

TABLE OF CONCORDANCE

Canadian Environmental Assessment Act, 2012 (CEAA)

S.C. 2012, c. 19, s. 52

An Act respecting the environmental assessment of certain activities and the prevention of significant adverse environmental effects

And

BILL C- 69

An Act to enact the Impact Assessment Act (IAA) and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts

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CEAA & IAA

SECTION	Canadian Environmental Assessment Act, 2012	SECTION	BILL C- 69 Impact Assessment Act
<u>N/A</u>	<u>N/A</u>	Preamble	<p>Whereas the Government of Canada is committed to fostering sustainability;</p> <p>Whereas the Government of Canada recognizes that impact assessments provide an effective means of integrating scientific information and the traditional knowledge of the Indigenous peoples of Canada into decision-making processes related to designated projects;</p> <p>Whereas the Government of Canada recognizes the importance of public participation in the impact assessment process, including the planning phase, and is committed to providing Canadians with the opportunity to participate in that process and with the information they need in order to be able to participate in a meaningful way;</p> <p>Whereas the Government of Canada recognizes that the public should have access to the reasons on which decisions related to impact</p>

			<p>assessments are based;</p> <p>Whereas the Government of Canada is committed, in the course of exercising its powers and performing its duties and functions in relation to impact, regional and strategic assessments, to ensuring respect for the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>, and to fostering reconciliation and working in partnership with them;</p> <p>Whereas the Government of Canada recognizes the importance of cooperating with jurisdictions that have powers, duties and functions in relation to the assessment of the effects of designated projects in order that impact assessments may be conducted more efficiently;</p> <p>Whereas the Government of Canada recognizes that a transparent, efficient and timely decision-making process contributes to a positive investment climate in Canada;</p> <p>Whereas the Government of Canada recognizes that impact</p>
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			<p>assessment contributes to Canada's ability to meet its environmental obligations and its commitments in respect of climate change;</p> <p>Whereas the Government of Canada recognizes the importance of encouraging innovative approaches and technologies to reduce adverse changes to the environment and to the health, social or economic conditions;</p> <p>And whereas the Government of Canada recognizes the importance of regional assessments in understanding the effects of existing or future physical activities and the importance of strategic assessments in assessing federal policies, plans or programs that are relevant to conducting impact assessments;</p> <p>Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:</p>
<p><u>Section 1</u></p> <p>Short Title</p>	<p>This Act may be cited as the <i>Canadian Environmental Assessment Act, 2012</i>.</p>	<p><u>Section 1</u></p> <p>Short Title</p>	<p>This Act may be cited as the <i>Impact Assessment Act</i>.</p>

<p><u>Section 2</u></p> <p>Interpretations Definitions</p>	<p>(1) The following definitions apply in this Act.</p> <p>Agency means the Canadian Environmental Assessment Agency continued under section 103. (<i>Agence</i>)</p>	<p><u>Section 2</u></p> <p>Interpretations Definitions</p>	<p>The following definitions apply in this Act.</p> <p>Agency means the Impact Assessment Agency of Canada that is continued under section 153. (<i>Agence</i>)</p>
	<u>N/A</u>		<p>analyst means a person or a member of a class of persons designated as an analyst under subsection 120(1). (<i>analyste</i>)</p>
	<p>assessment by a review panel means an environmental assessment that is conducted by a review panel. (<i>examen par une commission</i>)</p>		<p>assessment by a review panel means an impact assessment that is conducted by a review panel. (<i>examen par une commission</i>)</p>
	<p>Canadian Nuclear Safety Commission means the Canadian Nuclear Safety Commission established by section 8 of the <i>Nuclear Safety and Control Act</i>. (<i>Commission canadienne de sûreté nucléaire</i>)</p>		<p>Canadian Nuclear Safety Commission means the Canadian Nuclear Safety Commission established by section 8 of the <i>Nuclear Safety and Control Act</i>. (<i>Commission canadienne de sûreté nucléaire</i>)</p>
	<p>designated project means one or more physical activities that</p> <p>(a) are carried out in Canada or on federal lands;</p>		<p>designated project means one or more physical activities that</p> <p>(a) are carried out in Canada or on federal lands; and</p>

	<p>(b) are designated by regulations made under paragraph 84(a) or designated in an order made by the Minister under subsection 14(2); and</p> <p>(c) are linked to the same federal authority as specified in those regulations or that order.</p> <p>It includes any physical activity that is incidental to those physical activities. (<i>projet désigné</i>)</p>		<p>(b) are designated by regulations made under paragraph 109(b) or designated in an order made by the Minister under subsection 9(1).</p> <p>It includes any physical activity that is incidental to those physical activities. (<i>projet désigné</i>)</p>
	<p><u>N/A</u></p>		<p>direct or incidental effects means effects that are directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of a physical activity or designated project, or to a federal authority's provision of financial assistance to a person for the purpose of enabling that activity or project to be carried out, in whole or in part. (<i>effets directs ou accessoires</i>)</p>
	<p>environment means the components of the Earth, and includes</p> <p>(a) land, water and air, including all layers of the atmosphere;</p>		<p>environment means the components of the Earth, and includes</p> <p>(a) land, water and air, including all layers of the atmosphere;</p>

	<p>(b) all organic and inorganic matter and living organisms; and</p> <p>(c) the interacting natural systems that include components referred to in paragraphs (a) and (b). (<i>environnement</i>)</p>		<p>(b) all organic and inorganic matter and living organisms; and</p> <p>(c) the interacting natural systems that include components referred to in paragraphs (a) and (b). (<i>environnement</i>)</p>
	<p>environmental assessment means an assessment of the environmental effects of a designated project that is conducted in accordance with this Act. (<i>évaluation environnementale</i>)</p>		<p>impact assessment means an assessment of the effects of a designated project that is conducted in accordance with this Act. (<i>évaluation d'impact</i>)</p>
	<p>environmental effects means the environmental effects described in section 5. (<i>effets environnementaux</i>)</p>		<p>effects means, unless the context requires otherwise, changes to the environment or to health, social or economic conditions and the consequences of these changes. (<i>effets</i>)</p>
	<p><u>N/A</u></p>		<p>effects within federal jurisdiction means, with respect to a physical activity or a designated project,</p> <p>(a) a change to the following components of the environment that are within the legislative authority of Parliament:</p> <p>(i) <i>fish and fish habitat</i>, as defined in subsection 2(1) of the <i>Fisheries Act</i>,</p> <p>(ii) <i>aquatic species</i>, as defined in subsection</p>

		<p>2(1) of the <i>Species at Risk Act</i>,</p> <p>(iii) <i>migratory birds</i>, as defined in subsection 2(1) of the <i>Migratory Birds Convention Act, 1994</i>, and</p> <p>(iv) any other component of the environment that is set out in Schedule 3;</p> <p>(b) a change to the environment that would occur (i) on federal lands,</p> <p>(ii) in a province other than the one where the physical activity or the designated project is being carried out, or</p> <p>(iii) outside Canada;</p> <p>(c) with respect to the Indigenous peoples of Canada, an impact — occurring in Canada and resulting from any change to the environment — on</p> <p>(i) physical and cultural heritage,</p> <p>(ii) the current use of lands and resources for traditional purposes, or</p> <p>(iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;</p> <p>(d) any change</p>
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			<p>occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada; and</p> <p>(e) any change to a health, social or economic matter that is within the legislative authority of Parliament that is set out in Schedule 3. (<i>effet relevant d'un do- maine de compétence fédérale</i>)</p>
	<u>N/A</u>		<p>enforcement officer means a person or a member of a class of persons designated as an enforcement officer under subsection 120(1). (<i>agent de l'autorité</i>)</p>
	<p>federal authority means</p> <p>(a) a Minister of the Crown in right of Canada;</p> <p>(b) an agency of the Government of Canada or a parent Crown corporation, as defined in subsection 83(1) of the <i>Financial Administration Act</i>, or any other body established by or under an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs;</p> <p>(c) any department or</p>		<p>federal authority means</p> <p>(a) a Minister of the Crown in right of Canada;</p> <p>(b) an agency of the Government of Canada or a <i>parent Crown corporation</i>, as defined in subsection 83(1) of the <i>Financial Administration Act</i>, or any other body established by or under an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs;</p> <p>(c) any department or</p>

	<p>departmental corporation that is set out in Schedule I or II to the <i>Financial Administration Act</i>, and</p> <p>(d) any other body that is set out in Schedule 1.</p> <p>It does not include the Executive Council of — or a minister, department, agency or body of the government of — Yukon, the Northwest Territories or Nunavut, a council of the band within the meaning of the <i>Indian Act</i>, Export Development Canada or the Canada Pension Plan Investment Board. It also does not include a Crown corporation that is a wholly-owned subsidiary, as defined in subsection 83(1) of the <i>Financial Administration Act</i>, a harbour commission established under the <i>Harbour Commissions Act</i> or a not-for-profit corporation that enters into an agreement under subsection 80(5) of the <i>Canada Marine Act</i>, that is not set out in Schedule 1. (<i>autorité fédérale</i>)</p>		<p>departmental corporation that is set out in Schedule I, I.1 or II to the <i>Financial Administration Act</i>, and</p> <p>(d) any other body that is set out in Schedule 1.</p> <p>It does not include the Executive Council of — or a minister, department, agency or body of the government of — Yukon, the Northwest Territories or Nunavut, a <i>council of the band</i> within the meaning of the <i>Indian Act</i>, Export Development Canada or the Canada Pension Plan Investment Board. It also does not include a <i>Crown corporation</i>, as defined in subsection 83(1) of the <i>Financial Administration Act</i>, that is a <i>wholly-owned subsidiary</i>, as defined in that subsection, a harbour commission established under the <i>Harbour Commissions Act</i> or a not-for-profit corporation that enters into an agreement under subsection 80(5) of the <i>Canada Marine Act</i>, that is not set out in Schedule 1. (<i>autorité fédérale</i>)</p>
	<p>federal lands means</p> <p>(a) lands that belong to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all</p>		<p>federal lands means</p> <p>(a) lands that belong to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all</p>

	<p>waters on and airspace above those lands, other than lands under the administration and control of the Commissioner of Yukon, the Northwest Territories or Nunavut;</p> <p>(b) the following lands and areas:</p> <p>(i) the internal waters of Canada, in any area of the sea not within a province,</p> <p>(ii) the territorial sea of Canada, in any area of the sea not within a province,</p> <p>(iii) the exclusive economic zone of Canada, and</p> <p>(iv) the continental shelf of Canada; and</p> <p>(c) reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and that are subject to the <i>Indian Act</i>, and all waters on and airspace above those reserves or lands. (<i>territoire domaniale</i>)</p>		<p>waters on and airspace above those lands, other than lands under the administration and control of the Commissioner of Yukon, the Northwest Territories or Nunavut;</p> <p>(b) the following lands and areas:</p> <p>(i) the internal waters of Canada, in any area of the sea not within a province,</p> <p>(ii) the territorial sea of Canada, in any area of the sea not within a province,</p> <p>(iii) the exclusive economic zone of Canada, and</p> <p>(iv) the continental shelf of Canada; and</p> <p>(c) reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and that are subject to the <i>Indian Act</i>, and all waters on and airspace above those reserves or lands. (<i>territoire domaniale</i>)</p>
	<p>follow-up program means a program for (a) verifying the accuracy of the environmental assessment of a designated project; and (b) determining the</p>		<p>follow-up program means a program for verifying the accuracy of the impact assessment of a designated project and determining the effectiveness of any</p>

	effectiveness of any mitigation measures. (<i>programme de suivi</i>)		mitigation measures. (<i>programme de suivi</i>)
	interested party , with respect to a designated project, means any person who is determined, under subsection (2), to be an interested party . (<i>partie intéressée</i>)		<u>N/A</u>
	Internet site means the Internet site that is established under section 79. (<i>site Internet</i>)		Internet site means the Internet site that is established under section 105. (<i>site Internet</i>)
	jurisdiction means (a) a federal authority; (b) any agency or body that is established under an Act of Parliament and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project; (c) the government of a province; (d) any agency or body that is established under an Act of the legislature of a province and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project; (e) any body that is established under a land claims agreement referred to in section 35		jurisdiction means (a) a federal authority; (b) any agency or body that is established under an Act of Parliament and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project; (c) the government of a province; (d) any agency or body that is established under an Act of the legislature of a province and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project; (e) any body — including a co-management body — established under a

	<p>of the <i>Constitution Act, 1982</i> and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project;</p> <p>(f) a governing body that is established under legislation that relates to the self-government of Indians and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project;</p> <p>(g) a government of a foreign state or of a subdivision of a foreign state, or any institution of such a government; and</p> <p>(h) an international organization of states or any institution of such an organization. (<i>instance</i>)</p>		<p>land claim agreement referred to in section 35 of the <i>Constitution Act, 1982</i> and that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project;</p> <p>(f) an Indigenous governing body that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project</p> <p>(i) under a land claim agreement referred to in section 35 of the <i>Constitution Act, 1982</i>, or</p> <p>(ii) under an Act of Parliament other than this Act or under an Act of the legislature of a province, including a law that implements a self-government agreement;</p> <p>(g) an Indigenous governing body that has entered into an agreement or arrangement referred to in paragraph 114(1)(e);</p> <p>(h) a government of a foreign state or of a subdivision of a foreign state, or any institution of such a government; and</p> <p>(i) an international organization of states or any institution of such an organization.</p>
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			(instance)
	Minister means the Minister of the Environment. (<i>ministre</i>)		Minister means the Minister of the Environment. (<i>ministre</i>)
	mitigation measures means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means. (<i>mesures d'atténuation</i>)		mitigation measures means measures to eliminate, reduce, control or offset the adverse effects of a project or designated project, and includes restitution for any damage caused by those effects through replacement, restoration, compensation or any other means. (<i>mesures d'atténuation</i>)
	National Energy Board means the National Energy Board established by section 3 of the <i>National Energy Board Act</i> . (<i>Office nationale de l'énergie</i>)		Canadian Energy Regulator means the Canadian Energy Regulator established by subsection 10(1) of the <i>Canadian Energy Regulator Act</i> . (<i>Régie canadienne de l'énergie</i>)
	<u>N/A</u>		Indigenous governing body means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> . (<i>corps dirigeant autochtone</i>)
	<u>N/A</u>		Indigenous peoples of Canada has the meaning assigned by the definition <i>aboriginal</i>

			<i>peoples of Canada</i> in subsection 35(2) of the <i>Constitution Act, 1982</i> . (<i>peuples autochtones du Canada</i>)
	prescribed means prescribed by the regulations. (<i>Version anglaise seulement</i>)		prescribed means prescribed by the regulations. (<i>Version anglaise seulement</i>)
	proponent means the person, body, federal authority or government that proposes the carrying out of a designated project. (<i>promoteur</i>)		proponent means the person or entity — federal authority, government or body — that proposes the carrying out of, or carries out, a designated project. (<i>promoteur</i>)
	record includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape and machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy of it. (<i>document</i>)		record includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape and machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy of it. (<i>document</i>)
	Registry means the Canadian Environmental Assessment Registry established under section 78. (<i>registre</i>)		Registry means the Canadian Impact Assessment Registry established under section 104. (<i>registre</i>)
	responsible authority means the authority that is referred to in section 15 with respect to a designated project that is subject to an		<u>N/A</u>

	environmental assessment. (<i>autorité responsable</i>)		
	review panel means a review panel established under subsection 42(1) or under an agreement or arrangement entered into under subsection 40(1) or (2) or by document referred to in subsection 41(2). (<i>commission</i>)		review panel means a review panel established (a) under section 41; (b) under subsection 44(1); (c) under subsection 47(1); (d) under an agreement or arrangement entered into under subsection 39(1) or (3); or (e) by document referred to in subsection 40(2). (<i>commission</i>)
	sustainable development means development that meets the needs of the present, without compromising the ability of future generations to meet their own needs. (<i>développement durable</i>)		sustainability means the ability to protect the environment, contribute to the social and economic well-being of the people of Canada and preserve their health in a manner that benefits present and future generations. (<i>durabilité</i>)
	Interested party (2) One of the following entities determines, with respect to a designated project, that a person is an interested party if, in its opinion, the person is directly affected by the carrying out of the designated project or if, in its opinion, the person has relevant		<u>N/A</u>

	<p>information or expertise:</p> <p>(a) in the case of a designated project for which the responsible authority is referred to in paragraph 15(b), that responsible authority; or</p> <p>(b) in the case of a designated project in relation to which the environmental assessment has been referred to a review panel under section 38, that review panel.</p>		
<u>N/A</u>	<u>N/A</u>	<p><u>Section 3</u></p> <p>Rights of Indigenous Peoples</p>	<p>For greater certainty, nothing in this Act is to be construed as abrogating or derogating from the protection provided for the rights of the Indigenous peoples of Canada by the recognition and affirmation of those rights 40 in section 35 of the Constitution Act, 1982.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 4</u></p> <p>Non-application</p>	<p>Non-application</p> <p>4 This Act does not apply in respect of physical activities to be carried out wholly within lands described in Schedule 2.</p>

<p><u>Section 3</u></p> <p>Her Majesty</p>	<p>Her Majesty</p> <p>This Act is binding on Her Majesty in right of Canada or a province.</p>	<p><u>Section 5</u></p> <p>Her Majesty</p>	<p>Her Majesty</p> <p>This Act is binding on Her Majesty in right of Canada or a province.</p>
<p><u>Section 4</u></p> <p>Purposes</p>	<p>Purposes</p> <p>(1) The purposes of this Act are</p> <p>(a) to protect the components of the environment that are within the legislative authority of Parliament from significant adverse environmental effects caused by a designated project;</p> <p>(b) to ensure that designated projects that require the exercise of a power or performance of a duty or function by a federal authority under any Act of Parliament other than this Act to be carried out, are considered in a careful and precautionary manner to avoid significant adverse environmental effects;</p> <p>(c) to promote cooperation and coordinated action between federal and provincial governments with respect to environmental assessments;</p>	<p><u>Section 6</u></p> <p>Purposes</p>	<p>Purposes</p> <p>The purposes of this Act are</p> <p>(a) to foster sustainability;</p> <p>(b) to protect the components of the environment, and the health, social and economic conditions that are within the legislative authority of Parliament from adverse effects caused by a designated project;</p> <p>(c) to ensure that impact assessments of designated projects take into account all effects — both positive and adverse — that may be caused by the carrying out of designated projects;</p> <p>(d) to ensure that designated projects that</p>

