



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, September 19, 2024

(76)

[English]

The Standing Senate Committee on Energy, the Environment and Natural Resources met this day at 9 a.m., in room B30, Senate of Canada Building, the chair, the Honourable Paul J. Massicotte, presiding.

Members of the committee present: The Honourable Senators Arnot, Francis, Galvez, Gold, P.C., Manning, Martin, Massicotte, McCallum, Miville-Dechéne, Petten, Prosper, Tannas, Verner, P.C., Wells (*Newfoundland and Labrador*) and White (15).

Participating in the meeting: Jesse Good and Avalon Jennings, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, June 6, 2024, the committee continued its examination 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.

WITNESSES:

Natural Resources Canada:

Abigail Lixfeld, Senior Director, Renewable and Electrical Energy Division;

Annette Tobin, Director, Offshore Management Division;

Daniel Morin, Senior Legislative and Policy Advisor;

Cheryl McNeil, Deputy Director, Offshore Management Division, Natural Resources Canada;

Lauren Knowles, Deputy Director, Offshore Management Division;

Jean-François Roman, Counsel, Natural Resources Canada, Legal Services.

Department of Justice Canada:

Jean-Nicolas Bustros, Counsel, Natural Resources Legal Services.

Department of Fisheries and Oceans:

Christie Chute, Senior Director, Programs Sector, Marine Planning and Conservation.

Parks Canada:

Caroline MacIntosh, Executive Director, Protected Areas Establishment.

Abigail Lixfeld, Anette Tobin and Jean-François Roman answered questions from time to time.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-49.

It was agreed that the title stand postponed.

With leave and pursuant to rule 12-20(4), it was agreed that the committee group clauses in groups of 10.

The chair asked whether clauses 1 to 10 shall carry.

The Honourable Senator Wells (*Newfoundland and Labrador*) moved that clause 7 stand postponed.

The question being put on the motion, it was adopted.

It was agreed that clause 1 carry.

It was agreed that clause 2 carry.

It was agreed that clause 3 carry.

It was agreed that clause 4 carry.

It was agreed that clause 5 carry.

It was agreed that clause 6 carry.

It was agreed that clause 8 carry.

It was agreed that clause 9 carry.

It was agreed that clause 10 carry.

It was agreed that clauses 11 to 21 carry.

The chair asked whether clauses 22 to 32 shall carry.

The Honourable Senator Wells (*Newfoundland and Labrador*) moved that clause 28 not carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Francis, Martin, Manning, McCallum, Prosper, Verner, Wells (*Newfoundland and Labrador*) – 7

NAYS

The Honourable Senators

Massicotte, Arnot, Gold, Miville-Dechêne, Petten, White – 6

ABSTENTIONS

The Honourable Senators

Galvez – 1

It was agreed that clause 22 carry.

It was agreed that clause 23 carry.

It was agreed that clause 24 carry.

It was agreed that clause 25 carry.

It was agreed that clause 26 carry.

It was agreed that clause 27 carry.

It was agreed that clause 29 carry.

It was agreed that clause 30 carry.

It was agreed that clause 31 carry.

The Honourable Senator Wells (*Newfoundland and Labrador*) moved that the committee revert to clause 7 for consideration.

The question being put on the motion, it was adopted.

The Honourable Senator Wells (*Newfoundland and Labrador*) moved that Bill C-49 be amended, in clause 7, on page 4, by replacing line 2 with the following:

“section 5(1), section 29.1, subsection 41(7),”.

At 9:49 a.m., the committee suspended.

At 9:54 a.m., the committee resumed.

After debate, the question being put on the motion in amendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Francis, Martin, Manning, McCallum, Prosper, Verner, Wells (*Newfoundland and Labrador*) – 7

NAYS

The Honourable Senators

Massicotte, Arnot, Gold, Miville-Dechêne, Petten, White – 6

ABSTENTIONS

The Honourable Senators

Galvez – 1

It was agreed that clause 7, as amended, carry.

It was agreed that clause 32 carry.

It was agreed that clauses 33 to 43 carry.

It was agreed that clauses 44 to 54 carry.

It was agreed that clauses 55 to 65 carry.

It was agreed that clauses 66 to 76 carry.

It was agreed that clauses 77 to 88 carry.

It was agreed that clauses 89 to 99 carry.

The chair asked whether clauses 100 to 110 shall carry.

A point of order was raised concerning a request to move a motion prior to moving on to Part 2 of the Bill.

The chair ruled that the Honourable Senator Gold, P.C., could proceed with his motion.

The Honourable Senator Gold, P.C., moved that the committee reconsider its decisions on clauses 28 and 7, and that the previous decisions of the committee on these clauses be rescinded.

After debate, the Honourable Senator Wells (*Newfoundland and Labrador*) moved that the committee adjourn.

At 10:35 a.m., the committee suspended.

At 10:41 a.m., the committee resumed.

Resuming debate on the motion of the Honourable Senator Wells (*Newfoundland and Labrador*) that the committee adjourn, it was negated on the following vote:

YEAS

The Honourable Senators

Francis, Martin, Manning, McCallum, Prosper, Verner, Wells (*Newfoundland and Labrador*) – 7

NAYS

The Honourable Senators

Massicotte, Arnot, Galvez, Gold, Miville-Dechêne, Petten, White – 7

ABSTENTIONS

NIL

Resuming debate on the motion of the Honourable Senator Gold, P.C., that the committee revert to clause 28 to reconsider its previous decision, it was negated on the following vote:

YEAS

The Honourable Senators

Massicotte, Arnot, Galvez, Gold, Miville-Dechêne, Petten, White – 7

NAYS

The Honourable Senators

ABSTENTIONS

NIL

It was agreed that clauses 100 to 110 carry.

The chair asked whether clauses 111 to 121 shall carry.

The Honourable Senator Prosper moved that Bill C-49 be amended, in clause 111, on page 86,

(a) by replacing line 1 with the following:

“111 (1) The heading before section 6 and subsection 6(1) of the Act are replaced by the”;

(b) by adding the following after line 2:

“Conditions Precedent for Certain Regulations, Decisions, etc.”;

(c) by adding the following after line 12:

“(2) The Act is amended by adding the following after subsection 6(2):

6 (3) The Federal Minister or the Regulator, as the case may be, shall consult with any council, government or other entity authorized to act on behalf of an affected Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the Constitution Act, 1982 before

(a) a regulation is made under section 2.1, section 59.1 or 98.2, subsection 98.3(2), section 128 or 153, subsection 188.25(1), or section 210.126;

(b) a decision is made under subsection 38.1(2);

(c) a directive is issued under section 41;

(d) the implementation of a fundamental decision is either made under section 34 or a fundamental decision is set aside or that setting aside is overruled under section 35;

(e) a licence is issued under section 91;

(f) a call for bids is made under paragraph 93(1)(a); or

(g) an authorization is issued under section 142.011.” .

At 10:59 a.m., the committee adjourned to the call of the chair.

ATTEST:

Raymond St. Martin

Clerk of the Committee