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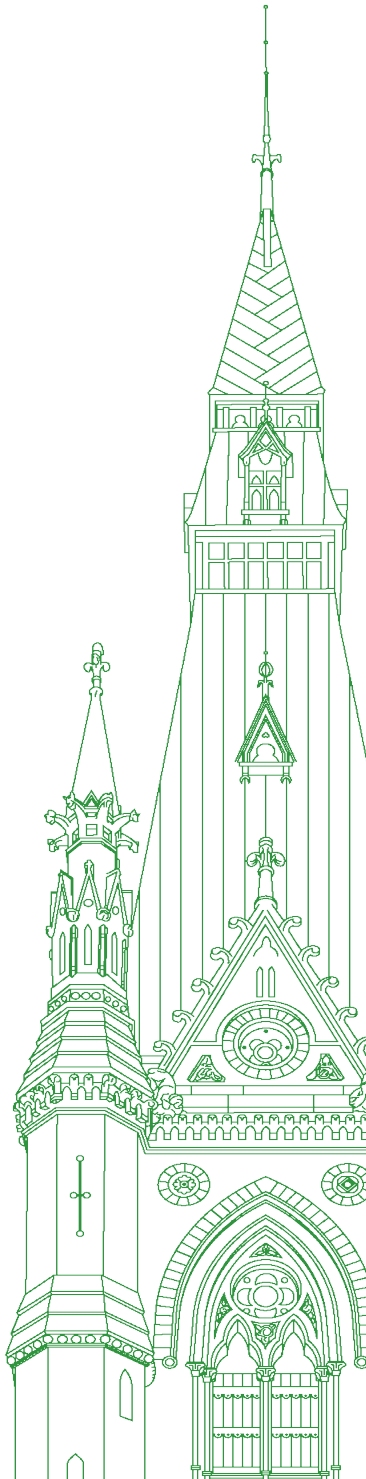

Chair: Mr. George Chahal

Standing Committee on Natural Resources

Thursday, February 29, 2024

● (1535)

[*English*]

The Chair (Mr. George Chahal (Calgary Skyview, Lib.)): I call this meeting to order. Welcome to meeting number 88 of the House of Commons Standing Committee on Natural Resources.

Pursuant to the order of reference of Tuesday, October 17, 2023, and the adopted motion of Wednesday, December 13, 2023, the committee is resuming the clause-by-clause consideration of Bill C-49, an act to amend the Canada—Newfoundland and Labrador Atlantic Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and to make consequential amendments to other acts.

Since today's meeting is taking place in a hybrid format, I would like to make a few comments for the benefit of members and witnesses.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic and please mute yourself when you are not speaking. For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to interpreters and cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to a microphone. We therefore ask all participants to exercise a high degree of caution when handling the earpieces, especially when your microphone or your neighbour's microphone is turned on. In order to prevent incidents and safeguard the hearing health of interpreters, I invite participants to ensure that they speak into the microphone into which their headset is plugged in and avoid manipulating the earbuds by placing them on the table away from the microphone when they are not in use.

This is a reminder that all comments should be addressed through the chair. Additionally, taking screenshots or photos of your screen is not permitted.

In accordance with our routine motion, I'm informing the committee that all remote participants have completed the required connection tests in advance of this meeting.

With us today to answer your questions we have, from the Department of Justice, Jean-François Roman, legal counsel.

From the Department of Natural Resources, we have Annette Tobin, director; Lauren Knowles, deputy director; Cheryl McNeil, deputy director, by video conference; and Daniel Morin, senior legislative and policy adviser, renewable and electrical energy division.

We also have legislative clerks from the House of Commons, Dancella Boyi and Émilie Thivierge.

(On clause 38)

The Chair: Now we will proceed to clause-by-clause consideration, resuming debate on clause 38, BQ-11.

I have a point of order by Mrs. Stubbs.

Mrs. Shannon Stubbs (Lakeland, CPC): Thank you, Chair, for the introduction, and thank you to everybody and all the officials for being here. It's nice to see you all.

Colleagues, I just want to quickly move a motion before we get started pertaining to the government's supplementary estimates (C).

The Chair: Mrs. Stubbs, I'm going to ask you to hold. We cannot move a motion on a point of order. Once you get the floor, though, you will be able to move your motion.

We're on BQ-11 and I will—

Mrs. Shannon Stubbs: Mr. Chair.

The Chair: Do you have a point of order?

Mrs. Shannon Stubbs: No, I'd like to be on the speaking list, as you just said.

The Chair: Okay. I want to go to Monsieur Simard first so he can proceed with moving the amendment.

Would you like to move the amendment?

[*Translation*]

Mr. Mario Simard (Jonquière, BQ): Thank you, Mr. Chair.

Our proposed amendment is as follows:

> prior to making a call for bids in relation to those Crown reserve areas, the Regulator has conducted a regional assessment or strategic environmental assessment of the impacts of offshore renewable energy projects in those Crown reserve areas, or the Regulator has determined that a previous regional assessment or strategic environmental assessment of the impacts of offshore renewable energy projects has been conducted in respect of those Crown reserve areas; and

This amendment was prompted by the testimony of certain groups that appeared before the committee, in particular East Coast Environmental Law, the Ecology Action Centre, Energy NL and the Nova Scotia Fisheries Alliance for Energy Engagement.

They all raised concerns about calls for bids in areas where no previous regional assessment or strategic environmental assessment had been conducted. This would be a good way to improve the bill and to reconcile it with local stakeholders.

[*English*]

The Chair: Thank you, Mr. Simard, for moving your amendment.

We have some folks who want to speak on the amendment.

Mrs. Stubbs has passed her time, so I'll go to Mr. Angus.

● (1540)

Mr. Charlie Angus (Timmins—James Bay, NDP): No.

The Chair: Okay.

Mr. Aldag, would you like to speak to the motion?

Mr. John Aldag (Cloverdale—Langley City, Lib.): I'll pass it to Ms. Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): I think we've had this conversation a few times now with some of the amendments that have been proposed by the BQ. We agree, and I agree, with the intent, but ultimately we're going to be opposing this amendment. I say that because there are regional assessments for offshore wind being done right now in advance of future calls for bids.

The bill has amendments that allow and provide for offshore regulators to have the authority to conduct regional and strategic assessments, but they're not intended to be prescriptive. Really, when we're talking about this work and how we've discussed it with the provinces, the provinces would be unlikely to support such prescriptive measures.

I will be opposing this.

The Chair: Thank you, Ms. Dabrusin.

As I don't see any other members who would like to speak to the amendment, we will proceed to the vote.

(Amendment negatived: nays 6; yeas 5)

The Chair: Mrs. Stubbs.

Mrs. Shannon Stubbs: Can I move my motion now?

The Chair: Yes.

Mrs. Shannon Stubbs: Thanks, Chair, for the clarification earlier.

It's been properly submitted, and I would like to quickly move this motion pertaining to the government's supplementary estimates (C).

I gave notice on February 15 regarding the supplementary estimates so the minister could speak to those estimates to be accountable to all Canadians. I sure hope that all members of this committee will want to hear from the minister, to be open, accountable and transparent to all of the people who sent us here to do these jobs on their behalf.

I move:

> That, pursuant to Standing Order 108(2), the committee invite the Minister of Energy and Natural Resources to appear for two hours with departmental officials to testify on the Supplementary Estimates, (C) for the fiscal year 2023-24; and that they appear before the end of the current supply period.

Thanks, Mr. Chair.

The Chair: Thank you, Mrs. Stubbs.

I will now go to the speaking list. I have Mr. Angus and Mr. Patzer.

Mr. Angus, go ahead.

Mr. Charlie Angus: Thank you.