	<p>(d) to promote communication and cooperation with aboriginal peoples with respect to environmental assessments;</p> <p>(e) to ensure that opportunities are provided for meaningful public participation during an environmental assessment;</p> <p>(f) to ensure that an environmental assessment is completed in a timely manner;</p> <p>(g) to ensure that projects, as defined in section 66, that are to be carried out on federal lands, or those that are outside Canada and that are to be carried out or financially supported by a federal authority, are considered in a careful and precautionary manner to avoid significant adverse</p>		<p>require the exercise of a power or performance of a duty or function by a federal authority under any Act of Parliament other than this Act to be carried out, are considered in a careful and precautionary manner to avoid adverse effects within federal jurisdiction and adverse direct or incidental effects;</p> <p>(e) to promote cooperation and coordinated action between federal and provincial governments, and the federal government and Indigenous governing bodies that are jurisdictions, with respect to impact assessments;</p> <p>(f) to promote communication and cooperation with Indigenous peoples of Canada with respect to impact assessments;</p> <p>(g) to ensure respect for the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>, in the course of impact assessments and decision-making under this Act;</p>
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	<p>environmental effects;</p> <p>(h) to encourage federal authorities to take actions that promote sustainable development in order to achieve or maintain a healthy environment and a healthy economy; and</p> <p>(i) to encourage the study of the cumulative effects of physical activities in a region and the consideration of those study results in environmental assessments.</p> <p>Mandate</p> <p>(2) The Government of Canada, the Minister, the Agency, federal authorities and responsible authorities, in the administration of this Act, must exercise their powers in a manner that protects the environment and human health and applies the precautionary principle.</p>		<p>(h) to ensure that opportunities are provided for meaningful public participation during an impact assessment, a regional assessment or a strategic assessment;</p> <p>(i) to ensure that an impact assessment is completed in a timely manner;</p> <p>(j) to ensure that an impact assessment takes into account scientific information, traditional knowledge of the Indigenous peoples of Canada and community knowledge;</p> <p>(k) to ensure that an impact assessment takes into account alternative means of carrying out a designated project, including through the use of best available technologies;</p> <p>(l) to ensure that <i>projects</i>, as defined in section 81, that are to be carried out on federal lands, or those that are outside Canada and that are to be carried out or financially supported by a federal authority, are considered in a careful and precautionary</p>
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			<p>manner to avoid significant adverse environmental effects;</p> <p>(m) to encourage the assessment of the cumulative effects of physical activities in a region and the assessment of federal policies, plans or programs and the consideration of those assessments in impact assessments; and</p> <p>(n) to encourage improvements to impact assessments through the use of follow-up programs.</p> <p>Mandate Mission</p> <p>(2) The Government of Canada, the Minister, the Agency and federal authorities, in the administration of this Act, must exercise their powers in a manner that fosters sustainability and applies the precautionary principle.</p>
<p><u>Section 5</u></p> <p>Environmental Effects</p>	<p>5 (1) For the purposes of this Act, the environmental effects that are to be taken into account in relation to an act or thing, a physical activity, a designated project or a project are</p> <p>(a) a change that may be caused to the following components of the environment that are within the legislative</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>

	<p>authority of Parliament:</p> <p>(i) fish and fish habitat as defined in subsection 2(1) of the <i>Fisheries Act</i>,</p> <p>(ii) aquatic species as defined in subsection 2(1) of the <i>Species at Risk Act</i>,</p> <p>(iii) migratory birds as defined in subsection 2(1) of the <i>Migratory Birds Convention Act, 1994</i>, and</p> <p>(iv) any other component of the environment that is set out in Schedule 2;</p> <p>(b) a change that may be caused to the environment that would occur</p> <p>(i) on federal lands,</p> <p>(ii) in a province other than the one in which the act or thing is done or where the physical activity, the designated project or the project is being carried out, or</p> <p>(iii) outside Canada; and</p> <p>(c) with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on</p> <p>(i) health and socio-economic conditions,</p>		
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	<p>(ii) physical and cultural heritage,</p> <p>(iii) the current use of lands and resources for traditional purposes, or</p> <p>(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.</p> <p>Exercise of power or performance of duty or function by federal authority</p> <p>(2) However, if the carrying out of the physical activity, the designated project or the project requires a federal authority to exercise a power or perform a duty or function conferred on it under any Act of Parliament other than this Act, the following environmental effects are also to be taken into account:</p> <p>(a) a change, other than those referred to in paragraphs (1)(a) and (b), that may be caused to the environment and that is directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of the physical activity, the designated project or</p>		
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	<p>the project; and</p> <p>(b) an effect, other than those referred to in paragraph (1)(c), of any change referred to in paragraph (a) on</p> <p>Schedule 2</p> <p>(3) The Governor in Council may, by order, amend Schedule 2 to add or remove a component of the environment.</p> <p>2012, c. 19, ss. 52 "5", 64, c. 31, s. 425(F).</p>		
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<p>Section 6 Proponent Section 7 Proponent</p>			
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<p>Section 6</p> <p>Prohibitions</p> <p>Proponent</p>	<p>6 The proponent of a designated project must not do any act or thing in connection with the carrying out of the designated project, in whole or in part, if that act or thing may cause an environmental effect referred to in subsection 5(1) unless</p> <p>(a) the Agency makes a decision under paragraph 10(b) that no environmental assessment of the designated project is required and posts that decision on the Internet site; or</p> <p>(b) the proponent complies with the conditions included in the decision statement that is issued under</p>	<p>Section 7</p> <p>Prohibitions</p> <p>Proponent</p>	<p>7 (1) Subject to subsection (3), the proponent of a designated project must not do any act or thing in connection with the carrying out of the designated project, in whole or in part, if that act or thing may cause any of the following effects:</p> <p>(a) a change to the following components of the environment that are within the legislative authority of Parliament:</p> <p>(i) <i>fish and fish habitat</i>, as defined in subsection 2(1) of the <i>Fisheries Act</i>,</p> <p>(ii) <i>aquatic species</i>, as defined in subsection 2(1) of the <i>Species at</i></p>
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	<p>subsection 31(3) or section 54 to the proponent with respect to that designated project.</p>		<p><i>Risk Act,</i></p> <p>(iii) <i>migratory birds</i>, as defined in subsection 2(1) of the <i>Migratory Birds Convention Act, 1994</i>, and</p> <p>(iv) any other component of the environment that is set out in Schedule 3;</p> <p>(b) a change to the environment that would occur</p> <p>(i) on federal lands,</p> <p>(ii) in a province other than the one in which the act or thing is done, or</p> <p>(iii) outside Canada;</p> <p>(c) with respect to the Indigenous peoples of Canada, an impact — occurring in Canada and resulting from any change to the environment — on</p> <p>(i) physical and cultural heritage,</p> <p>(ii) the current use of lands and resources for traditional purposes, or</p> <p>(iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;</p> <p>(d) any change occurring in Canada to</p>
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		<p>the health, social or economic conditions of the Indigenous peoples of Canada; or</p> <p>(e) any change to a health, social or economic matter within the legislative authority of Parliament that is set out in Schedule 3.</p> <p>Schedule 3</p> <p>(2) The Governor in Council may, by order, amend Schedule 3 to add or remove a component of the environment or a health, social or economic matter.</p> <p>Conditions</p> <p>(3) The proponent of a designated project may do an act or thing in connection with the carrying out of the designated project, in whole or in part, that may cause any of the effects described in subsection (1) if</p> <p>(a) the Agency makes a decision under subsection 16(1) that no impact assessment of the designated project is required and posts that decision on the Internet site;</p> <p>(b) the proponent complies with the conditions included in the decision statement that is issued to the proponent under</p>
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			<p>section 65 with respect to that designated project and is not expired or revoked; or</p> <p>(c) the Agency permits the proponent to do that act or thing, subject to any conditions that it establishes, for the purpose of providing to the Agency the information or details that it requires in order to prepare for a possible impact assessment of that designated project or for the purpose of providing to the Agency or a review panel the information or studies that it considers necessary for it to conduct the impact assessment of that designated project.</p>
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Section 7			
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<p><u>Section 7</u></p> <p>Prohibitions</p> <p>Federal authority</p>	<p>Federal authority</p> <p>7 A federal authority must not exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a designated project to be carried out in whole or in part unless</p> <p>(a) the Agency makes a decision under paragraph 10(b) that no environmental assessment of the designated project is required and posts that</p>	<p><u>Section 8</u></p> <p>Prohibitions</p> <p>Federal authority</p>	<p>Federal authority</p> <p>8 A federal authority must not exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a designated project to be carried out in whole or in part and must not provide financial assistance to any person for the purpose of enabling that designated project to be carried out, in whole or in part, unless</p>
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	<p>decision on the Internet site; or</p> <p>(b) the decision statement with respect to the designated project that is issued under subsection 31(3) or section 54 to the proponent of the designated project indicates that the designated project is not likely to cause significant adverse environmental effects or that the significant adverse environmental effects that it is likely to cause are justified in the circumstances.</p>		<p>(a) the Agency makes a decision under subsection 16(1) that no impact assessment of the designated project is required and posts that decision on the Internet site; or</p> <p>(b) the decision statement with respect to the designated project that is issued to the proponent of the designated project under section 65 sets out that the effects that are indicated in the report with respect to the impact assessment of that project are in the public interest.</p>
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Section 8			
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<p>Section 8</p> <p>Screening</p> <p>Proponent's obligation — description of designated project</p>	<p>Proponent's obligation — description of designated project</p> <p>8 (1) The proponent of a designated project — other than one that is subject to an environmental assessment under section 13 or subsection 14(1) — must provide the Agency with a description of the designated project that includes the information prescribed by regulations made under paragraph 84(b).</p> <p>Additional information</p> <p>(2) If the Agency is of the opinion, after</p>	<p>Section 10 (1)</p> <p>Planning Phase</p> <p>Obligations</p> <p>Proponent's obligation — description of designated project</p>	<p>Proponent's obligation — description of designated project</p> <p>10 (1) The proponent of a designated project must provide the Agency with an initial description of the project that includes the information prescribed by regulations made under paragraph 112(a).</p>
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	<p>receiving the description of the designated project from the proponent, that a decision cannot be made under paragraph 10(b) because the description is incomplete or does not contain sufficient details, the Agency may, within 10 days after receiving it, require the proponent to provide an amended description that includes the information and details that the Agency specifies.</p>		
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<p>Section 9 Posting of description of designated project and public notice on Internet site Section 10 (2) Copy posted on Internet site</p>			
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<p>Section 9 Screening</p> <p>Posting of description of designated project and public notice on Internet site</p>	<p>Posting of description of designated project and public notice on Internet site</p> <p>9 When the Agency is satisfied that the description of the designated project includes all of the required information, it must post the following on the Internet site:</p> <p>(a) a summary of the description;</p> <p>(b) an indication of how a copy of the description may be obtained; and</p> <p>(c) a notice that indicates that the designated project is the subject of a screening, invites the public to provide comments respecting</p>	<p>Section 10 (2) Planning Phase</p> <p>Obligations Proponent's obligation — description of designated project</p>	<p>Copy posted on Internet site</p> <p>10 (2) The Agency must post a copy of the description on the Internet site.</p>
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	the designated project within 20 days after the posting of the notice and indicates the address for filing those comments.		
<u>N/A</u>	<u>N/A</u>	<u>Section 11</u> Planning Phase Obligations Public participation	Public participation 11 The Agency must ensure that the public is provided with an opportunity to participate in its preparations for a possible impact assessment of a designated project, including by inviting the public to provide comments within the period that it specifies.
<u>N/A</u>	<u>N/A</u>	<u>Section 12</u> Planning Phase Obligations Agency's obligation — offer to consult	Agency's obligation — offer to consult 12 For the purpose of preparing for a possible impact assessment of a designated project, the Agency must offer to consult with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project and any Indigenous group that may be affected by the carrying out of the designated project.

<p><u>Section 10</u></p> <p>Screening</p> <p>Screening decision</p>	<p>Screening decision</p> <p>10 Within 45 days after the posting of the notice on the Internet site, the Agency must</p> <p>(a) conduct the screening, which must include a consideration of the following factors:</p> <p>(i) the description of the designated project provided by the proponent,</p> <p>(ii) the possibility that the carrying out of the designated project may cause adverse environmental effects,</p> <p>(iii) any comments received from the public within 20 days after the posting of the notice, and</p> <p>(iv) the results of any relevant study conducted by a committee established under section 73 or 74; and</p> <p>(b) on completion of the screening, decide if an environmental assessment of the designated project is required.</p>	<p><u>Section 16</u></p> <p>Decision Regarding Impact Assessments</p> <p>Agency's Decision</p> <p>Decision</p>	<p>Decision</p> <p>16 (1) After posting a copy of the notice on the Internet site under subsection 15(3), the Agency must, subject to section 17, decide whether an impact assessment of the designated project is required.</p> <p>Factors</p> <p>(2) In making its decision, the Agency must take into account the following factors:</p> <p>(a) the description referred to in section 10 and any notice referred to in section 15;</p> <p>(b) the possibility that the carrying out of the designated project may cause adverse effects within federal jurisdiction or adverse direct or incidental effects; 5</p> <p>(c) any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982;</p> <p>(d) any comments received from the public; 10 (e) any relevant assessment referred to in section 92,</p>
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			<p>93 or 95;</p> <p>(f) any study that is conducted or plan that is prepared by a jurisdiction — in respect of a region that is related to the designated project — and that has been 15 provided to the Agency; and</p> <p>(g) any other factor that the Agency considers relevant.</p> <p>Posting notice on Internet site</p> <p>(3) The Agency must post a notice of its decision and the reasons for it on the Internet site.</p>
<p><u>Section 11</u></p> <p>Screening</p> <p>Federal authority's obligation</p>	<p>Federal authority's obligation</p> <p>11 Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is subject to a screening must, on request, make that information or knowledge available to the Agency within the specified period.</p>	<p><u>Section 13</u></p> <p>Planning Phase</p> <p>Obligations</p> <p>Federal authority's obligation</p>	<p>Federal authority's obligation</p> <p>13 (1) Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is the subject of the Agency's preparations must, on the Agency's request and within the period that it specifies, make that information or knowledge available to the Agency.</p> <p>Engaging proponent</p> <p>(2) Every federal authority that has powers, duties or</p>

			<p>functions conferred on it under any Act of Parliament other than this Act with respect to a designated project that is the subject of the Agency's preparations must, on the Agency's request, engage the proponent of the designated project in order that the federal authority may specify to the proponent the information, if any, that it may require in order to exercise those powers or perform those duties or functions.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 14</u></p> <p>Planning Phase</p> <p>Obligations</p> <p>Agency's obligation — summary of issues</p>	<p>Agency's obligation — summary of issues</p> <p>14 (1) The Agency must provide the proponent of a designated project with a summary of issues with respect to that project that it considers relevant, including issues that are raised by the public or by any jurisdiction or Indigenous group that is consulted under section 12, and with any information or knowledge made available to it by a federal authority that the Agency considers appropriate.</p> <p>Copy posted on Internet site</p> <p>(2) The Agency must</p>

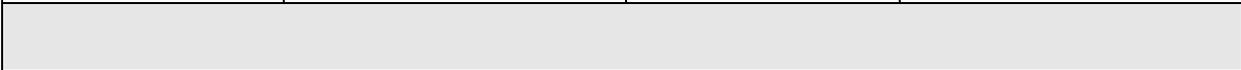
			post on the Internet site a copy of the summary of issues that it provided to the proponent.
<u>N/A</u>	<u>N/A</u>	<p><u>Section 15</u></p> <p>Planning Phase</p> <p>Obligations</p> <p>Proponent's obligation — notice</p>	<p>Proponent's obligation — notice</p> <p>15 (1) The proponent must provide the Agency with a notice that sets out, in accordance with the regulations, how it intends to address the issues referred to in section 14 and a detailed description of the designated project that includes the information prescribed by regulations made under paragraph 112(a)</p> <p>Additional information</p> <p>(2) If, after receiving the notice from the proponent, the Agency is of the opinion that a decision cannot be made under subsection 16(1) because the description or the prescribed information set out in the notice is incomplete or does not contain sufficient details, the Agency may require the proponent to provide an amended notice that includes the information or details that the Agency specifies.</p>

			<p>Copy posted on Internet site</p> <p>(3) When the Agency is satisfied that the notice includes all of the information or details that it specified, it must post a copy of the notice on the Internet site.</p>
<p><u>Section 12</u></p> <p>Screening</p> <p>Posting notice of decision on Internet site</p>	<p>Posting notice of decision on Internet site</p> <p>12 The Agency must post a notice of its decision made under paragraph 10(b) on the Internet site.</p>	<u>N/A</u>	<u>N/A</u>
<p><u>Section 13</u></p> <p>Environmental Assessment Required</p> <p>Activities regulated by regulatory body</p>	<p>Activities regulated by regulatory body</p> <p>13 A designated project for which the responsible authority is referred to in any of paragraphs 15(a) to (c) is subject to an environmental assessment.</p>	<u>N/A</u>	<u>N/A</u>
<p><u>Section 14</u></p> <p>Environmental Assessment Required</p> <p>Designation of physical activity as designated project</p>	<p>Designation of physical activity as designated project</p> <p>14 (1) A designated project that includes a physical activity designated under subsection (2) is subject to an environmental</p>	<p><u>Section 9</u></p> <p>Designation of Physical Activity</p> <p>Minister's power to designate</p>	<p>Minister's power to designate</p> <p>9 (1) The Minister may, on request or on his or her own initiative, by order, designate a physical activity that is not prescribed by regulations made under paragraph 109(b) if, in</p>

