



MINUTES OF PROCEEDINGS

OTTAWA, Tuesday, May 31, 2022

(14)

[English]

Pursuant to the order of the Senate of May 5, 2022, the Standing Senate Committee on Energy, the Environment and Natural Resources met this day, in room B30, Senate of Canada Building, and with videoconference, at 9:01 a.m., the chair, the Honourable Paul J. Massicotte, presiding.

Members of the committee present by videoconference: The Honourable Senators Anderson, Carignan, P.C., Galvez, Gignac, Gold, P.C. and Verner, P.C. (6).

Members of the committee present: The Honourable Senators Kutcher, Massicotte, McCallum, Miville-Dechêne, Patterson, Seidman and Sorensen (7).

Other senators present: The Honourable Senator Arnot (1).

Participating in the meeting: Maxime Fortin, Principal Clerk, Martine Willox, Legislative Clerk and Louise Martel, Administrative Assistant, Committees Directorate; Jesse Good and Wu DiYing, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, April 7, 2022, the committee continued its consideration of Bill S-5, Strengthening Environmental Protection for a Healthier Canada Act.

WITNESSES (by videoconference):

Environment and Climate Change Canada:

John Moffet, Assistant Deputy Minister, Environmental Protection Branch;

Laura Farquharson, Director General, Legislative and Regulatory Affairs, Environmental Protection Branch.

Health Canada:

Greg Carreau, Director General, Safe Environments Directorate.

The committee resumed clause-by-clause consideration of Bill S-5, Strengthening Environmental Protection for a Healthier Canada Act.

The committee resumed debate on clause 2.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 2, on page 2, by replacing line 17 with the following:

“of science and Indigenous knowledge in the process of making decisions related to”.

After debate, the question being put on the motion in amendment, it was adopted by a show of hands.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 2, on page 2, by replacing line 20 with the following:

“and timely incorporation of scientifically justified and Indigenous knowledge—based alter-”.

After debate, the question being put on the motion in amendment, it was negated by a show of hands.

After debate, it was agreed that clause 2 stand postponed.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 3, on page 3, by replacing lines 3 and 4 with the following:

“not be used as a reason for postponing measures to prevent environmental degrada-”.

John Moffet, Laura Farquharson and Greg Carreau answered questions from time to time.

After debate and with leave, the amendment was withdrawn.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 3, on page 3, by replacing line 3 of the English version with the following:

“not be used as a reason for postponing effec-”.

After debate, the question being put on the motion in amendment, it was adopted by a show of hands.

The Honourable Senator Miville-Dechêne moved that Bill S-5 be amended in clause 3, on page 3, by replacing lines 12 to 14 with the following:

“a healthy environment as provided under this Act;”.

After debate and with leave, the amendment was withdrawn.

The Honourable Senator Galvez moved that Bill S-5 be amended in clause 3, on page 3:

(a) by replacing line 11 with the following:

“(a.2) protect the right of every individual in Canada — and of future generations — to”;

(b) by replacing lines 13 and 14 with the following:

“subject to any reasonable limits;”.

After debate, the Honourable Senator Kutcher moved that the motion in amendment be amended by deleting the words “— and of future generations —”.

After debate, the question being put on the subamendment, it was adopted by a show of hands.

After debate, the question being put on the motion in amendment, as amended, it was adopted.

After debate, the Honourable Senator McCallum moved that Bill S-5 be amended in clause 3, on page 3, by replacing line 13 with the following:

“which right may be considered against relevant factors, in-”.

After debate, the question being put on the motion in amendment, it was adopted by a show of hands.

After debate, it was agreed that clause 3 stand postponed.

The Honourable Senator McCallum moved that Bill S-5 be amended in clause 4, on page 3, by replacing line 27 with the following:

“to substances. First Nations must be considered distinctly within this group due to their unique fiduciary relationship with the Crown and their history of colonization and assimilation under the Crown. (*population vulnérable*).”.

After debate, the Honourable Senator Anderson moved that the motion in amendment be amended by adding the following after the words “First Nations”:

“, Inuit and Métis”.

After debate, the question being put on the subamendment, it was negated by a show of hands.

The question being put on the motion in amendment, it was negated by a show of hands.

It was agreed that clause 4 carry.

The Honourable Senator Patterson moved that Bill S-5 be amended in clause 5, on page 3, by replacing lines 34 to 36 with the following:

“this section comes into force, cause a report to be tabled before each House of Parliament regarding consultations on how the right to a healthy environment ought to be considered in the administration of this Act.

(1.1) The report on consultations is to be considered by the committee of each House of Parliament that normally considers matters relating to the environment. Each committee is to report to its House and must include in its report a statement of direction on the development of an implementation framework regarding how the right to a healthy environment is to be considered in the administration of this Act.

(1.2) Taking into account the statement of direction received from each House of Parliament, the Ministers shall develop an implementation framework to set out how the right to a healthy environment will be considered in the administration of this Act.”.

After debate, the question being put on the motion in amendment, it was negatived by a show of hands.

At 10:57 a.m., the committee adjourned to the call of the chair.

ATTEST:

Chantal Cardinal

Clerk of the Committee