

CANADA SHIPPING ACT, 2001 (CSA 2001)

REGULATORY REFORM PROJECT

PUBLIC CONSULTATION

Administrative Monetary Penalties and Contravention Regulations

CANADIAN MARINE ADVISORY COUNCIL (CMAC)
INFORMATION PAPER

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This information Paper has been prepared for comment and discussion.



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Amendments to the *Administrative Monetary Penalties Regulations* to Designate Certain Regulatory Provisions as Violations

The *Administrative Monetary Penalties Regulations* only designate the statutory provisions of the *Canada Shipping Act, 2001* (CSA 2001) as violations. The *Administrative Monetary Penalties Regulations* came into force on April 3, 2008 and the Regulatory Impact Analysis Statement indicated that they would be amended in due course to designate provisions of regulations made under the CSA 2001 as violations.

Following CMAC consultations in the fall of 2008, the Compliance, Enforcement and Appeals Section of Marine Safety in Ottawa have undertaken a project to identify and subsequently prioritize those provisions of the regulations that should be included in the *Administrative Monetary Penalties Regulations* and has proposed a penalty range for each of them. The amendments to the *Administrative Monetary Penalties Regulations* are scheduled to appear in Canada Gazette I in the fall of 2011.

In addition, the Compliance Enforcement and Appeals Section is continuing this project in order to include additional regulations in the *Administrative Monetary Penalty Regulations*. This proposed amendment incorporates penalties for violations of provisions of the Fire and Boat Drill Regulations, the Small Vessel Regulations, the Ballast Water Control Regulations and the Safety Management Regulations. For more information, see Annex I.

It is to be noted that it is impractical to designate the provisions of certain regulations until those regulations have been revised. For instance, in the existing *Life Saving Equipment Regulations*, the method used to create requirements for different classes of vessels on different voyages makes it virtually impossible to designate these requirements as violations.

The Compliance, Enforcement and Appeals Section is seeking stakeholder input as to the penalty range for each of the provisions which are to be designated in the *Administrative Monetary Penalties Regulations*. Stakeholders are reminded that the *Administrative Monetary Penalties Regulations* penalty ranges are based on the severity of the offence. The base penalty in any individual case is determined by whether the contravener is an individual or a large commercial enterprise. The following table illustrates these distinctions:

Gravity	1st Violation Individual / Vessel or Corporation	2nd Violation Individual / Vessel or Corporation	Subsequent Violation Individual / Vessel or Corporation
Low	\$250 / \$1,000	\$500 / \$2,000	\$1,000 / \$5,000
Medium	\$600 / \$3,000	\$1,200 / \$6,000	\$2,400 / \$12,000
High	\$1,250 / \$6,000	\$2,500 / \$12,000	\$5,000 / \$25,000

Therefore, stakeholders propose a penalty range for each provision that is designated in the *Administrative Monetary Penalties Regulations*, namely whether the contravention should be of low, medium or high gravity.

Amendments to the *Contraventions Regulations* to Allow for Ticketing of Small Commercial Vessels

The Compliance, Enforcement and Appeals Section of Marine Safety in Ottawa is also undertaking a project to amend the *Contraventions Regulations* in order to allow law enforcement agencies to ticket small commercial vessels for violating certain provisions of the *Canada Shipping Act, 2001* (CSA 2001) and associated regulations

Prior to the coming into force of the CSA 2001, there were extensive consultations between Marine Safety, law enforcement agencies, and provincial solicitors general pertaining to amending the *Contravention Regulations* in order to give law enforcement entities over small commercial vessels.

It is important to note that the authority of the law enforcement community to ticket small commercial vessels will be limited to provisions concerning personnel, certain equipment such as lifejackets, and registration. For more information, see Annex II.

The Compliance, Enforcement and Appeals Section are seeking stakeholder input as to the proposed fine amount of each of the provisions designated in the *Contraventions Regulations*. Stakeholders are reminded that the fine amount for each provision is determined by the severity of the offence.