	<p>assessment.</p> <p>Minister’s power to designate</p> <p>(2) The Minister may, by order, designate a physical activity that is not prescribed by regulations made under paragraph 84(a) if, in the Minister’s opinion, either the carrying out of that physical activity may cause adverse environmental effects or public concerns related to those effects may warrant the designation.</p> <p>Minister’s power to require that information be provided</p> <p>(3) The Minister may require any person to provide information with respect to any physical activity that can be designated under subsection (2).</p> <p>Federal authority</p> <p>(4) The Minister must specify in the order made under subsection (2) for each designated physical activity one of the following federal authorities to which the physical activity is linked:</p> <p>(a) the Canadian Nuclear Safety Commission;</p> <p>(b) the National Energy</p>		<p>his or her opinion, either the carrying out of that physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation.</p> <p>Factors to be taken into account</p> <p>(2) Before making the order, the Minister must take into account any adverse impact that a physical activity may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982 as well as any relevant assessment referred to in section 92, 93 or 95.</p> <p>Agency’s power to require information</p> <p>(3) The Agency may require any person or entity to provide information with respect to any physical activity that can be designated under subsection (1).</p> <p>Minister’s response — time limit</p> <p>(4) The Minister must respond, with reasons, to a request referred to in subsection (1) within 90 days after the day on which it is received. The Minister must ensure</p>
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	<p>Board;</p> <p>(c) any federal authority that performs regulatory functions, that may hold public hearings and that is specified in regulations made under paragraph 83(b); or</p> <p>(d) the Agency.</p> <p>Limitation</p> <p>(5) The Minister must not make the designation referred to in subsection (2) if</p> <p>(a) the carrying out of the physical activity has begun and, as a result, the environment has been altered; or</p> <p>(b) a federal authority has exercised a power or performed a duty or function conferred on it under any Act of Parliament other than this Act that could permit the physical activity to be carried out, in whole or in part.</p> <p>Posting of notice of order on Internet site</p> <p>(6) The Agency must post on the Internet site a notice of any order made under subsection (2).</p>		<p>that his or her response is posted on the Internet site.</p> <p>Suspending time limit</p> <p>(5) The Minister may suspend the time limit for responding to the request until any activity that is prescribed by regulations made under paragraph 112(c) is completed. If the Minister suspends the time limit, he or she must ensure that a notice that sets out his or her reasons for doing so is posted on the Internet site.</p> <p>Notice posted on Internet site</p> <p>(6) When the Minister is of the opinion that the prescribed activity is completed, he or she must ensure that a notice indicating that the activity is completed is posted on the Internet site.</p> <p>Limitation</p> <p>(7) The Minister must not make the designation referred to in subsection (1) if</p> <p>(a) the carrying out of the physical activity has substantially begun; or</p> <p>(b) a federal authority has exercised a power or performed a duty or function conferred on it under any Act of</p>
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			<p>Parliament other than this Act that could permit the physical activity to be carried out, in whole or in part.</p> <p>Posting of notice of order on Internet site</p> <p>(8) The Agency must post on the Internet site a copy of the order made under subsection (1).</p>
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<p><u>Section 15</u></p> <p>Environmental Assessment of Designated Projects</p> <p>Responsible authority</p>	<p>Responsible authority</p> <p>15 For the purposes of this Act, the responsible authority with respect to a designated project that is subject to an environmental assessment is</p> <p>(a) the Canadian Nuclear Safety Commission, in the case of a designated project that includes activities that are regulated under the <i>Nuclear Safety and Control Act</i> and that are linked to the Canadian Nuclear Safety Commission as specified in the regulations made under paragraph 84(a) or the order made under subsection 14(2);</p> <p>(b) the National Energy Board, in the case of a designated project that includes activities that are regulated under the <i>National Energy Board</i></p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>
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	<p><i>Act or the Canada Oil and Gas Operations Act and that are linked to the National Energy Board as specified in the regulations made under paragraph 84(a) or the order made under subsection 14(2);</i></p> <p>(c) the federal authority that performs regulatory functions, that may hold public hearings and that is prescribed by regulations made under paragraph 83(b), in the case of a designated project that includes activities that are linked to that federal authority as specified in the regulations made under paragraph 84(a) or the order made under subsection 14(2); or</p> <p>(d) the Agency, in the case of a designated project that includes activities that are linked to the Agency as specified in the regulations made under paragraph 84(a) or the order made under subsection 14(2).</p>		
<p><u>Section 16</u></p> <p>Environmental Assessment of Designated Projects</p> <p>Cooperation</p>	<p>Cooperation</p> <p>16 If two designated projects are closely related and the responsible authority with respect to each of them is different, each responsible authority must cooperate with the other with respect to the</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>

	exercise of their respective powers and the performance of their respective duties and functions under this Act in relation to the projects.		
<u>N/A</u>	<u>N/A</u>	<p><u>Section 17</u></p> <p>Minister's Decision</p> <p>Minister's power</p>	<p>Minister's power</p> <p>17 (1) At any time before the Agency provides the proponent with a notice of the commencement of the impact assessment of a designated project under subsection 18(1), the Minister may make an order directing the Agency to not conduct that impact assessment if</p> <p>(a) a federal authority advises the Minister that it will not be exercising a power conferred on it under an Act of Parliament other than this Act that must be exercised for the project to be carried out in whole or in part; or</p> <p>(b) the Minister is of the opinion that it is clear that the designated project would cause unacceptable effects within federal jurisdiction or unacceptable direct or incidental effects.</p> <p>Copy posted on Internet site</p> <p>(2) The Agency must</p>

			post a copy of the order on the Internet site.
<p><u>Section 17</u></p> <p>Commencement of Environmental Assessment</p> <p>Posting of notice on Internet site</p>	<p>Posting of notice on Internet site</p> <p>17 The responsible authority with respect to a designated project must ensure that a notice of the commencement of the environmental assessment of a designated project is posted on the Internet site.</p>	<p><u>Section 18</u></p> <p>Information Gathering</p> <p>Notice of Commencement</p>	<p>Notice of commencement</p> <p>18 (1) If the Agency decides that an impact assessment of a designated project is required — and the Minister does not make an order under section 17 or approve the substitution of a process under section 31 in respect of the designated project — the Agency must, within 180 days after the day on which it posts a copy of the description of the designated project under subsection 10(2), provide the proponent of that project with</p> <p>(a) a notice of the commencement of the impact assessment of the project that sets out the information or studies that the Agency considers necessary for it to conduct the impact assessment; and</p> <p>(b) any documents that are prescribed by regulations made under paragraph 112(a).</p> <p>Copy posted on Internet site</p> <p>(2) The Agency must post a copy of the notice of the commencement of the</p>

		<p>impact assessment on the Internet site.</p> <p>Extension of time limit by Minister</p> <p>(3) The Minister may extend the time limit within which the Agency must provide the notice by any period up to a maximum of 90 days.</p> <p>Extension of time limit by Governor in Council</p> <p>(4) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (3) any number of times.</p> <p>Posting notice on Internet site</p> <p>(5) The Agency must post on the Internet site a notice of any extension granted under subsection (3), including the Minister's reasons for granting that extension, and a notice of any extension granted under subsection (4).</p> <p>Suspending time limit</p> <p>(6) The Minister may suspend the time limit within which the Agency must provide the notice of the commencement of the impact assessment until any activity that is prescribed by</p>
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			<p>regulations made under paragraph 112(c) is completed. If the Minister suspends the time limit, he or she must ensure that a notice that sets out his or her reasons for doing so is posted on the Internet site.</p> <p>Notice posted on Internet site</p> <p>(7) When the Minister is of the opinion that the prescribed activity is completed, he or she must ensure that a notice indicating that the activity is completed is posted on the Internet site.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 19</u></p> <p>Information Gathering</p> <p>Time limit for information or studies</p>	<p>Time limit for information or studies</p> <p>19 (1) The proponent of a designated project must provide the Agency with the information or studies that are set out in the notice of the commencement of the impact assessment of the designated project within three years after the day on which a copy of that notice is posted on the Internet site.</p> <p>Extension of time limit</p> <p>(2) On the proponent's request, the Agency may extend the time limit by any period that is necessary for the</p>

			<p>proponent to provide the Agency with the information or studies.</p> <p>Additional information or studies</p> <p>(3) If the Agency extends the time limit, it may require the proponent to provide it with any additional information or studies that the Agency considers necessary for it to conduct the impact assessment.</p> <p>Notice posted on Internet site</p> <p>(4) When the Agency is satisfied that the proponent has provided it with all of the information or studies, it must post a notice of that determination on the Internet site.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 20</u></p> <p>Information Gathering</p> <p>Termination of impact assessment</p>	<p>Termination of impact assessment</p> <p>20 (1) If the proponent does not provide the Agency with the information or studies within the time limit referred to in subsection 19(1), or within any extension of that time limit, the impact assessment is terminated.</p> <p>Notice posted on Internet site</p> <p>(2) The Agency must</p>

			post a notice on the Internet site indicating that the impact assessment is terminated.
<p><u>Section 18</u></p> <p>Consultation and Cooperation with Certain Jurisdictions</p> <p>Responsible authority's or Minister's obligations</p>	<p>Responsible authority's or Minister's obligations</p> <p>18 The responsible authority with respect to a designated project — or the Minister if the environmental assessment of the designated project has been referred to a review panel under section 38 — must offer to consult and cooperate with respect to the environmental assessment of the designated project with any jurisdiction referred to in paragraphs (c) to (h) of the definition <i>jurisdiction</i> in subsection 2(1) if that jurisdiction has powers, duties or functions in relation to an assessment of the environmental effects of the designated project.</p>	<p><u>Section 21</u></p> <p>Impact Assessments</p> <p>Consultation and Cooperation with Certain Jurisdictions</p> <p>Agency's or Minister's obligations</p>	<p>Agency's or Minister's obligations</p> <p>21 The Agency — or the Minister if the impact assessment of the designated project has been referred to a review panel — must offer to consult and cooperate with respect to the impact assessment of the designated project with</p> <p>(a) any jurisdiction referred to in paragraph (a) of the definition <i>jurisdiction</i> in section 2 if the jurisdiction has powers, duties or functions in relation to an assessment of the environmental effects of a designated project that includes activities that are regulated under the Canada Oil and Gas Operations Act, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act or the Canada Transportation Act; and</p> <p>(b) any jurisdiction referred to in paragraphs (c) to (i) of that definition if the</p>

			jurisdiction has powers, duties or functions in relation to an assessment of the environmental effects of the designated project.
<p>Section 19</p> <p>Factors to be Considered</p> <p>Factors</p>	<p>Factors</p> <p>19 (1) The environmental assessment of a designated project must take into account the following factors:</p> <p>(a) the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;</p> <p>(b) the significance of the effects referred to in paragraph (a);</p> <p>(c) comments from the public — or, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the <i>National Energy Board Act</i>, any interested party — that are</p>	<p>Section 22</p> <p>Factors to be Considered</p> <p>Factors — impact assessment</p>	<p>Factors — impact assessment</p> <p>22 (1) The impact assessment of a designated project must take into account the following factors:</p> <p>(a) the effects of the designated project, including</p> <p>(i) the effects of malfunctions or accidents that may occur in connection with the designated project,</p> <p>(ii) any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out, and</p> <p>(iii) the result of any interaction between those effects;</p> <p>(b) mitigation measures that are technically and economically feasible and that would mitigate any adverse effects of the designated project;</p> <p>(c) the impact that the designated project may</p>

	<p>received in accordance with this Act;</p> <p>(d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;</p> <p>(e) the requirements of the follow-up program in respect of the designated project;</p> <p>(f) the purpose of the designated project;</p> <p>(g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;</p> <p>(h) any change to the designated project that may be caused by the environment;</p> <p>(i) the results of any relevant study conducted by a committee established under section 73 or 74; and</p> <p>(j) any other matter relevant to the environmental assessment that the responsible authority, or — if the environmental assessment is referred to a review panel — the Minister, requires to be taken into account.</p>		<p>have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982;</p> <p>(d) the purpose of and need for the designated project;</p> <p>(e) alternative means of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means;</p> <p>(f) any alternatives to the designated project;</p> <p>(g) traditional knowledge of the Indigenous peoples of Canada provided with respect to the designated project;</p> <p>(h) the extent to which the designated project contributes to sustainability;</p> <p>(i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;</p>
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	<p>Scope of factors</p> <p>(2) The scope of the factors to be taken into account under paragraphs (1)(a), (b), (d), (e), (g), (h) and (j) is determined by</p> <p>(a) the responsible authority; or</p> <p>(b) the Minister, if the environmental assessment is referred to a review panel.</p> <p>Community knowledge and Aboriginal traditional knowledge</p> <p>(3) The environmental assessment of a designated project may take into account community knowledge and Aboriginal traditional knowledge.</p>		<p>(j) any change to the designated project that may be caused by the environment;</p> <p>(k) the requirements of the follow-up program in respect of the designated project;</p> <p>(l) considerations related to Indigenous cultures raised with respect to the designated project;</p> <p>(m) community knowledge provided with respect to the designated project;</p> <p>(n) comments received from the public;</p> <p>(o) comments from a jurisdiction that are received in the course of consultations conducted under section 21;</p> <p>(p) any relevant assessment referred to in section 92, 93 or 95;</p> <p>(q) any assessment of the effects of the designated project that is conducted by or on behalf of an Indigenous governing body and that is provided with respect to the designated project;</p> <p>(r) any study or plan that is conducted or prepared by a jurisdiction, that is in respect of a region related to the</p>
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			<p>designated project and that has been provided with respect to the project;</p> <p>(s) the intersection of sex and gender with other identity factors; and</p> <p>(t) any other matter relevant to the impact assessment that the Agency or — if the impact assessment is referred to a review panel — the Minister requires to be taken into account.</p> <p>Scope of factors</p> <p>(2) The scope of the factors to be taken into account under paragraphs (1)(a) to (l) and (s) and (t) is determined by</p> <p>(a) the Agency; or</p> <p>(b) the Minister, if the impact assessment is referred to a review panel.</p>
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<p><u>Section 20</u></p> <p>Federal Authority's Obligation</p> <p>Specialist or expert information</p>	<p>Specialist or expert information</p> <p>20 Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is subject to an environmental assessment must, on request, make that</p>	<p><u>Section 23</u></p> <p>Federal Authority's Obligation</p> <p>Specialist or expert information</p>	<p>Specialist or expert information</p> <p>23 Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is subject to an impact assessment must, on request, make that information or</p>

	<p>information or knowledge available, within the specified period, to</p> <p>(a) the responsible authority;</p> <p>(b) the review panel;</p> <p>(c) a government, an agency or body, or a jurisdiction that conducts an assessment of the designated project under a substituted process authorized by section 32; and</p> <p>(d) a jurisdiction that conducts an assessment, in the case of a designated project that is exempted under subsection 37(1).</p>		<p>knowledge available, within the specified period, to</p> <p>(a) the Agency;</p> <p>(b) the review panel; and</p> <p>(c) a government, an agency or body, or a jurisdiction that conducts an assessment of the designated project under a substituted process approved under section 31.</p>
<p><u>Section 21</u></p> <p>Environmental Assessment by Responsible Authority</p> <p>General Rules</p> <p>Application only when no referral to review panel</p>	<p>Application only when no referral to review panel</p> <p>21 Sections 22 to 27 cease to apply to a designated project if it is referred by the Minister to a review panel under section 38.</p>	<p><u>Section 24</u></p> <p>Impact Assessment by Agency</p> <p>General Rules</p> <p>Application only when no referral to review panel</p>	<p>Application only when no referral to review panel</p> <p>24 Sections 25 to 29 cease to apply to a designated project if the impact assessment of the project is referred by the Minister to a review panel.</p>
<p><u>Section 22</u></p> <p>Environmental Assessment by Responsible Authority</p>	<p>Responsible authority's obligations</p> <p>22 The responsible authority with respect to a designated project</p>	<p><u>Section 25</u></p> <p>Impact Assessment by Agency</p>	<p>Agency's obligations</p> <p>25 The Agency must ensure that</p>

<p>General Rules</p> <p>Responsible authority's obligations</p>	<p>must ensure that</p> <p>(a) an environmental assessment of the designated project is conducted; and</p> <p>(b) a report is prepared with respect to that environmental assessment.</p>	<p>General Rules</p> <p>Agency's obligations</p>	<p>(a) an impact assessment of the designated project is conducted; and</p> <p>(b) a report is prepared with respect to that impact assessment.</p>
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<p><u>Section 23</u></p> <p>Environmental Assessment by Responsible Authority</p> <p>General Rules</p> <p>Information</p>	<p>Information</p> <p>23 (1) The responsible authority may, when conducting the environmental assessment of a designated project and preparing the report with respect to the environmental assessment of the designated project, use any information that is available to it.</p> <p>Studies and collection of information</p> <p>(2) However, if the responsible authority is of the opinion that there is not sufficient information available to it for the purpose of conducting the environmental assessment or preparing the report with respect to the environmental assessment of the designated project, it may require the collection of any information or the undertaking of any</p>	<p><u>Section 26</u></p> <p>Impact Assessment by Agency</p> <p>General Rules</p> <p>Information</p>	<p>Information</p> <p>26 (1) The Agency may, when conducting the impact assessment of a designated project and preparing the report with respect to that impact assessment, use any information that is available to it.</p> <p>Studies and collection of information</p> <p>(2) However, if the Agency is of the opinion that there is not sufficient information available to it for the purpose of conducting the impact assessment or preparing the report with respect to the impact assessment, it may require the collection of any information or the undertaking of any study that, in the Agency's opinion, is necessary for that purpose, including</p>
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	study that, in the opinion of the responsible authority, is necessary for that purpose, including requiring the proponent to collect that information or undertake that study.		requiring the proponent to collect that information or undertake that study.
<u>Section 24</u> Environmental Assessment by Responsible Authority General Rules Public participation	Public participation 24 Subject to section 28, the responsible authority must ensure that the public is provided with an opportunity to participate in the environmental assessment of a designated project.	<u>Section 27</u> Impact Assessment by Agency General Rules Public participation	Public participation 27 The Agency must ensure that the public is provided with an opportunity to participate in the impact assessment of a designated project.
<u>Section 25</u> Environmental Assessment by Responsible Authority General Rules Public notice in certain cases — draft report	Public notice in certain cases — draft report 25 (1) When the responsible authority is the Agency, it must ensure that a draft report with respect to the environmental assessment of a designated project is prepared, and must ensure that the following are posted on the Internet site: (a) a copy of the draft report or an indication of how a copy may be obtained; and (b) a notice that invites the public to provide	<u>Section 28</u> Impact Assessment by Agency General Rules Public notice in certain cases — draft report	Public notice in certain cases — draft report 28 (1) The Agency must ensure that a draft report with respect to the impact assessment of a designated project is prepared, and must ensure that the following are posted on the Internet site: (a) a copy of the draft report or an indication of how a copy may be obtained; and (b) a notice that invites the public to provide comments on the draft report within the period

