



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Environment and Sustainable Development**

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ENVI • NUMBER 113 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Thursday, May 10, 2018**

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**Chair**

**Mrs. Deborah Schulte**



## Standing Committee on Environment and Sustainable Development

Thursday, May 10, 2018

• (1100)

[English]

**The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)):** I'd like to get the meeting started. Thank you very much. Everyone who should not be here needs to go, but it is open.

We're back today and doing our clause-by-clause of Bill C-69. Before we get started where we left off, at amendment PV-29, I again want to bring to everybody's attention the motion that we're operating under. That motion tells us that "the Chair may limit debate on each clause to a maximum of five minutes per party, per clause".

We have spent two days on clause 1. I've been very generous with people. I will continue to be reasonable, but to make sure that we continue on with a very large number of amendments, I'm going to ask those presenting their amendments to limit that to two minutes maximum.

I've heard from those around the table that they could not sit later in the day because they needed the time in the evening to be able to prepare, to do their research, and to understand each of these amendments. We did get the amendments last Friday. We really shouldn't need any debate on these. We've had lots of time to consider them and see where they fit in and what they mean. However, a subamendment to the amendment will need time, and I will give time for people to ask the necessary questions to understand a subamendment.

Given that this is the way I'd like to proceed, we will start with PV-29.

Ms. May, the floor is yours for two minutes.

(On clause 1)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Thank you, Madam Chair.

Not to take time now, but I'd like to remind this committee that I'm here due to a motion passed by this committee, and time limits relating to my participation can't be imposed on top of a motion that you've already passed and that ensures I speak to every amendment. As you know, I've been very flexible and have not insisted on speaking to every amendment, but those are the terms of the motion you passed, which requires me to be here. I'm in a different position. It's not one I like, but it is based on the motion you passed.

To go back to my amendment PV-29, this goes to an issue that I know means a lot, and particularly, I'd have to say, to Mike Bossio.

I've heard you speak so passionately about the right to public participation, Mike, and I know the Liberals care about this. I know the Conservatives care about it, as do the NDP and Greens. My amendment deals with the frequently heard complaint from witnesses before this committee that the rights to public participation, which admittedly are expanded in this bill by removing "directly affected" as a limitation, are not defined at all.

What my amendment attempts to do on page 22 in line 8 is to insert after the words "to participate" the word "meaningfully". Meaningful participation will give the courts something to look at in fact participation involves engagement that is not meaningful. Secondly, this amendment deals with the same issue, but it's found later in the bill, on page 34, where, under proposed section 51, the practice of holding hearings is referred to, and where it states:

hold hearings in a manner that offers the public an opportunity to participate

Again, that is with no guidance. My amendment would include providing the public an opportunity to participate meaningfully, and then, as further clarification, an opportunity to be heard and to ask questions.

Those are my amendments to flesh out what we mean by "public participation". Thank you, Madam Chair.

• (1105)

**The Chair:** Thank you very much.

Go ahead, Mike.

**Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.):** Once again, I want to thank Ms. May for bringing this forward, and once again, in the spirit of it, we are also putting forward a motion like this one that would clarify the need for meaningful participation in impact assessments.

The amendment I am proposing would support certainty in timely assessments by ensuring that this participation takes place within a specified period of time. We as well will be moving a motion that will be addressing some of where you're going with this amendment.

**The Chair:** I do not want a lot of back-and-forth. Sorry.

Linda.

**Ms. Linda Duncan (Edmonton Strathcona, NDP):** I just wanted to say that all three parties have put forth the exact same amendment, so I'd be happy if Ms. May got the credit for that.

**The Chair:** Ms. Duncan, I think you were out of the room when I mentioned this. I've heard from members that they wanted to take the time in the evenings because they needed to go through all the amendments and be prepared for the next day's meeting, and that's why we couldn't sit later in the evenings. I don't want a lot of discussion on how these work because we shouldn't have a lot of questions. We should have done that work ahead.

Second, going forward, when I call the vote, the vote is called, and I'm not going to go back. I'm making that really clear. I was very generous yesterday, and I've had a lot of noise about it, so when I call it, that's it. We'll pause, and I will then call a vote, and then we won't go back, please. Thank you.

Okay. I think the discussion has been had. The comments have been made. Shall the amendment carry?

**Hon. Ed Fast (Abbotsford, CPC):** I'd like a recorded vote.

**The Chair:** We'll have a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**Hon. Ed Fast:** Madam Chair, I have a question emanating from your comments just a minute ago. You suggested that there shouldn't be any debate now going forward because we've had time to consider the amendments. The whole purpose for us being at this table is to debate and to try to persuade others at this committee of our views. We may fail in that venture but at least it is fulfilling the democratic mandate.

I also note that we have officials from the departments here who are rightfully here to answer questions that we legitimately have. I have found that in the last two meetings you have been very fair with all of us. If we can carry on with that spirit of co-operation, I think we'll be able to move through fairly quickly.

**The Chair:** I am very fair, as you know. I just want to make sure that we are not deliberating too long, going over the same ground. I'll keep an eye on what's going on and we'll go forward accordingly.

I just want to be strict. Once I call a vote, I think we need to do the vote and not go back.

We are now on LIB-19.

Mr. Bossio.

**Mr. Mike Bossio:** I just spoke to this amendment, Chair, so I don't think that much more really needs to be said about it. As you know, I am very concerned about meaningful public participation, and that's what this amendment goes towards.

**The Chair:** Okay. Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

**The Chair:** That's great. Now, we're on PV-30.

Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

This amendment is based on a recommendation from the Canadian Environmental Law Association. It removes a set reference

to 300 days with instead providing an opportunity for submitting it no later than the day set under subsection 16(3). This would allow for the time limits to be set based on the specific needs and issues presented by a particular project, with recognition that one size doesn't fit all, and maybe some projects need less time and some projects need more time.

• (1110)

**The Chair:** We'll have a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We are now on CPC-2.

**Mr. Robert Sopuck (Dauphin—Swan River—Neepawa, CPC):** What we are doing with this is lowering the time frame from 300 to 280 days.

The proponents obviously support a science-based review and, certainly, a tight timeline in this. By lowering the timeline, it improves investor confidence that reviews can be done in a reasonable time frame.

I think it is a fairly reasonable amendment to ask for, and it sends a strong signal to the investment community.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

**The Chair:** Now we're on PV-31.

Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

In the same section, this is dealing with the nature of the report that is submitted to the minister, taking into account reports. This is an agency report to the minister. The current version of this says that:

The report must set out the effects that, in the Agency's opinion, are likely to be caused by the carrying out of the designated project.

From there, I would suggest the amendment that:

(3) The report must provide a summary of the comments received from the public in relation to the designated project, the Agency's response to those comments, and a summary of reasonable alternatives to the project as well as set out the effects that, in the Agen-

It's an expansion of the information that the minister would have and an expansion of the information that the public would have.

**The Chair:** Ms. Duncan.

**Ms. Linda Duncan:** This is an issue that I raised yesterday, and it's starting to be a problem throughout this bill. I have no problem with Ms. May's proposal, except that it only mentions comments received from the public and doesn't include comments received from indigenous groups. The bill goes back and forth, sometimes just talking about the public, sometimes talking about indigenous groups. In other places, the bill requires specifically—and I think, in fact, the Liberals are going to be proposing an amendment somewhere here to add in a necessity—that indigenous submissions be considered.

I would accept the amendment, but I would give it a subamendment, and after the word “public”, say “and indigenous groups”.

**The Chair:** That's in the second line of proposed subsection 28(3) in the amendment. It would add “and indigenous groups”.

**Ms. Linda Duncan:** That would be at line 26 of the bill.

**The Chair:** Does everybody understand the subamendment? We're adding “and indigenous groups” after “public” in the second line of that subsection.

**Hon. Ed Fast:** I call for a recorded vote.

(Subamendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

•(1115)

**The Chair:** Now we'll vote on the amendment.

**Hon. Ed Fast:** I call for a recorded vote.

(Amendment negated: nays 8; yeas 1)

**The Chair:** We'll move on to amendment NDP-32. If this adopted, amendment LIB-20 cannot be moved because of redundancy.

Ms. Duncan.

**Ms. Linda Duncan:** Amendment LIB-20 can't be moved?

**The Chair:** Yes, that's what will happen. Amendment LIB-20 cannot be moved because it would be redundant with what you're doing here.

**Ms. Linda Duncan:** Okay.

This relates to specific submissions from Athabasca Chipewyan First Nation, the British Columbia Assembly of First Nations, and the Cold Lake First Nations. It would ensure that traditional knowledge is afforded the same weight by agency staff and decision-makers as western science. The expert panel called for the integration of traditional knowledge in all phases of impact assessment, and the first nations generally have been concerned that it would be treated with an afterthought.

Given the changes that have been made throughout the bill, I am going to amend this new subsection, though, to say, “The report must also set out how indigenous knowledge of indigenous peoples”. That's the way we seem to be drafting the bill, which is a bit nonsensical but I am willing to change the word “traditional” to “indigenous” so that it's consistent throughout the bill. I'm also adding “Subject to section 119”. I'm doing that on the floor because that's a qualifier that Mr. Bossio adds in his amendment, so I'm quite willing to add his qualifier.

Amendment LIB-20 would put in the qualifier, “Subject to section 119”.

**The Chair:** Hold on. Well, it's up to the Liberals to do this, but you could change amendment LIB-20 to add it after, to make it new subsection 28(3.2). I think that would accomplish what you're trying to do.

**Ms. Linda Duncan:** Well, I'm first on the floor, so I would welcome an amendment from the Liberals to add, “Subject to section 119”, and to change the word “traditional” to “indigenous”.

**The Chair:** Sorry. Just to make sure I understand, your subamendment is to add “Subject to section 119” at the beginning of your new subsection 28(3.1)—

**Ms. Linda Duncan:** That's correct—

**The Chair:** —and to change “traditional”—

**Ms. Linda Duncan:** —and to change the word “traditional” to “indigenous”.

**The Chair:** Okay. I am being told that's not the way it goes. You can't amend your own amendment. It has to be from someone else.

You would have had to bring forward an amended amendment.

