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Key Points of BILL C-69

1

Bill C-69 replaces the current authority responsible for environmental impact assessments, the Canadian Environmental Assessment Agency, with a new authority responsible for environmental, social, health, gender, and economic impact assessments, the Impact Assessment Agency of Canada.

2

Bill C-69 removes the “standing” test that set out specific qualifications for who is eligible to give testimony during assessments, thereby broadening the range of persons eligible to provide input. The bill requires that project information is made freely available to the public online, including the proposal, review updates, notices, reasons for decisions, scientific reports, etc. Public participation is allowed if it is meaningful and public participants can receive funding to participate.

3

The maximum review time for projects has been shortened and a planning phase has been added. For standard assessments, a decision needs to be made in 300 days, down from 365 days. For major projects needing review panels, a decision needs to be made within 600 days, down from 720 days. The new planning phase lasts at most 180 days. Project proponents are required to submit their own impact assessment report including the results from required consultations and a plan for addressing mandatory factors.

4

Mandatory factors include concerns, interests, and rights of Indigenous people, climate obligations, and effects on gender, sex, and identity issues.

5

The Minister may exercise discretion over whether to submit a project to a review panel. The Minister can extend a project’s review process for up to 90 days once and can also suspend the review time. The Governor in Council can also extend the review process. The Minister and the Governor in Council have the final say on a project’s approval.

6

Part 2 of Bill C-69 replaces the National Energy Board (NEB) with the Canadian Energy Regulator (CER). The Canadian Environmental Assessment Agency, the Canadian Nuclear Safety Commission (CNSC), and NEB are responsible for steering different parts of the environmental assessment process. Under Bill C-69, the Impact Assessment Agency of Canada conducts the impact assessments and CER and CNSC regulate project lifecycles. CER and CNSC may provide recommendations for impact assessments.

Bill C-69

Legislative Timeline

February 8, 2018

The Minister of Environment and Climate Change Catherine McKenna, introduces bill for first reading in the House of Commons.

March 19, 2018

Second reading in the House. Bill referred to the Standing Committee on Environment and Sustainable Development.

May 29, 2018

Committee submits report recommending amendments to the bill.

June 11, 2018

House concurs with committee amendments. The House of Commons examines the bill as a whole and concurs with the amendments presented in the report.

June 20, 2018

Third reading in the House. Bill moves to Senate.

December 12, 2018

Second reading in the Senate. Bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

February 28, 2019

Senate committee meetings are ongoing.

Sources

Key Points

Parliament of Canada: LEGISinfo, “House Government Bill: C-69,” (March 13, 2019).

The Government of Canada, “Step 3: Impact Assessment,” (March 15, 2019).

Matthew D. Keen and Michael Manhas, “New federal environment assessment legislation: Bill C-69,” *Norton Rose Fulbright*, (March 12, 2019).

Parliament of Canada, “Bill C-69,” (March 12, 2019).

Legislative Timeline

Parliament of Canada: House of Commons, “Compendium of Procedure,” (March 13, 2019).

The Standing Committee on Environment and Sustainable Development is an eleven-member committee that “studies the programs and legislation of Environment Canada, Parks Canada and the Canadian Environmental Assessment Agency as well as reports of the Commissioner of the Environment and Sustainable Development.”

The Standing Committee on Energy, the Environment and Natural Resources comprises twelve senators that “studies the programs and legislation of Environment Canada, Parks Canada and the Canadian Environmental Assessment Agency as well as reports of the Commissioner of the Environment and Sustainable Development.”

Parliament of Canada, “Bill C-69,” (March 12, 2019).