	<p>comments on the draft report within the period specified and provides the address for filing those comments.</p> <p>Final report submitted to Minister</p> <p>(2) After taking into account any comments received from the public, the Agency must finalize the report with respect to the environmental assessment of the designated project and submit it to the Minister.</p>		<p>specified.</p> <p>Final report submitted to Minister</p> <p>(2) After taking into account any comments received from the public, the Agency must, subject to subsection (5), finalize the report with respect to the impact assessment of the designated project and submit it to the Minister no later than 300 days after the day on which the notice referred to in subsection 19(4) is posted on the Internet site.</p> <p>Effects set out in report</p> <p>(3) The report must set out the effects that, in the Agency's opinion, are likely to be caused by the carrying out of the designated project. It must also indicate, from among the effects set out in the report, those that are adverse effects within federal jurisdiction and those that are adverse direct or incidental effects, and specify the extent to which those effects are adverse.</p> <p>Copy posted on Internet site</p> <p>(4) A copy of the report or a summary of the report and an indication of how a copy of the</p>
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		<p>report may be obtained must be posted on the Internet site on the day on which the report is submitted to the Minister.</p> <p>Time limit established by Minister — designated project</p> <p>(5) Before the commencement of the impact assessment, the Minister may, by order, establish</p> <p>(a) a longer time limit than the time limit referred to in subsection (2) to allow the Agency to cooperate with a jurisdiction referred to in section 21 with respect to the impact assessment of the designated project or to take into account circumstances that are specific to that project; or</p> <p>(b) a shorter time limit than the time limit referred to in subsection (2), for any reason that the Minister considers appropriate.</p> <p>The order must include the Minister's reasons for making the order.</p> <p>Extension of time limit by Minister</p> <p>(6) The Minister may extend the time limit referred to in subsection (2) or any time limit established under sub-</p>
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		<p>section (5) by any period — up to a maximum of 90 days — that is necessary to permit the Agency to cooperate with a jurisdiction referred to in section 21 or to take into account circumstances that are specific to the designated project.</p> <p>Extension of time limit by Governor in Council</p> <p>(7) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (6) any number of times.</p> <p>Posting notices on Internet site</p> <p>(8) The Agency must post on the Internet site a copy of the Minister's order made under subsection (5), a notice of any extension granted under subsection (6), including the Minister's reasons for granting that extension, and a notice of any extension granted under subsection (7).</p> <p>Suspending time limit</p> <p>(9) The Minister may suspend the time limit within which the Agency must submit the report until any activity that is prescribed by a</p>
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			<p>regulation made under paragraph 112(c) is completed. If the Minister suspends the time limit, he or she must ensure that a notice that sets out his or her reasons for doing so is posted on the Internet site.</p> <p>Notice posted on Internet site</p> <p>(10) When the Minister is of the opinion that the prescribed activity is completed, he or she must ensure that a notice indicating that the activity is completed is posted on the Internet site.</p>
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Section 26			
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<p>Section 26</p> <p>General Rules</p> <p>Delegation</p>	<p>Delegation</p> <p>26 (1) The responsible authority with respect to a designated project may delegate to any person, body or jurisdiction referred to in paragraphs (a) to (f) of the definition <i>jurisdiction</i> in subsection 2(1) the carrying out of any part of the environmental assessment of the designated project and the preparation of the report with respect to the environmental assessment of the designated project, but must not delegate the duty to make decisions under subsection 27(1).</p>	<p>Section 29</p> <p>Impact Assessment by Agency</p> <p>General Rules</p> <p>Delegation</p>	<p>Delegation</p> <p>29 The Agency may delegate to any person, body or jurisdiction referred to in paragraphs (a) to (g) of the definition <i>jurisdiction</i> in section 2 the carrying out of any part of the impact assessment of the designated project and the preparation of the report with respect to the impact assessment of the designated project.</p>
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	<p>For greater certainty</p> <p>(2) For greater certainty, the responsible authority must not make decisions under subsection 27(1) unless it is satisfied that any delegated duty or function has been performed in accordance with this Act.</p>		
<u>N/A</u>	<u>N/A</u>	<p><u>Section 30</u></p> <p>Impact Assessment by Agency</p> <p>General Rules</p> <p>Non-disclosure</p>	<p>Non-disclosure</p> <p>30 (1) If the Agency is satisfied that the disclosure of evidence, records or other things would cause specific, direct and substantial harm to a person or Indigenous group, the evidence, records or things are privileged and even if their disclosure is authorized under subsection 119(2) must not, without the authorization of the person or Indigenous group, knowingly be, or be permitted to be, disclosed by any person who has obtained the evidence, records or other things under this Act.</p> <p>Non-disclosure</p> <p>(2) If the Agency is satisfied that the disclosure of evidence, records or other things would cause specific harm to the environment, the evidence, records or</p>

			things are privileged and must not, without the Agency's authorization, knowingly be, or be permitted to be, disclosed by any person who has obtained the evidence, records or other things under this Act.
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<p><u>Section 27</u></p> <p>General Rules</p> <p>Responsible authority's or Minister's decisions</p>	<p>Responsible authority's or Minister's decisions</p> <p>27 (1) The responsible authority or, when the Agency is the responsible authority, the Minister, after taking into account the report with respect to the environmental assessment of the designated project, must make decisions under subsection 52(1).</p> <p>Time limit for Minister's decisions</p> <p>(2) The Minister's decisions must be made no later than 365 days after the day on which the notice of the commencement of the environmental assessment of the designated project is posted on the Internet site.</p> <p>Extension of time limit by Minister</p> <p>(3) The Minister may extend that time limit by any further period — up</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>
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	<p>to a maximum of three months — that is necessary to permit the Agency to cooperate with a jurisdiction referred to in section 18 with respect to the environmental assessment of the designated project or to take into account circumstances that are specific to the project.</p> <p>Extension of time limit by Governor in Council</p> <p>(4) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (3).</p> <p>Posting notice of extension on Internet site</p> <p>(5) The Agency must post on the Internet site a notice of any extension granted under subsection (3) or (4).</p> <p>Excluded period</p> <p>(6) If, under subsection 23(2), the Agency requires the proponent of a designated project to collect information or undertake a study with respect to the designated project, then the period that is taken by the proponent, in the Agency's opinion, to comply with the requirement is not</p>		
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	<p>included in the calculation of the time limit within which the Minister's decisions must be made.</p> <p>Non application — section 54 of the National Energy Board Act</p> <p>(7) Subsection (1) does not apply if the carrying out of the designated project requires that a certificate be issued in accordance with an order made under section 54 of the <i>National Energy Board Act</i>.</p>		
<p><u>Section 28</u></p> <p>Section 54 of the National Energy Board Act</p> <p>Participation of interested party</p>	<p>Participation of interested party</p> <p>28 If the carrying out of a designated project requires that a certificate be issued in accordance with an order made under section 54 of the <i>National Energy Board Act</i>, the responsible authority with respect to the designated project must ensure that any interested party is provided with an opportunity to participate in the environmental assessment of the designated project.</p>	<u>N/A</u>	<u>N/A</u>
<u>Section 29</u>	Recommendations in environmental	<u>N/A</u>	<u>N/A</u>

<p>Section 54 of the National Energy Board Act</p> <p>Recommendations in environmental assessment report</p>	<p>assessment report</p> <p>29 (1) If the carrying out of a designated project requires that a certificate be issued in accordance with an order made under section 54 of the <i>National Energy Board Act</i>, the responsible authority with respect to the designated project must ensure that the report concerning the environmental assessment of the designated project sets out</p> <p>(a) its recommendation with respect to the decision that may be made under paragraph 31(1)(a) in relation to the designated project, taking into account the implementation of any mitigation measures that it set out in the report; and</p> <p>(b) its recommendation with respect to the follow-up program that is to be implemented in respect of the designated project.</p> <p>Submission of report to Minister</p> <p>(2) The responsible authority submits its report to the Minister within the meaning of section 2 of the <i>National Energy Board Act</i> at the same time as it submits the report referred to in subsection 52(1) of that</p>		
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	<p>Act.</p> <p>Report is final and conclusive</p> <p>(3) Subject to sections 30 and 31, the report with respect to the environmental assessment is final and conclusive.</p>		
<p><u>Section 30</u></p> <p>Section 54 of the National Energy Board Act</p> <p>Order to reconsider</p>	<p>Order to reconsider</p> <p>30 (1) After the responsible authority with respect to a designated project has submitted its report with respect to the environmental assessment under section 29, the Governor in Council may, by order made under section 53 of the <i>National Energy Board Act</i>, refer any of the responsible authority's recommendations set out in the report back to the responsible authority for reconsideration.</p> <p>Factors and time limit</p> <p>(2) The order may direct the responsible authority to conduct the reconsideration taking into account any factor specified in the order and it may specify a time limit within which the responsible authority must complete its reconsideration.</p>	<u>N/A</u>	<u>N/A</u>

	<p>Responsible authority's obligation</p> <p>(3) The responsible authority must, before the expiry of the time limit specified in the order, if one was specified, reconsider any recommendation specified in the order and prepare and submit to the Minister within the meaning of section 2 of the <i>National Energy Board Act</i> a report on its reconsideration.</p> <p>Content of reconsideration report</p> <p>(4) In the reconsideration report, the responsible authority must</p> <p>(a) if the order refers to the recommendation referred to in paragraph 29(1)(a)</p> <p>(i) confirm the recommendation or set out a different one with respect to the decision that may be made under paragraph 31(1)(a) in relation to the designated project, and</p> <p>(ii) confirm, modify or replace the mitigation measures set out in the report with respect to the environmental assessment; and</p> <p>(b) if the order refers to the recommendation referred to in paragraph</p>		
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	<p>29(1)(b), confirm the recommendation or set out a different one with respect to the follow-up program that is to be implemented in respect of the designated project.</p> <p>Report is final and conclusive</p> <p>(5) Subject to section 31, the responsible authority reconsideration report is final and conclusive.</p> <p>Reconsideration of report under this section</p> <p>(6) After the responsible authority has submitted its report under subsection (3), the Governor in Council may, by order made under section 53 of the <i>National Energy Board Act</i>, refer any of the responsible authority's recommendations set out in the report back to the responsible authority for reconsideration. If it does so, subsections (2) to (5) apply. However, in subparagraph (4)(a)(ii), the reference to the mitigation measures set out in the report with respect to the environmental assessment is to be read as a reference to the mitigation measures set out in the</p>		
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	reconsideration report.		
<p><u>Section 31</u></p> <p>Section 54 of the National Energy Board Act</p> <p>Governor in Council's decision</p>	<p>Governor in Council's decision</p> <p>31 (1) After the responsible authority with respect to a designated project has submitted its report with respect to the environmental assessment or its reconsideration report under section 29 or 30, the Governor in Council may, by order made under subsection 54(1) of the <i>National Energy Board Act</i></p> <p>(a) decide, taking into account the implementation of any mitigation measures specified in the report with respect to the environmental assessment or in the reconsideration report, if there is one, that the designated project</p> <p>(i) is not likely to cause significant adverse environmental effects,</p> <p>(ii) is likely to cause significant adverse environmental effects that can be justified in the circumstances, or</p> <p>(iii) is likely to cause significant adverse environmental effects that cannot be justified in the circumstances;</p>	<u>N/A</u>	<u>N/A</u>

	<p>and</p> <p>(b) direct the responsible authority to issue a decision statement to the proponent of the designated project that</p> <p>(i) informs the proponent of the decision made under paragraph (a) with respect to the designated project and,</p> <p>(ii) if the decision is referred to in subparagraph (a)(i) or (ii), sets out conditions — which are the implementation of the mitigation measures and the follow-up program set out in the report with respect to the environmental assessment or the reconsideration report, if there is one — that must be complied with by the proponent in relation to the designated project.</p> <p>Certain conditions subject to exercise of power or performance of duty or function</p> <p>(2) The conditions that are included in the decision statement regarding the environmental effects referred to in subsection 5(2), that are directly linked or necessarily incidental to the exercise of a power or performance of a duty</p>		
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	<p>or function by a federal authority and that would permit the designated project to be carried out, in whole or in part, take effect only if the federal authority exercises the power or performs the duty or function.</p> <p>Responsible authority's obligation</p> <p>(3) The responsible authority must issue to the proponent of the designated project the decision statement that is required in accordance with the order relating to the designated project within seven days after the day on which that order is made.</p> <p>Posting of decision statement on Internet site</p> <p>(4) The responsible authority must ensure that the decision statement is posted on the Internet site.</p> <p>Decision statement considered part of certificate</p> <p>(5) The decision statement issued in relation to the designated project under subsection (3) is considered to be a part of the certificate issued in accordance with the order made under section 54 of the</p>		
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	<i>National Energy Board Act</i> in relation to the designated project.		
<u>Section 32</u>	Minister's obligation	<u>Section 31</u>	Minister's power
Substitution	32 (1) Subject to sections 33 and 34, if the Minister is of the opinion that a process for assessing the environmental effects of designated projects that is followed by the government of a province — or any agency or body that is established under an Act of the legislature of a province — that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project would be an appropriate substitute, the Minister must, on request of the province, approve the substitution of that process for an environmental assessment.	Substitution	31 (1) Subject to sections 32 and 33, if the Minister is of the opinion that a process for assessing the effects of designated projects that is followed by a jurisdiction referred to in any of paragraphs (c) to (g) of the definition <i>jurisdiction</i> in section 2, that has powers, duties or functions in relation to an assessment of the effects of a designated project would be an appropriate substitute, the Minister may, on request of the jurisdiction and before the expiry of the time limit referred to in subsection 18(1), or any extension of that time limit, approve the substitution of that process for the impact assessment.
Minister's obligation	Minister's power (2) Subject to sections 33 and 34, if the Minister is of the opinion that a process for assessing the environmental effects of designated projects that is followed by any jurisdiction referred to in paragraph (e) or (f) of the definition <i>jurisdiction</i> in subsection 2(1) that has	Minister's power	Notice inviting public comments (2) When the Minister receives a request for substitution, the Agency must post the request on the Internet site as well as a notice that invites the public to provide comments respecting the substitution within 30

	<p>powers, duties or functions in relation to an assessment of the environmental effects of a designated project would be an appropriate substitute, the Minister may approve the substitution of that process for the environmental assessment.</p> <p>Manner of approval</p> <p>(3) An approval must be in writing and may be given in respect of</p> <p>Posting of notice of approval on Internet site</p> <p>(4) The Agency must post a notice of the approval on the Internet site.</p>		<p>days after the day on which the notice is posted.</p> <p>Minister must consider public comments</p> <p>(3) The Minister must consider any comments received from the public in deciding whether to approve the substitution.</p> <p>Posting of Minister's decision on Internet site</p> <p>(4) The Agency must post a notice of the Minister's decision with respect to the request for substitution and the reasons for it on the Internet site.</p>
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Section 33			
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<p><u>Section 33</u></p> <p>Substitution</p> <p>Exceptions</p>	<p>Exceptions</p> <p>33 The Minister must not approve the substitution of a process in relation to a designated project</p> <p>(a) for which the responsible authority is referred to in paragraph 15(a) or (b); or</p> <p>(b) in relation to which the environmental assessment has been referred by the Minister to a review panel under section 38.</p>	<p><u>Section 32</u></p> <p>Substitution</p> <p>Exceptions</p>	<p>Exceptions</p> <p>32 The Minister must not approve the substitution of a process in relation to a designated project</p> <p>(a) the impact assessment of which has been referred by the Minister to a review panel; or</p> <p>(b) that includes activities that are regulated under the Canada Oil and Gas Operations Act, the Canada- Nova Scotia</p>
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			Offshore Petroleum Resources Accord Implementation Act, the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act or the Canada Transportation Act.
<u>Section 34</u>	Conditions	<u>Section 33</u>	Conditions
Substitution	34 (1) The Minister may only approve a substitution if he or she is satisfied that	Substitution	33 (1) The Minister may only approve a substitution if he or she is satisfied that
Conditions	<p>(a) the process to be substituted will include a consideration of the factors set out in subsection 19(1);</p> <p>(b) the public will be given an opportunity to participate in the assessment;</p> <p>(c) the public will have access to records in relation to the assessment to enable their meaningful participation;</p> <p>(d) at the end of the assessment, a report will be submitted to the responsible authority;</p> <p>(e) the report will be made available to the public; and</p> <p>(f) any other conditions that the Minister establishes are or will be met.</p>	Conditions	<p>(a) the process to be substituted will include a consideration of the factors set out in subsection 22(1);</p> <p>(b) federal authorities that are in possession of relevant specialist or expert information or knowledge will be given an opportunity to participate in the assessment;</p> <p>(c) the jurisdiction that is following the process to be substituted has the ability to enter into an arrangement with any jurisdiction referred to in paragraphs (e) to (g) of the definition <i>jurisdiction</i> in section 2 respecting cooperation between those jurisdictions in the conduct of the assessment;</p> <p>(d) the process to be substituted will include consultations with any</p>

	<p>Approval</p> <p>(2) The Minister may also approve the substitution of a process that has already been completed for an environmental assessment if he or she is satisfied that the conditions under subsection (1) have been met.</p> <p>Availability</p> <p>(3) The conditions referred to in paragraph (1)(f) must be made available to the public.</p>		<p>Indigenous group that may be affected by the carrying out of the designated project;</p> <p>(e) the public will be given an opportunity to participate in the assessment and to provide comments on a draft report;</p> <p>(f) the public will have access to records in relation to the assessment to enable its meaningful participation;</p> <p>(g) at the end of the assessment, a report will be submitted to the Minister;</p> <p>(h) the report will be made available to the public; and</p> <p>(i) any other conditions that the Minister establishes are or will be met.</p> <p>Effects set out in report</p> <p>(2) The Minister must be satisfied that the report that will be submitted to him or her will set out the effects that, in the opinion of the jurisdiction that is following the process to be substituted, are likely to be caused by the carrying out of the designated project. The Minister must also be satisfied that the report will indicate, from</p>
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			<p>among the effects set out in it, those that are adverse effects within federal jurisdiction and those that are adverse direct or incidental effects, and specify the extent to which those effects are adverse.</p> <p>Approval</p> <p>(3) The Minister may also approve the substitution of a process that has already been completed for an impact assessment if he or she is satisfied that the conditions referred to in subsections (1) and (2) have been met.</p> <p>Availability</p> <p>(4) The conditions referred to in paragraph (1)(i) must be made available to the public.</p>
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Section 35			
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<p>Section 35</p> <p>Substitution</p> <p>Assessment considered in conformity</p>	<p>Assessment considered in conformity</p> <p>35 If the Minister approves the substitution of a process under section 32, the assessment that results from the substitution is considered to be an environmental assessment under this Act and to satisfy any requirements of this Act and the regulations in respect of an</p>	<p>Section 34</p> <p>Substitution</p> <p>Assessment considered in conformity</p>	<p>Assessment considered in conformity</p> <p>34 If the Minister approves the substitution of a process under section 31, the assessment that results from the substituted process is considered to be an impact assessment under this Act and to satisfy any requirements of this Act and the regulations in respect of an impact</p>
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	environmental assessment.		assessment.
N/A	N/A	<u>Section 35</u> Substitution Additional Information	Additional information 35 If, after taking into account the report with respect to the impact assessment of a designated project that is submitted to him or her at the end of the assessment under the substituted process approved under section 31, the Minister requires additional information for the purposes of subsection 60(1), the Minister may request the additional information from the jurisdiction that followed that process or require the proponent of the designated project to provide that information.
<u>Section 36</u> Substitution Responsible authority's or Minister's decision	Responsible authority's or Minister's decision 36 After taking into account the report with respect to the environmental assessment of the designated project that is received by the responsible authority at the end of the assessment under the process authorized by section 32, the responsible authority or,	<u>N/A</u>	<u>N/A</u>

	when the Agency is the responsible authority, the Minister must make decisions under subsection 52(1).		
<u>Section 37</u> Equivalent Assessment Exemption	Exemption 37 (1) When the Minister must, under subsection 32(1), on request, approve the substitution of a process that is followed by the government of a province or any agency or body that is established under an Act of the legislature of a province for an environmental assessment of a designated project, the Governor in Council may, by order and on the Minister's recommendation, exempt the designated project from the application of this Act, if the Governor in Council is satisfied that (a) after the completion of the assessment process, the government or the agency or body determines whether, taking into account the implementation of any mitigation measures that it considers appropriate, the designated project is likely to cause significant adverse environmental effects;	<u>N/A</u>	<u>N/A</u>