ANNEX I: REGULATIONS AMENDING THE ADMINISTRATIVE MONETARY PENALTIES
REGULATIONS

AMENDMENTS

1. The schedule to the *Administrative Monetary Penalties Regulations* is amended by adding the following after Part 8

PART 9

BALLAST WATER CONTROL AND MANAGEMENT REGULATIONS

Item	Column 1 Provision of the Regulations	Column 2 Range of Penalties (\$)	Column 3 Separate Violation for Each Day
1.	Subsection 4(2)		
2.	Paragraph 4(2)(a)		
3.	Paragraph 4(b)(b)		
4.	Subsection 5(4)		
5.	Subsection 6(2)		
6.	Subsection 6(3)		
7.	Subsection 7(2)		
8.	Subsection 8(2)		
9.	Paragraph 8(2)(a)		
10.	Paragraph 8(2)(b)		
11.	Subsection 9(1)		
12.	Paragraph 9(1)(a)		
13.	Paragraph 9(1)(b)		
14.	Paragraph 9(1)(c)		
15.	Paragraph 9(1)(d)		
16.	Paragraph 9(1)(e)		
17.	Section 10		
18.	Subsection 11(1)		
19.	Paragraph 11(1)(a)		
20.	Paragraph 11(1)(b)		
21.	Subsection 11(2)		
22.	Paragraph 11(2)(a)		
23.	Paragraph 11(2)(b)		
24.	Paragraph 11(2)(c)		
25.	Paragraph 11(2)(d)		
26.	Paragraph 11(2)(e)		
27.	Paragraph 11(2)(f)		
28.	Subsection 11(3)		
29.	Paragraph 11(3)(a)		
30.	Paragraph 11(3)(b)		

31. Paragraph 11(3)(c)
32. Paragraph 11(3)(d)
33. Paragraph 11(3)(e)
34. Section 12
35. Subsection 13(2)
36. Paragraph 13(2)(a)
37. Paragraph 13(2)(b)
38. Subsection 13(3)
39. Subsection 13(4)
40. Subsection 13(5)
41. Paragraph 13(5)(a)
42. Paragraph 13(5)(b)
43. Paragraph 13(5)(c)
44. Paragraph 13(5)(d)
45. Subsection 13(6)
46. Paragraph 13(6)(a)
47. Paragraph 13(6)(b)
48. Paragraph 13(6)(c)
49. Paragraph 13(6)(d)
50. Subsection 14(1)
51. Subsection 14(2)

PART 10

SMALL VESSEL REGULATIONS

	Column 1	Column 2	Column 3
Item	Provision of the Regulations	Range of Penalties (\$)	Separate Violation for Each Day
1.	Section 3		
2.	Subsection 5(1)		
3.	Paragraph 5(1)(a)		
4.	Paragraph 5(1)(b)		
5.	Paragraph 5(1)(c)		
6.	Subsection 5(2)		
7.	Subsection 7(1)		
8.	Subsection 7(2)		
9.	Subsection 7(3)		
10.	Section 9		
11.	Subsection 10(1)		
12.	Subsection 10(3)		
13.	Subsection 303(1)		
14.	Paragraph 303(1)(a)		
15.	Subparagraph 303(1)(a)(i)		

16. Subparagraph 303(1)(a)(ii)
17. Paragraph 303(1)(b)
18. Subsection 303(2)
19. Section 304
20. Subsection 305(1)
21. Subsection 305(2)
22. Subsection 305(3)
23. Section 306
24. Section 307
25. Subsection 308(1)
26. Subsection 308(2)
27. Subsection 308(3)
28. Section 309
29. Subsection 310(1)
30. Paragraph 310(1)(a)
31. Subparagraph 310(1)(a)(i)
32. Subparagraph 310(1)(a)(ii)
33. Paragraph 310(1)(b)
34. Subsection 310(2)
35. Paragraph 310(2)(a)
36. Paragraph 310(2)(b)
37. Subsection 311(1)
38. Subsection 311(2)
39. Subsection 401(1)
40. Paragraph 401(1)(a)
41. Paragraph 401(1)(b)
42. Paragraph 401(1)(c)
43. Paragraph 401(1)(d)
44. Paragraph 401(1)(e)
45. Paragraph 401(1)(f)
46. Subsection 401(2)
47. Subsection 402(1)
48. Section 403
49. Subsection 404(1)
50. Subsection 404(2)
51. Subsection 404(3)
52. Paragraph 404(3)(a)
53. Paragraph 404(3)(b)
54. Subsection 405(1)
55. Paragraph 405(1)(a)
56. Paragraph 405(1)(b)
57. Paragraph 405(1)(c)
58. Section 406
59. Section 407
60. Subsection 409(1)
61. Paragraph 409(1)(a)
62. Paragraph 409(1)(b)
63. Paragraph 409(1)(c)

64. Section 410
65. Subsection 411(2)
66. Paragraph 411(2)(a)
67. Paragraph 411(2)(b)
68. Paragraph 411(2)(c)
69. Subsection 411(3)
70. Subsection 412(1)
71. Subsection 413(1)
72. Subsection 414(1)
73. Subsection 414(4)
74. Subsection 415(1)
75. Subsection 418(1)
76. Paragraph 418(1)(a)
77. Subparagraph 418(1)(a)(i)
78. Subparagraph 418(1)(a)(ii)
79. Subparagraph 418(1)(a)(iii)
80. Paragraph 418(1)(b)
81. Subparagraph 418(1)(b)(i)
82. Subparagraph 418(1)(b)(ii)
83. Subparagraph 418(1)(b)(iii)
84. Section 419
85. Subsection 420(1)
86. Paragraph 420(1)(a)
87. Paragraph 420(1)(b)
88. Subsection 501(1)
89. Subsection 501(2)
90. Subsection 502(1)
91. Paragraph 502(1)(a)
92. Paragraph 502(1)(b)
93. Paragraph 502(1)(c)
94. Section 503
95. Section 504
96. Subsection 506(1)
97. Paragraph 506(1)(a)
98. Paragraph 506(1)(b)
99. Paragraph 506(1)(c)
100. Subsection 506(2)
101. Subsection 507(1)
102. Subsection 508(1)
103. Subsection 508(3)
104. Subsection 509(1)
105. Subsection 509(2)
106. Subsection 510(1)
107. Subsection 511(1)
108. Subsection 511(2)
109. Subsection 512(1)
110. Subsection 512(4)
111. Subsection 513(1)