**Ms. Linda Duncan:** I welcome an amendment from Mr. Bossio.

**The Chair:** I know yesterday you did.

**Mr. Mike Bossio:** Chair, just to speak to this amendment, I am proposing an amendment, LIB-20. Like this one, it would require assessment reports to describe how indigenous knowledge was used, and once again, as Ms. Duncan has already indicated, by ensuring this is done subject to section 119, the amendment that I'm proposing would also ensure this knowledge is protected. We're perfectly happy to go with our amendment, LIB-20.

**The Chair:** Okay, so I—

**Ms. Linda Duncan:** We don't want to vote for anything NDP. Let's just vote and make it a Liberal amendment, as long as it gets in.

**The Chair:** Thank you, Linda. Given that the rules are that you can't amend your own amendment, we have amendment NDP-32 as it stands. Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're on to LIB-20. Mr. Bossio.

**Mr. Mike Bossio:** Once again, Chair, we just spoke to this. This specifies how indigenous knowledge would be considered in decision-making and reconcile this with the need to ensure this knowledge is protected. I think we've already had a discussion around that, so thank you.

**The Chair:** Okay. Shall the amendment carry?

**Hon. Ed Fast:** Recorded vote.

(Amendment agreed to: yeas 8; nays 1 [See *Minutes of Proceedings*])

**The Chair:** There's a new version of LIB-21. Does everybody have the new version?

•(1120)

**Ms. Linda Duncan:** I have one dated April 27.

**The Chair:** There's additional content that was added, (3.2).

**Ms. Linda Duncan:** I don't think I have it.

**The Chair:** Okay, we'll give you the copies.

Mr. Amos.

**Mr. William Amos (Pontiac, Lib.):** Thank you, Chair. Obviously this is being brought on the basis of improving the panel reports. We support transparency generally, and I think that improving the reports is going to help us get there. This is one of several amendments in that respect.

This motion in particular is going to help address concerns related to reporting of the impact assessments that the agency undertakes. A lot of this is also about consistency, because the amendment calls for the report that's completed by the agency to include the same elements as those underlined in proposed section 51(d) and includes a requirement for recommendations with respect to mitigation measures and follow-up. I think that's a net improvement to the agency report process, and the public will appreciate the transparency aspect of all of that.

**The Chair:** Ms. Duncan.

**Ms. Linda Duncan:** I have a question of clarification. Everywhere else in the bill we refer to "reasons", and here Mr. Amos has chosen to say "rationale". Is there a reason why we're using a completely different term here? Does it mean something different?

**Mr. William Amos:** I confess I didn't consider the distinction of those two terms. We can ask our legislative experts at justice if they see any distinction between those two terms.

**Ms. Linda Duncan:** The old version said "reasons".

**Mr. William Amos:** Is there a sense that there's an inconsistency there that's problematic?

**The Chair:** Go ahead, please.

**Mr. Jean-Sébastien Rochon (Counsel, Department of Justice):** Thank you, Madame Chair.

There are none that I can see. "Reasons" and "rationale" can be used interchangeably.

**The Chair:** You see "rationale" and "reasons" to be interchangeable?

**Mr. Jean-Sébastien Rochon:** Yes, we do have reference to "rationale" in regard to review panels, so it is in the act elsewhere and it bears the same meaning.

**The Chair:** Thank you very much.

**Mr. William Amos:** With that, I think we're good.

**The Chair:** I think that's clear.

Shall the amendment carry?

**Hon. Ed Fast:** Could we have a recorded vote, Madam Chair?

(Amendment agreed to: yeas 8 ; nays 1 [See *Minutes of Proceedings*])

**The Chair:** We're moving on to PV-32.

Go ahead, Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

As you can tell, this is not intuitive to read because it talks about replacing lines and other lines. Let me explain the rationale of what this is doing. Again, this is based on advice from West Coast Environmental Law, in this case, dealing with what I think a lot of witnesses certainly agreed was an excess of ministerial discretion.

The exercise of discretion here in proposed section 31 is the minister's discretion to substitute another process and working with another level of jurisdiction. What the amendment that I'm proposing does is to tighten up and provide more guidance to the exercise of ministerial discretion, by removing the words "subject to sections 32 and 33" and instead saying, "if the minister is of the opinion for the process".

Then, further down, I suggest inserting the conditions that are found in proposed section 33 in a more mandatory fashion. It becomes a condition baked into proposed section 31 on the exercise of the minister's discretion to substitute, so that the project meets the conditions set out in proposed section 33. It's a tightening up of discretion.

• (1125)

**The Chair:** Yes, Mr. Fast.

**Hon. Ed Fast:** Could we ask the officials to comment on the impact and the import of making this proposed section 31 subject to proposed sections 32 and 33? I'm referring to section 31(1).

**Ms. Christine Loth-Bown (Vice-President, Policy Development Sector, Canadian Environmental Assessment Agency):** As the proposed legislation lays out, in terms of the minister's power to do substitution to another jurisdiction, proposed section 31 is subject to proposed section 33 already, which includes the conditions outlined there in the legislation. In addition, the minister can add additional conditions when substituting because substitution is done on a case-by-case and a project-by-project basis and there's an agreement that's established for that, so additional conditions can even be added at that time, if necessary. It is subject to proposed section 33.

**Hon. Ed Fast:** What is the impact of the proposal that Ms. May has made?

**Ms. Christine Loth-Bown:** It already lays out that proposed section 31 is subject to proposed section 33.

**Hon. Ed Fast:** Are you saying that it's redundant?

**Ms. Christine Loth-Bown:** As noted in the first line, subject to proposed sections 32 and 33, the minister is of the opinion that they can move forward with substitution.

**Hon. Ed Fast:** She's proposing to delete those first six words, so what is the impact of that? Does it improve this at all?

**Ms. Christine Loth-Bown:** I can't speak to whether it improves or doesn't improve.

**Hon. Ed Fast:** What is the impact then?

**Ms. Christine Loth-Bown:** I can just lay out what's already within there.

**Ms. Elizabeth May:** With respect to Christine, there's the exercise of discretion and then there's mandatory language. This is an objective test that the project meets proposed section 33, as opposed to the case where the minister is satisfied that it does. Therefore, he or she, as the future minister, may in fact be satisfied, but an objective test that a court looks at may say, "well, we don't think it meets the conditions in 33". That's the change I'm attempting to make.

**The Chair:** Thank you.

Go ahead, Ms. Duncan.

**Ms. Linda Duncan:** I just want clarification about why Ms. May doesn't want to reference proposed section 32. Are you thinking that it's mandatory enough that you don't have to repeat?

**Ms. Elizabeth May:** Yes.

**Ms. Linda Duncan:** Thank you.

**The Chair:** All right. Shall the amendment carry?

**Hon. Ed Fast:** Can we have a recorded vote, Madam Chair?

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** Next, we're on PV-33.

The floor is yours, Ms. May.

**Ms. Elizabeth May:** Thank you.

Again, this is in a series of efforts that I have been making to expand the content of notices for public information. You'll find on page 24 at line 34 that there's a notice inviting public comment, so that when the minister receives a request for substitution, the agency must post the request on the Internet. I'm adding that it will be posted, as well as a description of the substitution and a notice that invites the public to participate, which is further and better information for the public.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're on PV-34, Ms. May.

**Ms. Elizabeth May:** This is a recommendation from West Coast Environmental Law. As our current draft reads, the minister's decision to request substitution must be posted on the Internet site.

My amendment would provide additional information. The agency would have to post a notice of the minister's proposed decision, and where applicable, any conditions the minister intends establish with respect to the substitution, as well as a notice that invites the public to provide comments on the proposed decision and intended conditions within 30 days. Additionally, the agency would have to post on the Internet site a notice of the minister's final decision with respect to the request for a substitution that includes the reasons for it as well as any conditions the minister may have established related to that substitution.

Again, it's a fuller set of public notifications of what the minister proposes to do in relation only to substitution.

**The Chair:** Shall the amendment carry?

• (1130)

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** Thank you very much.

We're on PV-35, Ms. May.

[*Translation*]

**Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC):** Madam Chair, I would like to propose an amendment.

At our meeting on Tuesday, I was told that it would be possible to introduce an amendment now.

I would therefore like to introduce an amendment to remove paragraph (b) from section 32.

[*English*]

**The Chair:** Okay. Go ahead, please.

[*Translation*]

**Mr. Philippe Méla (Legislative Clerk):** Would you happen to have a written copy of the amendment?

**Mr. Joël Godin:** No, I don't.

It's just removing something. I propose that paragraph (b) be removed from section 32.

[*English*]

**The Chair:** Sorry, are you making an amendment?

[*Translation*]

**Mr. Joël Godin:** Yes.

[*English*]

**The Chair:** Okay, so you're bringing an amendment on the floor.

**Mr. Joël Godin:** Yes.

**The Chair:** Can you please repeat it so that we have it accurately?

[*Translation*]

**Mr. Joël Godin:** Absolutely

Madam Chair, I propose an amendment that removes paragraph (b) from section 32, on page 25.

[*English*]

**The Chair:** The amendment that's being proposed on the floor is that we remove proposed paragraph 32(b), which is under Exceptions, on page 25.

Is that okay?

[*Translation*]

**Mr. Joël Godin:** Madam Chair, I would like to explain why I want to remove paragraph (b) from section 32.

I think that paragraph (a) is sufficient and that identifying some pieces of legislation is restrictive. I would like it to be more general.

[*English*]

**The Chair:** That's a good explanation.

Here's the situation. We have to go in order of the lines. We're jumping ahead, because your lines start at line 8, and there's an amendment here going from line 5. I have to deal with that one first.

If that one passes, then yours would not be allowed. Let's see what happens with PV-35, okay?

[*Translation*]

**Mr. Joël Godin:** Thank you, Madam Chair.

[English]

**The Chair:** You have to keep me on my toes here.

All right.

Ms. May, you're first.

[Translation]

**Ms. Elizabeth May:** That's the goal of amendment PV-35.

[English]

This is to remove lines 5 to 13, again found under the "Exceptions" section—so we're in the same ballpark here—and replace them, as follows: "The Minister must not approve the substitution of a process in relation to a designated project" unless [Technical difficulty—Editor] "requested by a jurisdiction referred to in paragraph (c) or (d) of the definition jurisdiction...without the written consent of...Indigenous [people] that may be affected by the carrying out of the designated project".

