign ships

44. The Minister may:

(a) request the Minister of Foreign Affairs to attach to a consent of the Minister of Foreign Affairs under paragraph 3(2)(c) of the *Coasting Trade Act* a condition that the foreign ship or non-duty paid ship supply the Minister with the results of the marine scientific research conducted by that ship in waters that form part of Canada or in which Canada has sovereign rights under international law; and

(b) establish guidelines, not inconsistent with Canada's international obligations, for use by foreign ships and non-duty paid ships in conducting marine scientific research in waters that form part of Canada or in which Canada has sovereign rights under international law.

Minister's powers

45. As the Minister responsible for hydrographic services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to:

(a) setting standards and establishing guidelines for use by hydrographers and others in collecting data and preparing charts on behalf of the Minister; and

(b) providing hydrographic advice, services and support to the Government of Canada and, on behalf of the Government, to the governments of the provinces, to other States, to

international organizations and to other persons.

Entry on lands

46. A hydrographer may, for the purpose of conducting a hydrographic survey on behalf of the Minister, enter on or pass over the lands of any person, but shall take all reasonable precautions to avoid causing any damage in doing so.

Fees for services or use of facilities

47. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees to be paid for a service or the use of a facility provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

(2) Fees for a service or the use of a facility that are fixed under subsection (1) may not exceed the cost to Her Majesty in right of Canada of providing the service or the use of the facility.

Fees for products, rights and privileges

48. The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of products, rights and privileges provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

Fees in respect of regulatory processes, etc.

49. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of regulatory processes or approvals provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

(2) Fees that are fixed under subsection (1) shall in the aggregate not exceed an amount sufficient to compensate Her Majesty in right of Canada for any reasonable outlays incurred by Her Majesty for the purpose of providing the regulatory processes or approvals.

Consultation

50. (1) Before fixing a fee under this Act, the Minister shall consult with such persons or bodies as the Minister considers to be interested in the matter.

(2) The Minister shall, within 30 days after fixing a fee under this Act, publish the fee in the *Canada Gazette* and by such appropriate electronic or other means that the Treasury Board may authorize by regulation.

(3) Any fee fixed under this Act shall stand referred to the Committee referred to in section 19 of the *Statutory Instruments Act* to be reviewed and scrutinized as if it were a statutory instrument.

Power to make regulations

51. The Treasury Board may make regulations for the purposes of section 47, 48, 49 or 50.

Review

52. (1) The administration of this Act shall, within three years after the coming into force of this section, be reviewed by the Standing Committee on Fisheries and Oceans.

(2) The Committee shall undertake a comprehensive review of the provisions and operation of this Act, including the consequences of its implementation, and shall, within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including a statement of any changes to this Act or its administration that the Committee would recommend.

Regulations

52.1 The Governor in Council may, on the recommendation of the Minister, make regulations for carrying out the purposes and provisions of this Act and, in particular, but without restricting the generality of the foregoing, may make regulations:

- (a) prescribing marine environmental quality requirements and standards;
- (b) respecting the powers and duties of persons designated by the Minister as enforcement officers; and
- (c) respecting the implementation of provisions of agreements made under this Act.

Conditional amendments

53. If Bill C-25, introduced during the second session of the thirty-fifth Parliament and entitled An Act respecting regulations and other documents, including the review, registration, publication and parliamentary scrutiny of regulations and other documents and to make consequential and related amendments to other Acts, is assented to, then, on the later of the day on which section 27 of that Act comes into force and the day on which this Act is assented to,

- (a) subsection 36(2) of this Act is replaced by the following:
 - (2) An order made under this section is exempt from the regulatory process under the Regulations Act.
- (b) subsection 50(3) of this Act is replaced by the following:
- (3) Any fee fixed under this Act shall stand permanently referred to a committee described in section 25 of the Regulations Act to be scrutinized as if it were a regulation.

Repeals

- 54. The Canadian Laws Offshore Application Act, chapter 44 of the Statutes of Canada 1990, is repealed.
- 55. The Territorial Sea and Fishing Zones Act is repealed.

