Association of Canadian Port Authorities | Association des administrations portuaires canadiennes

Canada Marine Act Modernization: Recommendations

July, 2025

Canada's new federal government brings a broad set of commitment to support Canada's Port Authorities, including efforts to foster collaboration, strengthen port security, and launch a $5 billion Trade Diversification Fund. It also pledged to speed up project approvals.

These steps will be welcome, but CPAs also need more flexibility to finance their share of trade-related infrastructure, maintain critical infrastructure and support ongoing core marine functions. A renewed set of amendments to the Canada Marine Act (and other acts, as needed) could address some of these port modernization challenges.

- **Financial Flexibility:** For ports with greater financial capacity and large projects, **modernizing borrowing rules** is very important. The current debt coverage ratio and approach to assessing creditworthiness should reflect the broader public policy role ports now play. For many ports, **broadening the scope of allowable port activities** would be a welcome and useful way to unlock new revenue streams for them to maintain and improve port facilities.
- **Collaboration and Partnerships:** CPAs also need expanded authority to **capitalize subsidiaries** and form partnerships—with other CPAs, private partners, and First Nations. This means easing restrictions on **collaboration among CPAs**, such as enabling joint procurement, and in the **creation of joint ventures** with public or private partners, such as Indigenous groups.
- **Governance and Structural Streamlining:** A major concern of CPAs that would have likely been addressed through Bill C-33, as amended at second reading, is the delay associated with **board appointments** (comments in the table below). But there are other structural issues that, taken together, create a collective administrative and financial burden, which could be addressed through simple amendments to the CMA. While these issues—such as vexatious Official Languages complaints—are not a top concern at most ports, new language in the Act could help by clarifying obligations and providing CPAs access to tools already available to federal departments.

While some reforms will require amendments to the Canada Marine Act, others can be achieved through policy updates and changes to letters patent. This is a timely opportunity to modernize the port authority model to better serve Canada's trade-dependent economy.

Below are ACPA's additional recommendations for amending the Canada Marine Act, including supported elements of Bill C-33 (as amended) and new proposals in other areas.

Bill C-33 Provisions to Resurrect

The following outlines proposed recommendations from Bill C-33 at Third Reading that ACPA recommends Transport Canada bring forward through new legislation to amend the Canada Marine Act, along with additional proposed amendments.

(CMA 14) Appointment of Directors

Given the extensive delays in securing federal board appointments, ACPA recommends carrying forward the proposed amendment to CMA Section 14 as outlined in Bill C-33 Section 102 (1.2):

> **Section 14 of the Act is amended by adding the following after subsection (1.1):**
>
> **Directors appointed by board of directors**
>
> (1.2) The board of directors of a port authority may appoint a director under paragraph (1)(a) or (d) if the position has been vacant for more than twelve months.
>
> **Notice of intention**
>
> (1.3) The board of directors of a port authority shall give notice to the Minister of its intention to make an appointment under subsection (1.2) at least 90 days before doing so.

(CMA 8, 28) Joint Ventures

Canada's port authorities support greater collaboration, but even with changes in Bill C-33, the Canada Marine Act (CMA) and letters patent still limit deeper cooperation unless ports fully amalgamate.

Key constraints include:

- CPAs are limited to activities and lands defined in their letters patent (see CMA sections 5, 8, 28, 44);
- CPAs cannot jointly undertake core activities with other CPAs unless permitted in their letters patent (sections 7.1 and 7.2).

To enable better collaboration, ACPA recommends amending both the CMA and letters patent to:

- Allow CPAs to jointly carry out permitted activities on an as-needed basis;
- Enable these joint activities to operate across each participating CPA's territory;
- Let CPAs choose the legal structure that best suits each collaboration's goals.

ACPA supports the amendment to the CMA Section 8(2) that was proposed in Bill C-33 Section 101 (3) as follows:

Subsection 8(2) of the Act is amended by adding the following after paragraph (i):

(i.1) the extent to which the port authority may undertake jointly with other port authorities, through a corporation, partnership, joint venture, association or other entity, the activities referred to in subsection 28(2);

ACPA supports the amendments to the CMA Section 28 that were proposed in Section 108 of Bill C-33. While the proposed text in this section would be welcome, additional clarification would be needed to support the creation of joint ventures. ACPA further recommends that the new CMA Section 28 (2.1) be amended as follows (blue text represents language not included in Bill C-33, along with any additional amendments needed to facilitate collaboration.