112. Subsection 516(1)
113. Paragraph 516(1)(a)
114. Subparagraph 516(1)(a)(i)
115. Subparagraph 516(1)(a)(ii)
116. Subparagraph 516(1)(a)(iii)
117. Paragraph 516(1)(b)
118. Subparagraph 516(1)(b)(i)
119. Subparagraph 516(1)(b)(ii)
120. Subparagraph 516(1)(b)(iii)
121. Section 519
122. Subsection 520(1)
123. Paragraph 520(1)(a)
124. Paragraph 520(1)(b)
125. Subsection 521(1)
126. Paragraph 521(1)(a)
127. Paragraph 521(1)(b)
128. Paragraph 521(1)(c)
129. Paragraph 521(1)(d)
130. Paragraph 521(1)(e)
131. Subparagraph 521(1)(e)(i)
132. Subparagraph 521(1)(e)(ii)
133. Paragraph 521(1)(f)
134. Subsection 604(1)
135. Subsection 604(2)
136. Section 604(3)
137. Section 605
138. Section 606
139. Section 607
140. Section 701
141. Section 706
142. Subsection 707(1)
143. Subsection 707(2)
144. Subsection 708(1)
145. Subsection 708(6)
146. Subsection 710(1)
147. Subsection 710(2)
148. Subsection 711(1)
149. Paragraph 711(1)(a)
150. Paragraph 711(1)(b)
151. Paragraph 711(1)(c)
152. Paragraph 711(1)(d)
153. Subsection 713(4)
154. Subsection 713(6)
155. Subsection 716(2)
156. Subsection 717(4)
157. Subsection 740(1)
158. Paragraph 740(1)(a)
159. Paragraph 740(1)(b)

160. Paragraph 740(1)(c)
161. Subsection 741(1)
162. Paragraph 741(1)(a)
163. Paragraph 741(1)(b)
164. Subsection 741(2)
165. Subsection 741(3)
166. Subsection 801(1)
167. Subsection 801(4)
168. Paragraph 801(4)(a)
169. Paragraph 801(4)(b)
170. Subsection 803(4)
171. Subsection 805(1)
172. Subsection 805(2)
173. Subsection 810(1)
174. Paragraph 810(1)(a)
175. Paragraph 810(1)(b)
176. Paragraph 810(1)(c)
177. Paragraph 810(1)(d)
178. Paragraph 810(1)(e)
179. Paragraph 810(1)(f)
180. Section 901
181. Subsection 902(1)
182. Subsection n 903(1)
183. Subsection 903(2)
184. Subsection 903(3)
185. Subsection 903(4)
186. Subsection 903(5)
187. Subsection 903(6)
188. Subsection 903(7)
189. Subsection 903(8)
190. Subsection 903(10)
191. Subsection 903(11)
192. Subsection 903(12)
193. Subsection 903(13)
194. Subsection 1000(1)
195. Subsection 1000(2)
196. Section 1001
197. Subsection 1002(1)
198. Subsection 1002(2)
199. Subsection 1002(3)
200. Paragraph 1002(3)(a)
201. Paragraph 1002(3)(b)
202. Subsection 1002(4)
203. Subsection 1002(5)
204. Paragraph 1002(5)(a)
205. Paragraph 1002(5)(b)
206. Paragraph 1002(5)(c)
207. Paragraph 1002(5)(d)

- 208. Subsection 1002(6)
- 209. Subsection 1003(1)
- 210. Paragraph 1003(1)(a)
- 211. Paragraph 1003(1)(b)
- 212. Paragraph 1003(1)(c)
- 213. Subsection 1005(1)
- 214. Paragraph 1005(1)(a)
- 215. Paragraph 1005(1)(b)
- 216. Paragraph 1005(1)(c)
- 217. Paragraph 1005(1)(d)
- 218. Subsection 1006(1)
- 219. Paragraph 1006(1)(a)
- 220. Paragraph 1006(1)(b)
- 221. Section 1007

