Canada Introduces Bill to Enhance Protections for Fish and Fish Habitat

February 20, 2018

On February 7, the Minister of Fisheries and Oceans Canada announced proposed amendments to the *Fisheries Act* and related acts to undo changes made in 2012 by the previous federal Conservative government. The proposed Bill C-68 would restore past protections for all fish and fish habitats and create enhanced protections, which would include provisions to explicitly provide for Aboriginal interests. The proposed amendments essentially reverse the changes made to the *Fisheries Act* in 2012, as well as create new requirements for project approvals and environmental protection.

The proposed amendments in Bill C-68 would:

- Create protection for all fish and fish habitats, not just for those connected with commercial and recreational use or Aboriginal fisheries;
- Strengthen the role of indigenous peoples in project reviews, monitoring and policy development, including a requirement for the consideration of Aboriginal interests in habitat decisions;
- Promote restoration of degradation habitat and rebuilding of depleted fish stocks, for which there are currently no provisions under the *Fisheries Act*;
- Allow for the better management of large and small projects impacting fish and fish habitat through a new permitting framework and codes of practice;
- Create a public registry for projects to provide full transparency;
- Create new fisheries management tools to enhance the protection of fish and ecosystems;
- Strengthen the long-term protection of marine refuges for biodiversity;
- Help ensure that the economic benefits of fishing remain with the licence holders and their community by providing clear ability to enshrine current inshore fisheries policies into regulations; and
- Clarify and modernize enforcement powers to address emerging fisheries issues and to align with current provisions in other legislation.

As the title of Bill C-68 indicates, the substantial amendments would affect the *Fisheries Act* but consequential amendments would also affect the *Access to Information Act, Canada Oil and Gas Operations Act, Canada-Newfoundland and Labrador Atlantic Accord Implementation Act, Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act,* and *Bridge to Strengthen Trade Act.*

On a general level, the proposed amendments will broaden the application of the *Fisheries Act*. Fish and fish habitats that are not currently protected will now be subject to the Act and its requirements. This will in turn expand the number and type of projects that must comply with the *Fisheries Act* and that must address the *Fisheries Act* regime in the review and approval process.

The Bill received its First Reading in the House of Commons on February 6. As per the legislative process, the Bill will be referred to a committee after it receives a second reading. After the third reading, the Senate may consider and pass the bill following which it may receive Royal Assent and come into force.

The announcement of Bill C-68, entitled "*An Act to amend the Fisheries Act and other Acts in consequence*", comes ahead of the Environmental Minister's announcement of a new environmental assessment process on February 8. The announcements follow the federal Government's year and a half long public consultation on environmental matters.

By

Luke Dineley, Ramsey Glass

Expertise

Environmental

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary
Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa
World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver
1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal
1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.