I certainly support this because it is common; however, I vote to adjourn debate because we are dealing with important legislation. Once we deal with the legislation, we can bring this forward.

I would say if Madam Stubbs wants to talk with us about this, I'm totally supportive, but I really want to focus on the jobs we're dealing with in Newfoundland and Labrador, so I vote to adjourn the debate.

The Chair: We'll proceed to the vote.

(Motion agreed to: yeas 7; nays 4)

The Chair: We'll now proceed to G-1.

Do we have a member to move G-1?

Ms. Dabrusin.

Ms. Julie Dabrusin: This is a small correction amendment to change the word “criterion” in “the selection is made on the basis of the criterion”, which is what's written currently, to “criteria”.

It's really a matter of a correction in the language choice. I'm hoping that others will choose to support this.

● (1545)

The Chair: I don't see anybody else for debate. We can go right to the vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We will now proceed to NPD-1.

Mr. Angus.

Mr. Charlie Angus: One thing we heard from witnesses is the concern that if we are going to have big investment in offshore wind, we have to make sure that Canadian workers are benefiting and that there are commitments to good jobs. We know that people who have worked in the oil sector and who may want to work there are used to getting good pay and good jobs. Issues of contracting out and bringing in other workers from other nations to handle the big jobs were raised.

This is a pretty straightforward amendment. It's to make sure we include project labour agreements and community benefit agreements to increase the participation of Canadians involved in this. It is very much in line with and matching what Biden is doing. Biden has made commitments to make sure there are going to be good-paying union jobs for American workers.

We can't leave our Canadian workers in Newfoundland and Labrador and Nova Scotia, and those who may want to move there to do these jobs, at risk without having commitments that there will be good, strong labour agreements in place.

The Chair: Thank you, Mr. Angus.

Ms. Dabrusin.

Ms. Julie Dabrusin: I agree with the intent of what's been proposed, but I have a question for the officials.

Has there been discussion with the provinces about his amendment? Do we have a sense of how they would respond?

Mr. Daniel Morin (Senior Legislative and Policy Adviser, Renewable and Electrical Energy Division, Department of Natural Resources): Yes, we have had discussions with the provinces. They are likely to oppose this on the basis that trade unions are captured under the term “individuals”, who are represented or not by trade unions.

Ms. Julie Dabrusin: I heard something and I want to make sure I understood it. I feel like I heard that the term “individuals”, which appears in the amendments to the bill, would capture trade unions.

Is that a correct interpretation? Is there an interpretation after something that sets that out?

Mr. Daniel Morin: The clause is about corporations and individuals participating on a competitive basis in the supply of goods and services. Trade unions wouldn't necessarily participate in the supply of good and services; they would represent individuals who do. That's why individuals are either represented by trade unions or not, and both can participate.

Ms. Julie Dabrusin: There's only one other piece that I wanted to clarify on this. There are parts in this proposed amendment about labour agreements and community benefit agreements. Those tools are important for provinces and proponents to use.

Can you help me understand if this is typically included in legislation—specifically a reference to labour agreements and to community benefits? Would they be considered beyond the scope of what the clauses say? Can you help me with that?

Mr. Daniel Morin: Labour agreements and community benefit agreements are tools that are used. However, they're not typically in legislation.

Proposed paragraph 96.6(b) in particular is about addressing under-represented groups specifically, so the project labour agreements and community benefit agreements are outside of the scope of what the intent would be.

● (1550)

Ms. Julie Dabrusin: Based on the answers we've received, at this point I will seek unanimous consent to stand down this amendment and to vote on this clause, as long as the corresponding clause in the amendment to the Canada-Nova Scotia version of this bill.... I have to keep saying it because there's a Newfoundland version and a Nova Scotia version, and we'd have to stand them both down so that the committee, via the clerk, can seek the opinion of the provinces in writing before we proceed with a vote on these specific amendments and clauses.

The Chair: Before I proceed to that, Ms. Dabrusin, I'm going to ask you to hold.

We'll suspend for a few minutes.

● (1550)

_____(Pause)_____

● (1550)

The Chair: Okay, we are back.

Colleagues, do we have unanimous consent to stand clauses 38 and 147?

An hon. member: No.

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: That's too bad because it would have given us time to get an opinion from the provinces directly on this. In light of the fact that they'll have to pass legislation that mirrors what we're passing in these discussions, I need to oppose the NDP amendment.

The Chair: Thank you, Ms. Dabrusin.

We will now go to Mr. Patzer.

Mr. Jeremy Patzer (Cypress Hills—Grasslands, CPC): Thank you very much, Mr. Chair.

I'm going to speak from my personal experience. I have worked in the wind industry previously. I was not a unionized employee, which is fine. At some businesses, employees unionize; at some they don't. The company I worked for certainly was not unionized. The company I worked for had all kinds of.... It was an international company, but they had North American headquarters. It was an overseas company. There were several different divisions of the company, and as far as I know, I don't believe that any of them were unionized.

The experts at the end of the table said about there being no need to include certain language because the terms as they're built already encompass that. I think the way it was originally written would better reflect the workforce scenario because it includes unionized workers but also non-unionized workers. I think we need to make sure that it's reflected that way.

Also, in a different job that I had, a company that I worked at for 10 years—not in the wind industry, a different one—I was a member of Unifor. That's a shocker, I know. It was a big corporation that I worked for. There are unionized workers within Canadian corporations as well. I think this is generally understood to be the case.

On the surface, project labour agreements and community benefit agreements—I'm particularly going to focus on the project labour agreements—sound like a lovely idea. I get the intent behind them. They seem like a good idea. Practically, especially with wind, they are a lot harder in actuality to do, the reason being that you end up needing a very specialized skill set in certain parts of this industry.

For example, the company I worked for was Vestas American Wind Technology. They had guys who were dedicated wind blade repair technicians. As far as I know, there were only two of them in all of North America. Despite the fact that Vestas had several wind farms across North America, with the demand for blade repair technicians, they only needed two or three of them.

For building and installing these machines, some of the installation is specialized; a lot of it is generalized. For installation purposes, you might be able to get away with this. However, these companies are looking at the maintenance and service agreements. That's where you're getting the long-term jobs.

The farm I worked at had 82 machines. There were nine of us full-time employees on site who did the work on the machines. The guys who did the installations were local people who were hired to help set them up.

As far as the specialized parts go, again, it was a travelling crew. There were three travelling crews, one in Canada and two in the United States. Those crews travelled around and did all the site installations. For the long-term installation of these machines, you won't be able to justify having something that prescribes that you need a vast and robust labour force for the installation of wind turbines.

I know some people will think that, because there are so many to build, it will work. The reality is that we're going to build a couple of these farms, and that's where it will pause in a region. It's just the way it works. These people will have to travel around the country to keep being installers unless they get on a service agreement to be a maintenance tech. At that point, it's the same thing: You're going to be maintenance tech. If you're in need of blade work, you're going to bring in blade technicians. It might be from the company. It might be a contractor.

If you need to swap out a generator set, most likely you're bringing in someone who has the specialty skill to swap out a generator set. If you need to take the nacelle off, you'll be bringing in speciality equipment. You won't be able to have that in a project labour agreement. You're not going to have somebody sitting around waiting for five years for the first generator set to blow up and need to be replaced. The practicality of it isn't going to work.

● (1555)

It comes from the right spirit, but just practically, I don't think it's going to work. I don't think including that in this amendment is going to benefit the area. The intent seems fine, but the practicality of it isn't going to work out in this particular instance.

The Chair: Thank you, Mr. Patzer, for your detailed intervention and telling us a bit more about your experiences.

I'll now proceed to Mr. Angus.

Go ahead.

