



## MINUTES OF PROCEEDINGS

OTTAWA, Thursday, June 9, 2022

(19)

[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 W110, 1 Wellington St., and with videoconference, at 9:02 a.m. ET, the chair, the Honourable Paul J. Massicotte, presiding.

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

*Members of the committee present:* The Honourable Senators Dalphond, Kutcher, Massicotte, Miville-Dechéne, 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.

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 5.

The Honourable Senator Kutcher moved that Bill S-5 be amended in clause 5,

(a) on page 3, by replacing line 37 with the following:

“(2) The implementation framework, in a manner consistent with the purposes of this Act, shall, among other”;

(b) on page 4,

(i) by replacing line 5 with the following:

“— the principle of non-regression and the principle of intergenerational equity;”,

(ii) by replacing lines 9 to 11 with the following:

“(c) the reasonable limits to which that right is subject, resulting from the consideration of relevant factors, including social, health, scientific and economic factors.”.

John Moffet and Laura Farquharson answered questions from time to time.

After debate, the Honourable Senator Miville-Dechêne moved that the motion in amendment be amended by replacing paragraph “(c)” with the following:

“(c) the manner in which relevant factors, including social, health, scientific and economic factors, may inform the application of that right.”.

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

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

The committee resumed debate on the motion in amendment of the Honourable Senator Miville-Dechêne that Bill S-5 be amended in clause 5, on page 4,

(a) by replacing line 5 with the following:

“— and the principle of non-regression; and”;

(b) by replacing lines 8 to 11 with the following:

“ment referred to in paragraph 2(1)(a.2).”.

After debate and with leave, the amendment was withdrawn.

It was agreed that clause 5, as amended, carry.

It was agreed that the committee reconsider its vote on new clause 10.1.

The Honourable Senator Patterson moved that new clause 10.1 be amended by replacing the proposed text of the portion of subsection 56(1) before paragraph (a) with the following:

**“56 (1) The minister may”.**

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

It was agreed that new clause 10.1, as amended, carry.

It was agreed that clause 1, which contains the short title, carry.

It was agreed that the title carry.

It was agreed that the bill, as amended, carry.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical, or other required non-substantive changes as a result of the amendments adopted by the committee, including updating cross-references and renumbering of provisions.

It was agreed that observations be appended to the committee's report on the bill.

It was agreed that the committee allow the transcription of the in camera portion of today's meeting, that one copy be kept with the clerk of the committee for consultation by committee members and/or staff, and that the transcript be destroyed by the clerk when authorized to do so by the Subcommittee on Agenda and Procedure, but no later than at the end of the parliamentary session.

At 10:13 a.m., the committee suspended.

At 10:14 a.m., pursuant to rule 12-16(1)(d), the committee resumed in camera to discuss a draft report.

It was agreed that observations be appended to the committee's report.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the report, taking into consideration this meeting's discussions, and with any necessary editorial, grammatical and translation changes required.

It was agreed that the chair report Bill S-5, with amendments and with observations, to the Senate.

At 10:56 a.m., the committee adjourned to the call of the chair.

*ATTEST:*

Chantal Cardinal

*Clerk of the Committee*