PART 11

FIRE AND BOAT DRILLS REGULATIONS

Item	Column 1 Provision of the Regulations	Column 2 Range of Penalties (\$)	Column 3 Separate Violation for Each Day
1.	Subsection 3(1)		
2.	Subsection 3(2)		
3.	Paragraph 3(2)(a)		
4.	Paragraph 3(2)(b)		
5.	Subsection 3(3)		
6.	Subsection 4(1)		
7.	Paragraph 4(1)(a)		
8.	Paragraph 4(1)(b)		
9.	Subsection 5(1)		
10.	Paragraph 5(1)(a)		
11.	Paragraph 5(1)(b)		
12.	Paragraph 5(1)(c)		
13.	Paragraph 5(1)(d)		
14.	Subsection 5(2)		
15.	Paragraph 5(2)(a)		
16.	Paragraph 5(2)(b)		
17.	Subsection 6(1)		
18.	Paragraph 6(1)(a)		
19.	Paragraph 6(1)(b)		
20.	Subsection 7(1)		
21.	Paragraph 7(1)(a)		
22.	Paragraph 7(1)(b)		

23. Paragraph 7(1)(c)
24. Paragraph 7(1)(d)
25. Subparagraph 7(1)(d)(i)
26. Subparagraph 7(1)(d)(ii)
27. Subparagraph 7(1)(d)(ii)
28. Subparagraph 7(1)(d)(iv)
29. Subparagraph 7(1)(d)(v)
30. Subparagraph 7(1)(d)(vi)
31. Subparagraph 7(1)(d)(vii)
32. Subparagraph 7(1)(d)(viii)
33. Subparagraph 7(1)(d)(ix)
34. Paragraph 7(1)(e)
35. Paragraph 7(1)(f)
36. Paragraph 7(1)(g)
37. Paragraph 7(1)(h)
38. Subsection 7(2)
39. Paragraph 7(2)(a)
40. Paragraph 7(2)(b)
41. Subparagraph 7(2)(b)(i)
42. Subparagraph 7(2)(b)(ii)
43. Subparagraph 7(2)(b)(iii)
44. Subparagraph 7(2)(b)(iv)
45. Subparagraph 7(2)(b)(v)
46. Subparagraph 7(2)(b)(vi)
47. Subsection 8(1)
48. Paragraph 8(1)(a)
49. Paragraph 8(1)(b)
50. Paragraph 8(1)(c)
51. Paragraph 8(1)(d)
52. Paragraph 8(1)(e)
53. Subsection 9(1)
54. Paragraph 9(1)(a)
55. Paragraph 9(1)(b)
56. Paragraph 9(1)(c)
57. Subsection 9(2)
58. Subsection 10(1)
59. Paragraph 10(1)(a)
60. Paragraph 10(1)(b)
61. Subsection 11(1)
62. Paragraph 11(1)(a)
63. Paragraph 11(1)(b)
64. Paragraph 11(1)(c)
65. Subsection 11(2)
66. Paragraph 11(2)(a)
67. Paragraph 11(2)(b)
68. Subsection 11(3)
69. Section 12
70. Subsection 13(1)

71. Subsection 13(2)
72. Subsection 13(3)
73. Paragraph 13(3)(a)
74. Paragraph 13(3)(b)
75. Paragraph 13(3)(c)
76. Paragraph 13(3)(d)
77. Paragraph 13(3)(e)
78. Paragraph 13(3)(f)
79. Paragraph 13(3)(g)
81. Subsection 14(1)
82. Paragraph 14(1)(a)
83. Paragraph 14(1)(b)
84. Paragraph 14(1)(c)
85. Paragraph 14(1)(d)
86. Paragraph 14(1)(e)
87. Paragraph 14(1)(f)
88. Paragraph 14(1)(g)
89. Paragraph 14(1)(h)
90. Subsection 15(1)
91. Subsection 15(2)
92. Paragraph 15(2)(a)
93. Section 16
94. Section 17
95. Section 18
96. Section 19
97. Subsection 20(1)
98. Subsection 20(2)
190. Subsection 20(3)
100. Section 21
101. Section 22
102. Section 23
103. Subsection 24(1)
104. Paragraph 24(1)(a)
105. Paragraph 24(1)(b)
106. Paragraph 24(1)(c)
107. Paragraph 24(1)(d)
108. Paragraph 24(1)(e)
109. Paragraph 24(1)(f)
110. Paragraph 24(1)(g)
111. Subparagraph 24(1)(g)(i)
112. Subparagraph 24(1)(g)(ii)
113. Subparagraph 24(1)(g)(iii)
114. Subparagraph 24(1)(g)(iv)
115. Subparagraph 24(1)(g)(v)
116. Paragraph 24(1)(h)
117. Paragraph 24(1)(i)
118. Paragraph 24(1)(j)
119. Paragraph 24(1)(k)