● (1600)

Mr. Charlie Angus: Canada is the only G7 country without an offshore wind industry, so we are behind the eight ball. We know that coming off the north shore, a number of trained workers, many who came off the oil patch, will be picked up very quickly to come and do the work, because they'll come in on contract and move quickly. Unless we have labour benefit agreements, we lose.

In comparison to what Mr. Patzer said, it's common in mining. I've dealt with many cases where we've tried to get expertise from, say, Finland if we're adding new equipment, specific equipment that brings in a specific set of skills. You bring those people in on short-term work agreements because that's their specialty, but the work itself is done by trained Canadian workers.

To anybody who thinks the operating engineers in Canada aren't trained and ready to take on any job in offshore wind, I don't believe that. To anyone who thinks IBEW workers are not ready to take on any job in offshore wind, I don't believe that. To anybody who thinks the longshore workers out of Newfoundland and Labrador and Nova Scotia, who work on so many of the rigs and are brought back and forth, aren't able to do this work, I don't buy that. However, you need the labour benefit agreements because companies will easily take contract workers from wherever. If they're coming out of Fife and saying they'll send in a crew who will fly in and fly out, those jobs are going to Scotland. They're not going to Canada. I think it would be a real tragedy if we passed on this.

I'd be more than willing stand this down so we can talk to Newfoundland and Labrador and Nova Scotia, because it's about jobs. It's about their jobs. If the Conservatives want to force this, then we'll vote, but it is important to say labour benefit agreements.... Biden put those in because they knew that they could easilycould bring in workers from Korea. They could be bringing in workers from anywhere. That's how this is done.

It doesn't mean that all the labour benefit agreements are going to be unionized. It doesn't mean they're all going to be locked in. However, you can sign in a contract that we have to have some commitments to workers in Canada. That's the fundamental principle. Certainly, any day of the week, I trust the skills we've seen in trained Canadian workers. They are able to do any job.

The Chair: Thank you, Mr. Angus.

We'll now go to Mr. Dreeshen.

Mr. Earl Dreeshen (Red Deer—Mountain View, CPC): Thank you.

Having listened to the commentary for the last few minutes, I think there's a distinction to be made. We have construction-type jobs, which is basically what we're talking about. We need that sort of expectation and expertise. Then, on the other side, we have maintenance, but there's also the operational part. I think that's the difference when we talk about how we're going to bring in people who are used to working in the oil sands and oil and gas and how they're going to jump into these types of jobs.

These jobs are gone once the construction is done. It isn't as though this is a long-term employment plan. The companies are going to use what they can to get these things built as quickly as they can and get them out, and they're getting their money from the government on this. Those are the realities that exist. Even though they're going to have jobs, if the plan works to break up the oil and gas industry so that it can't be workable anymore, those are not the kinds of jobs those folks are used to. They're working day-to-day tough jobs. That's what you do in oil and gas. It's not that once the windmill is up there, they'll just watch it spin.

I think it's important to recognize that this is not going to be the panacea for job creation that some people suggest it might be.

The Chair: Thank you, Mr. Dreeshen.

We'll now go to Mr. Patzer.

Mr. Jeremy Patzer: I think part of it, too, is bearing in mind that the return on investment on this is really thin as it is. There are a lot of wind farms that don't even break even by the time the 20-year lifespan is hit.

The beauty of mining is that you can have mines that are open for 70, 80 or 90 years. They can continue to go, they can find new deposits or they can change the focus of what they're trying to find. Depending on the formation, they might be able to keep the mine going and going.

In that case, it's a little different because you're able to build and establish a long-term projectable project, but with wind, some wind farms are taken down after 10, 12 or 15 years because there are issues with them and the profitability isn't there. I think making things more cumbersome for offshore in particular.... With the set-up and installation of these things, the costs are astronomical compared to those on land.

Creating and finding a sustainable workforce is not going to happen in one particular region of the country because, again, the scalability in the long run is not going to be there. It's great that the provinces are looking at doing this, but the reality is that trying to get the skilled labour you need for this is going to require short-term contract workers to come in. Hopefully, they'll come from somewhere else in Canada—that's certainly my hope—but forcing them to be local.... Maybe that will be great, but people are going to have a job for a year or two, and then they'll have nothing else nearby because they've just been trained to do something and there's no longer going to be any work. Then they'll be the ones who have to travel and be imported somewhere else to do the work.

If there are project labour agreements in those places, a person can't get the work in the field they've been trained for. A company will have spent all of that money training somebody to do something they can no longer do. Again, these things sound like a fine idea, but practically it's going to be tough.

● (1605)

The Chair: I don't see anybody else for further debate, so we'll now proceed to the vote.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: We'll now proceed to CPC-7.

Do I have a member to move it?

Mr. Patzer.

Mr. Jeremy Patzer: I move that clause 38 be amended by adding, after line 19 on page 25, the following:

> (c) importance shall be given to the development of measures to assist in the preservation of the fishing industry, including measures to assist in understanding and maintaining the environmental characteristics of the offshore area that support that industry.

We did hear several witnesses talk about the importance of the fishing industry and the need to be consulted, and we heard repeatedly that they were not. I think it's about making sure that any project will substantially consider the plight of the fishing industry, which is the main industry in these provinces. There are some briefs from first nations groups that were talking about the importance of this for their people, for economic reconciliation and for opportunity.

I think this is a good amendment.

The Chair: Thank you, Mr. Patzer.

I'm going to Mr. Aldag.

Mr. John Aldag: I'll just say briefly that without question the federal government, the Government of Newfoundland and Labrador and the Government of Nova Scotia highly value the fisheries industry. I think everybody recognizes the significant economic impacts the fisheries have not only on those provinces, but also on our country.

That being said, there are already mechanisms within the existing accords, the existing acts and this bill that provide for assessments to look at things like the impact of potential energy projects. I think this is an unnecessary addition to the legislation, and we will not be supporting it.

● (1610)

The Chair: Thank you, Mr. Aldag.

I'll now go to Mr. Angus.

Mr. Charlie Angus: We certainly heard a lot of concern from the fishing community, and it's not just about the huge economic impact of fishing in Newfoundland and Labrador and Nova Scotia, but also about the fragility of where they work. I was very struck by the deep concern for the changing climate and for the ocean currents it's putting more pressure on.

What I read in this amendment from Mrs. Stubbs is that it's not prescriptive. It's not overriding what may exist already at the board level and in both provinces. It's reminding us that we have to consider the importance of fisheries and the fishing industry, so I think it's a pretty straightforward amendment.

If the provinces have a problem with looking after the fisheries, well, I think they have to go back and talk to their own people. I don't think this is overriding, demanding or changing anything that exists. It's just reminding us that we have to not let the very fragile fisheries be damaged. In anything we do, we should always put that as a top priority. I think it's a pretty straightforward amendment.

The Chair: Thank you, Mr. Angus.

I'm going to Mr. Aldag.

Mr. John Aldag: I'd like to go to the officials and get their advice or opinion on this. We've now had two different perspectives on whether or not this is needed related to acknowledging the value and importance of the fisheries, as well as the sensitivity. If we could turn to the officials for their thoughts, that would be helpful.

Mr. Daniel Morin: We believe that Bill C-49 has many tools to evaluate the impacts, even the tools we use prior to the call for bids being launched to issue licences, such as the regional assessments that are ongoing and spatial planning. All those tools are used to address the impacts on fishers from offshore energy.

This clause in particular is very broad and is not limited to the impacts on fishers from offshore renewable energy. It's just preserving the fishing industry writ large. That's partially beyond the scope of this act. That would be our assessment of the clause.

Mr. John Aldag: Thank you.

The Chair: Thank you, Mr. Aldag.