This again is essentially looking at indigenous consent on substitution of projects and was a recommendation of West Coast Environmental Law.

**The Chair:** Okay. I understand what you're doing.

All those in favour of the amendment?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're now on Mr. Godin's amendment. We've had the explanation, so shall the amendment—

**Ms. Linda Duncan:** Please don't call that yet. I wanted to have an explanation from the officials about what the different implications are if (b) is there or (b) isn't there.

**Ms. Christine Loth-Bown:** I apologize, Ms. Duncan. Could you repeat the question?

• (1135)

**The Chair:** For those who may have missed it, the amendment that's on the floor proposes that in the section "Exceptions", proposed paragraph 32(a) stands and (b) is removed.

**Ms. Linda Duncan:** My question would be, if that is removed, is it possible that there would not be a review under this bill, and that it would be reviewed by one of those offshore boards instead?

**Ms. Christine Loth-Bown:** That is my understanding of that proposed amendment, yes.

**Ms. Linda Duncan:** Okay. I'm voting against it.

**The Chair:** Okay. That's clear. Thank you very much.

**Mr. Brent Parker (Director, Legislative and Regulatory Affairs Division, Canadian Environmental Assessment Agency):** I might just add that proposed paragraph 32(a) notes that if an impact assessment is referred to a review panel, it cannot be substituted, so those projects done in collaboration with the offshore boards would all be done by a review panel. They would actually not be available for substitution if (a) remains.

**Ms. Linda Duncan:** I remain concerned about this, because there are strange things in this bill. For example, under this bill, the

minister cannot refer a matter to a panel if an authority has already made a decision. That raises this question: why would an authority be allowed to make a decision before the decision is made about whether there needs to be an impact assessment?

That doesn't give me any assurance. The question then would be, why didn't she refer it to a panel? Why does she allow them to go first? That doesn't give me the assurance—

**The Chair:** Did you want to—

**Mr. Brent Parker:** I can speak to that. In proposed section 7 of the bill, there are prohibitions for federal authorities to take decisions, and that ensures the impact assessment must be done and must be completed first for those projects that are on the project list. But in cases where a proponent has already received authorization by a federal authority—and this is largely in relation to transition—those projects that might be coming onto the project list, then, would not be subject to an assessment under this particular piece of legislation because they've already commenced construction. There are some other specific transition provisions related to that as well.

**Ms. Linda Duncan:** I would have been assured if it had said "before the proclamation of this bill".

**The Chair:** Okay. I got it. Thank you very much. That was good clarity on that point.

Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

**The Chair:** We are now on NDP-33.

**Ms. Linda Duncan:** I don't know if any of these overlap. I don't think they do.

I just want to say at the outset that tabling this is a hard decision, given all the problems with the substitution, and the fact that it's never been used historically. Frankly, I think the whole section should be removed, but I'll make an attempt to improve it.

There are extreme concerns in the public with this whole part of the bill, particularly because there is no way that the federal government can bind a provincial review process. They have their own jurisdiction to decide on public participation, to decide what the review...or to decide on the terms of reference. It's a bit of a nonsensical section.

I'm changing (a) to reference paragraph (a.1), which is my (b). If you go to line 17 on page 25, what I'm adding in...in other words, the minister could not approve a substitution "if the process followed by a jurisdiction includes a consideration of some but not all of the factors set out in subsection 22(1)".

In other words, they can't allow substitution of a provincial, territorial, or any other process if that other process does not require the review of all the factors in subsection 22(1), and "through a single and coordinated assessment", unless it's with assessment. This act right now requires that all 22 factors be considered, so this is saying that you can't do a substitution if they don't also include all those factors.



It adds in at line 20 on page 25, “be given an opportunity to and will participate in the assessment”.

Again, there's no power in the federal government, even under this bill, to change the participation rights of a provincial review process, but we can make an attempt in that amendment.

• (1140)

**The Chair:** Linda, I had given everybody two minutes to explain their amendment. Can you please wrap it up?

**Ms. Linda Duncan:** In sum, rather than going through all the sections, I'll simply say—

**Hon. Ed Fast:** I have a point of order, Madam Chair.

I think, typically, when Ms. Duncan has been raising amendments that include a number of subamendments, we've dealt with them separately.

**The Chair:** Not necessarily.

**Hon. Ed Fast:** We have. We have dealt with them separately.

**The Chair:** When asked, we have.

**Hon. Ed Fast:** I would like to see them dealt with separately, because each one of them deals with—

**The Chair:** It's her amendment.

**Hon. Ed Fast:** I understand that. I'm asking, is she prepared to have these considered separately, with separate votes, or does she want this as one big amendment?

**Ms. Linda Duncan:** I appreciate your intervention. I know it's going to be voted down anyway.

I think I've made my point about the substitution part. The most critical part is where the minister is authorized to gather more information. That provision is inadequate, frankly. The expert panel was very clear that the federal authority must have the opportunity to request additional information. The problem is, in that part of the bill, there's no necessity, then, for her to undertake her own separate review. She can't require the other jurisdiction to revisit the review based on the additional information that she thinks is lacking.

All of my amendments go to the fact that this whole part of the bill is inadequate to ensure that federal matters of jurisdiction are considered, and that the public and indigenous people will have an equal opportunity to participate in that review.

**The Chair:** Thank you very much.

Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We are on NDP-34.

Linda.

**Ms. Linda Duncan:** Thank you.

I am adding in an (a.1). That is intended to ensure that any substituted process is concerned with the impacts only within that jurisdiction's mandate and won't have adverse effects on federal jurisdiction.

**The Chair:** I think that's clear.

Shall the amendment carry? It is a recorded vote.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We are on LIB-22.

Mr. Bossio.

**Mr. Mike Bossio:** Thank you, Chair.

Once again, this is another of many amendments where I'm trying to bring forward meaningful participation for the public and others.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

**The Chair:** We are on LIB-23.

Mr. Bossio.

**Mr. Mike Bossio:** Once again, Chair, this also goes to indigenous knowledge, and to specify how indigenous knowledge would be considered in decision-making, and reconciled with the need to ensure this knowledge is protected. It's one of a number of amendments I've put forward.

**Ms. Linda Duncan:** Can I comment on it as well?

**The Chair:** Ms. Duncan.

**Ms. Linda Duncan:** Again, every tribunal in Canada treats the issues related to indigenous knowledge and concerns differently. Some tribunals refuse to make a ruling, some tribunals are mandated to make a ruling. I don't know how the minister can possibly transfer this responsibility to another jurisdiction when there is a tribunal that is not mandated, in fact, to make the rulings that a federal tribunal would.

In those cases, to me, where there are indigenous interests at stake, there should be a joint review, not a substitution.

• (1145)

**The Chair:** Mr. Godin.

[*Translation*]

**Mr. Joël Godin:** Madam Chair, I would like to find the place in the text of the bill, but I'm lost. I am on page 26, line 9. I apologize, I just found it.

[*English*]

**The Chair:** Shall the amendment carry?

**An hon. member:** I would like a recorded vote.

(Amendment agreed to: yeas 8; nays 0 [See *Minutes of Proceedings*])

**The Chair:** On PV-36, Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

This is a very straightforward amendment. It adds a brand new subsection (5), that the minister must post the report on the Internet site within 10 days after the day it's submitted.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** We are on NDP-35.

Ms. Duncan.

**Ms. Linda Duncan:** Madam Chair, this ensures that a report created through the substitution process specifically complies with proposed sections 31 to 33, and that government should have good information about adverse environmental effects relating to all projects over which it has decision-making responsibility.

The federal government should not be allowed to avoid due diligence by allowing the review by a province alone and conformity should mean conformity with proposed sections 31 to 33.

**The Chair:** Shall the amendment carry?

**An hon. member:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We are on NDP-36.

Ms. Duncan.

**Ms. Linda Duncan:** Madam Chair, this makes this provision mandatory rather than giving her discretionary power. Where the minister believes that additional information is required to determine whether there are adverse effects that impact the public interest, it seems rather bizarre that she is not required to request that information.

That was requested by the expert panel. Without this change, it highlights the frailties of allowing substitution. If a province fails to fully assess the impacts under federal jurisdiction, it will then essentially need a second federal-led review. It seems to make sense.

It's rational that the minister must request the additional information, otherwise those matters would not have been reviewed. She may have made a mistake when she agreed to the substitution and had not had information brought to her attention that there were other adverse effects that affected federal jurisdiction. Once she becomes aware of that, she should be required to demand that information. Frankly, she should be required to then call a federal review, but that's not what this section says.

**The Chair:** Okay.

**Ms. Linda Duncan:** I wanted to also add to that from the floor, to add a new section 35.1.

**The Chair:** Wait a minute.

**Ms. Linda Duncan:** You want to do this one first? Okay.

**The Chair:** Yes.

Shall this amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** Okay, you wanted to add something in what line?

**Ms. Linda Duncan:** I'm proposing a new section 35.1.

•(1150)

**The Chair:** Okay, you're on page 26. We are just finished line 31. We are not yet on 32, where we have other amendments. What are you wanting to put in after proposed section 35?

**Ms. Linda Duncan:** It's 35.1. That would be at line 32. You would add it in ahead of "Impact Assessment by a Review Panel".

It would say, "Any information provided to the minister by that jurisdiction or the proponent must be disclosed to the public."

**The Chair:** Okay. Shall that amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** PV-37 has been withdrawn, and we are now on PV-38.

If it is adopted, LIB-34 cannot be moved, because there will be a line conflict. Just keep that in mind.

Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

As members can see, this is a lengthy amendment. It is based on very useful testimony from the Canadian Environmental Law Association that in exercising the discretion of the minister whether to refer a project to a review panel, right now our legislation just says the minister can decide if it's in the public interest.

My amendment sets out specific time limits for that consideration by the minister, that it is to be posted up to 45 days after the impact statement has been placed in the registry. The minister then "must refer the impact assessment of that designated project to a review panel when the Minister determines it is in the public interest to do so and may refer the impact assessment to a review panel at the request of any person". The additional proposed subsection says that if the minister is requested to refer the impact assessment to a review panel, the minister must make a decision within a prescribed period of time.

