



Federal Aquaculture Act

Shellfish Aquaculture
Management Advisory
Committee

Courtenay
April 30, 2019



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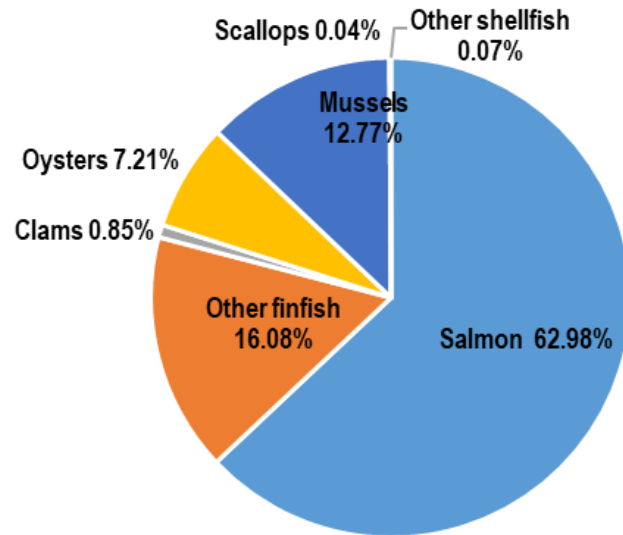
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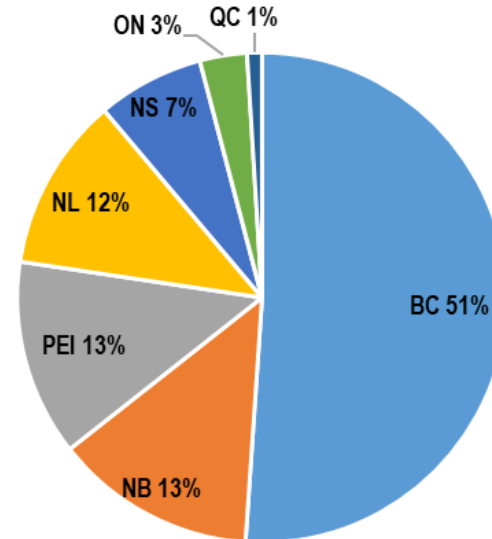
Aquaculture in Canada

- There are approximately 45 different species of finfish, shellfish and marine algae commercially cultivated in Canada, with salmon, mussels, oysters, and trout making up over 85% of volume.
- Aquaculture represents approximately a third of Canada's total seafood value and 20% of total production. Finfish (primarily salmon) continues to account for the majority of production with about 80% of total volume and about 93% of total value.

Production by Species, 2017 (191,416 tonnes)



Production by Province, 2017 (191,416 tonnes)



Source: Statistics Canada. Table 32-10-0107-01 Aquaculture, production and value
Note: Production values for Manitoba, Saskatchewan and Alberta were suppressed to meet confidentiality requirements of Statistics Canada.

Canadian Aquaculture Regulatory Framework

HOW FISH FARMING IS REGULATED IN CANADA

Fish farming is jointly managed among federal, provincial and territorial governments. How it's managed varies across provinces and territories.

Across Canada, fish farming is managed sustainably under the Fisheries Act. Federal partners work together to make sure fish are healthy and safe to eat.

	British Columbia	Rest of Canada	Prince Edward Island
Site Approval Determining where a farm can be located	Shared	Provincial	Shared
Land Management Overseeing the land (seabed) where a farm is located	Provincial	Provincial	Shared
Day to Day Operations & Oversight Monitoring of farm activities	Federal	Provincial	Federal
Introductions & Transfers Managing the planned movement of live eggs and fish	Shared	Shared	Shared
Drugs & Pesticide Approvals Determining which drugs and pesticides are approved for use	Shared	Shared	Shared
Food Safety Monitoring and ensuring the safety and quality of fish harvested and sold in Canada and international markets.	Federal	Federal	Federal

On the Path to Reconciliation

- The Government of Canada's approach to reconciliation is guided by:
 - the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
 - the Truth and Reconciliation Commission's Calls to Action,
 - constitutional values; and,
 - collaboration with Indigenous peoples, as well provincial and territorial governments.
- Fisheries and Oceans Canada (DFO) is the federal department with primary responsibility for oceans and the management and protection of aquatic resources.
- DFO is committed to engaging Indigenous peoples and their governments in a meaningful and respectful way to ensure their rights and interests are recognized from the outset and fully considered in Canada's future aquaculture legislative framework.

Rationale for an Act

Why an aquaculture act?

- Federally, aquaculture in Canada is mainly governed under the *Fisheries Act*; however, this legislation was originally designed for wild capture fisheries.
- An aquaculture-specific Act will:
 - support the continuous improvement of aquaculture management in Canada;
 - advance reconciliation by considering UNDRIP principles;
 - help foster greater national regulatory consistency; and
 - create long-term conditions for the development of a thriving, environmentally sustainable and competitive aquaculture sector that benefits the economic development of rural, coastal and Indigenous communities.

Engagement Principles

- **Purposeful** – Clarify the desired outcome.
- **Inclusive** – Identify and engage federal-provincial-territorial (FPT) partners, Indigenous peoples, and industry and other relevant stakeholders.
- **Respectful** – Acknowledge and respect the expertise, perspectives, and needs of FPT partners, and industry and other relevant stakeholders.
- **Timely** – Involve FPT partners, Indigenous peoples, and industry and other relevant stakeholders from the start.
- **Transparent** – Be open and honest and set clear expectations.