Joint activities

(2.1) To the extent authorized in each participating port authority's letters patent, two or more port authorities may jointly, directly or, through a corporation, partnership, joint venture, association or other entity whose shares or other ownership interests are all held by port authorities, engage in the activities referred to in subsection (2).

Carrying on activities

(3) The activities that a port authority may engage in under paragraph (2)(b) and (2.1) may be carried on by the port authority directly or through a wholly-owned subsidiary of the port authority. The port authority and the subsidiary are not agents of Her Majesty in right of Canada for the purpose of engaging in those activities.

(CMA 28) Activities

ACPA supports the expanded definition of activities outlined in Bill C-33 Section 108, which would amend CMA Section 28:

Paragraph 28(2)(a) of the Act is replaced by the following:

(a) port activities related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, including activities carried on in

relation to real property and immovables that are not adjacent to navigable waters, to the extent that those activities are specified in the letters patent; and

(1.1) Section 28 of the Act is amended by adding the following after subsection (2):

Joint activities

(2.1) To the extent authorized in each participating port authority's letters patent, two or more port authorities may jointly, through a corporation, partnership, joint venture, association or other entity whose shares or other ownership interests are all held by port authorities, engage in the activities referred to in subsection (2).

(45) Quebec Leases

ACPA supports carrying forward the proposed amendments to CMA Section 45 outlined in Bill C-33 Section 117:

Subsection 45(3.1) of the Act is replaced by the following:

Benefit of accession — leases in Quebec

(3.01) A port authority situated in Quebec may, for the duration of a lease, renounce the benefit of accession in respect of any construction or work built on a federal immovable that the port authority manages.

Powers

(3.1) The port authority may exercise the powers under subsections (3) and (3.01) to the same extent as His Majesty could exercise those powers and may, instead of His Majesty, execute and deliver the documents required for that purpose.

(CMA 49) Fixing of Fees

ACPA supports carrying forward language in Bill C-33 Section 119 and 120 that would amend CMA Section 62:

The portion of subsection 49(1) of the Act before paragraph (a) is replaced by the following:

Fixing of fees

49 (1) A port authority may, subject to any regulations made under section 62, fix fees to be paid in respect of

Subsection 62(1) of the Act is amended by adding the following after paragraph (a):

(a.1) the management of marine traffic, including mooring and anchorage, and the fees to be paid and the sharing of information and data by users and port authorities in support of that management;

(a.2) the regulation of activities carried out by or on a vessel moored or at anchor in a port;

(50) Marine Transportation Security Act

ACPA supports the changes proposed in C-33 to the Marine Transportation Security Act. If carried forward to new legislation, the proposed amendments would clarify the obligations of vessel owners and the powers of the Minister and provide tools for enhanced traffic management and marine security; these will collectively improve the resilience of the marine supply chain.

New Measures

The following proposed amendments to the Canada Marine Act are outside of the scope of what was proposed through Bills C-33 and C-52 but represent simple ways to address some unnecessary administrative and financial burdens.

National Port Identity Card Program

ACPA members have expressed interest in a national port identification card to simplify the secure management of

- ACPA recommends amendments to the CATSA Act to allow for the Restricted Area Identification Card to be expanded beyond airports as part of reforms to CPA security and Transportation Security Clearances

Official Languages

A bill to amend the CMA represents an opportunity to clarify reasonable expectations for Official Languages at Canada's Port Authorities, after years of expanding interpretations of CPA obligations and a growing burden associated with nuisance complaints by individuals with no legitimate business with the port.

- ACPA recommends amending the Canada Marine Act to clarify how the Official Languages Act applies to CPAs, in a way that reflects both the original intent and what is reasonably expected.

Training/Federal Resources

While CPAs are federal entities and are expected to follow federal requirements in areas like Official Languages, they do not have access to many of the resources available the public service to support them with these requirements.

The Canadian School of Public Service learning platform is only accessible to Federal Government employees from organizations/institutions included in Schedule I, Schedule IV: Portions of the Core Public Administration, or Schedule V: Separate Agencies under the Financial Administration Act. CPAs do not meet these requirements.

- ACPA recommends amending the necessary legislation that would allow CPAs and their employees access to training and other tools available to those in the public service, for example for:
    - French/English language training
    - Training on compliance with
        - Accessibility Act
        - Access to Information Act
        - Official Languages Act
        - Privacy Act
        - Fighting Against Forced Labour and Child Labour in Supply Chains Act
        - Competition Act (greenwashing)