Over the page, it sets out in more detail what the minister must consider in looking at whether something is in the public interest, such as "concerns of the public or Indigenous groups" and "opportunities for cooperation with other jurisdictions". It refers back to the fact that the minister must consider "the purposes of the Act", "the federal government's duty to foster sustainability and apply the precautionary principle", and so on and so forth.

This is essentially again an attempt to backfill this legislation, to cover off wide areas of discretion without guidance from a minister.

It's a pretty critical amendment. I hope it will be well received, but I recognize there are line conflicts with an upcoming Liberal amendment.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** PV-39 has been withdrawn.

We are now on PV-40.

Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

Again, we're on the same page, looking at the lines found from 5 to 7 and the minister's determination as to whether referral of the project to a review panel is in the public interest. We are finding ways to ensure that instead of that determination having to "include" a consideration of the listed factors, that it "be based on" such consideration. Again, it's an attempt to tighten up discretion.

**The Chair:** Okay, I think that's clear.

Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're now going to amendment LIB-24, and Mr. Amos.

**Mr. William Amos:** I'll cover this off for Mr. Fisher because I know he was doing housekeeping with the government—

**The Chair:** There's no problem. We don't have to explain where he went.

**Mr. William Amos:** This is really an amendment just to make sure the decision on whether to refer a project to a panel is consistent with other decision points in the legislation, and it will ensure that the minister considers the impacts on the rights of indigenous peoples.

It is fairly straightforward, but if there is any need to ask the officials for any additional explanation, then I'm sure they will be happy to provide that.

• (1155)

**The Chair:** Ms. Duncan.

**Ms. Linda Duncan:** I have an amendment to paragraph 1(c) by adding after line 15 on page 27, after "1982", " and the United Nations Declaration on the Rights of Indigenous People".

**The Chair:** Shall the subamendment to amendment LIB-24 carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Subamendment negatived [See *Minutes of Proceedings*])

**The Chair:** That didn't carry, so we go back to the amendment.

**Mr. Mike Bossio:** I'd like a recorded vote.

(Amendment agreed to: yeas 5; nays 4 [See *Minutes of Proceedings*])

**The Chair:** On amendment PV-41, we have Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

Again, we're looking at page 27, lines 34 to 36. This is a recommendation from the Canadian Environmental Law Association

to delete the 600-day time limit in order to allow review panels to develop an appropriate project-specific timetable for the public hearing and delivery of the panel's report.

Having worked with the time limits that were in CEAA 2012, in Bill C-38, they became unworkable and contributed to the violation of procedural fairness rights in a hearing in which I was an intervenor. I would hope we would not repeat that mistake and allow the review panel to set a time limit that's appropriate for the project and its review.

**The Chair:** I just want to let people know that if it's adopted, amendments PV-42 and CPC-3 cannot be moved because there will be a line conflict.

Shall amendment PV-41 carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We will go on to amendment PV-42. If this is adopted, amendment CPC-3, again, cannot be moved because of a line conflict.

**Ms. Elizabeth May:** The irony of this bill is it provides hard time limits for project reviews but doesn't necessarily provide the time limits one would expect for the minister to act to provide public information. This timeline is to add, "(1.1) No later than 10 days after the day on which the Minister has appointed to a review panel the minimum number of members required, the Agency must establish a date by which the panel must submit its report with respect to the impact assessment to the Minister."

Again, it's allowing for that conversation to take place but with a 10-day time limit.

**The Chair:** It's getting more prescriptive. Okay.

Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're now on CPC-3, Mr. Sopuck.

**Mr. Robert Sopuck:** Thank you.

I think it's critical that there be timelines, because there have been experiences in the past where panels just endlessly added time, weeks and months. We saw that in the second iteration of the Mackenzie Valley pipeline review. My amendment proposes to lower the review timeline very modestly from 600 to 560 days. I think that's a reasonable amendment. It still gives lots of time for the process to unfold, but it gives the proponents a bit more certainty in terms of this process.

• (1200)

**The Chair:** All right, that's clear.

Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

**The Chair:** We're on to LIB-25, Mr. Rogers.

**Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.):** Madam Chair, during the presentations by witnesses and stakeholders, they said that in some cases a requirement that projects with federal regulators be assessed by a panel could work against our goal of a timely assessment. This amendment is meant to address this concern by setting a timeline or baseline of 300 days for reviews of projects with federal regulators.

Other than that, I think it's pretty much self-explanatory.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment agreed to: yeas 8 ; nays 1 [See *Minutes of Proceedings*])

**The Chair:** I'm going to give a couple minutes for a break.

•(1200) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1205)

**The Chair:** Okay, we're going to get going.

We are on NDP-37.

Ms. Duncan.

**Ms. Linda Duncan:** I believe this is a very important addition. I commented on this yesterday. For some bizarre reason, this bill gives absolutely no powers to panels. In all my history in representing people before tribunals, the panel had a lot of powers.

This amends, on page 28, line 39, that provision allows the agency to require additional information but not the panel, yet the matter is being referred to a review panel.

I propose, “designated project to a review panel, the Agency or the review panel may” request.

**The Chair:** You are adding “or the review panel”.

**Ms. Linda Duncan:** Yes.

I'd like us to vote on that.

**The Chair:** Are you breaking this out?

**Ms. Linda Duncan:** Yes, I am.

•(1210)

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

**The Chair:** We're just doing (a) at the moment.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** Now we are on (b).

**Ms. Linda Duncan:** Then why is there a panel?

The second one replaces line 3 on page 29. In addition to the power, now of only the agency, not the panel, to collect information, it requires also that information be disclosed.

**The Chair:** Shall part (b) of the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** We're going on to (c).

**Ms. Linda Duncan:** The third one is line 5 in the same provision. It would say, “are necessary in the opinion of the Agency or the review panel, are necessary for the impact assessment by the review panel”. That seems to only make sense to me.

**The Chair:** Shall the amendment NDP-37(c) carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** We're moving on to NDP-38.

Ms. Duncan.

**Ms. Linda Duncan:** Thank you.

This amendment is brought forward at the request of the Mikisew Cree, based on their experience in appearing before tribunals. Essentially what they're asking for is that the clock be stopped while the proponent meets an agency's or review panel's request for information. That only makes sense.

Their experience has been that, in the past, there may be a request for information that's not provided in a timely fashion, so neither the intervenors in the proceeding nor the panel have the opportunity to review that information in a timely way.

I'm doing them one by one.

**The Chair:** Okay. I think that's clear, proposed new subsection 38.1(1).

On NDP-38, shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

**The Chair:** We will have a recorded vote.

Ms. Duncan.

**Ms. Linda Duncan:** I'm wondering if my second proposed change makes sense if the first is ruled out.

**The Chair:** I didn't think you should have split it, but you did.

**Ms. Linda Duncan:** It doesn't matter. It's nonsensical. We simply wanted it. There's—

**The Chair:** We're waiting for your vote.

**Ms. Linda Duncan:** Oh, I'm sorry.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** On PV-43, we have Ms. May.

I'm sorry. Mr. Bossio.

**Mr. Mike Bossio:** [*Technical difficulty—Editor*] LIB-26?

**The Chair:** Wait a minute. LIB-26 isn't up yet. We are at PV-43. We're on page 29.

**Mr. Mike Bossio:** I'm sorry. I didn't realize....

**The Chair:** That's okay. We're not there yet.

**Mr. Mike Bossio:** I thought we were.

**The Chair:** I know, we're getting anxious.

On PV-43, Ms. May.

**Ms. Elizabeth May:** By the way, Linda has already brought it to my attention that when we were drafting, the drafters used the previous name, the Minister of Indian Affairs and Northern Development, so that will need amending as a subamendment to bring it up to date with the current name.

These were recommendations from the Assembly of First Nations so that when an impact assessment of a designated project is going to a review panel, there's an opportunity for the Minister of the Environment, and the minister for I think at this point not indigenous services, but the proper title for Carolyn Bennett, as minister of indigenous legal and treaty rights—I'm afraid I don't have the proper name in front of me, as I'm still having trouble remembering the names of the newly divided ministries—to have their own conversation to provide alternative project review, which will ensure that any assessment will be done thoroughly on impacts to aboriginal and treaty rights of the designated project whenever there's a joint establishment of a review panel.

• (1215)

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

**Ms. Linda Duncan:** I'll make the subamendment for her.

I would like to replace “minister of Indian and northern development” with “minister of indigenous and northern affairs”.

**The Chair:** Okay. That seems reasonable.

All those in favour of the amendment to the amendment, which is just correcting the name.

**Hon. Ed Fast:** I would like a recorded vote.

(Subamendment agreed to [See *Minutes of Proceedings*])

**The Chair:** Shall the amended amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment as amended negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We are now on PV-44, Ms. May.

If this is adopted, LIB-26 and CPC-4 cannot be moved because there will be a line conflict, just to let you know.

**Ms. Elizabeth May:** I've spoken to this issue before, Madam Chair. It relates to the exclusions that occur in this act, in that the minister can't enter into a joint review panel agreement where the physical activities are regulated under the Nuclear Safety and Control Act or the Canadian energy regulator act, formerly known as the NEB Act. There has been no justification put forward, no justification at all. There's no public policy reason that springs to mind. It doesn't make any sense, so we're suggesting that it be deleted.

**The Chair:** Mr. Fast.

**Hon. Ed Fast:** Could I have the officials' comment on the rationale for this provision?

**The Chair:** Well, she gave the rationale.

**Hon. Ed Fast:** Who? The officials didn't.

**The Chair:** No, but Ms. May did. It's her amendment.

**Hon. Ed Fast:** Yes, but she suggested that there's really no rationale for having this provision in here. I want to hear what it is.

**The Chair:** Can the officials give us the rationale for the proposed subsection?

**Mr. Brent Parker:** Okay. I can't speak to the rationale behind—

**The Chair:** Not the amendment.

**Mr. Brent Parker:** No, but even to that particular proposed subsection, other than to say that the way it's structured now would not permit a joint review with another jurisdiction where the life-cycle regulators—the CNSC or the NEB—are involved, but I do see that this amendment and other ones that follow from the Liberals as well would allow the joint review of those types of projects with other jurisdictions.