120	Subsection 25(1)
121.	Subsection 25(2)
122.	Paragraph 25(2)(a)
123.	Paragraph 25(2)(b)
124.	Paragraph 25(2)(c)
125.	Paragraph 25(2)(d)
126.	Paragraph 25(2)(e)
127.	Paragraph 25(2)(f)
128.	Paragraph 25(2)(g)
129.	Paragraph 25(2)(h)
130.	Paragraph 25(2)(i)
131.	Paragraph 25(2)(j)
132.	Paragraph 25(2)(k)
133.	Section 26
134.	Subsection 27(1)
135.	Subsection 27(3)
136.	Subsection 28(1)
137.	Paragraph 28(1)(a)
138.	Paragraph 28(1)(b)
139.	Paragraph 28(1)(c)
140.	Subsection 28(2)
141.	Paragraph 28(2)(a)
142.	Subparagraph 28(2)(a)(i)
143.	Subparagraph 28(2)(a)(ii)
144.	Paragraph 28(2)(b)
145.	Subsection 29(1)
146.	Paragraph 29(1)(a)
147.	Paragraph 29(1)(b)
148.	Section 30
149.	Subsection 31(1)
150.	Subsection 31(2)
151.	Subsection 31(3)
152.	Section 32
153.	Subsection 33(1)
154.	Paragraph 33(1)(a)
155.	Paragraph 33(1)(b)
156.	Subparagraph 33(1)(b)(i)
157.	Subparagraph 33(1)(b)(ii)
158.	Section 34
159.	Section 35
160.	Subsection 37(1)
161.	Paragraph 37(1)(a)
162.	Paragraph 37(1)(b)
163.	Paragraph 37(1)(c)
164.	Paragraph 37(1)(d)
165.	Paragraph 37(1)(e)
166.	Paragraph 37(1)(f)
167.	Paragraph 37(1)(g)

- 168. Paragraph 37(1)(h)
- 169. Subsection 37(2)
- 170. Paragraph 37(2)(a)
- 171. Paragraph 37(2)(b)
- 172. Subsection 37(3)
- 173. Paragraph 37(3)(a)
- 174. Paragraph 37(3)(b)

PART 12

SAFETY MANAGEMENT REGULATIONS

	Column 1	Column 2	Column 3
Item	Provision of the Regulations	Range of Penalties (\$)	Separate Violation for Each Day
1.	Section 3		

ANNEX II: REGULATIONS AMENDING THE CONTRAVENTIONS REGULATIONS

AMENDMENT

1. Part I of Schedule I.1 to the *Contraventions Regulations* is amended by adding items 0.1 and 0.2.

PART I

CANADA SHIPPING ACT, 2001

Item	Column I Provision of <i>Canada Shipping Act, 2001</i>	Column II Short Form Description	Column III Fine (\$)
0.1	17(2)	Improper possession of a Canadian maritime document	500
0.2	18	Fail to produce a Canadian maritime document	250

2. Part I of Schedule I.1 to the *Contraventions Regulations* is amended by adding item 31.

31.	209(1)(a)	Failure to comply with the direction of an enforcement officer	500
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3. Part I.2 of Schedule I.1 to the *Contraventions Regulations* is amended by replacing item 6 with the following.

6	2(6)	Operating power-driven or electrically propelled vessel for the purpose of towing a person on any water sport equipment or allowing a person to wake surf outside permitted hours.	200
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4. Part I.2 of Schedule I.1 to the *Contraventions Regulations* is amended by adding item 11.01:

11.01	10.1 (3)	Fail to comply with conditions of permit	500
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5. Schedule I.1 is further amended in Part II – *Small Vessel Regulations*: by adding items 23.01 to 23.65; items 27.01 to 27.09 and items 28.01 to 28.05