I'll now go to Mr. Angus.

Mr. Charlie Angus: That's all very helpful. I did go to bat for the operating engineers and got shot down. I went to bat for the IBEW and got shot down. I went to bat for the longshore workers, but I will not go back to Katie Power at Unifor and tell her that we didn't go to bat for the fishers.

I think it's pretty straightforward, so I'll be supporting it.

The Chair: I'll go to Mrs. Stubbs.

Mrs. Shannon Stubbs: I want to thank Charlie for his support of the amendment.

To the Liberal MPs, with all due respect to their assurances—and I thank the officials—we're of course here to do our jobs as elected representatives. This is the place where we need to fix bills and ensure they achieve the outcomes we want.

I thank Charlie for his support of this very straightforward common-sense amendment that talks to protecting the livelihoods, the businesses and the generational family investments of fishers and lobstermen in offshore areas. It would ensure that in this legislation, there is consideration of cumulative environmental impacts and potentially negative impacts, or at least that those will be mitigated, both for the environmental stewardship of sensitive marine and ecological areas and for preserving the livelihoods and businesses in these sectors, which are so important to Nova Scotia and Newfoundland and Labrador.

I thank the officials, certainly, for their input, but I think it would be shocking to the people of Nova Scotia and Newfoundland and Labrador if the Liberal MPs on this committee did not support this amendment.

The Chair: We will now proceed to the vote.

(Amendment agreed to: yeas 6, nays 5)

(Clause 38 as amended agreed to: yeas 10, nays 1)

The Chair: No amendments have been submitted for clauses 39 to 46. Do we have unanimous consent to group them for the vote?

Some hon. members: Agreed.

(Clauses 39 to 46 inclusive agreed to: yeas 10; nays 1)

(On clause 47)

The Chair: We will now go to clause 47 and G-2.

Would a member like to move G-2?

Ms. Dabrusin.

● (1615)

Ms. Julie Dabrusin: This is part of a group of amendments that you will see coming forward to allow for a separate coming into force for certain clauses in this bill that pertain to the Impact Assessment Act. This would allow for coordination between statutes, as we will be bringing forward amendments to the Impact Assessment Act this spring.

This amendment separates out a provision that cross-references section 16 of the Impact Assessment Act from other parts of clause 47. There are going to be similar motions. It's part of a group.

The Chair: Thank you, Ms. Dabrusin.

Do I have any other speakers?

Mr. Patzer, go ahead.

Mr. Jeremy Patzer: I hope this means the government is going to be taking seriously the unconstitutionality of the Impact Assessment Act. I believe this is one of the many clauses of this bill that would be impacted by that.

This is my only question. It is for Julie, or maybe the officials working on this would know.

You mentioned spring, but is there a more specific timeline for when we could realistically see some fixes, hopefully, to the Impact Assessment Act?

The Chair: Is that question directed to the officials? I could put—

Ms. Julie Dabrusin: I don't know. You just said it to me.

I can answer. I can say that spring will be upon us soon. I don't have a specific date to give you, but keep your eyes peeled. It will be in the spring.

Mr. Jeremy Patzer: Okay. Hopefully the minister can answer that if we get to a vote on the motion by my colleague about getting him here for the estimates. Hopefully at that point the minister can give us an update on it, because I would think this is issue number one and there would be a five-alarm fire about getting this dealt with. It should have been dealt with before this point, because when something is unconstitutional, usually that should be priority number one.

The Chair: Thank you, Mr. Patzer.

I'm going to Mr. Dreeshen.

Mr. Earl Dreeshen: Our witnesses here are from the justice department and particularly associated with Environment, I believe. Nevertheless, they should be the experts to speak to the unconstitutionality of Bill C-69. Of course, the whole issue is it not being dealt with before we're forced to deal with this. Therefore, the actions we have at this particular point in time, if we include those elements of Bill C-69, make this unconstitutional in my view.

I'd like to know what justice department officials have been doing to ensure there is no issue, or that it can be dealt with quickly, because that has been the whole point of what has been taking place here for the last couple of months.

I would like someone from Justice to enlighten me on that.

● (1620)

Mr. Jean-François Roman (Legal Counsel, Department of Justice): I work for NRCan legal services, not the Department of Environment.

What we're proposing here is creating a distinct date for the coming into force of proposed subsection 119(9.1) so that when the Minister of Environment is ready to introduce the revision to the IAA, we'll be able to bring into force this provision at a distinct time without slowing down the coming into force of all other provisions proposed in Bill C-49.

Mr. Earl Dreeshen: Then there is an admission that there is a conflict between the Impact Assessment Act, with the unconstitutionality that has been presented, and this legislation. I want to make sure that because you are carving out portions.... I'm sure that if we go to any of these, there would be a similar answer: We have to change one because we are awaiting the ministry or the department to try to sort that out.

This is a concern I've had over the years. We have lawyers in departments. There should be decisions made that do not make things unconstitutional. However, we have courts—the Supreme Court and others—that will say, no, there's a problem and it has to be fixed.

What is the reason you weren't able to give information about the fix earlier on? Do we simply have to wait and assume the minister will come up with the proper type of legislation to fix it? How will we know that it actually fixes it? I mean, it will be a bunch of legal people from your team who will say, “Okay, we believe this is a fix.”

Is this going back to the Supreme Court, then, to see whether, in effect, it does remedy the concerns? How will we know?

Mr. Jean-François Roman: The only answer I can provide you with at this time is that we introduced Bill C-49 on May 30. As my colleagues from the legislative sections have been working on a revision of the IAA, we've been asked to make a few amendments to this bill to ensure we will bring these provisions into force only once the revision of the IAA has been done.

Mr. Earl Dreeshen: The suggestion we've been making that maybe Bill C-49 could have been looked at later, once you had all of that done, would have some merit.

Mr. Jean-François Roman: This is not for the—

Mr. Earl Dreeshen: Would it have been easier if you did not have to deal with this legislation and you had some certainty on how the government was going to deal with the unconstitutionality aspect of Bill C-69?

● (1625)

Mr. Jean-François Roman: In terms of the discussion, as you know, the accord acts are joint legislation. We jointly manage the resources with the provinces. The agreement between the federal government and the provincial government here was to bring forward Bill C-49 with the proposed amendments and motions to carry on the work on Bill C-49.

That's how far I can go in answer to your question.

Mr. Earl Dreeshen: Thank you. My main question was on timing and whether or not there had to be a rush to get that done until we had sorted out what the other problem was.

I'll leave it at that.

The Chair: Thank you, Mr. Dreeshen.

I'll now go to Ms. Dabrusin.

Ms. Julie Dabrusin: Maybe I'll follow up with the officials on that.

I'm wondering if you could advise us on whether or not the provinces support the amendments.

Mr. Jean-François Roman: The provinces have been consulted on the amendments and motions and they support what is being proposed here.

Ms. Julie Dabrusin: Thank you.

The Chair: Thank you.

Mr. Jeremy Patzer: I have one more. It's a quick one.

The Chair: No problem, Mr. Patzer. Go ahead.

Mr. Jeremy Patzer: Is this standard procedure? I understand that you're trying to leave room for them to make the amendments to the unconstitutional parts, but in terms of the wording here, is it standard procedure to create wiggle room for them to do that, or will this have to come back to committee, after those proposals are done, for us to revisit it at a later date?

Mr. Jean-François Roman: The wording here is what we need to create the distinct date for the coming into force of the provisions. If there are further amendments required, this will be addressed when we see what the IAA revision bill will propose, if necessary.

Mr. Jeremy Patzer: It's without a distinct date, though. The point of my first question earlier was about the fact that there isn't a distinct date. This is common language to create room to retroactively put in a distinct date—after the fact. This is standard. This is regular. This happens all the time. Is that what I'm to believe here?