**Hon. Ed Fast:** Okay.

**The Chair:** Mr. Godin.

[*Translation*]

**Mr. Joël Godin:** Madam Chair, I will continue with the same issue.

Only two pieces of legislation are mentioned in the exceptions. Why are two pieces of legislation specified? Should other acts be added or should those two be removed?

**Ms. Christine Loth-Bown:** No. The intent was just to specify the pieces of legislation that deal with organizations regulating the lifecycle of projects. That was specific to those pieces of legislation and there is no intent to add any others.

**Mr. Joël Godin:** Okay.

[*English*]

**The Chair:** Okay, it's clear.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 7; yeas 2 [See *Minutes of Proceedings*])

**The Chair:** We have LIB-26.

Mr. Amos.

• (1220)

**Mr. William Amos:** We've had significant stakeholder input on the issue of one project, one review, which we're firmly in favour of, but some stakeholders, both indigenous and on the industry side, pointed out that the bill as currently drafted will prevent joint assessments with provinces, territories, and indigenous people for projects with a federal life-cycle regulator.

This amendment is going to address that particular aspect by enabling joint assessments with provinces, territories, and indigenous governing bodies. But at the same time, it's going to ensure that joint panels are established with the federal life-cycle regulators.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment agreed to: yeas 8; nays 1 [See *Minutes of Proceedings*])

**The Chair:** We're moving on to CPC-4.

**Mr. Robert Sopuck:** We'll withdraw that one.

**The Chair:** Okay, we are on CPC-4.1.

**Mr. Robert Sopuck:** Right now, the minister can enter into an agreement or arrangement with the jurisdiction but the minister is not authorized to enter into an agreement referred to in proposed subsection (1), related to the Nuclear Safety and Control Act and the Canadian energy regulator. We're suggesting that paragraph 2(a) be amended to read, "The Nuclear Safety and Control Act, unless the agreement or arrangement is in relation to a uranium or thorium mine or a mill".

This will make the—

**The Chair:** My apologies. I realize CPC-4.1 cannot be moved because there will be a line conflict. That happened on LIB-26. If you look, it's 19 to 22 on page 29 and that is right where we are.

We're on to LIB-27. If it's adopted, PV-44.1 cannot be moved because there will be a line conflict.

Mr. Rogers.

**Mr. Churence Rogers:** Provisions in this bill establish timelines to provide for more timely assessments. The spirit of this amendment is to ensure that we establish base timelines. In this case, the minister must make decisions within 45 days.

I think other than that establishing that particular timeline is pretty straightforward.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

**The Chair:** That's unanimous. That was our first one, I think.

Well done, Churence.

Now we have PV-45. Ms. May.

•(1225)

**Ms. Elizabeth May:** Thank you.

This is deleting what we find in proposed paragraphs 41(2)(b) and 41(2)(c), which deal with the energy regulators and their role on panels.

Again, this is something that's come up quite often. I have other amendments that relate to it as well. But there's a pretty strong consensus from the expert panels that we do not want any role for these regulators on the review panel. So, it reads:

Restriction

(2) Subsection (1) is subject to the following sections:

Again, there are additional amendments that are consistent with this.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** On PV-46, we have Ms. May.

**Ms. Elizabeth May:** Thank you very much.

Again, these are consequential amendments for ensuring that we don't have energy regulators playing roles on review panels.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** Now we're going on to amendment CPC-5. If adopted, CPC-5.1 can't be moved because of a line conflict.

**Mr. Robert Sopuck:** I would like to withdraw CPC-5 and keep CPC-5.1.

**The Chair:** We're on CPC-5.1.

**Mr. Robert Sopuck:** Again, it's similar to the other one regarding the nuclear mines. Basically this bill treats uranium mines and mills carefully, but they're really just like regular mines. There's no justification for such different treatment, as the complexity and impacts of uranium mines and mills are not in a different category than other mines and mills, and co-operative approaches are just as valuable.

We're recommending that it read:

(a) the *Nuclear Safety and Control Act*, except in relation to a uranium or thorium mine or mill;

Again, uranium and thorium mines are regulated provincially. They're just like all other mines, whether a nickel mine, or so on. There's no reason for this type of mining to be singled out, so we recommend this amendment.

**The Chair:** Ms. Duncan.

**Ms. Linda Duncan:** I'm looking at line 37. I don't see how you can add that in there, because then what happens to "(b) the Canadian Energy Regulator Act"? It's not related to a nuclear facility.

**The Chair:** You're looking at line 37—

**Ms. Linda Duncan:** I'm looking at line 37. He wants to specifically add in that a nuclear facility be regulated. Why would a nuclear facility be regulated by the Canadian energy regulator?

**The Chair:** Let's just make sure that I'm following you. You said line 37, which reads "includes physical activities that are regulated under any of the following Acts".

**Ms. Linda Duncan:** Right, and he's adding in—

**The Chair:** Under (a), he's excluding. He's doing an exclusion.

**Mr. Robert Sopuck:** Yes.

**Ms. Linda Duncan:** No, he's not. He is replacing that line, which simply talks about physical activities—

**Hon. Ed Fast:** No, you're on the wrong line. Look at (a).

**Ms. Linda Duncan:** I'm looking at (a).

**The Chair:** Which one are you looking at?

•(1230)

**Ms. Linda Duncan:** I'm looking at (a); you're talking about (b), and I'm talking about (a).

**The Chair:** Hold on—what amendment are you on?

**Ms. Linda Duncan:** CPC-5—

**The Chair:** That's the problem. That was withdrawn.

**Ms. Linda Duncan:** Oh, sorry. So that has been withdrawn, okay. That's why I keep saying CPC-5.

Very good. No wonder it didn't make any sense.

**The Chair:** Mr. Sopuck, you need to have your own amendment qualified by the departments?

**Mr. Robert Sopuck:** I would like to have the officials make a comment on this amendment.

**The Chair:** But it's your amendment.

**Mr. Robert Sopuck:** I know.

**Hon. Ed Fast:** We're trying to persuade your members here that this is a good amendment.

**The Chair:** Okay, what do want the officials to answer to?

**Mr. Robert Sopuck:** Again, the concept is that uranium mines and thorium mills are treated differently from other mines under this act, and this amendment says that they're mines like all other mines.

**The Chair:** Okay, let's have the officials speak to that.

**Ms. Christine Loth-Bown:** With respect to mines, I believe you mentioned earlier that they're also provincially regulated. The amendment that the Liberals made under 27, I believe, which was a change to 39(1) would mean that an integrated review panel could also include working with another jurisdiction, so mines could be dealt with through dealing with another jurisdiction, as well, so provinces and territories could be involved in the review, based on that amendment that was passed.

**Mr. Robert Sopuck:** But there's no need to differentiate between uranium and thorium mines, right?

**Ms. Christine Loth-Bown:** The uranium mines are under the Canadian Nuclear Safety and Control Act, so they're under the purview of the life-cycle regulator and they're controlled under that act.

I don't know if my colleagues from NRCan have anything further to add with respect to that, but it is the legislation.

**Mr. Jeff Labonté (Assistant Deputy Minister, Major Projects Management Office, Department of Natural Resources):** As it currently stands, uranium mines are subject to the Canadian Nuclear Safety and Control Act and require a federal certificate or licence to operate.

**Ms. Linda Duncan:** I have a question.

**The Chair:** You know what? We're digging down into something. We've all had this in front of us since last—

**Ms. Linda Duncan:** It's related to exactly what Mr. Sopuck's issue is. I just want clarification that if the minister refers, she can still do a joint panel. Is that clear in the act?

**Ms. Christine Loth-Bown:** The change that was just put forward under amendment LIB-26 was to be able to ensure that an integrated review panel did not preclude involving another jurisdiction such as a province, territory, or indigenous jurisdiction in the review.

**Ms. Linda Duncan:** An integrated review panel: what's that?

**The Chair:** Can we focus on this one? I think the answer given was that it's included.

Given the answer we got from the officials, I'm not really clear as to why this needs to be there, but you would like it voted on, so we're going to vote on it.

Shall the amendment carry?

**Hon. Ed Fast:** Could we have a recorded vote?

(Amendment negatived: nays 6; yeas 3)

**The Chair:** We are now on amendment PV-46.1.

**Ms. Elizabeth May:** Thank you.

**The Chair:** Wait. Hold on, sorry.

Just to be clear, the legislative clerk is making sure that I'm very detailed here and that we know that the vote that we just took also applies to amendment CPC-5.2 because it's exactly the same. So that is now off.

We will go back to amendment PV-46.1.

**Ms. Elizabeth May:** Madam Chair, I can set out the overarching principle here, because it will come up in many places since we have at this point failed to remove energy regulators, which have no business being in impact assessment. This is a legacy of Stephen Harper. There is no justification for the Liberal Party, which voted against this in spring of 2012, to now foist upon all future impact assessments a role for the NEB—now the CER—as well as offshore boards and the Canadian Nuclear Safety Commission, despite recommendations from the expert panel and environmental law groups that appeared before you. I don't know how this is still being controlled by Stephen Harper from the political grave, and not the Liberals, who promised to do better. Having failed to get energy regulators out of the act, where they have no place—

**Hon. Ed Fast:** Give me a break, Elizabeth.

• (1235)

**Ms. Elizabeth May:** I'm sorry, Ed, that's what happened. I was there.

**The Chair:** Ms. May, we are short on time.

**Ms. Elizabeth May:** I'm explaining a series of amendments that are complicated in one overarching...so it's easier next time.

Having failed to get energy regulators out of this act, I'm proposing that we ensure that it's no more than one energy regulator on any panel, or as a member of those boards. This amendment deals with the Canadian Nuclear Safety Commission. There will be subsequent ones that deal with others, and only one, and that they not serve as chair.

**The Chair:** Mr. Amos.

**Mr. William Amos:** I'd like to speak to this one. We have heard from stakeholders that they'd like to see no majority of members from life cycle regulators on panels. That's something we've heard, so we're in agreement there with Ms. May. LIB-30, that is coming up, will address that, and we think it achieves that in the most balanced way.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We are now on LIB-28.

Mr. Rogers.