	<p>(b) the government or the agency or body ensures the implementation of the mitigation measures that are taken into account in making the determination and the implementation of a follow-up program; and</p> <p>(c) any other conditions that the Minister establishes are or will be met.</p> <p>Availability</p> <p>(2) The conditions referred to in paragraph (1)(c) must be made available to the public.</p> <p>Posting of notice of order on Internet site</p> <p>(3) The Agency must post a notice of any order made under subsection (1) on the Internet site.</p>		
<p><u>Section 38</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Referral to review panel</p>	<p>Referral to review panel</p> <p>38 (1) Subject to subsection (6), within 60 days after the notice of the commencement of the environmental assessment of a designated project is posted on the Internet site, the Minister may, if he or she is of the opinion that it is in the public interest, refer the environmental assessment to a review</p>	<p><u>Section 36</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Referral to review panel</p>	<p>Referral to review panel</p> <p>36 (1) Within 45 days after the day on which the notice of the commencement of the impact assessment of a designated project is posted on the Internet site, the Minister may, if he or she is of the opinion that it is in the public interest, refer the impact assessment to a review panel.</p>

	<p>panel.</p> <p>Public interest</p> <p>(2) The Minister's determination regarding whether the referral of the environmental assessment of the designated project to a review panel is in the public interest must include a consideration of the following factors:</p> <p>(a) whether the designated project may cause significant adverse environmental effects;</p> <p>(b) public concerns related to the significant adverse environmental effects that the designated project may cause; and</p> <p>(c) opportunities for cooperation with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project or any part of it.</p> <p>Time limits</p> <p>(3) If the Minister refers the environmental assessment of the designated project to a review panel, the Minister must establish the following time limits — which combined are not to exceed 24 months — within which</p>		<p>Public interest</p> <p>(2) The Minister's determination regarding whether the referral of the impact assessment of the designated project to a review panel is in the public interest must include a consideration of the following factors:</p> <p>(a) the extent to which the effects within federal jurisdiction or the direct or incidental effects that the carrying out of the designated project may cause are adverse;</p> <p>(b) public concerns related to those effects; and</p> <p>(c) opportunities for cooperation with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project or any part of it.</p> <p>Suspending time limit</p> <p>(3) The Minister may suspend the time limit within which he or she may refer an impact assessment to a review panel until any activity that is prescribed by regulations made under paragraph 112(c) is completed. If the Minister suspends the</p>
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	<p>(a) the review panel is to be established after the referral;</p> <p>(b) the review panel must submit the report with respect to the environmental assessment of the designated project to the Minister; and</p> <p>(c) the Minister must, after receiving the review panel's report, issue a decision statement under section 54 in relation to the designated project.</p> <p>Modified time limits</p> <p>(4) Subject to section 54, the Minister may, as required, modify those time limits.</p> <p>Posting of notices on Internet site</p> <p>(5) The Agency must post on the Internet site a notice of any decision made by the Minister to refer the environmental assessment of the designated project to a review panel, and a notice of any time limits that the Minister establishes in relation to the designated project and any changes that he or she may make to those time limits.</p> <p>Exception</p> <p>(6) The Minister must not refer to a review panel the environmental</p>		<p>time limit, he or she must ensure that a notice that sets out his or her reasons for doing so is posted on the Internet site.</p> <p>Notice posted on Internet site</p> <p>(4) When the Minister is of the opinion that the prescribed activity is completed, he or she must ensure that a notice indicating that the activity is completed is posted on the Internet site.</p> <p>Posting notice on Internet site</p> <p>(5) The Agency must post on the Internet site a notice of any decision made by the Minister to refer the impact assessment of the designated project to a review panel, including the Minister's reasons for making that decision.</p>
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	assessment of a designated project for which the responsible authority is referred to in paragraph 15(a) or (b).		
<u>N/A</u>	<u>N/A</u>	<p><u>Section 37</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Time limit</p>	<p>Time limit</p> <p>37 (1) If the Minister refers the impact assessment of a designated project to a review panel, the review panel must, subject to subsection (2), submit a report with respect to that impact assessment to the Minister no later than 600 days after the day on which he or she appoints to the panel the minimum number of members required.</p> <p>Time limit established by Minister — designated project</p> <p>(2) Before the Minister refers the impact assessment to a review panel, he or she may, by order, establish</p> <p>(a) a longer time limit than the time limit referred to in subsection (1) to allow the review panel to cooperate with a jurisdiction referred to in section 21 with respect to the impact assessment of the designated project or to take into account circumstances that are specific to that project;</p>

			<p>or</p> <p>(b) a shorter time limit than the time limit referred to in subsection (1), for any reason that the Minister considers appropriate.</p> <p>The order must include the Minister's reasons for making the order.</p> <p>Extension of time limit by Minister</p> <p>(3) The Minister may extend the time limit referred to in subsection (1) or any time limit established by the Minister under subsection (2) by any period — up to a maximum of 90 days — that is necessary to permit the review panel to cooperate with a jurisdiction referred to in section 21 or to take into account circumstances that are specific to the designated project.</p> <p>Extension of time limit by Governor in Council</p> <p>(4) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (3) any number of times.</p> <p>Posting notices on Internet site</p> <p>(5) The Agency must</p>
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			<p>post on the Internet site a copy of the Minister's order made under subsection (2), a notice of any extension granted under subsection (3), including the Minister's reasons for granting that extension, and a notice of any extension granted under subsection (4).</p> <p>Suspending time limit</p> <p>(6) The Minister may suspend the time limit within which the review panel must submit the report until any activity that is prescribed by regulations made under paragraph 112(c) is completed. If the Minister suspends the time limit, he or she must ensure that a notice that sets out his or her reasons for doing so is posted on the Internet site.</p> <p>Notice posted on Internet site</p> <p>(7) When the Minister is of the opinion that the prescribed activity is completed, he or she must ensure that a notice indicating that the activity is completed is posted on the Internet site.</p>
<p><u>Section 39</u> Environmental</p>	<p>Studies and collection of information</p>	<p><u>Section 38</u> Impact</p>	<p>Studies and collection of information</p>

<p>Assessment by Review Panel</p> <p>General Rules Studies and collection of information</p>	<p>39 When the Minister refers the environmental assessment of a designated project to a review panel under section 38, the Agency may, from the day on which the referral is made and until the day on which the panel is established, require the proponent of the designated project to collect any information or undertake any studies that, in the opinion of the Agency, are necessary for the environmental assessment by the review panel.</p>	<p>Assessment by a Review Panel</p> <p>General Rules Studies and collection of information</p>	<p>38 When the Minister refers the impact assessment of a designated project to a review panel, the Agency may, from the day on which the referral is made and until the day on which the panel is established, require the proponent of the designated project to collect any information or undertake any studies that, in the opinion of the Agency, are necessary for the impact assessment by the review panel.</p>
<p>Section 40</p> <p>Environmental Assessment by Review Panel</p> <p>General Rules Agreement to jointly establish Review panel</p>	<p>Agreement to jointly establish Review panel</p> <p>40 (1) When the Minister refers the environmental assessment of a designated project to a review panel under section 38, he or she may enter into an agreement or arrangement with any jurisdiction referred to in paragraphs (a) to (f) of the definition <i>jurisdiction</i> in subsection 2(1) that has powers, duties or functions in relation to the assessment of the environmental effects of the designated project, respecting the joint establishment of a</p>	<p>Section 39</p> <p>Impact Assessment by a Review Panel</p> <p>General Rules Agreement to jointly establish review panel</p>	<p>Agreement to jointly establish review panel</p> <p>39 (1) When the Minister refers the impact assessment of a designated project to a review panel, he or she may enter into an agreement or arrangement with any jurisdiction referred to in paragraphs (a) to (g) of the definition <i>jurisdiction</i> in section 2 that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project, respecting the joint establishment of a review panel and the manner in which the impact assessment of the designated project</p>

	<p>review panel and the manner in which the environmental assessment of the designated project is to be conducted by that panel.</p> <p>Other jurisdiction</p> <p>(2) When the Minister refers the environmental assessment of a designated project to a review panel under section 38, the Minister and the Minister of Foreign Affairs may enter into an agreement or arrangement with any jurisdiction referred to in paragraph (g) or (h) of the definition <i>jurisdiction</i> in subsection 2(1) that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project respecting the joint establishment of a review panel and the manner in which the environmental assessment of the designated project is to be conducted by that panel.</p> <p>Posting on Internet site</p> <p>(3) Any agreement or arrangement referred to in subsection (1) or (2) must be posted on the Internet site before the commencement of the hearings conducted by</p>		<p>is to be conducted by that panel.</p> <p>Limitation</p> <p>(2) However, the Minister is not authorized to enter into an agreement or arrangement referred to in subsection (1) if the designated project includes physical activities that are regulated under any of the following Acts:</p> <p>(a) the Nuclear Safety and Control Act;</p> <p>(b) the Canadian Energy Regulator Act.</p> <p>Other jurisdiction</p> <p>(3) When the Minister refers the impact assessment of a designated project to a review panel, the Minister and the Minister of Foreign Affairs may enter into an agreement or arrangement with any jurisdiction referred to in paragraph (h) or (i) of the definition <i>jurisdiction</i> in section 2 that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project respecting the joint establishment of a review panel and the manner in which the impact assessment of the designated project is to be conducted by</p>
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	the jointly established review panel.		that panel. Posting on Internet site (4) Any agreement or arrangement referred to in subsection (1) or (3) must be posted on the Internet site before the commencement of the hearings conducted by the jointly established review panel.
<p><u>Section 41</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Mackenzie Valley Resource Management Act</p>	<p>Mackenzie Valley Resource Management Act</p> <p>41 (1) When a proposal is referred to the Minister under paragraph 130(1)(c) of the <i>Mackenzie Valley Resource Management Act</i>, the Minister must refer the proposal to a review panel.</p> <p>Document establishing review panel</p> <p>(2) When the Minister is required to refer the proposal to a review panel, he or she and the Mackenzie Valley Environmental Impact Review Board must, in writing, jointly establish a review panel and prescribe the manner of its examination of the impact of the proposal on the environment.</p> <p>If no agreement</p>	<p><u>Section 40</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p><i>Mackenzie Valley Resource Management Act</i></p>	<p><i>Mackenzie Valley Resource Management Act</i></p> <p>40 (1) When a proposal is referred to the Minister under paragraph 130(1)(c) of the Mackenzie Valley Resource Management Act, the Minister must refer the proposal to a review panel.</p> <p>Document establishing review panel</p> <p>(2) When the Minister is required to refer the proposal to a review panel, he or she and the Mackenzie Valley Environmental Impact Review Board must, in writing, jointly establish a review panel and prescribe the manner of its examination of the impact of the proposal on the environment.</p> <p>If no agreement</p>

	<p>(3) Despite subsection (2), if, in respect of a proposal referred to in subsection 138.1(1) of the <i>Mackenzie Valley Resource Management Act</i>, no agreement is entered into under that subsection within the period fixed by the regulations referred to in subsection 138.1(4) of that Act, an assessment by a review panel of the proposal must be conducted.</p> <p>Coordination with environmental impact review</p> <p>(4) The Minister must to the extent possible ensure that any assessment of the proposal required by subsection (3) is coordinated with any environmental impact review of the proposal under the <i>Mackenzie Valley Resource Management Act</i>.</p> <p>Consultations</p> <p>(5) Before making decisions under section 47 in relation to the proposal referred to in subsection (4), the Minister must take into account any report concerning the proposal that is issued under subsection 134(2) of the <i>Mackenzie Valley Resource Management Act</i> and must consult the persons and bodies to whom the report is</p>		<p>(3) Despite subsection (2), if, in respect of a proposal referred to in subsection 138.1(1) of the Mackenzie Valley Resource Management Act, no agreement is entered into under that subsection within the period fixed by the regulations referred to in subsection 138.1(4) of that Act, an assessment by a review panel of the proposal must be conducted.</p> <p>Coordination with environmental impact review</p> <p>(4) The Minister must, to the extent possible, ensure that any assessment of the proposal required by subsection (3) is coordinated with any environmental impact review of the proposal under the Mackenzie Valley Resource Management Act.</p> <p>Consultations</p> <p>(5) Before making a referral under section 61 in relation to the proposal referred to in subsection (4), the Minister must consult with the persons and bodies to whom a report concerning the proposal that is issued under subsection 134(2) of the Mackenzie Valley Resource Management Act is submitted or distributed under</p>
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	<p>submitted or distributed under subsection 134(3) of that Act.</p> <p>Posting on Internet site</p> <p>(6) Any document establishing a review panel under subsection (2) must be posted on the Internet site before the commencement of the hearings conducted by the jointly established review panel.</p>		<p>subsection 134(3) of that Act.</p> <p>Report taken into account</p> <p>(6) Before making its decision under section 62 in relation to the proposal, the Governor in Council must take into account any report referred to in subsection (5) and any information that the Minister provides to the Governor in Council following the consultations referred to in that subsection.</p> <p>Posting on Internet site</p> <p>(7) Any document establishing a review panel under subsection (2) must be posted on the Internet site before the commencement of the hearings conducted by the jointly established review panel.</p>
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<p><u>Section 42 (1)</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Terms of reference and appointment of members</p>	<p>Terms of reference and appointment of members</p> <p>42 (1) Subject to subsection (2), if the environmental assessment of a designated project is referred to a review panel, the Minister must establish the panel's terms of reference and appoint as a member</p>	<p><u>Section 41</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Terms of reference and appointment of members</p>	<p>Terms of reference and appointment of members</p> <p>41 (1) If the impact assessment of a designated project is referred to a review panel, the Minister must establish the panel's terms of reference and appoint as a member one or more persons who are unbiased and</p>

	<p>one or more persons who are unbiased and free from any conflict of interest relative to the designated project and who have knowledge or experience relevant to its anticipated environmental effects.</p>		<p>free from any conflict of interest relative to the designated project and who have knowledge or experience relevant to the designated project's anticipated effects or have knowledge of the interests and concerns of the Indigenous peoples of Canada that are relevant to the assessment.</p> <p>Restriction</p> <p>(2) Subsection (1) is subject to the following sections:</p> <p>(a) section 42;</p> <p>(b) section 44;</p> <p>(c) section 47.</p>
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<p><u>Section 42 (2)</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Terms of reference and appointment of members</p>	<p>Provisions of agreement</p> <p>42(2) When there is an agreement or arrangement to jointly establish a review panel under subsection 40(1) or (2), or when there is a document jointly establishing a review panel under subsection 41(2), the agreement, arrangement or document must provide that the environmental assessment of the designated project includes a consideration of the factors set out in subsection 19(1) and is conducted in accordance with any</p>	<p><u>Section 42</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Provisions of agreement</p>	<p>Provisions of agreement</p> <p>42 When there is an agreement or arrangement to jointly establish a review panel under subsection 39(1) or (3), or when there is a document jointly establishing a review panel under subsection 40(2), the agreement, arrangement or document must provide that the impact assessment of the designated project includes a consideration of the factors set out in subsection 22(1) and is conducted in</p>
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	<p>additional requirements and procedures set out in it and provide that</p> <p>(a) the Minister must establish — or approve — the review panel’s terms of reference;</p> <p>(b) subject to section 54, the Minister establishes or approves the period within which the panel must submit its report with respect to the environmental assessment of the designated project and may, at any time, modify the terms of reference in order to extend the period;</p> <p>(c) the Minister must appoint — or approve the appointment of — the chairperson or appoint a co-chairperson and must appoint at least one other member of the review panel; and</p> <p>(d) the members of the panel are to be unbiased and free from any conflict of interest relative to the designated project and are to have knowledge or experience relevant to its anticipated environmental effects.</p>		<p>accordance with any additional requirements and procedures set out in it and provide that</p> <p>(a) the Minister must establish — or approve — the review panel’s terms of reference, which are to include the time limit set out in subsection 37(1) or established by the Minister under subsection 37(2);</p> <p>(b) the Minister may, at any time, modify the terms of reference in order to reflect an extension of the time limit granted under subsection 37(3) or (4);</p> <p>(c) the Minister must appoint the chairperson, or a co-chairperson, and at least one other member of the review panel; and</p> <p>(d) the members of the panel must be unbiased and free from any conflict of interest relative to the designated project and must have knowledge or experience relevant to the designated project’s anticipated effects or have knowledge of the interests and concerns of the Indigenous peoples of Canada that are relevant to the assessment.</p>
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<p><u>Section 42 (3)</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Terms of reference and appointment of members</p>	<p>Establishment of roster</p> <p>42(3) The Minister must establish a roster of persons who may be appointed as members of a review panel established under subsection (1) or under an agreement, arrangement or document referred to in subsection (2).</p>	<p><u>Section 50</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Establishment of roster</p>	<p>Establishment of roster</p> <p>50 The Minister must establish the following rosters:</p> <p>(a) a roster of persons who may be appointed as members of a review panel established under any of the following:</p> <p>(i) section 41,</p> <p>(ii) subsection 44(1),</p> <p>(iii) subsection 47(1),</p> <p>(iv) an agreement, arrangement or document referred to in section 42;</p> <p>b) a roster of persons who are members of the Canadian Nuclear Safety Commission and who may be appointed as members of a review panel established under subsection 44(1);</p> <p>(c) a roster or persons who are commissioners under the Canadian Energy Regulator Act and who may be appointed as members of a review panel established under subsection 47(1).</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 43</u></p> <p>Impact Assessment by a Review Panel</p>	<p>Obligation to refer</p> <p>43 The Minister must refer the impact assessment of a designated project to a</p>