RELATED AMENDMENTS

Aeronautics Act

- 56. The definition "Canada" in subsection 3(1) of the Aeronautics Act is repealed.

Broadcasting Act

- 57. Paragraph 4(2)(c) of the Broadcasting Act is replaced by the following:
 - (c) any platform, rig, structure or formation that is affixed or attached to land situated in the continental shelf of Canada.

Canada Petroleum Resources Act

- 58. Paragraph (b) of the definition "frontier lands" in section 2 of the Canada Petroleum Resources Act is replaced by the following:
 - (b) submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

Canada Ports Corporation Act

- 59. The portion of subsection 43(1) of the Canada Ports Corporation Act before paragraph (a) is replaced by the following:
 - 43. (1) The Corporation may, as provided in section 46, seize any vessel in Canadian waters in any case
- 60. The portion of subsection 17(1) of Schedule I to the Act before paragraph (a) is replaced by the following:
 - 17. (1) A local port corporation may, as provided in section 20 of this Schedule, seize any vessel in Canadian waters in any case

Canadian Environmental Assessment Act

61. Paragraph (b) of the definition "federal lands" in subsection 2(1) of the Canadian Environmental Assessment Act is replaced by the following:

- (b) the following lands and areas, namely,
 - (i) the internal waters of Canada,
 - (ii) the territorial sea of Canada,
 - (iii) the exclusive economic zone of Canada, and
 - (iv) the continental shelf of Canada, and

Canadian Environmental Protection Act

62. Paragraph (b) of the definition "federal lands" in section 52 of the Canadian Environmental Protection Act is replaced by the following:

- (b) the following lands and areas, namely,
 - (i) the internal waters of Canada,
 - (ii) the territorial sea of Canada,
 - (iii) the exclusive economic zone of Canada, and
 - (iv) the continental shelf of Canada, and

63. Paragraphs 66(2)(c) and (d) of the Act are replaced by the following:

- (d) the exclusive economic zone of Canada;

Canadian Transportation Accident Investigation and Safety Board Act

64. (1) Paragraph 3(1)(a) of the Canadian Transportation Accident Investigation and Safety Board Act is replaced by the following:

- (a) in or over Canada;
- (2) Paragraph 3(2)(a) of the Act is replaced by the following:
 - (a) in Canada; and
- (3) Subsection 3(3) of the Act is replaced by the following:

(3) This Act also applies in respect of marine occurrences related to an activity concerning the exploration or exploitation of the continental shelf of Canada, where the marine occurrence takes place in waters above the continental shelf of Canada.

- (4) Paragraph 3(4)(a) of the Act is replaced by the following:
 - (a) in Canada, if the railway or commodity pipeline is within the legislative authority of

Parliament; and

- (5) Subsection 3(5) of the Act is repealed.

Coastal Fisheries Protection Act

65. Subsections 4(2) and (3) of the Coastal Fisheries Protection Act are replaced by the following:

- (2) No person, being aboard a foreign fishing vessel or being a member of the crew of or attached to or employed on a foreign fishing vessel, shall fish or prepare to fish for a sedentary species of fish in any portion of the continental shelf of Canada that is beyond the limits of Canadian fisheries waters, unless authorized by this Act or the regulations or any other law of Canada.

- (3) For the purposes of subsection (2) "sedentary species" means any living organism that, at the harvestable stage, either is immobile on or under the seabed or is unable to move except in constant physical contact with the seabed or subsoil.

Coasting Trade Act

66. (1) The definition "continental shelf" in subsection 2(1) of the Coasting Trade Act is repealed.

- (2) The definition "Canadian waters" in subsection 2(1) of the Act is replaced by the

following:

"Canadian waters" means the inland waters within the meaning of section 2 of the Customs Act, the internal waters of Canada and the territorial sea of Canada;

Criminal Code

67. Subsection 477(1) of the Criminal Code is replaced by the following:

477. (1) In sections 477.1 to 477.4, "ship" includes any description of vessel, boat or craft designed, used or capable of being used solely or partly for maritime navigation, without regard to method or lack of propulsion.