Mr. Jean-François Roman: Yes. That's what we have to insert into the bill to create separate clauses.

Mr. Jeremy Patzer: You guys don't have a date in mind yet, obviously.

Mr. Jean-François Roman: There's no set date. Clause 221 of the bill simply has that the coming-into-force date is by order of the Governor in Council for the different provisions.

Mr. Jeremy Patzer: Okay. Thank you.

The Chair: Do we have any other speakers?

Mrs. Stubbs, go ahead.

Mrs. Shannon Stubbs: We feel for the position that the officials are in. It's blindingly clear that the Liberals have failed to bring in changes to remedy the Supreme Court's finding that less than 10% of the Impact Assessment Act is in fact constitutional—the Supreme Court said “largely unconstitutional”—even though that bill has been law for the last five years. I can say personally and on behalf of my Conservative colleagues that nearly every single issue the Supreme Court of Canada pointed out as a problem in the Impact Assessment Act we pointed out during the debates on Bill C-69. In fact, it often happened that I personally did so during the debates on Bill C-69 in committee and through each stage.

Kudos to the officials for doing their best in this position that unfortunately the elected members of Parliament have caused for them.

I would note, of course, that it's been 139 days since the Supreme Court said that the Impact Assessment Act, including all of the provisions here in Bill C-49 relating to decision-making power and the project scheme, was unconstitutional. That was why, of course, as you'll recall, Chair, I moved a motion, which was rejected by the NDP-Liberal coalition, to first deal with fixing the unconstitutional sections of Bill C-69 so we could then move on to an analysis and assessment to ensure that legislators could deal properly with Bill C-49 and would not be facing what obviously will be delays, uncertainty and litigation, even once this legislation passes.

This entire scenario illuminates the failure of the Liberal government. They did not listen to experts in the first place during the democratic debate on Bill C-69. They have also ignored us and held up this bill, while also creating the potential for uncertainty and litigation and even less clarity for the people of Nova Scotia and Newfoundland and Labrador and any private sector proponents who want to get involved in offshore renewables as a result of Bill C-49.

Again, kudos to the officials for being in an uncomfortable position and making a good-faith effort to answer these questions and deal with the mess that the elected Liberal members of Parliament have created for them, backed by their NDP cohort, when we tried to deal with this in November.

Of course, the official is right that Bill C-49 was introduced on May 30, at the end of the spring session, always an indication of the government's priorities, with no debate and no assessment by legislators at that time. It was only brought back in September, with fewer than nine hours total of debate by all members of Parliament from all parties. Then of course we heard, from witness testimony during the limited hours the NDP and Liberals forced on this piece of legislation, that there are gaping holes in the existing and unconstitutional Bill C-69 provisions that are in Bill C-49, and that there may have been a catastrophic lack of consultation, during the development of the bill, with various entrepreneurs, business owners and generational family businesses in Nova Scotia and Newfoundland and Labrador.

Imagine the time that has been wasted at this point. Imagine how much further ahead we would be if the federal government had just done the right thing in the first place and gotten Bill C-69 right in the first place and not created a mess that has to be completely untangled.

Of course, if they had just listened to us in November instead of playing games and delaying to hold this bill up, we wouldn't have to be in this ridiculous scenario where we're having this conversation about having to bundle amendments to fix problems that are of their own making.

Thanks, Chair.

● (1630)

The Chair: Thank you, Mrs. Stubbs.

I'll now go to Mr. Angus.

Mr. Charlie Angus: I'm just getting myself back to ground zero on earth here, but to the officials, my understanding is that the push for this is coming from the provinces to update an existing accord. Is that correct? We're not making something new. There's an accord. The provinces are pushing us to do this. There's a timeline to get this thing done.

Did I misunderstand all of this or is that how this is playing out?

Mr. Jean-François Roman: No, you're correct.

Mr. Charlie Angus: Okay. Thank you. Well, then, I'd say let's get it done, because that's what the provinces have asked us to do.

The Chair: I think we've exhausted the speakers list.

We'll now proceed to the vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

(Clause 47 as amended agreed to: yeas 6; nays 5)

The Chair: I'll go to Mr. Patzer prior to moving forward.

Go ahead, Mr. Patzer.

Mr. Jeremy Patzer: At our last meeting, we talked about proposals to group certain clauses together in the spirit of trying to be collaborative and trying to honour the provinces' wishes to get them the piece of legislation they need, while simultaneously doing our job to point out some of the inconsistencies, flaws and problems in this bill.

I have a quick proposal for this next grouping. If we could group together clauses 48 through 57, we'd be fine to vote on all of them together in one grouping. There are a couple of other pieces that we would like a recorded vote on after that. There are a couple of clauses after that that we would like to parse out separately, but as far as grouping a few together goes, if I have unanimous consent from everybody around the table for clause 48 through clause 57 to be the next grouping we vote on, I'd be happy to move that.

● (1635)

The Chair: Colleagues, do we have unanimous consent to group clauses 48 to 57 together?

Some hon. members: Agreed.

The Chair: We do.

Shall clauses 48 to 57 inclusive carry?

(Clauses 48 to 57 inclusive agreed to: yeas 10; nays 1)

(Clauses 58 and 59 agreed to: yeas 6; nays 5)

The Chair: We'll now go to BQ-12 and new clause 59.1.

Mr. Simard.

[*Translation*]

Mr. Mario Simard: Again, to pick up on my remarks at our most recent meeting, a number of stakeholders have made their wishes quite clear. I'm thinking, for example, of East Coast Environmental Law; Normand Mousseau, professor at the Université de Montréal and scientific director of the Trottier institute; and certain representatives of the first nations. They basically told us that if this were truly an energy transition project, it would align with the philosophy of this transition, meaning that it would prioritize low-carbon energy.

Our amendment is as follows:

> 59.1 The act is amended by adding the following after the heading "Licences and Authorizations" after section 137.1:
>
> 137.2(1) If more than one application is made under section 138 or 138.01 for the same area, the Regulator shall take the following factors into account in making its decision:
>
> (a) the objectives and obligations set out in the Canadian Net-Zero Emissions Accountability Act; and
>
> (b) proposed or potential renewable energy projects in that area.
>
> (2) If applications are made for both a petroleum-related work or activity and a work or activity relating to a renewable energy project in the same area, the Regulator shall give priority to the work or activity relating to a renewable energy project.

I think that this amendment would help bring the bill more in line with the reality of the energy transition.

● (1640)

[*English*]

The Chair: We'll go to Mr. Dreeshen and then Mr. Sorbara.

Go ahead, Mr. Dreeshen.

Mr. Earl Dreeshen: Perhaps the folks in the department could answer this. We speak here about "the objectives and obligations set out in the Canadian Net-Zero Emissions Accountability Act". Do those deal with the full life cycle emissions that take place from the start of the project until the end? As I've mentioned, in many cases, if we're not going to speak about the emissions in development, building, transportation and everything else, how does it really tie into a net-zero emissions metric? That is my concern.

We see these acts and see the fancy names, but if no one can tell the proponents that they are actually doing something good for the planet and are changing the amount of emissions taking place; or if you're going to get the same amount except you're paying somebody to put something else up; or if you're going to have worse emissions but you're paying somebody to work on a project, then I'm concerned about what level of metrics is associated with the Canadian Net-Zero Emissions Accountability Act and whether or not the things I just discussed are being looked at for each and every project we might have.

Ms. Annette Tobin (Director, Offshore Management Division, Fuels Sector, Department of Natural Resources): Thank you for your question. I hope I've followed it enough to say that, unfortunately, I don't think your panel here from NRCan can answer it. I really don't have any insight into specifically what is in the act you referenced, so—

Mr. Earl Dreeshen: Who could we speak to? You're a department official. You must have a network somewhere. Who could we speak to in order to get that type of information?

