

# MAKE YOUR VOICE HEARD BEFORE DECEMBER 11<sup>TH</sup> 2023!

## Transport Canada's Consultation to Accelerate and Facilitate. Restrictions Recreational Boaters Participation Guide

### Context

Transport Canada wishes to "modernise" the Vessel Operation Restriction Regulations (VORR) to facilitate and accelerate the implementation of navigation restrictions by municipalities. The proposed changes would allow the Minister of Transport to :

- use "incorporation by reference" to amend the RRVUB schedules more quickly.
- issue ministerial orders to implement restrictions on recreational boating activities not currently set out in the RRVUB, before undertaking the full regulatory process.

These measures would accentuate the current tendency to restrict access to waterways, which amounts to privatising access to a resource that belongs to everyone.

It is essential and urgent that boaters make their voices heard in large numbers, because the Canadian government is determined to go ahead with these measures.

### How to participate

Read Transport Canada's [intentions paper\(External link\)](#) to better understand how Transport Canada proposes to "modernize" the VORR. **Estimated time: 2 minutes**

1. Visit <https://boatingunited.ca/> to make your voice heard. A proposal has been drafted for you in collaboration with MNNA, CMRA and the provincial boating associations, but feel free to add your own comments regarding your business or community. **Estimated time : 1 minute**

OR

You can also read our [our Submission Paper](#) and adapt it by:

- Identifying your organization and providing your details in the "Who we are" introductory section.
- Modifying the content to your local/regional reality.
- Adapting any position to your local/regional reality.
- Email your Submission Paper to Transport Canada at [MSSRegulations-ReglementsSSM@tc.gc.ca](mailto:MSSRegulations-ReglementsSSM@tc.gc.ca)

2. Go to the Online Discussion ["Let's Talk"](#) page

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- Choose "Register" at the top of the page, and join the discussion under the "Have Your Say" tab.
  - There are 3 questions to answer. We are presenting them in the page 2 below, with suggested answers from our Submission Paper. **Estimated time: 2 minutes**
3. You can also submit responses to Transports Canada's [survey\(External link\)](#) on the modernization of VORR. There are 12 questions that you can answer on your own inspiration, or use our suggested answers found at the page 4 below.  
**Estimated time: 5 minutes**

#### Online Discussion (On the 'Let's Talk' Web site)

##### Question 1

**What do you think about the suggestion of the Minister of Transport using "Incorporation by Reference" to modify the VORR schedules?**

Incorporation by reference is a term used to describe a mechanism, which allows a document or list that is not in the text of the regulations to be made a part of the regulations.

**Answer:** We oppose the suggestion of the Minister of Transport using "Incorporation by Reference" to modify the VORR schedules. A document or list that is not in the text of the regulations should not be made a part of the regulations.

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Question 2.

**What do you think about the suggestion of the Minister of Transport issuing Ministerial Orders to implement restrictions on pleasure craft activities not currently listed in the VORR?**

**Answer:** We oppose the suggestion of the Minister of Transport issuing Ministerial Orders to implement restrictions on pleasure craft activities not currently listed in the VORR.

The adoption of a ministerial order should be an exceptional measure, necessitating rigorous analysis and objective criteria that align with the intent of the Cabinet Directive on Regulation and its four fundamental principles.

The two-year validity period granted to Ministerial Orders should be restricted to one year, with the option for a single one-year renewal for a specific area affected by one or a series of restrictions.

Question 3.

**How can local authorities have a more direct role in identifying safety and environmental issues on local waterways?**

So that new types of restrictions can be added to the VORR to address these issues.

**Answer :** Local authorities must retain their current obligation to collaborate with relevant stakeholders to seek expedient, cost-effective, and practical solutions before proposing regulatory restrictions on building usage. As such, boat owners, boating and tourism industry legitimate associations need to be consulted. This requirement should be preserved and reinforced through additional resources to facilitate standardized local consultations.

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#### Online Survey

1: 1. Do you support Transport Canada modifying the VORR schedules (where the restrictions are listed) by updating an incorporated by reference document to implement new restrictions faster?

**Answer: We oppose the suggestion of the Minister of Transport using "Incorporation by Reference" to modify the VORR schedules. A document or list that is not in the text of the regulations should not be made a part of the regulations.**

2. Who do you think should be consulted? (Check all that apply)

**Answer:**

**Associations representing recreational boaters and tourism in the province.**

**Associations representing all stakeholders.**

3. How long should the consultation period be?

**Answer:**

**90 days**

4. Would you support other approaches to modernize the Vessel Operation Restriction Regulations?

**Answer:**

**Yes**

**Comment: The VORR should include a consultative body consisting of representative of all users of waterways.**

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5. Do you feel Transport Canada should continue to seek feedback once new restriction requests have been submitted by local authorities?

Answer:

Yes Comment: Transport Canada should seek feedback and audit new restrictions to confirm they are required, effective and to ensure that free and equitable access to waterways remain.

6. How often should local authorities be allowed to submit restrictions and have the regulations updated?

Answer:

Other

Local authorities should not be allowed to submit restrictions more than once every 4 years (duration of a municipal electoral mandate).

7. What do you think is the best way to inform Canadians about new restrictions?  
(Please select all that apply)

Answer:

Transport Canada's website

Local newspaper announcements placed by local authorities.

Municipal websites

Social Media

Others: Specialized Media for recreational boaters (ex.: canadianboating.ca)

Recreational Boating NGOs websites

8. Do you support using Ministerial Orders to implement restrictions for urgent safety or environmental issues on Canada's lakes, rivers and waterways?

Answer: No.

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Comment: The adoption of a ministerial order should be an exceptional measure, necessitating rigorous analysis and objective criteria that align with the spirit of the Cabinet Directive on Regulation. This directive is grounded in four fundamental principles:

1. To protect and promote the public interest and support good governance.
2. To be modern, open and transparent.
3. To be evidence-based.
4. To support a fair and competitive economy.

Ministerial orders should be granted sparingly - respecting the essence of the Cabinet Directive -and their validity period should be as brief as possible to prevent encroachment on Canadians' right to access waterways.

To maintain the spirit of the Directive while expediting the process, we propose that a local authority's request should be accompanied by the following documents:

- A consultation report prepared by an independent organization recognized by a provincial or federal government.
- An evidence-based report identifying the problem, endorsed by a neutral and independent boating safety or environmental professional, contingent upon the nature of the issue.

The two-year validity period granted to Ministerial Orders should be restricted to one year, with the option for a single one-year renewal for a specific area affected by one or a series of restrictions.

9. Are there other instances where you think Ministerial Orders should be used?

Answer: No.

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10. What do you think is the best way to inform Canadians on the restrictions from a Ministerial Order?

Answer:

Transport Canada's website

Local newspaper announcements placed by local authorities.

Municipal websites

Social Media

Others: Specialized Media for recreational boaters (ex.: canadianboating.ca)

Recreational Boating NGOs websites

11. Are there issues that are not covered by the available vessel operation restriction options and that need new types of restrictions?

Answer:

No. On the contrary, restrictions should be considered as a last resort solution.

12. Please rank your priorities for improving the application and approval process from 1 to 3, with 1 being the most important and 3 being the least important.

Answer:

We recommend this section not to be answered because they are all non-acceptable proposals.