**Mr. Churence Rogers:** Madam Chair, again this has to do with timelines. The amendment is one of several that I'm putting forward to address this issue. It would support timely assessments by setting a clear timeline for establishing review panels. Other than that, it's pretty self-explanatory.

**The Chair:** Mr. Fast.

**Hon. Ed Fast:** Madam Chair, this is coming up pretty regularly, and it's being proposed by Mr. Rogers. Mr. Rogers has intimate knowledge of the industry, the offshore industry in Newfoundland and Labrador, and understands this issue. We strongly support these provisions throughout the bill.

I would like a recorded vote, especially on this one.

(Amendment agreed to: yeas 8; nays 1 [See *Minutes of Proceedings*])

**The Chair:** That was not unanimous, but it did pass.

We're moving to PV-47. If adopted, LIB-29 cannot be moved, because there will be a line conflict.

Ms. May.

**Ms. Elizabeth May:** To be brief, Madam Chair, it's the same rationale that I applied last time, but this time, it's relating to the appointment of the roster from the Canadian Nuclear Safety Commission.

**The Chair:** Mr. Fast.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**Ms. Linda Duncan:** Madam Chair, I now have an amendment, which is at line 14, so mine would come next.

**The Chair:** Are you bringing one from the floor?

**Ms. Linda Duncan:** Yes, my amendment would be to proposed subsection 44(3). I have it written here. I can give it to the clerk.

**Hon. Ed Fast:** What page is it on, which line?

**Ms. Linda Duncan:** It will delete line 14 and replace it with "a maximum of one of the persons appointed under CARA".

**The Chair:** We're on page 32, and you're talking about line 14.

**Ms. Linda Duncan:** I'm talking about line 14. I'm replacing that with "a maximum of one of the persons appointed under CARA".

**The Chair:** That's clear.

Mr. Godin.

[*Translation*]

**Mr. Joël Godin:** Madam Chair, could someone give me the reference in French?

[*English*]

**The Chair:** Is it different? Do you want to say it in French?

•(1240)

**Ms. Linda Duncan:** Me?

**The Chair:** The legislative clerk is an expert at this. He's going to help us out.

Go ahead.

[*Translation*]

**The Clerk:** The experts are in the booth, but I will try.

The words "*Au moins un membre nommé*" are replaced with the words "*Au plus un membre nommé*" to denote the maximum.

[*English*]

**Ms. Linda Duncan:** Not "at least one", but "a maximum of one".

[*Translation*]

**Mr. Joël Godin:** Can you read it in full?

[*English*]

**The Chair:** We just need the line. It's just changing line 16.

[*Translation*]

**The Clerk:** Right now, paragraph 3, line 15, reads as follows: "*Au moins un membre nommé au titre du paragraphe*".

After the amendment, it will read as follows: "*Au plus un membre nommé au titre du paragraphe*".

**Mr. Joël Godin:** Okay.

[*English*]

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote, Madam Chair.

(Amendment negatived [See *Minutes of Proceedings*])

**The Chair:** Liberal 29 was withdrawn.

We now have LIB-30 in front of us.

Mr. Amos.

**Mr. William Amos:** As earlier referenced, we've heard from stakeholders asking for a reconsideration of the role of life-cycle regulators on review panels. We've heard the arguments that suggest they ought not to be a majority on review panels. This amendment that we're proposing would address concerns of those stakeholders by retaining a role for the life-cycle regulator, which is appropriate. They do have expertise to bring to the table, but it's also to ensure that the panel membership is appropriately balanced. We certainly agree that there should not be a majority of life-cycle regulator members.

My colleague may have a subamendment.

**The Chair:** All right, let's hear the subamendment.



**Mr. Mike Bossio:** I do have a subamendment, Madam Chair.

In doing this as well, I would like to indicate that this subamendment would apply to LIB-30, LIB-33, and LIB-76. It would apply to all three of those. I'm hoping that once people have heard the subamendment....

I do have copies of the subamendment that can be shared as well —of all three.

**The Chair:** Let's distribute them.

**Mr. Mike Bossio:** I'll speak to it in the meantime.

We have heard from many stakeholders the concern about regulators being overrepresented within the review panels and within the agency. Our government has set out to separate the agency and the regulatory function. We recognize that there is expertise within the regulators. Therefore, it makes sense to have regulator representation within the panel, but not a majority of the representation. I truly believe that if we want to restore the public trust, we need to also ensure that the regulator is not the chair of those panels.

This subamendment would set out that the regulator would not be the chair of the panel. We've seen, as I've said, a lot of testimony around this, including from the expert panel itself. It made it very clear that the accountability of the commission would be for assessment alone and would not be mixed up with regulatory accountability. The resulting transparency would make it easier for the federal government, proponents, and participants to hold the single authority to account. For financial discipline, there should be one independent agency that conducts and oversees federal EA, and that agency should not be the regulator.

To obtain more credibility and regain public trust, participants proposed that EAs be conducted free from political and proponent influence by an independent and impartial body.

Once again, there is evidence after evidence that supports this. I hope that the members will support this subamendment.

•(1245)

**The Chair:** You're requesting that we look at amendments LIB-30, LIB-33, and LIB-76 to make a subamendment to those. Let's do that.

Mr. Fast.

**Hon. Ed Fast:** I want to remind Mr. Bossio that his subamendment is actually excluding from the process arguably the most knowledgeable, capable, and experienced people from these projects. I don't know why we would do that.

These are people who have a high level of expertise and who can help the assessment process come to the right decision. We're slowly, but surely, limiting the number of those individuals who can participate in this process.

**The Chair:** We're just going to focus on the subamendment at the moment. I don't want back and forth on this. That subamendment is specifically referring to the chairperson. It's not being appointed from those groups.

**Hon. Ed Fast:** That's my point.

**The Chair:** I understand your point.

**Ms. Linda Duncan:** I think there's a mistake, because you're saying, add subsection 46(1) after line 8 on page 89. Section 46 is on page 32, so I don't know what you're doing here.

**The Chair:** Hang on a minute and let's make sure.

**Ms. Linda Duncan:** I think you have it all mixed up.

**The Chair:** It's a subamendment. Where it's fitting in is right. We're just going to do the subamendment that's applying to LIB-30, LIB-33, and LIB-76 right now.

I'm being advised that we do them individually. On the subamendment to LIB-30, please.

Mr. Rogers, please.

**Mr. Churence Rogers:** Madam Chair, I appreciate the spirit of what my colleague is trying to accomplish here, but I cannot support that subamendment. I think it's an injustice to groups like the C-NLOPB and others that have been in this business for 30 years with impeccable records.

**The Chair:** Thank you.

Let's not debate it across the floor.

Let's move the subamendment to LIB-30.

**Hon. Ed Fast:** I would ask for a recorded vote.

(Subamendment agreed to: yeas 5; nays 4 [See *Minutes of Proceedings*])

**The Chair:** Let's do the same thing for subamendment to LIB-33.

Sorry. Procedures are very important.

We need to now move on the amendment LIB-30, as amended.

•(1250)

**Hon. Ed Fast:** I would ask for a recorded vote.

(Amendment as amended agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

**The Chair:** Given that this is on the table for discussion and we're voting on it, I'd like to not have to go back to it. I'd like to have unanimous consent of the committee to go to those other amendments and make that vote for the subamendments.

**Hon. Ed Fast:** It's just the subamendment.

**The Chair:** It's the subamendment to those, yes.

**Hon. Ed Fast:** Right, and then we come back to them down the road. Is that right?

**The Chair:** What I am being told is that to do it we need to go to those clauses, then move the subamendments and then move the clauses. If we're going to do it, I need consent to be able to do that. You can't just do the subamendment and let it sit. You have to do the clause.

**Hon. Ed Fast:** What are you going to do, then?

**The Chair:** What I want to do is go to LIB-33 at this point and do the subamendment that's being proposed right here, and then we'll have to vote on that amendment.

**Ms. Linda Duncan:** Okay, I have an amendment I want to do from the floor for line 8, which goes before line 15.

**The Chair:** I know. What we're asking is to have unanimous consent to put this in the bill properly so that it's not just sitting in one place, but being done in all places. And then we'll come back to the regular progression of the clause.

**Ms. Linda Duncan:** No, because my amendment is different, and mine should come first because it's line 8. This is a—

**The Chair:** Okay, is your amendment affecting LIB-33?

**Ms. Linda Duncan:** No.

**The Chair:** So I'm coming back to yours. We're just trying to go to LIB-33 and deal with that one and LIB-76, so that there is consistency in the bill of how we're doing this.

**Ms. Linda Duncan:** Okay, so if we're just doing LIB-33—

**The Chair:** —and LIB-76.

**Ms. Linda Duncan:** But not if we're doing the other ones.

**The Chair:** We're coming back.

As long as I have agreement, we're going to go to LIB-33, please, so turn in your books to LIB-33, which is on page 153. We will be coming back to those others. They're not being denied a hearing. I'm just trying to make sure there is consistency here.

We have LIB-33, and Mike has put a subamendment to LIB-33 on the floor, which is exactly the same as what we did for LIB-30.

Is everybody with me?

**Ms. Linda Duncan:** It's not making sense to me what the provision says.

**The Chair:** Mike, do you want to bring LIB-33 on the floor?

**Mr. Mike Bossio:** Once again—

**Ms. Linda Duncan:** It doesn't make sense the way it's drafted.

**The Chair:** Linda, are you not sure what we're trying to do?

**Ms. Linda Duncan:** I am looking at what LIB-33 says.

**The Chair:** Okay, but first—

• (1255)

**Ms. Linda Duncan:** “After line 15 on page 33”; it makes no sense what's being proposed.

**The Chair:** So let's get into the details.

Do I have consent to go to LIB-33?

**Ms. Linda Duncan:** Sure, absolutely.

**Some hon. members:** Agreed.

**The Chair:** I have consent, so let's go to LIB-33 and have Mike introduce it.

**Mr. Mike Bossio:** No, the amendment is introduced by Mr. Amos. I am introducing the subamendment.

**The Chair:** That's fine.

Mr. Amos, you're introducing it, please.