Ms. Annette Tobin: One moment. I'll have to check here.

An hon. member: [*Inaudible—Editor*].

Mr. Earl Dreeshen: They have to measure everything, so you're right, they would.

Ms. Annette Tobin: I'm sorry. I wish we had some insight. We'll have to come back.

We could speculate. It seems like maybe it is one of our other departments, as you would expect, but we'll have to come back. I'm sorry.

Mr. Earl Dreeshen: I appreciate that. Whether it be industry or whomever, we know there is a footprint for anything out there. I just hope somebody is paying attention before we start jumping into how one project is better than another and that sort of thing.

Thank you very much.

The Chair: Thank you, Mr. Dreeshen.

Mr. Sorbara.

Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.): Thank you, Mr. Dreeshen, for your comments.

Thank you, Mr. Barsalou-Duval, for your commentary.

With regard to BQ-12, I will be humbly opposing this proposed amendment.

The intent of Bill C-49, obviously, is not to cease oil and gas activity. It is to continue to build offshore renewable energy projects in Atlantic Canada. It is the responsibility of governments to make strategic decisions regarding the pace and scale of development in the offshore for both petroleum and renewable energy. In making these decisions, it's obviously the responsibility of government, not the regulator, to consider broader policy objectives and commitments. This is beyond the scope of what was negotiated with the provinces, and it is unlikely the provinces would support it.

With that, I am opposed to BQ-12.

The Chair: Thank you, Mr. Sorbara.

We will now proceed to Mr. Angus.

● (1645)

Mr. Charlie Angus: I will pass.

The Chair: As we have no other speakers, we will now proceed to the vote.

(Amendment negatived: nays 10; yeas 1)

(Clause 60 agreed to: yeas 10; nays 1)

(On clause 61)

The Chair: We're On BQ-13.

[*Translation*]

Mr. Mario Simard: Since the amendment has become null and void, I won't be moving it.

[*English*]

The Chair: We will now proceed to BQ-14.

Mr. Simard.

[*Translation*]

Mr. Mario Simard: The proposed wording is as follows.

> (1.1) Section 138 of the act is amended by adding the following after subsection (1):
>
> (1.1) A new application for a licence or authorization shall not be made to the Regulator after this subsection comes into force.

The idea is quite simple. The Governor in Council must enforce regulations to ensure that no licences are approved or issued for any new offshore oil and gas exploration projects in the areas covered by the accord. I gather that the spirit of Bill C-49, as I have said a number of times and as we have heard from witnesses, is to promote clean energy. I don't think that fossil fuels are part of the picture. This would send the right message.

[*English*]

The Chair: Thank you, Mr. Simard.

I'll go to Mr. Patzer, then to Mr. Sorbara.

Mr. Jeremy Patzer: I think we've heard quite clearly that the provinces are still interested in developing their offshore petroleum resources. It's unfortunate that there were no bids, but I think it would be wrong-headed of the federal government to tell a provincial government what they can and cannot do with their natural resources. As we all know around the table, natural resource development is the sole jurisdiction of the provinces, so let's let the provinces do what they do best.

We will be voting against this amendment.

The Chair: Thank you, Mr. Patzer.

Mr. Sorbara.

Mr. Francesco Sorbara: I'm going to get his name right this time.

[*Translation*]

Mr. Simard, I would like to welcome you.

[*English*]

With regard to BQ-14, much as with BQ-12, the intent of Bill C-49 is to build an offshore renewable energy sector and to support offshore renewable energy projects in Atlantic Canada. The intent of Bill C-49 is not to cease oil and gas activity or oil and gas production. Thus, this proposed amendment or motion is beyond the scope of what was negotiated with the provinces, and it is unlikely that the provinces would support it.

With that, I will be opposing BQ-14.

The Chair: Thank you, Mr. Sorbara.

There are no other speakers, so we'll now go to the vote.

(Amendment negatived: nays 10; yeas 1)

(Clause 61 agreed to: yeas 6; nays 5)

(On clause 62)

The Chair: For the consideration of clause 62, members of the committee will have noted on the agenda that the amendments creating new clauses 62.1 and 62.2 come in the middle of amendments for clause 62. That is because the committee must study the proposed amendments in the order in which they would appear in the bill. The amendments creating new clauses 62.1 and 62.2 will therefore be moved and voted on during the study of clause 62.

At the end, once the amendments of clause 62 are disposed of, the committee will vote on clause 62 as amended or not. If amendments to create new clauses 62.1 and 62.2 are adopted, they will be reflected in the reprint of the bill that will be produced for use at report stage.

Okay, everybody understands that.

● (1650)

Mrs. Shannon Stubbs: It's as clear as mud.

The Chair: That's great.

Now we will proceed to G-3.

Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: As I said, there is a group of amendments that I will be moving to coordinate with the Impact Assessment Act. Specifically, this amendment separates the provision referencing “conditions established under the Impact Assessment Act” from other provisions in clause 62 pertaining to offshore renewable energy authorizations. As I said for the others, it's a separate coming into force.

The Chair: Thank you.

Mr. Patzer.

Mr. Jeremy Patzer: I'd like a quick clarification on the lines here.

Paragraph (c) of this amendment says, “by adding after line 10 on page 38”. I'm just curious about deleting three lines on the page prior. Is that not going to impact where the next portion is going to fall in, or does it all just move up and it's all fine? Maybe I'm just overthinking this, but does it not change which line we're talking about here?

The Chair: Just give us a moment.

As I discussed with the clerk, it does not change the lines, but if any changes are required, they will be done at reprint.

Mr. Jeremy Patzer: It's just a small technical thing. That's all I was wondering. That's fine.

I think our outstanding comments about our concerns with the Impact Assessment Act still stand. This should have been dealt with in advance instead of our having to include this TBD provision in the bill. Either which way, thanks for clarifying that small technical point for me.

The Chair: Thank you, Mr. Patzer.

We'll now go to Mr. Dreeshen.

Mr. Earl Dreeshen: I hope I'm in the right spot. On page 38, proposed paragraph 138.011(2)(b) says, “the Minister of the Environment has issued a decision statement under section 65 of that Act.” It's one thing to talk about the unconstitutionality of it, but here we're also putting into the bill a direction from a minister that speaks to section 65 of the act. A lot of the act was considered unconstitutional. I'm assuming this is as well.

The discussion we had earlier was about how we're going to fix all of this later and not to worry about it. Is that also the remedy that we suggest is going to come about for proposed paragraph 138.011(2)(b), which speaks about the role of the Minister of Environment?

● (1655)

Ms. Lauren Knowles (Deputy Director, Department of Natural Resources): Before we answer, I would just like to get a clarification for the officials.

The question you're asking pertains to a section that is addressed later and that is not part of this particular amendment. I'm not sure if we should defer answering that question to the discussion on the later clause or we should answer it now.

Mr. Earl Dreeshen: I respect that. It's just that we're going in a lot of different directions here.

There is another one I will speak to when it is the right time. That is proposed subsection 138.011(3), which does specifically speak about the Minister of Environment under section 9 of the Impact Assessment Act and the things that it allows them to do if they so choose.

The clause on page 38 that we're dealing with right now deals a lot with the Minister of Environment having full force to do what he deems should be done. Hopefully we can work that into the discussion. If that's not ready with respect to this clause, I'm prepared to wait.

The Chair: Thank you, Mr. Dreeshen.

Do we have any other speakers on amendment G-3? We don't.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: BQ-15 is moot and cannot be moved since BQ-4 was defeated. We will skip past it.