68. Section 477.1 of the Act is replaced by the following:

477.1 Every person who commits an act or omission that, if it occurred in Canada, would be an offence under a federal law, within the meaning of section 2 of the Oceans Act, is deemed to have committed that act or omission in Canada if it is an act or omission

(a) in the exclusive economic zone of Canada that:

(i) is committed by a person who is in the exclusive economic zone of Canada in connection with exploring or exploiting, conserving or managing the natural resources, whether living or non-living, of the exclusive economic zone of Canada, and

(ii) is committed by or in relation to a person who is a Canadian citizen or a permanent resident within the meaning of the Immigration Act;

(b) that is committed in a place in or above the continental shelf of Canada and that is an offence in that place by virtue of section 20 of the Oceans Act;

(c) that is committed outside Canada on board or by means of a ship registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament;

(d) that is committed outside Canada in the course of hot pursuit; or

(e) that is committed outside the territory of any State by a Canadian citizen.

69. (1) Subsection 477.2(1) of the Act is replaced by the following:

477.2 (1) No proceedings in respect of an offence committed in or on the territorial sea of Canada shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(2) Subsection 477.2 (2) and (3) of the Act are replaced by the following:

(2) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1 (a) or (b) shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(3) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1(d) or (e) shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced.

70. (1) The portion of subsection 477.3 (1) of the Act before paragraph (b) is replaced by the following:

477.3 (1) Every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of an act or omission referred to in section 477.1 may be exercised, in the circumstances referred to in that section,

(a) at the place or on board the ship or marine installation or structure, within the meaning of section 2 of the Oceans Act, where the act or omission occurred; or

(2) Subsections 477.3 (2) and (3) of the Act are replaced by the following:

(2) A justice or judge in any territorial division in Canada has jurisdiction to authorize an arrest, entry, search or seizure or an investigation or other ancillary matter related to an

offence

(a) committed in or on the territorial sea of Canada or any area of the sea that forms part of the internal waters of Canada, or

(b) referred to in section 477.1

in the same manner as if the offence had been committed in that territorial

division.

(3) Where an act or omission that is an offence by virtue only of section 477.1 is alleged to have been committed on board any ship registered outside Canada, the powers referred to in subsection (1) shall not be exercised outside Canada with respect to that act or omission without the consent of the Attorney General of Canada.

71. (1) Subsections 477.4 (1) and (2) of the Act are repealed.

(2) Paragraphs 477.4 (3) (a) and (b) of the Act are replaced by the following:

(a) a certificate referred to in subsection 23(1) of the Oceans Act, or

(b) a certificate issued by or under the authority of the Minister of Foreign Affairs

containing a statement that any geographical location specified in the certificate was at any time material to the proceedings, in an area of a fishing zone of Canada that is not within the internal waters of Canada or the territorial sea of Canada or outside the territory of any state,

72. The Act is amended by adding the following after section 481:

481.1 Where an offence is committed in or on the territorial sea of Canada or any area of the sea that forms part of the internal waters of Canada, proceedings in respect thereof may, whether or not the accused is in Canada, be commenced and an accused may be charged, tried and punished within any territorial division in Canada in the same manner as if the offence had been committed in that territorial division.

481.2 Subject to this or any other Act of Parliament, where an act or omission is committed outside Canada and the act or omission, when committed in those circumstances, is an offence under this or any other Act of Parliament, proceedings in respect thereof may, whether or not the accused is in Canada, be commenced, and an accused may be charged, tried and punished within any territorial division in Canada in the same manner as if the offence had been committed in that territorial division.

481.3 For greater certainty, the provisions of this Act relating to:

(a) the requirement of the appearance of an accused at proceedings, and

(b) the exceptions to that requirement

apply to proceedings commenced in any territorial division pursuant to section 481, 481.1 or 481.2.