PART II SMALL VESSEL REGULATIONS			
	Column I	Column II	Column III

CR Item	Provision of <i>Small Vessel Regulations</i>	Short-Form Description	Fine (\$)
<i>Part 3—Human-powered Vessels Other Than Pleasure Craft</i>			
23.01	303 (1) (a) (i)	Person responsible for enterprise that conducts guided excursions, fail to ensure that every person in the excursion wears lifejacket or personal flotation device	X
23.02	303 (1) (a) (ii)	Person responsible for enterprise that conducts guided excursions, fail to ensure that every person in the excursion wears helmet in class 3 or above waters	X
23.03	303 (1) (b)	Person responsible for enterprise that conducts guided excursions, fail to ensure that equipment or material is secured in place	X
23.04	303 (2)	Person responsible for enterprise that conducts guided excursions, water temperature less than 15°C, fail to ensure equipment is carried or procedures in place to protect persons from hypothermia and cold shock	X
23.05	304	Person responsible for enterprise that conducts guided excursions, fail to brief passengers respecting safety and emergency procedures before departure of vessel.	X
23.06	305 (1)	Person leading guided excursion, before departure fail to report number of participants to a person on shore.	X
23.07	306	Operator of human-powered passenger-carrying vessel, water temperature less than 15°C, fail to ensure equipment is carried or procedures in place to protect persons from hypothermia and cold shock	X
23.08	307	Operator of human-powered passenger-carrying vessel, fail to brief passengers respecting safety and emergency procedures before departure of vessel..	X
23.09	308(1)	Operator of human-powered passenger-carrying vessel, before departure fail to report number of participants to a person on shore.	X
23.10	3 and 309	(a) Operate human-powered vessel without first aid kit	X
		(b) Permit person to operate human powered vessel without first aid kit	X
23.11	3 and 310 (1) (a) (i)	(a) Operate human-powered vessel with insufficient number of personal flotation devices or lifejackets of appropriate size	X
		(b) Permit person to operate human powered vessel with insufficient number of personal flotation devices or lifejackets of appropriate size	X
23.12	3 and 310 (1) (a) (ii)	(a) Operate human-powered vessel in whitewater with personal flotation device or lifejacket that is not inherently buoyant	X
		(b) Permit person to operate human powered vessel in whitewater with personal flotation device or lifejacket that is not inherently buoyant	X
23.13	3 and 310 (1) (b)	(a) Operate human-powered vessel without prescribed personal lifesaving appliances	X
		(b) Permit person to operate human powered vessel without prescribed personal lifesaving appliances	X
		(c) Operate human-powered vessel without prescribed visual signals	X
		(d) Permit person to operate human powered vessel without prescribed visual signals	X
23.14	310 (2) (a)	Fail to wear personal flotation device or lifejacket	X
23.15	310 (2) (b)	Fail to wear helmet in class 3 or above waters	X
23.16	3 & 311 (1)	(a) Operate human-powered vessel without prescribed vessel safety equipment	X
		(b) Permit person to operate human powered vessel without prescribed vessel safety equipment	X
		(c) Operate human-powered vessel without prescribed navigation equipment as indicated	X
		(d) Permit person to operate human powered vessel without prescribed navigation equipment as indicated	X

Part 4—Passenger-carrying Vessels

23.18	401 (1)	Failure to brief passengers respecting safety and emergency procedures before departure of vessel	X
23.19	401 (2)	Failure to demonstrate, before departure of vessel, how to put on each type of lifejacket carried on board	X
23.20	402 (1)	Failure to report, before departure of vessel, the number of passengers on board to person on shore	X
23.21	403	(a) Operate a passenger-carrying vessel, water temperature less than 15°C, without ensuring equipment is carried or procedures in place to protect persons from hypothermia and cold shock	X
		(b) Permitting a person to operate a passenger-carrying vessel, water temperature less than 15°C, without ensuring equipment is carried or procedures in place to protect persons from hypothermia and cold shock	X
23.22	404 (2)	Operate vessel under circumstances that exceed its design limitations	X
23.23	404 (3)	Engage in towing with passengers on board vessel	X
23.24	405	(a) Operate vessel without making report to Minister before vessel is put in service	X
		(b) Permit person to operate vessel without making report to Minister before vessel is put in service	X
23.25	406	Owner of passenger-carrying vessel, failure to submit information, when requested by the Minister.	X
23.26	3 and 407	(a) Operate vessel without first aid kit	X
		(b) Permit person to operate vessel without first aid kit	X
23.27	3 and 409 (1) (a)	(a) Operate vessel with insufficient number of personal flotation devices or lifejackets of appropriate size	X
		(b) Permit person to operate vessel with insufficient number of personal flotation devices or lifejackets of appropriate size	X
23.28	3 and 409 (1) (b)	(a) Operate vessel without reboarding device	X
		(b) Permit person to operate vessel without reboarding device	X
23.29	3 and 409 (1) (c)	(a) Operate vessel without prescribed personal lifesaving appliances	X
		(b) Permit person to operate vessel without prescribed personal lifesaving appliances	X
23.30	3 and 410	(a) Operate vessel without prescribed visual signals	X
		(b) Permit person to operate vessel without prescribed visual signals	X
23.31	3 and 411 (2)	(a) Operate vessel without life raft with total capacity sufficient to carry all persons on board	X
		(b) Permit person to operate vessel without life raft with total capacity sufficient to carry all persons on board	X
23.32	3 and 411 (3)	(a) Operate vessel beyond limits of near coastal voyage, Class 2 with coastal life raft	X
		(b) Permit person to operate vessel beyond limits of near coastal voyage, Class 2 with coastal life raft	X
23.33	3 and 412 (1)	(a) Operate vessel without prescribed vessel safety equipment	X
		(b) Permit person to operate vessel without prescribed vessel safety equipment	X
23.34	3 and 413 (1)	(a) Operate vessel without prescribed navigation equipment as indicated	X
		(b) Permit person to operate vessel without prescribed navigation equipment as indicated	X
23.35	3 and 414 (1)	(a) Operate vessel without prescribed firefighting equipment as indicated	X
		(b) Permit person to operate vessel without prescribed fire-fighting equipment as indicated	X
23.36	3 and 414 (4)	(a) Operate vessel with fire extinguisher containing gas extinguishing agent intended for use or stored in accommodation space.	X