**Mr. William Amos:** In relation to our LIB-33, we're talking here about avoiding the majority of life-cycle regulators on panels, so that's going to address the concerns of many stakeholders.

**The Chair:** We're on page 33, Linda, line 15.

**Ms. Linda Duncan:** I am looking at it and I want to speak to the way they're amending it, and I'm saying that it's not making sense to me. If they can make sense of it, I have no problem with what they're trying to do, but I'm looking....

Nobody has yet spoken to how...on line 15, where are the words, “the persons”?

**The Chair:** They're adding a paragraph.

**Ms. Linda Duncan:** It says, “before the words, the persons”. Where does it say “the persons”?

**The Chair:** It says, “after line 15 on page 33 the following: “(4) The persons appointed from the roster must not constitute a...”. They're adding a section after that line 15.

**Ms. Linda Duncan:** That's not what I have written here.

**The Chair:** That's what's written here.

What LIB—?

**Ms. Linda Duncan:** It's whatever amendment LIB-3 was given to me.

**The Chair:** No, that's a subamendment. We're looking at the LIB-33 on page 153 of your amendment binder.

**Ms. Linda Duncan:** There are two LIB-33s, then. Is that it?

**The Chair:** No. There's a subamendment to the amendment. We're on the amendment.

Linda, are you with us? We're on the LIB-33 amendment.

**Ms. Linda Duncan:** I am now. There are two LIB-33s. Okay.

**The Chair:** It has been introduced on the floor now by Mr. Amos, and Mr. Bossio would like to make a subamendment, which we distributed with the one we did for LIB-30.

Go ahead, Mike.

**Mr. Mike Bossio:** Once again, it's the same idea. We also want to limit it so that the regulator will not be the chair of a review panel either.

We're proposing, therefore, to amend amendment LIB-33 by inserting at the beginning of its proposed new subsection 47(4), before the words “The persons”, the following words:

The chairperson must not be appointed from the roster.

**The Chair:** Okay. This is the same explanation we've had before.

**Ms. Linda Duncan:** And I raised my objection before. I had an amendment at line 8, and this amendment is at line 15.

Isn't that the way it works?

**The Chair:** It is. I'm just asking for unanimous consent to...and you said yes, so we're looking at this one.

Yes, you're right, because line—

**Ms. Linda Duncan:** Never mind; we're changing the rules. We're supposed to go in order of the clauses.

**The Chair:** We are, but I asked—

**Ms. Linda Duncan:** Mine is amending line 8.

**The Chair:** —for unanimous consent to consider this and I got it, so we're moving the subamendment to amendment LIB-33, which is at line 15 on page 33.

Shall the subamendment carry?

**Mr. Robert Sopuck:** I would like a recorded vote.

(Subamendment agreed to: yeas 5; nays 4 [*See Minutes of Proceedings*])

**The Chair:** Now I'm being told that we need to consider amendment LIB-33.

Normally we would just carry on with amendment LIB-33, but I'm mindful of what Linda has said, that she wants to try to do this in proper order.

Really what we're trying to do is just amend the amendment so that they are ready for.... When they come through, they'll have.... The worry is that you'll forget what the subamendment is, so we'll just need to be very clear.

• (1300)

**Ms. Linda Duncan:** I'm fine with the subamendment going into mine.

**The Chair:** We can discuss that too. Let's just finish this subamendment.

I am going to stand down amendment LIB-33 so as to get to it, when we come to it, knowing that it has been subamended.

(Amendment allowed to stand)

**The Chair:** I'm making the legislative clerk very nervous.

We'll go to amendment LIB-76. Perhaps it could be brought forward.

**Ms. Linda Duncan:** What line is that?

**The Chair:** Do we have unanimous consent to go to—?

**Ms. Linda Duncan:** What line is that?

**The Chair:** It's on page 278 of the amendments package.

**Ms. Linda Duncan:** All right. You have me beat, then.

**The Chair:** We are now, in this one, on page 89 of the bill at line 8, so turn to page 89.

Line 8 is talking to "Appointment from roster".

We're back at appointments, then, and we're making a subamendment to this amendment that is being proposed, to add that—

**A voice:** [*Inaudible—Editor*]

**The Chair:** No, it's because we're trying to make it consistent through the act.

It's that "The chairperson must not"—

**Ms. Linda Duncan:** On page 89.

**The Chair:** Yes.

We have agreement to consider the subamendment to this amendment.

Mike.

**Mr. Mike Bossio:** The subamendment once again is the same as the others, that the chairperson must not be appointed from the roster.

**The Chair:** Shall the subamendment to LIB-76 carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Subamendment agreed to: yeas 5; nays 3 [*See Minutes of Proceedings*])

**The Chair:** Following in the spirit of co-operation that everybody's doing here, which I really appreciate, we're going to go back in order.

We did LIB-30, and that passed.

We're now on PV-48.

**Ms. Linda Duncan:** No, what happened to mine on line 8?

**The Chair:** Hold on, we have to make sure we get it straight, here.

I'm looking for LIB-31. What happened to LIB-31? It's not in the kit.

Can the Liberals please help me out, here. I have LIB-30.

**Mr. Mike Bossio:** That was withdrawn.

**The Chair:** That's what I wanted to know.

LIB-31...there was also a LIB-30.1

**Mr. Mike Bossio:** LIB-30.1?

**The Chair:** Yes. Let's make sure we know what we're doing.

**Mr. Mike Bossio:** That was withdrawn.

**The Chair:** That's withdrawn, sorry.

LIB-30 passed, LIB-31 is withdrawn, and we're now at PV-48.

**Ms. Elizabeth May:** This deletes an entire section found at proposed section 46, on page 32, which conveys to a review panel the exercise of powers that are conferred on the Canadian Nuclear Safety Commission. This is, again, related to a series of witnesses we had, who urged that we keep the review panels separate from exercising powers of energy regulators.

• (1305)

**The Chair:** Thank you very much.

Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negated: nays 8; yeas 0 [*See Minutes of Proceedings*])

**The Chair:** On PV-48.1 please, Ms. May.

**Ms. Elizabeth May:** This is, again, one of the series that I put forward earlier under the chapeau that had my friends on the Conservative side so excited.

This is to restrict the number of people sitting on a panel on matters that are before what we used to call the National Energy Board, and it's that that no more than one person from the Canadian energy regulator can be appointed to that panel, and that person cannot be the chair.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We move now to LIB-32.

Mr. Rogers.

**Mr. Churence Rogers:** Again, Madam Chair, in the spirit of timelines, this is pretty self-explanatory. It's to try to keep the timeline tight, advancing it to 45 days.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment agreed to: yeas 8; nays 1 [See *Minutes of Proceedings*])

**Ms. Linda Duncan:** You skipped my amendment.

**The Chair:** What?

**Ms. Linda Duncan:** I've said it 1,000 times. I did an amendment to line 8 on page 33. I was going to do it from the floor.

**The Chair:** I'm trying to keep up.

**Ms. Linda Duncan:** I know, and I thought you were coming back to me.

**The Chair:** I intended to, and that's why I had delayed voting on those other amendments. If I have unanimous consent, we'll go back and introduce what she wants to introduce.

**Ms. Linda Duncan:** There is no point because you went to Ms. May's instead of mine, and it was voted down anyway.

**The Chair:** I appreciate that, and I do apologize.

Where were we? LIB-32 has passed.

Linda, you were on page 33.

**Ms. Linda Duncan:** I am on page 33.

**The Chair:** You were on line 8.

**Ms. Linda Duncan:** Wasn't Ms. May's second part....

**The Chair:** It's coming up. You can still do yours, okay?

**Ms. Linda Duncan:** Okay.

**The Chair:** Let's just hold fire here. We're trying very hard to give everybody a chance to put forward what they want to put forward. We are on PV-49.

Ms. May.

**Ms. Elizabeth May:** Thank you.

This is to delete the appointment of a roster from the former National Energy Board, currently the Canadian energy regulator, by deleting lines 8 to 15 inclusive on page 33. We eliminate proposed subsection 47(3) in its entirety and don't replace it with anything. Let's try to get these so-called life-cycle regulators out of doing impact assessments.

**The Chair:** I think that's clear.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We have CPC-5.3.

•(1310)

**Mr. Robert Sopuck:** Again, I'm taking another kick at this particular cat. Under "Appointment from roster", I would like (3) to read "The majority of persons appointed under—"

**The Chair:** We're having a bit of a struggle here.

**Hon. Ed Fast:** Finally some common sense.

Churence, you would support that.

**The Chair:** I get it.

**Mr. Robert Sopuck:** It's always interesting to hear the opposing parties, the Liberals, the NDP, and of course the Green Party, bleat about their concern with science and expertise, yet they vote down the very participation by scientists and engineers in these panels. Now the truth finally comes out.

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

**The Chair:** Ms. Duncan, here's where you have your chance. Go ahead, please.

**Ms. Linda Duncan:** Thank you, Madam Chair. I apologize that you don't have that in writing, but I will happily give it to the clerk. Let me read it first.

My amendment to that same provision, proposed subsection 47(3), on page 33 at line 8 would be to replace line 8 with the following, "A maximum of one of the persons appointed under para—".

**The Chair:** I think that's clear. These are just different ways of trying to do the same thing.

Is everybody clear on what she has suggested?

**Hon. Ed Fast:** We are looking at page 33, line 8.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're now on to LIB-33.

Mr. Amos.

**Mr. William Amos:** I'll speak to it.

I have before, so I won't go into any details. This is just ensuring the proper role for life-cycle regulators on the panels.

**The Chair:** That sounds good. I think everybody knows where we're at. We've discussed this a few times.

Shall the amended amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment as amended agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

**The Chair:** To make sure that we don't lose track of what we're doing, I would like to go to LIB-76, which we had amended. I wanted to make sure that Linda had her chance to do what she wanted to do.

We amended LIB-76. It was on page 278. I would like to go on this amended one, which is the right way to do things.

Do I have consent?

**Some hon. members:** Agreed.

**The Chair:** Shall the amendment carry?

**Mr. Mike Bossio:** I would like a recorded vote.

**Ms. Linda Duncan:** On page 278.

**The Chair:** Yes. It is LIB-76, which is dealing with the same thing that we've all be doing, to make them consistent.

We already voted on the subamendment.

