

transportation

port law experience

We have considerable experience with respect to the establishment, governance, regulation and operation of Canada Port Authorities (CPAs). For several years, we have acted extensively for many clients in the port sector in connection with:

- Advising both port corporations and the Canadian Government on the Government's divestiture of its interest in ports and the conversion of these ports to CPAs under the *Canada Marine Act* (CMA)
- Negotiating and drafting the constating documents for CPAs, including the letters patent, supplementary letters patent and by-laws
- Assisting CPAs achieve the organizational objectives mandated by the CMA, including managing the process of appointing directors to the board, establishing policies of public consultation and mandates for board committees, ensuring compliance with the Code of Conduct for officers and directors and advising on related corporate and governance issues
- Providing advice on regulations relating to port management, operations and security
- Advising on issues relating to port property (including privately-owned real property and federal government-owned real property), environmental protection, land use and taxation
- Advising on the tendering of work contracts by CPAs
- Advising on the structure for fees at and taxation of CPAs, including the calculation of revenue charges and payments in lieu of taxes (PILT)
- Providing advice on the structure, financing and construction of major infrastructure projects at ports
- Providing advice on residual government liability for divested port operations
- Representing port interests in the Canada Marine Act Review and providing advice on suggested amendments to the CMA
- Providing advice on amalgamation of ports

transportation law group

McMillan is one of Canada's leading business law firms. Since its founding in 1903, the firm has had a long association with the transportation industry. Our Transportation Group represents owners, carriers, shippers, ports, facility operators and insurers operating across all modes of transportation, with a particular emphasis on marine. Our marine experience includes acting for CPAs and Transport Canada in the port sector, acting for the St. Lawrence Seaway Management Corporation in

the commercialization of the management and operations of the Seaway. In addition to providing day-to-day transportation law advice, we participate in major commercial transactions such as the purchase or sale of a transportation business and the sophisticated financing of transportation equipment, including cross-border sale/ leaseback and leasing contracts. We are also engaged in the regulatory and public policy aspects of transportation law. Members of the Transportation Group draw on the firm's other practice areas for advice on labour, taxes and duties.

our experience

- Importation of non-Canadian vessels into Canada and coasting trade waivers
- Shipbuilding
- Transportation of dangerous goods
- Financing of equipment purchases with cross-border leases and other forms of offshore financing
- Restructuring of airline debt
- Code sharing agreements between air carriers
- Charter agreements for passenger and cargo aircraft
- Bills of lading and the liability of carriers for damage to goods
- Insurance claims
- Oil pollution
- Mediation and alternative dispute resolution

For more information, contact any of the lawyers listed below:

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