Customs Act

73. (1) The definitions "Canada", "internal waters" and "territorial sea" in subsection 2(1) of the Customs Act are repealed.

(2) Subsection 2(2) of the Act is replaced by the following:

(2) The Governor in Council may from time to time by regulation temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland waters, but no such regulation shall be construed as foregoing any Canadian rights in respect of waters so restricted.

74. Subsection 11(5) of the Act is replaced by the following:

(5) Subsections (1) and (3) do not apply to any person who enters Canadian waters, including the inland waters, or the airspace over Canada while proceeding directly from one place outside Canada to another place outside Canada unless an officer requires that person to comply with those subsections.

75. Subsection 12(5) of the Act is replaced by the following:

(5) This section does not apply in respect of goods on board a conveyance that

enters Canadian waters, including the inland waters, or the airspace over Canada while proceeding directly from one place outside Canada to another place outside Canada unless an officer otherwise requires.

Customs and Excise Offshore Application Act

76. (1) The definitions "continental shelf", "internal waters" and "territorial sea" in subsection 2(1) of the Customs and Excise Offshore Application Act are repealed.

(2) Subsection 2(3) of the Act is repealed.

77. Paragraphs 7(a) to (c) of the Act are replaced by the following:

(a) within the limits of the continental shelf of Canada, or

(b) in Canadian waters, including the inland waters within the meaning of section 2 of the Customs Act,

Customs Tariff

78. Section 9 of the Customs Tariff is replaced by the following:

9. For greater certainty, any regulation made pursuant to subsection 2(2) of the Customs Act applies so as to temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland waters.

Energy Administration Act

79. The definition "offshore area" in section 20 of the Energy Administration Act is replaced by the following:

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada;

Energy Monitoring Act

80. The definition "Canada" in subsection 2(1) of the Energy Monitoring Act is replaced by the following: "Canada" includes the continental shelf of Canada;

Excise Tax Act

81. Paragraph 70(1)(d) of the Excise Tax Act is replaced by the following:

(d) goods delivered to telegraph cable ships proceeding on an ocean voyage for use in laying or repairing oceanic telegraph cables outside Canadian waters.

Federal Court Act

82. Paragraph 22(3) (c) of the Federal Court Act is replaced by the following:

(c) in relation to all claims, whether arising on the high seas, in Canadian waters or elsewhere and whether those waters are naturally navigable or artificially made so, including, without restricting the generality of the foregoing, in the case of salvage, claims in respect of cargo or wreck found on the shores of those waters; and

83. Paragraph 43(4) (b) of the Act is replaced by the following:

(b) the cause of action arose in Canadian waters; or

84. Subsection 55(1) of the Act is replaced by the following:

55. (1) The process of the Court runs throughout Canada and any other place to which legislation enacted by Parliament has been made applicable.

Foreign Enlistment Act

85. The definition "within Canada" in section 2 of the Foreign Enlistment Act is repealed.

Interpretation Act

86. Section 8 of the Interpretation Act is amended by adding the following after subsection (2):

(2.1) Every enactment that applies in respect of exploring or exploiting, conserving or managing natural resources, whether living or non-living, applies, in addition to its application to Canada, to the exclusive economic zone of Canada, unless a contrary intention is expressed in the enactment.

(2.2) Every enactment that applies in respect of exploring or exploiting natural resources that are:

(a) mineral or other non-living resources of the seabed or subsoil, or

(b) living organisms belonging to sedentary species, that is to say, organisms that, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil

applies, in addition to its application to Canada, to the continental shelf of Canada, unless a contrary intention is expressed in the enactment,

87. Subsection 35(1) of the Act is amended by adding the following in alphabetical order:

"Canada", for greater certainty, includes the internal waters of Canada and the territorial sea of Canada;

"Canadian waters" includes the territorial sea of Canada and the internal waters of Canada;

"contiguous zone",

(a) in relation to Canada means the contiguous zone of Canada as determined under the Oceans Act, and