		<p>General Rules</p> <p>Obligation to refer</p>	<p>review panel if the project includes physical activities that are regulated under any of the following Acts:</p> <p>(a) the Nuclear Safety and Control Act;</p> <p>(b) the Canadian Energy Regulator Act.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 44</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Terms of reference — <i>Nuclear Safety and Control Act</i></p>	<p>Terms of reference — <i>Nuclear Safety and Control Act</i></p> <p>44 (1) When the Minister refers an impact assessment of a designated project that includes activities regulated under the Nuclear Safety and Control Act to a review panel, the Minister must establish the panel's terms of reference and appoint the chairperson and at least two other members.</p> <p>Appointment of members</p> <p>(2) The persons appointed to the review panel under subsection (1) must be unbiased and free from any conflict of interest relative to the designated project and must have knowledge or experience relevant to the designated project's anticipated effects or have knowledge of the interests and concerns</p>

			<p>of the Indigenous peoples of Canada that are relevant to the assessment.</p> <p>Appointment from roster</p> <p>(3) At least one of the persons appointed under paragraph (1) must be appointed from a roster established under paragraph 50(b), on the recommendation of the President of the Canadian Nuclear Safety Commission and in consultation with the Minister of Natural Resources or the member of the Queen's Privy Council for Canada that the Governor in Council designates as the Minister for the purposes of the Nuclear Safety and Control Act.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 45</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Impact assessment to be used</p>	<p>Impact assessment to be used</p> <p>45 The impact assessment conducted by a review panel established under subsection 44(1) is the only assessment that the Canadian Nuclear Safety Commission may use for the purpose of issuing the licence referred to in the panel's terms of reference.</p>

<u>N/A</u>	<u>N/A</u>	<p><u>Section 46</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Powers in relation to <i>Nuclear Safety and Control Act</i></p>	<p>Powers in relation to <i>Nuclear Safety and Control Act</i></p> <p>46 For the purpose of conducting an impact assessment of a designated project that includes activities regulated under the Nuclear Safety and Control Act, including preparing a report with respect to that impact assessment, the review panel may exercise the powers conferred on the Canadian Nuclear Safety Commission.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 47</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Terms of reference — <i>Canadian Energy Regulator Act</i></p>	<p>Terms of reference — <i>Canadian Energy Regulator Act</i></p> <p>47 (1) When the Minister refers an impact assessment of a designated project that includes activities regulated under the Canadian Energy Regulator Act to a review panel, the Minister must establish the panel's terms of reference and appoint the chairperson and at least two other members.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 48</u></p> <p>Impact Assessment by a Review Panel</p>	<p>Powers in relation to <i>Canadian Energy Regulator Act</i></p> <p>48 For the purpose of conducting an impact</p>

		<p>General Rules</p> <p>Powers in relation to <i>Canadian Energy Regulator Act</i></p>	<p>assessment of a designated project that includes activities regulated under the Canadian Energy Regulator Act, including preparing a report with respect to that impact assessment, the review panel may exercise the powers conferred on the Commission that is referred to in subsection 25(1) of that Act.</p>
<u>N/A</u>	<u>N/A</u>	<p>Section 49</p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Summary and information</p>	<p>Summary and information</p> <p>49 In establishing or approving a panel's terms of reference, the Minister must consider, among other things, the summary of issues and the information or knowledge referred to in section 14.</p>
<p>Section 43</p> <p>General Rules</p> <p>Environmental Assessment by Review Panel</p> <p>Review panel's duties</p>	<p>Review panel's duties</p> <p>43 (1) A review panel must, in accordance with its terms of reference,</p> <p>(a) conduct an environmental assessment of the designated project;</p> <p>(b) ensure that the information that it uses when conducting the environmental assessment is made available to the public;</p>	<p>Section 51</p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Review panel's duties</p>	<p>Review panel's duties</p> <p>51 (1) A review panel must, in accordance with its terms of reference,</p> <p>(a) conduct an impact assessment of the designated project;</p> <p>(b) ensure that the information that it uses when conducting the impact assessment is made available to the public;</p> <p>(c) hold hearings in a</p>

	<p>(c) hold hearings in a manner that offers any interested party an opportunity to participate in the environmental assessment;</p> <p>(d) prepare a report with respect to the environmental assessment that sets out</p> <p>(i) the review panel's rationale, conclusions and recommendations, including any mitigation measures and follow-up program, and</p> <p>(ii) a summary of any comments received from the public, including interested parties;</p> <p>(e) submit the report with respect to the environmental assessment to the Minister; and</p> <p>(f) on the Minister's request, clarify any of the conclusions and recommendations set out in its report with respect to the environmental assessment.</p> <p>Time limit</p> <p>(2) Subject to section 54, when a review panel is not jointly established under an agreement, arrangement or document referred to in</p>		<p>manner that offers the public an opportunity to participate in the impact assessment;</p> <p>(d) prepare a report with respect to the impact assessment that</p> <p>(i) sets out the effects that, in the opinion of the review panel, are likely to be caused by the carrying out of the designated project,</p> <p>(ii) indicates which of the effects referred to in subparagraph (i) are adverse effects within federal jurisdiction and which are adverse direct or incidental effects, and specifies the extent to which those effects are adverse,</p> <p>(iii) sets out a summary of any comments received from the public, and</p> <p>(iv) sets out the review panel's rationale, conclusions and recommendations, including conclusions and recommendations with respect to any mitigation measures and follow-up program;</p> <p>(e) submit the report with respect to the impact assessment to the Minister; and</p> <p>(f) on the Minister's request, clarify any of the conclusions and</p>
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	<p>subsection 42(2), the Minister must, in the terms of reference, set out the period within which the panel must submit the report with respect to the environmental assessment of the designated project to the Minister and may, at any time, modify the terms of reference in order to extend the period.</p>		<p>recommendations set out in its report with respect to the impact assessment.</p> <p>Duties in relation to Nuclear Safety and Control Act</p> <p>(2) A review panel established under subsection 44(1) must, in accordance with its terms of reference, include in the report that it prepares the information necessary for the licence referred to in the panel's terms of reference to be issued under section 24 of the Nuclear Safety and Control Act in relation to the designated project that is the subject of the report.</p> <p>Duties in relation to Canadian Energy Regulator Act</p> <p>(3) A review panel established under subsection 47(1) must, in accordance with its terms of reference, include in the report that it prepares the conclusions or recommendations necessary for a certificate, order, permit, licence or authorization to be issued, a leave or an exemption to be granted or a direction or approval to be given under the Canadian Energy Regulator Act in</p>
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			relation to the designated project that is the subject of the report.
<p><u>Section 44</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Information</p>	<p>Information</p> <p>44 (1) A review panel may, when conducting the environmental assessment of a designated project and preparing the report with respect to the environmental assessment of the designated project, use any information that is available to it.</p> <p>Studies and collection of information</p> <p>(2) However, if the review panel is of the opinion that there is not sufficient information available for the purpose of conducting the environmental assessment or preparing the report with respect to the environmental assessment of the designated project, it may require the collection of any information or the undertaking of any study that, in the opinion of the review panel, is necessary for that purpose, including requiring the proponent to collect that information or undertake that study.</p>	<p><u>Section 52</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Information</p>	<p>Information</p> <p>52 (1) A review panel may, when conducting the impact assessment of a designated project and preparing the report with respect to the impact assessment of the designated project, use any information that is available to it.</p> <p>Studies and collection of information</p> <p>(2) However, if the review panel is of the opinion that there is not sufficient information available for the purpose of conducting the impact assessment or preparing the report with respect to the impact assessment of the designated project, it may require the collection of any information or the undertaking of any study that, in the opinion of the review panel, is necessary for that purpose, including requiring the proponent to collect that information or undertake that study.</p>

<p><u>Section 45</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Power to summon witnesses</p>	<p>Power to summon witnesses</p> <p>45 (1) A review panel has the power to summon any person to appear as a witness before it and to order the witness to</p> <p>(a) give evidence, orally or in writing; and</p> <p>(b) produce any records and things that the panel considers necessary for conducting its environmental assessment of the designated project.</p> <p>Enforcement powers</p> <p>(2) A review panel has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce records and other things as is vested in a court of record.</p> <p>Hearings to be public</p> <p>(3) A hearing by a review panel must be public unless the panel is satisfied after representations made by a witness that specific, direct and substantial harm would be caused to the witness or specific harm would be caused to the environment by the disclosure of the</p>	<p><u>Section 53</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Power to summon witnesses</p>	<p>Power to summon witnesses</p> <p>53 (1) A review panel has the power to summon any person to appear as a witness before it and to order the witness to</p> <p>(a) give evidence, orally or in writing; and</p> <p>(b) produce any records and other things that the panel considers necessary for conducting its impact assessment of the designated project.</p> <p>Enforcement powers</p> <p>(2) A review panel has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce records and other things as is vested in a court of record.</p> <p>Hearings to be public</p> <p>(3) A hearing by a review panel must be public unless the panel is satisfied after representations made by a witness that specific, direct and substantial harm would be caused to the witness or specific harm would be caused to the environment by the disclosure of the evidence, records or</p>

	<p>evidence, records or other things that the witness is ordered to give or produce under subsection (1).</p> <p>Non-disclosure</p> <p>(4) If a review panel is satisfied that the disclosure of evidence, records or other things would cause specific, direct and substantial harm to a witness, the evidence, records or things are privileged and must not, without the witness's authorization, knowingly be or be permitted to be communicated, disclosed or made available by any person who has obtained the evidence, records or other things under this Act.</p> <p>Non-disclosure</p> <p>(5) If a review panel is satisfied that the disclosure of evidence, records or other things would cause specific harm to the environment, the evidence, records or things are privileged and must not, without the review panel's authorization, knowingly be or be permitted to be communicated, disclosed or made available by any person who has obtained the evidence, records or other things under this</p>		<p>other things that the witness is ordered to give or produce under subsection (1).</p> <p>Non-disclosure</p> <p>(4) If a review panel is satisfied that the disclosure of evidence, records or other things would cause specific, direct and substantial harm to a person or Indigenous group, the evidence, records or things are privileged and even if their disclosure is authorized under subsection 119(2) must not, without the authorization of the person or Indigenous group, knowingly be, or be permitted to be, disclosed by any person who has obtained the evidence, records or other things under this Act.</p> <p>Non-disclosure</p> <p>(5) If a review panel is satisfied that the disclosure of evidence, records or other things would cause specific harm to the environment, the evidence, records or things are privileged and must not, without the review panel's authorization, knowingly be, or be permitted to be, disclosed by any person who has obtained the evidence, records or other things</p>
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	<p>Act.</p> <p>Enforcement of summonses and orders</p> <p>(6) Any summons issued or order made by a review panel under subsection (1) must, for the purposes of enforcement, be made a summons or order of the Federal Court by following the usual practice and procedure.</p> <p>Immunity</p> <p>(7) No action or other proceeding lies or is to be commenced against a member of a review panel for or in respect of anything done or omitted to be done during the course of and for the purposes of the assessment by the review panel.</p>		<p>under this Act.</p> <p>Enforcement of summonses and orders</p> <p>(6) Any summons issued or order made by a review panel under subsection (1) must, for the purposes of enforcement, be made a summons or order of the Federal Court by following the usual practice and procedure.</p> <p>Immunity</p> <p>(7) No action or other proceeding lies against a member of a review panel for or in respect of anything done or omitted to be done during the course of and for the purposes of the assessment by the review panel.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 54</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Informal proceedings</p>	<p>Informal proceedings</p> <p>54 A review panel must, to the extent that is consistent with the general application of the rules of procedural fairness and natural justice, emphasize flexibility and informality in the conduct of hearings and in particular must allow, if appropriate, the admission of evidence that would not normally be admissible under the</p>

			rules of evidence.
<p><u>Section 46</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Public notice</p>	<p>Public notice</p> <p>46 On receiving a report with respect to the environmental assessment of the designated project by a review panel, the Minister must make the report available to the public in any manner he or she considers appropriate to facilitate public access to the report, and must advise the public that it is available.</p>	<p><u>Section 55</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Copy posted on Internet site</p>	<p>Copy posted on Internet site</p> <p>55 On receiving a report with respect to the impact assessment of the designated project by a review panel, the Minister must ensure that a copy of the report is posted on the Internet site.</p>
<p><u>Section 47</u></p> <p>Environmental Assessment by Review Panel</p> <p>General Rules</p> <p>Minister's decisions</p>	<p>Minister's decisions</p> <p>47 (1) The Minister, after taking into account the review panel's report with respect to the environmental assessment, must make decisions under subsection 52(1).</p> <p>Studies and collection of information</p> <p>(2) The Minister may, before making decisions referred to in subsection 52(1), require the proponent of the designated project to collect any information or undertake any studies that, in the opinion of the Minister, are necessary for the Minister to make</p>	<p><u>Section 56</u></p> <p>Impact Assessment by a Review Panel</p> <p>General Rules</p> <p>Studies and collection of information</p>	<p>Studies and collection of information</p> <p>56 The Minister may, before making a referral under section 61, require the proponent of the designated project to collect any information or undertake any studies that are necessary for the Governor in Council to make a determination under section 62.</p>

	decisions.		
Section 48	Excluded periods	N/A	N/A
Environmental Assessment by Review Panel	48 If the Agency, the review panel or the Minister, under section 39 or subsection 44(2) or 47(2), respectively, requires the proponent of a designated project to collect information or undertake a study with respect to the designated project, then		
General Rules			
Excluded periods	<p>(a) the period that is taken by the proponent, in the opinion of the Agency, to comply with the requirement under section 39 is not included in the calculation of the period referred to in paragraph 38(3)(a);</p> <p>(b) the period that is taken by the proponent, in the opinion of the review panel, to comply with the requirement under subsection 44(2) is not included in the calculation of the period referred to in paragraph 38(3)(b) or 42(2)(b) or subsection 43(2); and</p> <p>(c) the period that is taken by the proponent, in the opinion of the Minister, to comply with the requirement under subsection 47(2) is not included in the calculation of the period referred to in paragraph</p>		

	38(3)(c).		
<u>N/A</u>	<u>N/A</u>	<u>Section 57</u> Confidential Information Non-Disclosure	Non-disclosure 57 If the Agency is of the opinion that, in respect of a review panel to which it is providing or has provided support under paragraph 156(1)(a), the disclosure of a record would reveal the substance of the panel's deliberations in relation to an impact assessment that the panel is conducting or has conducted, the Agency may refuse to disclose the record to any person who is not a member of the review panel.
<u>Section 49</u> Rules in Case of Termination Termination	Termination 49 (1) The Minister must terminate the assessment by a review panel of a designated project if the review panel fails to submit its report within the specified period including any extension of time limits. Power to terminate (2) The Minister may terminate the assessment by a review panel of a designated project if he or she is of the opinion that the review panel will not be	<u>Section 58</u> Rules in Case of Termination Power to terminate	Power to terminate 58 (1) The Minister may terminate the assessment by a review panel of a designated project if (a) he or she is of the opinion that the review panel will not submit its report within the time limit set out in subsection 37(1) or established by him or her under subsection 37(2), as the case may be, including any extension of that time limit; or (b) the review panel

	<p>able to submit its report within the specified period including any extension of time limits.</p> <p>Preliminary consultations</p> <p>(3) However, before the Minister exercises the power referred to in subsection (2) with respect to a review panel that is jointly established under one of the following agreements, arrangements or documents, he or she must</p> <p>(a) in the case of an agreement or arrangement referred to in subsection 40(1), consult the jurisdiction with which the agreement or arrangement was entered into;</p> <p>(b) in the case of an agreement or arrangement referred to in subsection 40(2), obtain the approval of the Minister of Foreign Affairs and consult the jurisdiction with which the agreement or arrangement was entered into; and</p> <p>(c) in the case of a document referred to in subsection 41(2), consult the Mackenzie Valley Environmental Impact Review Board.</p>		<p>fails to submit its report within that time limit, including any extension of that time limit.</p> <p>Preliminary consultations</p> <p>(2) Before the Minister exercises the power referred to in subsection (1) with respect to a review panel that is jointly established under one of the following agreements, arrangements or documents, he or she must</p> <p>(a) in the case of an agreement or arrangement referred to in subsection 39(1), consult with the jurisdiction with which the agreement or arrangement was entered into;</p> <p>(b) in the case of an agreement or arrangement referred to in subsection 39(3), obtain the approval of the Minister of Foreign Affairs and consult with the jurisdiction with which the agreement or arrangement was entered into; and</p> <p>(c) in the case of a document referred to in subsection 40(2), consult with the Mackenzie Valley Environmental Impact Review Board.</p> <p>Preliminary</p>
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			<p>consultations — other</p> <p>(3) The Minister must, before he or she exercises the power referred to in subsection (1) with respect to one of the following review panels,</p> <p>(a) in the case of a review panel established under subsection 44(1), consult with the President of the Canadian Nuclear Safety Commission; and</p> <p>(b) in the case of a review panel established under subsection 47(1), consult with the Lead Commissioner of the Canadian Energy Regulator.</p>
<p><u>Section 50</u></p> <p>Rules in Case of Termination</p> <p>Completion of environmental assessment by Agency</p>	<p>Completion of environmental assessment by Agency</p> <p>50 When the assessment by a review panel of a designated project is terminated under section 49, the Agency must, in accordance with directives provided by the Minister, complete the environmental assessment of the designated project and prepare a report and submit it to the Minister.</p>	<p><u>Section 59</u></p> <p>Rules in Case of Termination</p> <p>Completion of impact assessment by Agency</p>	<p>Completion of impact assessment by Agency</p> <p>59 (1) When the assessment by a review panel of a designated project is terminated under section 58, the Agency must, in accordance with directives provided by the Minister, complete the impact assessment of the designated project and prepare a report and submit it to the Minister.</p> <p>Effects set out in</p>

			<p>report</p> <p>(2) The report must set out the effects that, in the Agency's opinion, are likely to be caused by the carrying out of the designated project. It must also indicate, from among the effects set out in the report, those that are adverse effects within federal jurisdiction and those that are adverse direct or incidental effects, and specify the extent to which those effects are adverse.</p>
<p><u>Section 51</u></p> <p>Rules in Case of Termination</p> <p>Minister's decisions</p>	<p>Minister's decisions</p> <p>51 The Minister, after taking into account the report with respect to the environmental assessment of the designated project that was submitted by the Agency, must make decisions under subsection 52(1).</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>
<p><u>Section 52 (1)</u></p> <p>Decision Making</p> <p>Decisions of decision maker</p>	<p>Decisions of decision maker</p> <p>52 (1) For the purposes of sections 27, 36, 47 and 51, the decision maker referred to in those sections must decide if, taking into account the implementation of any mitigation measures that the decision maker considers appropriate,</p>	<p><u>Section 60</u></p> <p>Decision- Making</p> <p>Minister's Decision</p>	<p>Minister's decision</p> <p>60 (1) After taking into account the report with respect to the impact assessment of a designated project that is submitted to the Minister under subsection 28(2) or at the end of the assessment under the process approved under section 31, the</p>