		(b) Permit person to operate vessel with fire extinguisher containing gas extinguishing agent intended for use or stored in accommodation space.	X
23.37	3 and 415 (1)	(a) Operate passenger-carrying vessel not more than 6 m in length without provision for discharging a portable fire-extinguisher directly into the engine space.	X
		(b) Permit a person to operate passenger-carrying vessel not more than 6 m in length without provision for discharging a portable fire-extinguisher directly into the engine space.	X
23.38	3 and 418 (1) (a)	(a) Operate vessel without a heat detector in engine space	X
		(b) Permit person to operate vessel without a heat detector in engine space	X
23.39	3 and 418 (1) (b)	(a) Operate vessel not more than 6 m without fire detector in each accommodation and service space	X
		(b) Permit person to operate vessel not more than 6 m without fire detector in each accommodation and service space	X
23.40	3 and 419	(a) Operate vessel without required equipment being securely stowed	X
		(b) Permit person to operate vessel without required equipment being securely stowed	X
23.41	420 (a)	(a) Owner of vessel, failure to ensure procedures are established for the use of lifesaving appliances and firefighting equipment	X
		(b) Operator of vessel, failure to ensure procedures are established for the use of lifesaving appliances and firefighting equipment	X
23.42	420 (b)	(a) Owner of vessel, failure to practice procedures to ensure crew is at all times proficient in carrying out procedures	X
		(b) Operator of vessel, failure to practice procedures to ensure crew is at all times proficient in carrying out procedures	X
Part 5—Workboats			
23.43	501 (2)	Operate workboat under circumstances that exceed its design limitations	X
23.44	502	(a) Operate workboat without making report to Minister before vessel is put in service	X
		(b) Permit person to operate workboat without first making report to Minister before vessel is put in service	X
23.45	503	Owner of workboat, failure to submit information, when requested by the Minister.	X
23.46	3 and 504	(a) Operate workboat without first aid kit	X
		(b) Permit person to operate workboat without first aid kit	X
23.47	3 and 506 (1) (a)	(a) Operate workboat with insufficient number of personal flotation devices or lifejackets of appropriate size	X
		(b) Permit person to operate workboat with insufficient number of personal flotation devices or lifejackets of appropriate size	X
23.48	3 and 506 (1) (b)	(a) Operate workboat without reboarding device	X
		(b) Permit person to operate workboat without reboarding device	X
23.49	3 and 506 (1) (c)	(a) Operate workboat without prescribed personal lifesaving appliances	X
		(b) Permit person to operate workboat without prescribed personal lifesaving appliances	X
23.50	3 and 507 (1)	(a) Operate workboat without prescribed visual signals	X
		(b) Permit person to operate workboat without prescribed visual signals	X
23.51	3 and 508 (1)	(a) Operate workboat more than 12 m in length without life raft with total capacity sufficient to carry all persons on board	X
		(b) Permit person to operate workboat more than 12 m in length without life raft with total capacity sufficient to carry all persons on board	X
23.52	3 and 509 (1)	Operate tug of more than 8.5 m in length with two or more persons on board without life raft with total capacity sufficient to carry all persons on board	X
		Permit person to operate tug of more than 8.5 m in length with two or more persons on board without life raft with total capacity sufficient to carry all persons on board	X

23.53	3 and 509 (2)	(a) Operate tug more than 8.5 m in length with two or more persons on board beyond limits of near coastal voyage, Class 2 with coastal life raft	X
		(b) Permit person to operate tug more than 8.5 m in length with two or more persons on board beyond limits of near coastal voyage, Class 2 with coastal life raft	X
23.54	3 and 510 (1)	(a) Operate workboat without prescribed vessel safety equipment	X
		(b) Permit person to operate workboat without prescribed vessel safety equipment	X
23.55	3 and 511 (1)	(a) Operate workboat without prescribed navigation equipment as indicated	X
		(b) Permit person to operate workboat without prescribed navigation equipment as indicated	X
23.56	3 and 512 (1)	(a) Operate workboat without prescribed firefighting equipment as indicated	X
		(b) Permit person to operate workboat without prescribed firefighting equipment as indicated	X
23.57	3 and 512 (4)	(a) Operate workboat with fire extinguisher containing gas extinguishing agent intended for use or stored in accommodation space.	X
		(b) Permit person to operate workboat with fire extinguisher containing gas extinguishing agent intended for use or stored in accommodation space.	X
23.58	3 and 513 (1)	(a) Operate workboat not more than 6 m in length without provision for discharging a portable fire-extinguisher directly into the engine space.	X
		(b) Permit a person to operate workboat not more than 6 m in length without provision for discharging a portable fire-extinguisher directly into the engine space.	X
23.59	3 and 516 (1)(a)	(a) Operate workboat not more than 6 m without a heat detector in engine space	X
		(b) Permit person to operate workboat not more than 6 m without a heat detector in engine space	X
23.60	3 and 516(1) (b)	(a) Operate workboat without fire detector in each accommodation and service space	X
		(b) Permit person to operate workboat without fire detector in each accommodation and service space	X
23.61	3 and 519	(a) Operate workboat without required equipment being securely stowed	X
		(b) Permit person to operate workboat without required equipment being securely stowed	X
23.62	520 (a)	(a) Owner of workboat, failure to ensure procedures are established for the use of lifesaving appliances and firefighting equipment	X
		(b) Operator of workboat, failure to ensure procedures are established for the use of lifesaving appliances and firefighting equipment	X
23.63	520 (b)	(a) Owner of workboat, failure to practice procedures to ensure crew is at all times proficient in carrying out procedures	X
		(b) Operator of workboat, failure to practice procedures to ensure crew is at all times proficient in carrying out procedures	X
23.64	3 and 521(a)	(a) Operate workboat engaged in towing without two lifejackets in wheelhouse	X
		(b) Permit person to operate workboat engaged in towing without two lifejackets in wheelhouse	X
		(c) Operate workboat engaged in towing without two lifejackets in normally occupied engine space	X
		(d) Permit person to operate workboat engaged in towing without two lifejackets in normally occupied engine space	X
23.65	521 (b)	(a) Operate workboat engaged in towing without immediately available means for releasing or cutting the towline	X
		(b) Permit person to operate workboat engaged in towing without immediately available means for releasing or cutting the towline	X
Part 7—Construction Requirements			