(b) in relation to any other State, means the contiguous zone of the other State as determined in accordance with international law and the domestic laws of that other State;

"continental shelf"

(a) in relation to Canada, means the continental shelf of Canada as determined under the Oceans Act, and

(b) in relation to any other State, means the continental shelf of the other State as determined in accordance with international law and the domestic laws of that other State;

"exclusive economic zone"

(a) in relation to Canada, means the exclusive economic zone of Canada as determined under the Oceans Act and includes the seabed and subsoil below that zone, and

(b) in relation to any other State, means the exclusive economic zone of the other State as determined in accordance with international law and the domestic laws of that other State;

"internal waters"

(a) in relation to Canada, means the internal waters of Canada as determined under the Oceans Act and includes the airspace above and the bed and subsoil below those waters, and

(b) in relation to any other State, means the waters on the landward side of the baselines of the territorial sea of the other State;

"territorial sea"

(a) in relation to Canada, means the territorial sea of Canada as determined under the Oceans Act and includes the airspace above and the seabed and subsoil

below that sea, and

(b) in relation to any other State, means the territorial sea of the other State as determined in accordance with international law and the domestic laws of that other State;

Investment Canada Act

88. The definition "Canada" in section 3 of the Investment Canada Act is replaced by the following:
"Canada" includes the exclusive economic zone of Canada and the continental shelf of Canada;

Canada Labour Code

89. Paragraph (j) of the definition "federal work, undertaking or business" in section 2 of the Canada Labour Code is replaced by the following:
(j) a work, undertaking or activity in respect of which federal laws within the meaning of section 2 of the Oceans Act apply pursuant to section 20 of that Act and any regulations made pursuant to paragraph 26(1)(k) of that Act;

National Energy Board Act

90. Clause (b)(ii)(B) of the definition "export" in section 2 of the National Energy Board Act is replaced by the following:

(B) to a place outside Canada from any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada, or

91. The definition "offshore area" in section 123 of the Act is replaced by the following:

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

Nunavut Act

92. Section 15 of Schedule III to the Nunavut Act and the heading before it are repealed.

Canada Oil and Gas Operations Act

93. Paragraph 3(b) of the Canada Oil and Gas Operations Act is replaced by the following:
(b) submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

Radiocommunication Act

94. Paragraph 3(3)(c) of the Radiocommunication Act is replaced by the following:
(c) any platform, rig, structure or formation that is affixed or attached to land situated in the continental shelf of Canada.

Canada Shipping Act

95. The definitions "Department" and "Minister" in section 2 of the Canada Shipping Act are replaced by the following:

"Department" means

(a) in section 385, subsection 422(2), the provisions of sections 423 to 475 respecting wrecks, Part VII and sections 562.15 to 562.2, 660.1 to 660.11 and 678, the Department of Fisheries and Oceans, and

(b) in any other provision, the Department of Transport;

"Minister" means

(a) in section 385, subsection 422(2), the provisions of sections 423 to 475 respecting wrecks, Part VII and sections 562.15 to 562.2, 660.1 to 660.11 and 678, the Minister of Fisheries and Oceans, and

(b) in any other provision, the Minister of Transport;

96. Section 422 of the Act is replaced by the following:

422. (1) The Minister has throughout Canada the general superintendence of all matters relating to salvage and, subject to the Canadian Transportation Accident Investigation and Safety Board Act, shipping casualties.

(2) The Minister of Fisheries and Oceans has throughout Canada the general superintendence of all matters relating to wrecks and receivers of wrecks.

97. (1) Subsection 562.1(2) of the Act is replaced by the following:

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply

(a) to Canadian ships in all waters; and

(b) to all ships in Canadian waters and the exclusive economic zone of

Canada.

(2) Subparagraph 562.1(3)(a)(ii) of the Act is replaced by the following:

(ii) in the case of other ships, to which waters, within the waters described in paragraph (2)(b), the regulation applies;

98. (1) Subsection 562.11(2) of the Act is replaced by the following:

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply

(a) to Canadian vessels in all waters; and

(b) to all vessels in Canadian waters and the exclusive economic zone of

Canada.