We will go to BQ-16.

Mr. Simard.

[*Translation*]

Mr. Mario Simard: It's necessary to remain consistent. The proposed amendment would ensure that each project had had a specific environmental assessment. In other words, the regional assessment currently in place is necessary. However, we consider it insufficient. Many stakeholders told us that the lack of a project-specific assessment under the acts could lead to conflicts and legal issues for the fishing industry, environmental groups and other users.

The proposed wording is fairly straightforward:

> (a) by adding after line 12 on page 37 the following:
>
> (2.1) On receipt by the Regulator of an application for an authorization referred to in subsection (1) or of an application to amend the authorization, the Regulator shall conduct an environmental assessment of the proposed work or activity if the proposed work or activity is not subject to an impact assessment under the Impact Assessment Act.
>
> (b) by adding after line 25 on page 37 the following:
>
> (e.1) an environmental assessment conducted by the Regulator; and

That's my recommendation.

[*English*]

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin: Look, safety and environmental protection are very important functions of the regulators. I respect that and the intent of what Monsieur Simard has put forward. Regardless of that fact, regulators currently take on environmental assessments, so we don't need this proposed amendment. In fact, it would be outside the scope of what was negotiated with the provinces.

I want to keep highlighting that what we're talking about is an agreement we have negotiated with provinces.

I'm going to oppose this proposed amendment.

● (1700)

The Chair: Thank you, Ms. Dabrusin.

Mr. Angus.

Mr. Charlie Angus: I read it over. From my understanding of regulators and the job they have to do, particularly in the fragile North Atlantic, big projects need to be properly assessed. That's the process. What feels problematic with this is that it's overkill for the federal government to tell them they'll have to do one when that is the standard operating practice.

I don't think it's necessary, but I appreciate my colleague bringing it forward to remind us that all of these projects, if they're moving ahead, are going to be in very sensitive waters. There are fisheries and all kinds of issues that have to be looked at, but that is the job of the regulator. We don't have to tell the regulator to do the job the regulator is already obligated to do.

The Chair: Thank you, Mr. Angus.

Okay, we will now proceed to the vote.

(Amendment negatived: nays 10; yeas 1)

The Chair: We'll now move to G-4.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another cleanup type of amendment. It's to correct a minor error in the legislation.

An errant word—"be"—was inserted there. It's just to strike out that word. It would also keep it consistent with the Nova Scotia legislation that's going to be following this.

The Chair: Is there any further discussion on G-4?

(Amendment agreed to: yeas 9; nays 2 [*See Minutes of Proceedings*])

The Chair: We'll now proceed to new clause 62.1 and amendment G-5.

Ms. Dabrusin.

Ms. Julie Dabrusin: You're going to hear this from me a few times. It's in the same grouping of amendments to deal with a separate coming into force under the Impact Assessment Act.

This one would create a new subclause 62.1 under the "Impact Assessment" heading to allow for a separate coming into force for certain sections under clause 62.

The Chair: Mr. Patzer, go ahead.

Mr. Jeremy Patzer: This is a technical question.

We still have a whole pile of clause 62 amendments and we're rushing off to a brand new clause. Are we going to circle back to the rest of them? I'm curious as to why we're doing it in this fashion. Later on, we have clause 62.2, but I think that comes up after we've done all of clause 62. No, actually, it does not. There's a 62.2 clause, and then we circle back to 62 again.

I'm curious as to why we are jumping around to different clauses, then back again. I'm wondering, Chair, if you want to clarify why we are playing hopscotch with the clauses here.

The Chair: Thank you, Mr. Patzer. I had provided an introduction to clause 62. If you like, I can read it again—slowly, because there's a lot to digest there—and you can follow the hopscotch, as you've said.

For the benefit of all members, I'll go over it once again.

For the consideration of clause 62, members of the committee will have noted that on the agenda, the amendments creating new clauses 62.1 and 62.2 come in the middle of amendments for clause 62. That is because the committee must study the proposed amendments in the order in which they would appear in the bill. The amendments creating new clauses 62.1 and 62.2 will therefore be moved and voted on during the study of clause 62. At the end, once all the amendments on clause 62 are disposed of, the committee will vote on clause 62 as amended or not. If amendments to create new clauses 62.1 and 62.2 are adopted, they will be reflected in the reprint of the bill that will be produced for use at report stage.

I hope that clarifies your question.

● (1705)

Mr. Jeremy Patzer: Why are they considered amendments rather than whole new clauses? Why is that?

The Chair: Mr. Patzer, I will get the clerk to explain it to you.

Ms. Émilie Thivierge (Legislative Clerk): Thank you, Mr. Chair.

Mr. Patzer, you are right. They are just amendments. They are amendments to clause 62.

The agenda says "new clause", but it's just a title. It's an amendment to clause 62, which is why it's in clause 62.

Mr. Jeremy Patzer: Okay. After four years, this is only the second piece of legislation I've ever had a chance to deal with. Bill C-50 was the first one. This is the first time I'm really seeing a package like this.

Normally, if there's a clause 47.1 or whatever, we vote for that whole clause. Then we do the next new clause, 47.2 or whatever. That's why I was curious about why it was labelled this way. All of a sudden we're still within the clause we were already working on.

At any rate, I appreciate it.

The Chair: We learn something new every day. I'm like you; Bill C-50 was my first bill and this is my second. We're learning together.

If everybody is clear, G-5 was moved. We'll now proceed to the vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: We will now proceed to CPC-8.

Would a member like to move it?

Mr. Patzer.

Mr. Jeremy Patzer: I move that Bill C-49, in clause 62, be amended by deleting lines 11 to 36 on page 38.

Once again, this deals with the unconstitutional Impact Assessment Act. When it's already creating problems across the country, I don't think it's good to be imposing the same problems on a couple more provinces. They are going to run into all kinds of issues.

We propose that this entire section be deleted. Erase it.

● (1710)

The Chair: Thank you.

I'm going to Ms. Dabrusin.

Ms. Julie Dabrusin: This falls into the same category as the coming-into-force amendments I've been moving to have separate coming-into-force dates.

I understand what the member opposite is trying to do here, but I think it's dealt with by the fact that we are going to have separate coming-into-force dates, as we have moved. I think that's exactly what the clause from G-5, which we just did, would touch upon.

I'm not going to support this amendment.

The Chair: Thank you, Ms. Dabrusin.

I'll now go to Mr. Dreeshen.

Mr. Earl Dreeshen: This is the part I spoke about earlier when I asked the officials about the significance of "the Minister of the Environment has issued a decision statement under section 65 of that Act". I was questioning whether or not that happens to be one of the sections that have been deemed unconstitutional. If it has, I guess we're living in hopes that there will be a remedy, but I just want to know whether for section 65 of the act, there is hope that later it will not be unconstitutional.

We're also dealing with section 137 of the act. I think that's it. No, there's also a reference back through to it.

Could you just give me some clarity as to whether this is one of the sections that have been deemed unconstitutional? Again, my hope is that we're not going to be putting these ministers or any future ministers in jeopardy, in that we don't really know what the results are going to be.

I might ask one other pointed question on this as well. There has been a big discussion about the direction and when it will come into force. If we survive around here until 2025, maybe there's a chance it will have come into force by then. If that is not the case, if it's a little sooner, what are your thoughts on all of these remedies taking place such that this legislation is going to be properly addressed from a legal standpoint?

Ms. Lauren Knowles: With respect to the first part of your question on section 65 of the Impact Assessment Act, unfortunately I'm not an expert in the decision rendered by the Supreme Court. I can't speak to the details of that opinion or decision, but what I can say is that all of the clauses we have been discussing and the motions that have been put forward are to allow for coordination with the Impact Assessment Act so that we can ensure consistency across the statutes.