Shall the amended amendment carry?

(Amendment as amended agreed to: yeas 6; nays 3 [See *Minutes of Proceedings* ] )

**The Chair:** Thank you very much for that. That made the legislative clerk very happy that we have closed that one properly.

• (1315)

**Ms. Linda Duncan:** I don't have anything that refers to page 178.

**The Chair:** Page 278.

**Ms. Linda Duncan:** No. Mine says page 46.

**The Chair:** All right.

We're back on track.

We are now at PV—

Yes, Monsieur Godin.

[*Translation*]

**Mr. Joël Godin:** What's the page number?

[*English*]

**The Chair:** We are on PV-50, which is page 33. What is the page in French?

[*Translation*]

**The Clerk:** It's on page 33.

[*English*]

**The Chair:** What are you looking for?

[*Translation*]

**Mr. Joël Godin:** I'm looking for the amendment that we are going to discuss.

[*English*]

**The Chair:** Page 154.

[*Translation*]

**Ms. Elizabeth May:** It's on page 154.

[*English*]

**The Chair:** I thought you were asking about the bill. My apologies.

**Ms. Linda Duncan:** That's where I lost you.

**The Chair:** Are you on the bill or are you in the amendments?

**Mr. Joël Godin:** No, no, it's okay.

**The Chair:** We're at PV-50. If we adopt this one, LIB-34 cannot be moved because there will be a line conflict.

Go ahead, Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

This is exactly the same effect as the previously defeated amendment that related to the Canadian energy regulator, in terms of the appointments of roster. This would delete the conduct of an impact assessment, so that the review panel would exercise the powers of the Canadian energy regulator.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** Next is LIB-34.

The floor is yours, Mr. Fisher.

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** Thank you, Madam Chair.

This is a simple housekeeping amendment to correct a reference to a subsection of the proposed impact assessment act with relation to powers in relation to the proposed Canadian energy regulator act. There's an incorrect reference to subsection 25(1) of that act.

**The Chair:** Shall the amendment carry?

(Amendment agreed to [See *Minutes of Proceedings*])

**Hon. Ed Fast:** That's what happens when you do housekeeping. All you have to do is say the word "housekeeping".

**The Chair:** Say it's "housekeeping", and everybody is good.

We're now on PV-51, Ms. May.

**Ms. Elizabeth May:** Thank you.

Again, we're on the same page. This would amend the bill by deleting parts relating to the establishment of rosters involving energy regulators.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote—unless it's just housekeeping.

**The Chair:** I just want to make sure you know that if it's adopted, LIB-36 cannot be moved because there will be a line conflict.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** Next is LIB-36.

Mr. Fisher, is this housekeeping?

**Mr. Darren Fisher:** All right, Mr. Fast, another housekeeping amendment, and this one is an easy one. It's just a spelling mistake.

**The Chair:** Shall the amendment carry?

(Amendment agreed to [See *Minutes of Proceedings*])

**The Chair:** Ms. May, we are on PV-52.

**Ms. Elizabeth May:** Thank you, Madam Chair.

Now we're dealing with issues that relate to indigenous rights, a recommendation proposed by the Assembly of First Nations to include a roster of persons who are members of first nations, Métis, or Inuit and who may be appointed as members of review panels. It's an insertion of a new paragraph 50(d) to follow proposed paragraph 50(c) on page 34.

• (1320)

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**Ms. Linda Duncan:** I guess it's just going to be the minister's favourite people, then.

**The Chair:** We're now on LIB-37.

**Mr. Mike Bossio:** Madam Chair, once again this deals with having a meaningful public participation. I've spoken to it many times, so I don't think it's necessary to dwell on it further.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

**The Chair:** We're now on LIB-38.

**Mr. Mike Bossio:** Once again, Madam Chair, this is another reference to indigenous knowledge, and I think I've spoken enough about that.

**The Chair:** Shall the amendment carry?

**Hon. Ed Fast:** I'd like a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

**The Chair:** Now we're on PV-53, Ms. May.

**Ms. Elizabeth May:** Thank you, Madam Chair.

PV-53 again relates to issues of impact assessment and the regulators. In looking at what is to be included in the conclusions, I'm replacing line 29 on page 34 with additional factors. This recommendation came from the Canadian Environmental Law Association. It is that the review panel report provide a rationale, conclusions, and recommendations in relation to all of the factors listed in section 22 and the public-interest considerations listed in section 63 of the proposed impact assessment act.

**The Chair:** Shall the amendment carry?

We will have a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** On NDP-39, Ms. Duncan.

**Ms. Linda Duncan:** I think that may have been already passed by a Liberal amendment, but in a different way. They just put it in a different place. I'm adding that as...

**The Chair:** You're putting it in a different place.

**Ms. Linda Duncan:** They put it in as 1.1.

Let's see what the Liberal one said.

**The Chair:** Can you tell me the Liberal amendment that passed that did that, please?

**Ms. Linda Duncan:** I am trying to find it. I thought that was the one that Mr. Bossio just spoke to.

**The Chair:** Maybe 38, line 25. This is after line 31.

I think it has the same intent, but you're doing it in a different way and on a different line. Are you withdrawing this one?

**Ms. Linda Duncan:** I'm trying to find that one. What page was Mr. Bossio's on?

**The Chair:** It's page 160.

It's just doing it in a different way. You can say it again, or do you want to just delete it or withdraw it?

**Ms. Linda Duncan:** I don't think I need to bring it forward, because I think it's already been passed.

**The Chair:** Okay. Certainly the intent...

**Ms. Linda Duncan:** That was supported by the Athabasca Chipewyan First Nation, British Columbia Assembly of First Nations, and Cold Lake First Nations. They'll be happy that's in.

**The Chair:** Great, and they'll be happy.

Okay, on CPC-5.4 please.

• (1325)

**Mr. Robert Sopuck:** What we're recommending, on page 36, is replacing line 27 with a fairly minor adjustment. It would read:

"54 Except as otherwise provided for under this Act, a review panel may determine its own procedure but must, to the extent that it is consistent"

Then, it would continue on with the general application of the rules, procedure of fairness, natural justice, and so on.

It just gives the review panel more flexibility in determining its own procedures and helps with proponent and witness engagement.

**The Chair:** Okay. That's clear.

Shall the amendment carry?

**Hon. Ed Fast:** Can we have a recorded vote?

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** We are on PV-54.

**Ms. Elizabeth May:** Thank you, Madam Chair.

First, committee members, when you're looking at this, the pertinent proposed sections are on page 38, line 9. We're looking at the considerations in a case for termination. So, setting yourself in the timeline here, the minister is deciding under proposed subsection 58(1) to terminate the assessment by a review panel at the suggestion of a number of environmental law witnesses before us.

I am adding a new proposed subsection 58(4), to be found on page 38. Again, the section starts at page 37 and goes over to page 38. What I'm doing here is suggesting that the minister may, at any time during an assessment, make an order to direct the review panel to suspend its assessment until assessments under proposed sections 92, 93, or 95 are concluded. Those sections are found at page 50 and relate specifically to regional assessment and strategic assessments.

So this is giving the minister flexibility when it becomes apparent that a regional assessment or strategic assessment is collecting information that's directly pertinent to a project review. The minister would have the discretion and ability to say, "Okay, that specific review over there of a project is so tied up in this larger strategic and regional review that I'm going to ask the panel to suspend until we get the review wrapped up on the strategic or regional assessments". Otherwise, the minister can only end a review as opposed to suspend it.

**Hon. Ed Fast:** I'd like a recorded vote, definitely, on this one.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** We're on NDP-40.

Ms. Duncan.

**Ms. Linda Duncan:** I have about one second before the bell rings.

This is on page 38 at line 22. Similar to amendments brought forward by the Liberals that I agreed to, it would add subsection (2.1) after line 22, which would read, "The report must also set out how traditional knowledge"—I will change that to "Indigenous knowledge"—"of the Indigenous peoples was taken into account and utilized in the impact assessment of a designated project."

That was called for by the Athabasca Chippewyan First Nation, the British Columbia Assembly of First Nations, and Cold Lake First Nations. It appears consistent with what we already amended to another part of the review.

It's simply saying, again, that at this point the report must also set out how indigenous knowledge that was presented is taken into account.

**The Chair:** Okay. I think we've had some good discussions on that already.

**Hon. Ed Fast:** Can I have a recorded vote?

(Amendment negatived: nays 5; yeas 3 [See *Minutes of Proceedings*])

**The Chair:** There was lots of co-operation on that.

We'll do one more, LIB-39.

• (1330)

**Mr. Mike Bossio:** Yes, Madam Chair. Once again this goes to indigenous knowledge. I was going to say—

**Hon. Ed Fast:** Madam Chair, we're out of time, I think.

**The Chair:** We're not out of time. I have my clock.

**Hon. Ed Fast:** I'm looking at the official clock, right there.

**The Chair:** That's not an official clock.

**Hon. Ed Fast:** What is, yours?

**The Chair:** What do you have on your...?

**Hon. Ed Fast:** It's 1:30.

**The Chair:** Can we do one more?

**Some hon. members:** No.

**The Chair:** You won't do one more. In the spirit of trying to have as much time as we can to listen to these, I'd like to propose that we start at nine o'clock on Tuesday when we come back. Is there co-operation?

**Hon. Ed Fast:** No.

**The Chair:** That's a no.

**Ms. Linda Duncan:** Can you say that again?

**The Chair:** At nine o'clock on Tuesday morning we can start our meeting, if I have co-operation, to give us more time to consider these.

**Hon. Ed Fast:** Madam Chair, I am scheduled right from nine o'clock on with meetings.

**The Chair:** I just want to make sure that I understand.

**Hon. Ed Fast:** In fact, if we could, we would.

**The Chair:** But you can't.

**Hon. Ed Fast:** We can't, no.

**The Chair:** Well, I just wanted to ask.

**Hon. Ed Fast:** I know it's our last meeting, but...

**The Chair:** Okay, so we'll start our meeting at 11 o'clock on Tuesday, and we'll keep going.

I did want to try to do this last one, but unfortunately we are now stopping after NDP-40. When we come back, it's LIB-39.

The meeting is adjourned.







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