	<p>the designated project</p> <p>(a) is likely to cause significant adverse environmental effects referred to in subsection 5(1); and</p> <p>(b) is likely to cause significant adverse environmental effects referred to in subsection 5(2).</p>		<p>Minister must</p> <p>(a) determine if the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63, in the public interest; or</p> <p>(b) refer to the Governor in Council the matter of whether these effects are, in light of the factors referred to in section 63, in the public interest.</p> <p>Notice posted on Internet site</p> <p>(2) If the Minister refers the matter to the Governor in Council, he or she must ensure that a notice of the referral is posted on the Internet site.</p>
<p><u>Section 52 (2)-(3)</u></p> <p>Decision Making Decisions of decision maker</p>	<p>Referral if significant adverse environmental effects</p> <p>(2) If the decision maker decides that the designated project is likely to cause significant adverse environmental effects referred to in subsection 5(1) or (2), the decision maker must refer to the Governor in Council the matter of whether those effects are justified in</p>	<p><u>Section 61</u></p> <p>Decision- Making Referral to Governor in Council</p>	<p>Referral to Governor in Council</p> <p>61 After taking into account the report with respect to the impact assessment of a designated project that the Minister receives under section 55 or that is submitted to the Minister under section 59, the Minister must refer to the Governor in Council the matter of determining whether the adverse effects within</p>

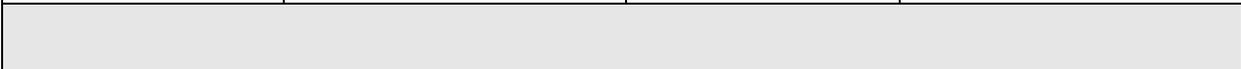
	<p>the circumstances.</p> <p>Referral through Minister</p> <p>52 (3) If the decision maker is a responsible authority referred to in any of paragraphs 15(a) to (c), the referral to the Governor in Council is made through the Minister responsible before Parliament for the responsible authority.</p>		<p>federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63, in the public interest.</p>
<p><u>Section 52 (4)</u></p> <p>Decision Making</p> <p>Decisions of decision maker</p>	<p>Governor in Council’s decision</p> <p>(4) When a matter has been referred to the Governor in Council, the Governor in Council may decide</p> <p>(a) that the significant adverse environmental effects that the designated project is likely to cause are justified in the circumstances; or</p> <p>(b) that the significant adverse environmental effects that the designated project is likely to cause are not justified in the circumstances.</p>	<p><u>Section 62</u></p> <p>Decision-Making</p> <p>Governor in Council’s determination</p>	<p>Governor in Council’s determination</p> <p>62 If the matter is referred to the Governor in Council under paragraph 60(1)(b) or section 61, the Governor in Council must, after taking into account the report with respect to the impact assessment of the designated project that is the subject of the referral, determine whether the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63, in the public interest.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 63</u></p> <p>Decision- Making</p>	<p>Factors — public interest 63</p>

		<p>Factors — public interest 63</p>	<p>The Minister's determination under paragraph</p> <p>60(1)(a) in respect of a designated project referred to in that subsection, and the Governor in Council's determination under section 62 in respect of a designated project referred to in that subsection, must include a consideration of the following factors:</p> <p>(a) the extent to which the designated project contributes to sustainability;</p> <p>(b) the extent to which the adverse effects within federal jurisdiction and the adverse direct or incidental effects that are indicated in the impact assessment report in respect of the designated project are adverse;</p> <p>(c) the implementation of the mitigation measures that the Minister or the Governor in Council, as the case may be, considers appropriate;</p> <p>(d) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada</p>
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			<p>recognized and affirmed by section 35 of the Constitution Act, 1982; and</p> <p>(e) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.</p>
<p><u>Section 53</u></p> <p>Decision Making</p> <p>Conditions — environmental effects referred to in subsection 5(1)</p>	<p>Conditions — environmental effects referred to in subsection 5(1)</p> <p>53 (1) If the decision maker decides under paragraph 52(1)(a) that the designated project is not likely to cause significant adverse environmental effects referred to in subsection 5(1), or the Governor in Council decides under paragraph 52(4)(a) that the significant adverse environmental effects referred to in that subsection that the designated project is likely to cause are justified in the circumstances, the decision maker must establish the conditions in relation to the environmental effects referred to in that subsection with which the proponent of the designated project must</p>	<p><u>Section 64</u></p> <p>Decision- Making</p> <p>Conditions — effects within federal jurisdiction</p>	<p>Conditions — effects within federal jurisdiction</p> <p>64 (1) If the Minister determines under paragraph 60(1)(a), or the Governor in Council determines under section 62, that the effects that are indicated in the report that the Minister or the Governor in Council, as the case may be, takes into account are in the public interest, the Minister must establish any condition that he or she considers appropriate in relation to the adverse effects within federal jurisdiction with which the proponent of the designated project must comply.</p> <p>Conditions — direct or incidental effects</p> <p>(2) If the Minister determines under</p>

	<p>comply.</p> <p>Conditions — environmental effects referred to in subsection 5(2)</p> <p>(2) If the decision maker decides under paragraph 52(1)(b) that the designated project is not likely to cause significant adverse environmental effects referred to in subsection 5(2), or the Governor in Council decides under paragraph 52(4)(a) that the significant adverse environmental effects referred to in that subsection that the designated project is likely to cause are justified in the circumstances, the decision maker must establish the conditions — that are directly linked or necessarily incidental to the exercise of a power or performance of a duty or function by a federal authority that would permit a designated project to be carried out, in whole or in part — in relation to the environmental effects referred to in that subsection with which the proponent of the designated project must comply.</p> <p>Conditions subject to exercise of power or performance of duty or function</p>		<p>paragraph 60(1)(a), or the Governor in Council determines under section 62, that the effects that are indicated in the report that the Minister or the Governor in Council, as the case may be, takes into account are in the public interest, the Minister must establish any condition that he or she considers appropriate — that is directly linked or necessarily incidental to the exercise of a power or performance of a duty or function by a federal authority that would permit a designated project to be carried out, in whole or in part, or to the provision of financial assistance by a federal authority to a person for the purpose of enabling the carrying out, in whole or in part, of that designated project — in relation to the adverse direct or incidental effects with which the proponent of the designated project must comply.</p> <p>Conditions subject to exercise of power or performance of duty or function</p> <p>(3) The conditions referred to in subsection (2) take effect only if the federal authority exercises the power or performs the duty or function or provides the</p>
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	<p>(3) The conditions referred to in subsection (2) take effect only if the federal authority exercises the power or performs the duty or function.</p> <p>Mitigation measures and follow-up program</p> <p>(4) The conditions referred to in subsections (1) and (2) must include</p> <p>(a) the implementation of the mitigation measures that were taken into account in making the decisions under subsection 52(1); and</p> <p>(b) the implementation of a follow-up program.</p>		<p>financial assistance.</p> <p>Mitigation measures and follow-up program</p> <p>(4) The conditions referred to in subsections (1) and (2) must include</p> <p>(a) the implementation of the mitigation measures that the Minister takes into account in making a determination under paragraph 60(1)(a), or that the Governor in Council takes into account in making a determination under section 62, other than those the implementation of which the Minister is satisfied will be ensured by another person or by a jurisdiction; and</p> <p>(b) the implementation of a follow-up program.</p>
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<p><u>Section 54</u></p> <p>Decision Statement</p> <p>Decision statement issued to proponent</p>	<p>Decision statement issued to proponent</p> <p>54 (1) The decision maker must issue a decision statement to the proponent of a designated project that</p> <p>(a) informs the proponent of the designated project of the decisions made under paragraphs 52(1)(a) and (b) in relation to the</p>	<p><u>Section 65</u></p> <p>Decision Statement</p> <p>Decision statement issued to proponent</p>	<p>Decision statement issued to proponent</p> <p>65 (1) The Minister must issue a decision statement to the proponent of a designated project that</p> <p>(a) informs the proponent of the determination made under paragraph 60(1)(a) or section 62 in relation to that project and the reasons for the</p>
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	<p>designated project and, if a matter was referred to the Governor in Council, of the decision made under subsection 52(4) in relation to the designated project; and</p> <p>(b) includes any conditions that are established under section 53 in relation to the designated project and that must be complied with by the proponent.</p> <p>Time limit of decision statement</p> <p>(2) When the decision maker has made a decision under paragraphs 52(1)(a) and (b) in relation to the designated project for the purpose of section 47, the decision maker must issue the decision statement no later than 24 months after the day on which the environmental assessment of the designated project was referred to a review panel under section 38.</p> <p>Extension of time limit by Minister</p> <p>(3) The decision maker may extend that time limit by any further period – up to a maximum of three months – that is necessary to permit cooperation with any jurisdiction with respect to the environmental</p>		<p>determination;</p> <p>(b) includes any conditions that are established under section 64 in relation to the designated project and that must be complied with by the proponent;</p> <p>(c) sets out the period established under subsection 70(1); and</p> <p>(d) includes a description of the designated project.</p> <p>Detailed reasons</p> <p>(2) The reasons for the determination must demonstrate that the Minister or the Governor in Council, as the case may be, considered all of the factors referred to in section 63.</p> <p>Time limit of decision statement — Minister’s determination</p> <p>(3) When the Minister makes a determination under paragraph 60(1)(a), he or she must issue the decision statement no later than 30 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.</p> <p>Time limit of decision</p>
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	<p>assessment of the designated project or to take into account circumstances that are specific to the project.</p> <p>Extension of time limit by Governor in Council</p> <p>(4) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (3).</p> <p>Posting notice of extension on Internet site</p> <p>(5) The Agency must post a notice of any extension granted under subsection (3) or (4) on the Internet site.</p> <p>Excluded period</p> <p>(6) If the Agency, the review panel or the Minister, under section 39 or subsection 44(2) or 47(2), respectively, requires the proponent of the designated project to collect information or undertake a study with respect to the designated project, the calculation of the time limit within which the decision maker must issue the decision statement does not include:</p> <p>(a) the period that is taken by the proponent, in the opinion of the</p>		<p>statement — Governor in Council’s decision</p> <p>(4) When the Governor in Council makes a determination under section 62, the Minister must issue the decision statement no later than 90 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.</p> <p>Extension of time limit by Minister</p> <p>(5) The Minister may extend the time limit referred to in subsection (3) or (4) by any period — up to a maximum of 90 days — for any reason that the Minister considers necessary.</p> <p>Extension of time limit by Governor in Council</p> <p>(6) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (5) any number of times.</p> <p>Posting notice of extension on Internet site</p> <p>(7) The Agency must post on the Internet site a notice of any extension granted</p>
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	<p>Agency, to comply with the requirement under section 39;</p> <p>(b) the period that is taken by the proponent, in the opinion of the review panel, to comply with the requirement under subsection 44(2); and</p> <p>(c) the period that is taken by the proponent, in the opinion of the Minister, to comply with the requirement under subsection 47(2).</p>		<p>under subsection (5), including the Minister's reasons for granting that extension, and a notice of any extension granted under subsection (6).</p>
<p><u>Section 55</u></p> <p>Decision Statement</p> <p>Posting of decision statement on Internet site</p>	<p>Posting of decision statement on Internet site</p> <p>55 The responsible authority referred to in any of paragraphs 15(a) to (c) must ensure that any decision statement that it issues under section 54 is posted on the Internet site, and the Agency must post on the Internet site any decision statement that the Minister issues under that section.</p>	<p><u>Section 66</u></p> <p>Decision Statement</p> <p>Posting of decision statement on Internet site</p>	<p>Posting of decision statement on Internet site</p> <p>66 The Agency must post on the Internet site any decision statement that the Minister issues under section 65.</p>
<p><u>Section 56</u></p> <p>Decision Statement</p> <p>Decision statement considered part of licence under Nuclear Safety and</p>	<p>Decision statement considered part of licence under Nuclear Safety and Control Act</p> <p>56 (1) A decision statement issued in relation to a designated project by the</p>	<p><u>Section 67</u></p> <p>Decision Statement</p> <p>Decision statement considered to be part of licence under <i>Nuclear</i></p>	<p>Decision statement considered to be part of licence under <i>Nuclear Safety and Control Act</i></p> <p>67 (1) The Minister may, in a decision statement issued in relation to a designated</p>

Control Act	<p>responsible authority referred to in paragraph 15(a) is considered to be a part of the licence issued under section 24 of the Nuclear Safety and Control Act in relation to the designated project.</p> <p>Decision statement considered part of certificate, etc., under National Energy Board Act and Canada Oil and Gas Operations Act</p> <p>(2) A decision statement issued in relation to a designated project by the responsible authority referred to in paragraph 15(b) is considered to be a part of</p> <p>(a) the certificate, order, permit or licence issued, the leave or exemption granted or the direction or approval given under the National Energy Board Act in relation to the designated project; or</p> <p>(b) the authorization or licence issued, the approval granted or the leave given under the Canada Oil and Gas Operations Act in relation to the designated project.</p>	<p><i>Safety and Control Act</i></p>	<p>project that includes activities that are regulated under the Nuclear Safety and Control Act, designate any condition that is included in the decision statement, and any condition designated by the Minister is considered to be a part of the licence issued under section 24 of that Act in relation to the designated project.</p> <p>Decision statement considered part of certificate, etc., under Canadian Energy Regulator Act</p> <p>(2) A decision statement issued in relation to a designated project that includes activities that are regulated under the Canadian Energy Regulator Act is considered to be a part of the certificate, order, permit, licence or authorization issued, the leave or exemption granted or the direction or approval given under that Act in relation to the designated project.</p> <p>Decision statement considered to be part of authorization, etc., under Canada Oil and Gas Operations Act</p> <p>(3) A decision statement issued in relation to a designated project that includes activities that are</p>
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			regulated under the Canada Oil and Gas Operations Act is considered to be a part of the authorization or licence issued, the approval granted or the leave given under that Act in relation to the designated project.
<u>N/A</u>	<u>N/A</u>	<p><u>Section 68</u></p> <p>Decision Statement</p> <p>Minister's power — decision statement</p>	<p>Minister's power — decision statement</p> <p>68 (1) The Minister may amend a decision statement, including to add or remove a condition, to amend any condition or to modify the designated project's description. However, the Minister is not permitted to amend the decision statement to change the decision included in it.</p> <p>Limitation — condition</p> <p>(2) The Minister may add, remove or amend a condition only if he or she is of the opinion that doing so will not increase the extent to which the effects that are indicated in the report with respect to the impact assessment of the designated project are adverse.</p> <p>Limitation and application</p> <p>(3) The Minister may add or amend a</p>

			<p>condition only if the new or amended condition could be established under subsection 64(1) or (2). Subsection 64(3) applies with respect to the new or amended condition if it could be established under subsection 64(2).</p> <p>Limitation — Nuclear Safety and Control Act</p> <p>(4) The Minister is not permitted to amend or remove a condition designated under subsection 67(1) and is not permitted to designate, under that subsection, any condition added under this section.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 69</u></p> <p>Decision Statement</p> <p>Public notice — amendment to decision statement</p>	<p>Public notice — amendment to decision statement</p> <p>69 (1) If the Minister intends to amend a decision statement under section 68, the Minister must ensure that the following are posted on the Internet site:</p> <p>(a) a draft of the amended decision statement; and</p> <p>(b) a notice that invites the public to provide comments on the draft within the period specified.</p>

			<p>Posting of amended decision statement on Internet site</p> <p>(2) If, after taking into account any comments received from the public, the Minister decides to amend the decision statement, he or she must ensure that the amended decision statement and his or her reasons for amending the decision statement are posted on the Internet site.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 70</u></p> <p>Decision Statement</p> <p>Minister's obligation</p>	<p>Minister's obligation</p> <p>70 (1) The Minister must establish the period within which the proponent must substantially begin to carry out the designated project.</p> <p>Extension</p> <p>(2) The Minister may extend the period by any period that the Minister considers reasonable and, in that case, must ensure that a notice of the extension and the reasons for the extension are posted on the Internet site.</p> <p>Expiry of decision statement</p> <p>(3) If the proponent does not substantially begin to carry out the designated project</p>

			<p>within the period established by the Minister, or any extension of that period, the decision statement expires on the expiry of that period or any extension of that period.</p> <p>Notice posted on Internet site</p> <p>(4) The Agency must post on the Internet site a notice that a decision statement has expired.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 71</u></p> <p>Decision Statement</p> <p>Revocation of decision statement</p>	<p>Revocation of decision statement</p> <p>71 If the proponent of a designated project advises the Minister in writing that the designated project will not — or will no longer — be carried out, the Minister may revoke the decision statement issued in respect of that project.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 72</u></p> <p>Decision Statement</p> <p>Amending decision statement — information</p>	<p>Amending decision statement — information</p> <p>72 (1) The Minister may, before amending a decision statement, require the proponent of the designated project described in the decision statement to provide the Minister with any information that he or she considers necessary for the</p>

			<p>purpose of amending the decision statement.</p> <p>Offer to consult</p> <p>(2) If the decision statement is considered to be a part of a licence, certificate, order, permit, authorization, leave, exemption, direction or approval referred to in section 67, the Minister must, before amending or revoking the decision statement, offer to consult with the entity that issues the certificate, order, permit, licence or authorization, grants the exemption, gives the direction or gives or grants the leave or approval, as the case may be.</p> <p>Offer to consult — <i>Nuclear Safety and Control Act</i></p> <p>(3) Before the Minister amends any portion of a decision statement referred to in subsection 67(1) that is not considered to be part of a licence referred to in that subsection, or revokes such a decision statement, he or she must offer to consult with the Canadian Nuclear Safety Commission.</p>
<u>Sections 57 & 58</u>	Agency's obligation	<u>Section 75</u>	Agency's obligation