(2) Subparagraph 562.11(3)(a)(ii) of the Act is replaced by the following:

(ii) in the case of other vessels, to which waters, within the waters described in paragraph (2)(b), the regulation applies; and

99. Subsection 562.13(2) of the Act is amended by adding the word "and" at the end of paragraph (a) and by replacing paragraphs (b) and (c) with the following:

(b) the exclusive economic zone of Canada

100. Subparagraph 655(1)(a)(ii) of the Act is replaced by the following:

(ii) waters in the exclusive economic zone of Canada

101. (1) The definition "waters" in subsection 660.2(1) of the Act is replaced by the following:

"waters" means

(a) Canadian waters, and

(b) waters in the exclusive economic zone of Canada

and includes, notwithstanding subsection 655(1), waters that are within a shipping safety control zone prescribed pursuant to the Arctic Waters Pollution Prevention Act.

(2) Subparagraph (c)(i) of the definition "ship" in subsection 660.2(1) of the Act is replaced by the following:

(i) a ship that is not a Canadian ship if it is only transiting in the territorial sea of Canada or the exclusive economic zone of Canada and if it is not engaged in the loading or unloading of oil during transit,

(3) Subsection 660.2(5) of the Act is replaced by the following:

(5) subsection (4) does not apply to an oil handling facility that is located in the territorial sea of Canada or the exclusive economic zone of Canada.

102. Subsection 660.10(7) of the Act is replaced by the following:

(7) Each advisory council shall advise and may make recommendations to the

Commissioner, and may report to the Minister or to any standing committee of either House of Parliament on Fisheries and Oceans or on Environment, and shall receive a response to such report within 30 days or, if that House is not sitting, within 14 days after it resumes sitting.

103. Paragraph 675(1)(c) of the Act is replaced by the following:

(c) in the exclusive economic zone of Canada,

104. (1) Subparagraph 677(1)(b)(i) of the Act is replaced by the following:

(i) the Minister of Fisheries and Oceans.

(2) Paragraph 677(1)(c) of the Act is replaced by the following:

(c) for costs and expenses incurred

(i) by the Minister of Fisheries and Oceans in respect of measures taken pursuant to paragraph 678(1)(a) in respect of any monitoring, or in relation to the direction of the taking of measures or their prohibition, pursuant to paragraph 678(1)(b) or (c), or

(ii) by any other person in respect of measures the person was directed to take, or prohibited from taking, pursuant to paragraph 678(1)(b) or (c),

to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by such measures.

105. Paragraph 709(e) of the Act is replaced by the following:

(e) the actual or anticipated oil pollution damage has been caused by a Convention ship but the owner of the Convention ship is not liable because the actual or anticipated damage occurred in the exclusive economic zone of Canada;

106. The portion of subsection 713(1) of the Act before paragraph (a) is replaced by the following:

713. (1) Where a claimant commences proceedings against the owner of a ship or their guarantor in respect of a matter referred to in subsection 677(1), except in the case of proceedings commenced by the Minister of Fisheries and Oceans under paragraph 677(1)(c) in respect of a pollutant other than oil.

Canada Wildlife Act

107. Subsection 4.1(1) of the Canada Wildlife Act is replaced by the following:

4.1 (1) The Governor in Council may establish protected marine areas in any area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada.

108. The following provisions are amended by replacing the expression "continental shelf" with the expression "continental shelf of Canada":

(a) the definitions "coasting trade" and "licence" in subsection 2(1) and subsections 2(2) and 16(5) of the Coasting Trade Act; and

(b) paragraph (a) of the definition "designated goods" in subsection 2(1) and sections 3 to 6 and 8 of the Customs and Excise Offshore Application Act.

Coming into force

109. This Act or any of its provisions, other than section 53, comes into force on a day or days to be fixed by order of the Governor in Council.