Act vs. Regulations

- Acts and Regulations often have similar sounding titles and deal with the same subjects, but they are quite different.
- An **Act** is a law made by Parliament. A draft Act , called a bill, is introduced to Parliament and requires the assent of the House of Commons, Senate and the Crown to become law.
- **Regulations** are made under the authority of an Act and define the application and enforcement of that Act. They are made by the body to whom the authority to make regulations has been given in the Act, such as the Governor in Council or the relevant minister.

How We Got Here

- **June 2016:** Standing Senate Committee on Fisheries and Oceans (SCOF) tabled a report “An Ocean of Opportunities: Aquaculture in Canada”
- **June 2017:** Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) asked federal and provincial officials to study existing federal and provincial legislation
- **Fall 2017-Spring 2018:** Previous engagement sessions
- **Fall 2018:** TBS Regulatory Review of the Agriculture and Agri-food Sector
- **December 2018:** CCFAM agreed to the development of an approach to federal aquaculture legislation with limited scope that respects federal, provincial and territorial jurisdiction and provides greater clarity to the sector

What We Heard From Previous Engagement

- Nearly 40 sessions across Canada (Fall 2017 - Spring 2018)
- Stakeholders echoed support for a federal Aquaculture Act as part of the Treasury Board Secretariat of Canada (TBS) Regulatory Review of the Agriculture and Agri-food Sector to:
 - increase legislative and regulatory coherence;
 - create a more effective framework for managing risks;
 - enable more efficient and effective regulations;
 - reduce undue compliance costs; and,
 - support innovation, growth and overall sector competitiveness.

Proposed Aquaculture Act

- The new Act will outline the scope and authorities for aquaculture management in Canada.
- In order to be implemented and enforced, an Act needs to provide rules, requirements and authorities, including authorities to make regulations.
- While the authorities will apply across Canada, the regulations made thereunder may be more geographically restricted, such as to jurisdictions that do not already have similar authorities.
- The new Act will be respectful of the rights of the Indigenous peoples of Canada, and support free, prior and informed consent from Indigenous communities.

Considerations for New Act

From our various discussions with Canadians, we will:

- define the term aquaculture in legislation;
- recognize the need for clarity and stability for responsible economic growth of the aquaculture sector;
- ensure environmental protections enshrined in the *Fisheries Act* are included and specific to aquaculture;
- develop enforcement mechanisms specific to aquaculture; and
- respect provincial and territorial jurisdictions

Proposed Sections for the Act

The following slides present some proposed sections we are considering for the new Act.

In addition, we will be considering the incorporation of language and provisions similar to that being currently proposed in Bill C-68 (*Fishery Act* amendments), including Indigenous-specific provisions.

Proposed Sections for the Act *(continued)*

Preamble and Purpose:

- The “preamble” section would explain the underlying philosophy of the Act.
- The “purpose” section would explain what the act is trying to achieve.

Scope

- The “interpretation” section would contain definitions of terms used in Act to that are critical to the interpretation of its clauses.
- The “application” section would define what is subject to the Act.

Agreements, Programs, and Projects

- This section usually lays out the various authorities for administrative arrangements, such as entering into agreements with provinces, territories, Indigenous governing bodies and bodies established under land claims agreements; and funding for grants, loan contributions, etc.

Proposed Sections for the Act *(continued)*

Zoning

- This section would provide the authority to designate areas for the culturing of aquatic organisms, such as finfish, shellfish, and aquatic plants

Regulations

- This section would contain most of the regulation-making authorities under the Act.
- It would also provide the authority to incorporate standards into regulations.

Leases, Licences, & Fees

- This section would provide the authorities for issuing and cancelling leases and licences and under what conditions, as well as the authority to set fees for those leases and licences.
- The scope of application of the authorities (e.g., geographically) would be spelled out in regulations made under the Act.

Proposed Sections for the Act *(continued)*

Environmental Management

- This section would provide:
 - the authorities and prohibitions related to fish habitat protection and the deposit of deleterious substances; and
 - the authorities to require plans and other information from industry to better assess impacts of proposals.

Reporting requirements

- This section would provide the authorities to require proponents to record and provide data on aspects of their operations

Offences, Punishment, Ticketing

- This section would contain provisions on aquaculture-specific offences, their punishment, and the authorities to apply penalties and forfeitures, issues tickets, etc.

Enforcement

- This section would provide authorities to designate enforcement personnel and provide them with defined powers to investigate, search, seize, etc.

Timelines

- Engage Canadians March-June 2019
 - Prepare “What We Heard” report in Winter 2019/20
- Engagement expected to resume in early 2020
- Plan to begin drafting new bill in mid-to-late 2020
- Royal Assent expected in 2022
- Maintain ongoing dialog with provinces, territories, Indigenous groups and key stakeholders.

Further Information/Provide Feedback

- Additional information, including this presentation and FAQs, will be available online soon:
www.dfo-mpo.gc.ca/aquacultureact/
- E-mail comments/suggestions by December 21, 2019
to: AquacultureConsultations.XMAR@dfo-mpo.gc.ca