27.01	701	Builder, manufacturer, rebuilder, importer or owner of a vessel, fail to ensure the vessel meets the construction requirements	X
27.02	706	(a) Owner of a vessel other than a pleasure craft, failing to ensure before operating the vessel that it meets the construction requirements	X
27.03	706	(b) Owner of a vessel other than a pleasure craft, failing to ensure before permitting a person to operate the vessel that it meets the specified construction requirements	X
27.04	708(6)	(a) Operate a vessel that is not in compliance with measures taken by the Minister	X
		(b) Permit person to operate vessel that is not in compliance with measures taken by the Minister	X
27.05	710 (1)	(a) Owner of a vessel failing to ensure that major modification is in accordance with the construction requirements.	X
		(b) Person responsible for performing major modification failing to ensure that modification is in accordance with the construction requirements.	X
27.06	710 (2)	(a) Owner—Fail to inform Minister of major modification	X
		(b) Owner— Fail to provide technical data on request	X
27.07	711 (1)	Fail to submit documents to Minister on request.	X
	713 (4)	Owner of a vessel, failing to ensure that the vessels structural strength and watertight integrity are adequate.	X
27.08	713 (6)	Builder, manufacturer, rebuilder, importer or owner of a vessel failed to demonstrate that a vessel meets requirements for structural strength and seaworthiness on request.	X
27.09	716 (2)	Owner of a vessel, fail to demonstrate on request that vessel has adequate stability	X
28.01	701 and 740(1)(a)	Builder, manufacturer, rebuilder, importer or owner of a vessel other than a pleasure craft that is more than 6 m, failing to ensure that the vessel is fitted with a fire alarm panel.	X
28.02	701 and 740(1)(b)	Builder, manufacturer, rebuilder, importer or owner of a vessel other than a pleasure craft that is more than 6 m, failing to ensure that the vessel is fitted with a dual action rate of rise and fixed temperature detector in each engine space.	X
28.03	701 and 740(1)(c)	Builder, manufacturer, rebuilder, importer or owner of a vessel other than a pleasure craft that is more than 6 m, failing to ensure that the vessel is fitted with a fire detector in each accommodation and service space.	X
28.04	701 and 741	Builder, manufacturer, rebuilder, importer or owner of a vessel other than a pleasure craft that is more than 6 m, failing to ensure that the vessel is fitted with a fixed fire extinguishing system or a provision for discharging a portable fire extinguisher directly into the engine space	X
Part 8—Compliance Notices			
28.05	801 (1)	Builder, manufacturer, rebuilder or importer of a vessel, failure to ensure before the initial transfer of ownership, that vessel is fitted with a compliance notice	X

4. Schedule I.1 is further amended in Part III – *Collision Regulations*: by adding item 7.1.

PART III
COLLISION REGULATIONS

	Column I	Column II	Column III
Item	Provision of Schedule I to <i>Collision Regulations</i>	Short-Form Description	Fine (\$)
7.1	25 (d) (ii)	Fail to exhibit the prescribed lights for a vessel under oars or a white light in time to prevent collision.	150

5. Part IV of Schedule I.1 to the *Contraventions Regulations* is amended by replacing item 2 and item 2.2 with the following.

Competency of Operators of Pleasure Craft Regulations

Part IV

Amend Schedule as shown

	Column I	Column II	Column III
2	3(1)(b)	Failure to have proof of competency on board a pleasure craft	250
2.2	3(2.1)b	Allow a person to operate a pleasure craft without proof of competency on board	250

6. Part IV of Schedule I.1 to the *Contraventions Regulations* is amended by repealing item 4.