With respect to coming into force, there are a number of things that need to happen for Bill C-49 to come into force. It needs to pass through this parliamentary process. The provinces also need to table and pass mirror legislation in their provincial legislatures. The clauses that have a separate coming into force would be brought in at a date to be determined in the future, in consultation with the provinces.

The Chair: There are no other speakers so we'll now proceed to the vote.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: We'll now go to G-6.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another correction piece.

You're going to hit a few of these in a row, and I apologize for that, but this one is just to correct a minor error and ensure consistency with the Nova Scotia part of the bill. It is in clause 62:

> (2) The Regulator shall, on the Agency's request made under subsection 13(2) of the Impact Assessment Act, engage

That's it.

● (1715)

The Chair: Thank you.

We'll now proceed to the vote.

(Amendment agreed to: yeas 6; nays 5)

The Chair: We'll now proceed to G-7.

Ms. Dabrusin.

Ms. Julie Dabrusin: Mr. Chair, this is to correct a numbering error in the bill. Basically, it adds a zero so that it says "137.01". It's just a numbering error that I'm seeking to correct.

The Chair: Okay. We have no debate, so we'll now proceed to the vote on G-7.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We'll now proceed to G-8.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another one that corrects a minor error and ensures consistency with the Nova Scotia bill. It inserts the word "review" before "panel". The word "review" was missing. This adds it in.

The Chair: Thank you, Ms. Dabrusin.

Shall G-8 carry?

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We'll now proceed to G-9.

Ms. Dabrusin.

Ms. Julie Dabrusin: G-9 makes another correction. It would correct an inconsistency between the English and French texts of the bill. At proposed section 138.014, it will remove from the English the word “makes” and change it to “is to make”.

The Chair: We'll now proceed to the vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: Now we'll go to G-10.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another correction of inconsistency between the English and French texts of the bill.

[*Translation*]

In this case, in French, the word “and” is used instead of “or”. This should be changed, because it doesn't mean the same thing.

[*English*]

The Chair: We'll now proceed to the vote on G-10.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Now we have new clause 62.2, which is G-11.

Ms. Dabrusin.

● (1720)

Ms. Julie Dabrusin: It's back to me again.

It's part of the similar grouping of previous amendments that I brought up that change the coming-into-force date for certain clauses. Specifically, this is the creation of a new clause 62.2, which will allow for a separate coming into force of some sections in clause 62.

The Chair: We will proceed to the vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: We'll now proceed to clause 62 and G-12.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another amendment to correct a minor error and ensure consistency with the Nova Scotia act. This one is for proposed section 138.015.

The word “the” is replaced with the word “that”. I'm sorry. It doesn't actually replace it, when I'm looking at it. It inserts the word “that”. It doesn't replace the word “that”. It now reads, “knowledge that the authority possesses”.

The Chair: Mrs. Stubbs, go ahead.

Mrs. Shannon Stubbs: We're going to vote against this on principle.

Again, on behalf of the Conservatives, clearly this bill has been rushed. Clearly the Liberals will pass a bill that will be uncertain, unclear and open to litigation, and I would suggest the concern with this word “that” is the smallest problem with this bill.

Just so Canadians are aware, what the Liberals are asking us to do is basically trust them on a whole bunch of aspects of this bill that, as we warned from the very beginning, include various sections that have been declared unconstitutional by the Supreme Court of Canada.

We are going to oppose this amendment.

The Chair: Thank you, Mrs. Stubbs.

Shall G-12 carry?

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: On BQ-17, we have Monsieur Simard.

[*Translation*]

Mr. Mario Simard: Thank you.

Again, to remain consistent with what we have said from the start, I move that Bill C-49, in clause 62, be amended (a) by replacing line 5 on page 41 with the following:

138.017 or a strategic environmental assessment under section

(b) by replacing line 14 on page 41 with the following:

Strategic Environmental Assessments

(c) by replacing line 25 on page 41 with the following:

138.018(1) The Regulator may conduct a strategic environmental as-

(d) by replacing line 33 on page 41 with the following:

conduct a strategic environmental assessment of any proposed or exist-

(e) by replacing, in the English version, line 38 on page 41 with the following:

gic environmental assessment.

The purpose of this amendment is quite simple. The Canadian Energy Regulator must be empowered to conduct strategic environmental assessments, and not just strategic assessments. The term “strategic assessment” comes from the Impact Assessment Act, where it has a specific meaning that doesn't apply to Bill C-49. The amendment would clarify this aspect.

● (1725)

[*English*]

The Chair: On BQ-17, we have Mr. Sorbara.

Mr. Francesco Sorbara: Thank you very much, Monsieur Simard, for your proposition.

I'm going to be opposing this motion on the primary basis that the life cycle regulator for offshore projects is already obligated to ensure that safety and environmental protection are achieved for all works and activities under its jurisdiction. These sections in the bill use the term “strategic assessment”, which is broader and was negotiated with the provinces. “Strategic assessment” is terminology consistent with what is used in other statutes, such as the Impact Assessment Act.

With that, I'll be opposing BQ-17.

The Chair: Okay. We'll now proceed to the vote.

(Amendment negatived: nays 10; yeas 1)

The Chair: We'll now go to G-12.1.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another minor correction one.

[*Translation*]

There's a difference between the number written in English and the number written in French in section 62 of the bill.

In English, the number is 138.019, while in French, it's 138.19. It's simply a matter of adding the missing zero.

[*English*]

The Chair: Okay. It doesn't seem like there's any further debate. We'll now go to the vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We'll now go to G-13.

Ms. Dabrusin.

Ms. Julie Dabrusin: This is another amendment to ensure consistency with the Nova Scotia part of this bill. It is to insert language into proposed section 138.019: “by the Agency or committee”. The section would be “within the period specified by the Agency or committee under section 100”.

It's just inserting those words to make it consistent with the Nova Scotia act.

The Chair: Okay. We'll now proceed to the vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: We'll now go to BQ-18.

Mr. Simard.

[*Translation*]

Mr. Mario Simard: Again, we want to take into account the briefs submitted by East Coast Environmental Law, Ocean North, SeaBlue Canada and the Ecology Action Centre, along with the testimony of the people who came to see us. They pointed out that, under the old act, it was necessary to ensure that each project was subject to a specific assessment. In other words, the current regional assessment in place is necessary, but not sufficient.

Our proposed amendment is as follows:

> 138.0201 For greater certainty, the Regulator conducts regional assessments and strategic environmental assessments under this section independently from regional assessments and strategic assessments conducted under the Impact Assessment Act.

There you go.

● (1730)

[*English*]

The Chair: We'll now go to Mr. Sorbara.

Mr. Francesco Sorbara: I'll be opposing Mr. Simard's amendment, as it would be redundant.

The regulators' authorities are already clear in the bill. To give the member a fulsome answer, Bill C-49 would only provide the regulators with the authority to conduct regional and strategic assessments under the accord acts. Similarly, the Impact Assessment Act clearly outlines who can conduct regional and strategic assessments. This does not include the offshore regulators. In addition, there are currently no equivalency provisions to allow regional strategic assessments under the accord acts to be deemed equivalent to a regional or strategic assessment conducted under the Impact Assessment Act, or vice versa.

I'm opposing BQ-18.

The Chair: Thank you. We will call the roll.

(Amendment negatived: nays 10; yeas 1)

(Clause 62 as amended agreed to: yeas 6; nays 5)

The Chair: Thank you, colleagues, for the great day of work today at committee.

Is it the will of the committee to adjourn?

Some hon. members: Agreed.

The meeting is adjourned. Have a great two weeks.