<p><u>Section 57</u></p> <p>Participant Funding Programs</p> <p>Agency's obligation</p>	<p>57 The Agency must establish a participant funding program to facilitate the participation of the public in the environmental assessment of designated projects that have been referred to a review panel under section 38.</p>	<p>Participant Funding Programs</p> <p>Agency's obligation</p>	<p>75 (1) The Agency must establish a participant funding program to facilitate the participation of the public in</p>
<p><u>Section 58</u></p> <p>Participant Funding Programs</p> <p>Responsible authority's obligation</p>	<p>Responsible authority's obligation</p> <p>58 (1) A responsible authority must establish a participant funding program to facilitate the participation of the public in the environmental assessment of any designated project, for which it is the responsible authority, that meets the following conditions:</p> <p>(a) it includes physical activities that are designated by regulations made under paragraph 84(e) or that are part of a class of activities designated by those regulations; and</p> <p>(b) the environmental assessment of the designated project was not referred to a review panel under section 38.</p> <p>Exception</p> <p>(2) The obligation does not apply with respect to any designated</p>		<p>(a) the Agency's preparations for a possible impact assessment of — or the impact assessment of and the design or implementation of follow-up programs in relation to — designated projects that include physical activities that are designated by regulations made under paragraph 112(e) or that are part of a class of activities designated by those regulations;</p> <p>(b) the impact assessment of, and the design or implementation of follow-up programs in relation to, designated projects that are referred to a review panel and that do not include physical activities that are designated by regulations made under paragraph 112(e) or that are not part of a class of activities designated by those regulations; and</p> <p>(c) regional assessments and strategic assessments.</p> <p>Exception</p>

	project for which the Minister has approved a substitution under section 32.		(2) The obligation does not apply with respect to any designated project for which the Minister has approved the substitution of a process under section 31.
<u>N/A</u>	<u>N/A</u>	<u>Section 76 (1)</u> Cost Recovery Regulations	Regulations 76 (1) The Governor in Council may make regulations (a) providing for fees, charges or levies that are payable for the purpose of recovering all or a portion of any costs incurred by the Agency or a review panel in relation to the exercise of its powers or the performance of its duties and functions; and (b) providing for the manner of calculating those fees, charges or levies and their payment to the Agency.
<u>Section 59</u> Cost Recovery Proponent's obligation to pay costs	Proponent's obligation to pay costs 59 (1) For the Agency to recover its costs in relation to the environmental assessment of a designated project, the proponent of the designated project must	<u>Section 76 (2)</u> Cost Recovery Regulations	Proponent's obligation to pay costs (2) If the Agency or a review panel incurs a cost in relation to the exercise of its powers or the performance of its duties and functions in respect of which no fee, charge or levy is provided for under

	<p>pay to the Agency</p> <p>(a) if the environmental assessment is conducted by the Agency, any costs that the Agency incurs for prescribed services provided by a third party in the course of the environmental assessment and any prescribed amounts that are related to the exercise of its responsibilities in relation to the environmental assessment; and</p> <p>(b) if the environmental assessment is referred to a review panel under section 38, any costs that the review panel and the Agency incur for prescribed services provided by a third party in the course of the environmental assessment and any prescribed amounts that are related to the exercise of its responsibilities or to those of the members of the review panel, in relation to the environmental assessment.</p> <p>Service Fees Act</p> <p>(2) The Service Fees Act does not apply to the costs and amounts referred to in subsection (1) that are fixed at the time of the coming into force of this Act.</p>		<p>subsection (1), the proponent of the designated project in respect of which the power is exercised or the duty or function is performed must pay to the Agency</p> <p>(a) any costs that the Agency or review panel incurs for prescribed services provided by a third party in the exercise of that power or the performance of that duty or function; and</p> <p>(b) any prescribed amount that is related to the exercise by the Agency or review panel of that power or the performance by it of that duty or function.</p> <p>Service Fees Act</p> <p>(3) The Service Fees Act does not apply to the fees, charges or levies referred to in subsection (1) or the prescribed amount referred to in paragraph (2)(b).</p>
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<p><u>Section 60</u></p> <p>Cost Recovery</p> <p>Services provided during given period</p>	<p>Services provided during given period</p> <p>60 For the purposes of section 59, the services or responsibilities are limited to those provided or exercised during the period that begins when the notice of the commencement of the environmental assessment of the designated project is posted on the Internet site under section 17 and that ends when the decision statement is issued to the proponent under section 54.</p>	<p><u>Section 77</u></p> <p>Cost Recovery</p> <p>Powers exercised, duties and functions performed during a given period</p>	<p>Powers exercised, duties and functions performed during a given period</p> <p>77 For the purposes of section 76, the powers, duties and functions are limited to those exercised or performed during the period that begins on the day on which the initial description of a designated project referred to in subsection 10(1) is received by the Agency and ends on the day on which the follow-up program in respect of the project is completed.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 78</u></p> <p>Cost Recovery</p> <p>Expenditure of fees, charges, etc.</p>	<p>Expenditure of fees, charges, etc.</p> <p>78 The Agency may spend for any prescribed purpose the fees, charges, levies, costs and amounts referred to in section 76 in the fiscal year in which they are paid or, unless an appropriation Act provides otherwise, in the next fiscal year.</p>

<p><u>Section 61</u></p> <p>Cost Recovery</p> <p>Debt due to Her Majesty</p>	<p>Debt due to Her Majesty</p> <p>61 The costs and amounts that the proponent must pay under section 59 constitute a debt due to Her Majesty in right of Canada and may be recovered as such in any court of competent jurisdiction.</p>	<p><u>Section 79</u></p> <p>Cost Recovery</p> <p>Debt due to Her Majesty</p>	<p>Debt due to Her Majesty</p> <p>79 The fees, charges and levies that are payable, and the costs and amounts that the proponent must pay, under section 76 constitute a debt due to Her Majesty in right of Canada and may be recovered as such in any court of competent jurisdiction.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 80</u></p> <p>Cost Recovery</p> <p>Unpaid fees, charges, etc.</p>	<p>Unpaid fees, charges, etc.</p> <p>80 If a proponent does not pay a fee, charge, levy, cost or amount referred to in section 76 that they owe within 90 days after the day on which it is due,</p> <p>(a) the Agency is authorized, despite any other provision of this Act, to not exercise any of its powers or not perform any of its duties or functions in relation to an impact assessment of any designated project that the proponent proposes to carry out until the proponent pays the debt; or</p> <p>b) the Minister may, if an impact assessment of any designated project that the proponent proposes to carry out has been referred to a review</p>

			panel, make an order directing the review panel to, despite any other provision of this Act, not exercise any of its powers or not perform any of its duties or functions in relation to the impact assessment until the proponent pays the debt.
<p><u>Section 62</u></p> <p>Termination of Environmental Assessment</p> <p>Termination by responsible authority or Minister</p>	<p>Termination by responsible authority or Minister</p> <p>62 The responsible authority with respect to a designated project — or the Minister if the environmental assessment of the designated project has been referred to a review panel under section 38 — may terminate the environmental assessment if the proponent advises the responsible authority or the Minister in writing that the proponent does not intend to carry out the designated project.</p>	<p><u>Section 73</u></p> <p>Termination of Impact Assessment</p> <p>Termination by Agency or Minister</p>	<p>Termination by Agency or Minister</p> <p>73 The Agency — or the Minister if the impact assessment of the designated project has been referred to a review panel — may terminate the impact assessment if the proponent advises the Agency or the Minister in writing that the designated project will not be carried out.</p>
<p><u>Section 63</u></p> <p>Termination of Environmental Assessment</p> <p>Termination by responsible authority or</p>	<p>Termination by responsible authority</p> <p>63 The responsible authority referred to in any of paragraphs 15(a) to (c) may terminate the environmental assessment of a designated project for</p>	N/A	N/A

Minister	which it is the responsible authority if it decides not to exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit the designated project to be carried out in whole or in part and, if the responsible authority is referred to in paragraph 15(c), the environmental assessment of a designated project was not referred to a review panel under section 38.		
<p><u>Section 64</u></p> <p>Termination of Environmental Assessment</p> <p>Termination by Minister</p>	<p>Termination by Minister</p> <p>64 The Minister may terminate the environmental assessment by a review panel of a designated project for which the responsible authority is referred to in paragraph 15(c) if it decides not to exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit the designated project to be carried out in whole or in part.</p> <p>2012, c. 19, s. 52 "64", c. 31, s. 429(E).</p>	<u>N/A</u>	<u>N/A</u>

<p><u>Section 65</u></p> <p>Confidential Information</p> <p>No disclosure</p>	<p>No disclosure</p> <p>65 Despite any other provision of this Act, no confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies is to be disclosed or made available under this Act to any person.</p>	<p><u>Section 74</u></p> <p>Confidential Information</p> <p>No disclosure</p>	<p>No disclosure</p> <p>74 Despite any other provision of this Act, no confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies is to be disclosed or made available under this Act to any person.</p>
<p><u>Section 66</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Definitions</p>	<p>Definitions</p> <p>66 The following definitions apply in sections 5 and 67 to 72.</p> <p>authority means (a) a federal authority; and</p> <p>(b) any other body that is set out in Schedule 3. (<i>autorité</i>)</p> <p>project means a physical activity that is carried out on federal lands or outside Canada in relation to a physical work and is not a designated project. (<i>projet</i>) 2012, c. 19, s. 52 "66", c. 31, s. 430.</p>	<p><u>Section 81</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Definitions</p>	<p>Definitions</p> <p>81 The following definitions apply in this section and sections 82 to 91.</p> <p>authority means</p> <p>(a) a federal authority; and</p> <p>(b) any other body that is set out in Schedule 4. (<i>autorité</i>)</p> <p>environmental effects means changes to the environment and the impact of these changes on the Indigenous peoples of Canada and on health, social or economic conditions. (<i>effets environnementaux</i>)</p> <p>project means</p> <p>(a) a physical activity that is carried out on federal lands or outside Canada in relation to a</p>

			<p>physical work and that is not a designated project; and</p> <p>(b) a physical activity that is designated under section 87 or that is part of a class of physical activities that is designated under that section. (<i>project</i>)</p>
<p><u>Section 67</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Project carried out on federal lands</p>	<p>Project carried out on federal lands</p> <p>67 An authority must not carry out a project on federal lands, or exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a project to be carried out, in whole or in part, on federal lands, unless</p> <p>(a) the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or</p> <p>(b) the authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstances under</p>	<p><u>Section 82</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Project carried out on federal lands</p>	<p>Project carried out on federal lands</p> <p>82 An authority must not carry out a project on federal lands, exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a project to be carried out, in whole or in part, on federal lands or provide financial assistance to any person for the purpose of enabling that project to be carried out, in whole or in part, on federal lands, unless</p> <p>(a) the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or</p> <p>(b) the authority determines that the carrying out of the project is likely to cause significant adverse environmental effects</p>

	subsection 69(3). 2012, c. 19, s. 52 "67", c. 31, s. 431(E).		and the Governor in Council decides, under subsection 90(3), that those effects are justified in the circumstances.
<u>Section 68</u> Duties of Certain Authorities in Relation to Projects Project outside Canada	Project outside Canada 68 A federal authority must not carry out a project outside Canada, or provide financial assistance to any person for the purpose of enabling, in whole or in part, a project to be carried out outside Canada, unless (a) the federal authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or (b) the federal authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstances under subsection 69(3).	<u>Section 83</u> Duties of Certain Authorities in Relation to Projects Project outside Canada	Project outside Canada 83 A federal authority must not carry out a project outside Canada, or provide financial assistance to any person for the purpose of enabling that project to be carried out, in whole or in part, outside Canada, unless (a) the federal authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or (b) the federal authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides, under subsection 90(3), that those effects are justified in the circumstances.
<u>N/A</u>	<u>N/A</u>	<u>Section 84</u> Duties of Certain Authorities in Relation to	Factors 84 An authority's determination regarding whether the carrying out

		<p>Projects</p> <p>Factors</p>	<p>of the project is likely to cause significant adverse environmental effects must include a consideration of the following factors:</p> <p>(a) any adverse impact that the project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982;</p> <p>(b) traditional knowledge of the Indigenous peoples of Canada provided with respect to the project;</p> <p>(c) community knowledge provided with respect to the project;</p> <p>(d) comments received from the public under subsection 86(1); and</p> <p>(e) the mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project that the authority is satisfied will be implemented.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 85</u></p> <p>Duties of Certain Authorities in Relation to Projects</p>	<p>Federal authority's obligation</p> <p>85 Every federal authority that is in possession of specialist or expert information or</p>

		Federal authority's obligation	knowledge with respect to a project must, on an authority's request and within the period that it specifies, make that information or knowledge available to the authority.
<u>N/A</u>	<u>N/A</u>	<p><u>Section 86</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Notice posted on Internet site</p>	<p>Notice posted on Internet site</p> <p>86 (1) Before making a determination under section 82 or 83, an authority must post on the Internet site a notice that indicates that it intends to make such a determination and, if the authority is of the opinion that it is appropriate in the circumstances, that invites the public to provide comments respecting that determination.</p> <p>Notice of determination posted on Internet site</p> <p>(2) No sooner than 15 days after the day on which it posts the notice referred to in subsection (1), the authority must post on the Internet site a notice of its determination, including any mitigation measures that it took into account in making the determination.</p>

<u>N/A</u>	<u>N/A</u>	<p><u>Section 87</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Power to designate physical activities</p>	<p>Power to designate physical activities</p> <p>87 An authority may designate a physical activity, or a class of physical activities, carried out on federal lands or outside Canada that is not in relation to a physical work and is not a designated project, but that, in the authority's opinion, may cause significant adverse environmental effects.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 88</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Designation of class of projects</p>	<p>Designation of class of projects</p> <p>88 (1) An authority may designate a class of projects if, in its opinion, the carrying out of a project that is a part of the class will cause only insignificant adverse environmental effects.</p> <p>Projects excluded</p> <p>(2) Sections 82 and 83 do not apply to an authority in respect of a project that is part of a class of projects that is designated under subsection (1).</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 89</u></p> <p>Duties of Certain Authorities in Relation to Projects</p>	<p>Notice inviting public comments</p> <p>89 (1) An authority that intends to designate a physical activity, or a class of physical</p>

		<p>Notice inviting public comments</p>	<p>activities, under section 87 or a class of projects under subsection 88(1) must post on the Internet site a notice that invites the public to provide comments respecting the designation within 30 days after the day on which the notice is posted.</p> <p>Authority must consider public comments</p> <p>(2) The authority must consider any comments received from the public in deciding whether to make the designation.</p> <p>Posting notice on Internet site</p> <p>(3) An authority that designates a physical activity, or a class of physical activities, under section 87 or a class of projects under subsection 88(1) must post on the Internet site a notice that includes a description of the physical activity, the class of physical activities or the class of projects, as the case may be, and its reasons for making the designation.</p>
<p><u>Section 69</u> Duties of Certain Authorities in Relation to</p>	<p>Referral to Governor in Council</p> <p>69 (1) If the authority determines that the</p>	<p><u>Section 90</u> Duties of Certain Authorities in Relation to</p>	<p>Referral to Governor in Council</p> <p>90 (1) If the authority determines that the</p>

<p>Projects</p> <p>Referral to Governor in Council</p>	<p>carrying out of a project on federal lands or outside Canada is likely to cause significant adverse environmental effects, the authority may refer to the Governor in Council the matter of whether those effects are justified in the circumstances.</p> <p>Referral through Minister</p> <p>(2) When the determination is made by an authority other than a federal Minister, then the referral to the Governor in Council is made through the Minister responsible before Parliament for that authority.</p> <p>Governor in Council's decision</p> <p>(3) When a matter has been referred to the Governor in Council, the Governor in Council must decide whether the significant adverse environmental effects are justified in the circumstances and must inform the authority of its decision.</p>	<p>Projects</p> <p>Referral to Governor in Council</p>	<p>carrying out of a project on federal lands or outside Canada is likely to cause significant adverse environmental effects, the authority may refer to the Governor in Council the matter of whether those effects are justified in the circumstances.</p> <p>Referral through Minister</p> <p>(2) When the determination is made by an authority other than a federal Minister, then the referral to the Governor in Council is made through the Minister responsible before Parliament for that authority.</p> <p>Governor in Council's decision</p> <p>(3) When a matter has been referred to the Governor in Council, the Governor in Council must decide whether the significant adverse environmental effects are justified in the circumstances and must inform the authority of its decision.</p>
<p><u>Section 70</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Non-application —</p>	<p>Non-application — national emergency or emergency</p> <p>70 Sections 67 and 68 do not apply to an authority in respect of a</p>	<p><u>Section 91</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Non-application —</p>	<p>Non-application — national emergency or emergency</p> <p>91 Sections 82 and 83 do not apply to an authority in respect of a</p>

<p>national emergency or emergency</p>	<p>project</p> <p>(a) in relation to which there are matters of national security;</p> <p>(b) that is to be carried out in response to a national emergency for which special temporary measures are being taken under the Emergencies Act; or</p> <p>(c) that is to be carried out in response to an emergency, and carrying out of the project without delay is in the interest of preventing damage to property or the environment or is in the interest of public health or safety.</p>	<p>national emergency or emergency</p>	<p>project</p> <p>(a) in relation to which there are matters of national security;</p> <p>(b) that is to be carried out in response to a national emergency for which special temporary measures are being taken under the Emergencies Act; or</p> <p>(c) that is to be carried out in response to an emergency, and the carrying out of the project without delay is in the interest of preventing damage to property or the environment or is in the interest of public health or safety.</p>
<p><u>Section 71</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Federal authority's reporting duty</p>	<p>Federal authority's reporting duty</p> <p>71 (1) The federal authority must, at the end of each fiscal year, report on its activities under sections 67 to 69 during the previous fiscal year.</p> <p>Tabling in Parliament</p> <p>(2) The information on its activities must be laid before each House of Parliament during the fiscal year after the fiscal year to which the information relates.</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>

<p><u>Section 72</u></p> <p>Duties of Certain Authorities in Relation to Projects</p> <p>Authority's reporting duty</p>	<p>Authority's reporting duty</p> <p>72 (1) The authority referred to in paragraph (b) of the definition authority in section 66 must, each year, report on its activities during the previous year under sections 67 and 69.</p> <p>Availability</p> <p>(2) The authority must make the information on its activities available to the public.</p>	<p><u>N/A</u></p>	<p><u>N/A</u></p>
<p><u>Section 73</u></p> <p>Regional Studies</p> <p>Establishment of committee — region entirely on federal lands</p>	<p>Establishment of committee — region entirely on federal lands</p> <p>73 (1) The Minister may establish a committee to conduct a study of the effects of existing or future physical activities carried out in a region that is entirely on federal lands.</p> <p>Mandate and appointment of members</p> <p>(2) If the Minister establishes a committee, he or she must establish its terms of reference and appoint as a member of the committee one or more persons.</p>	<p><u>Section 92</u></p> <p>Regional Assessments and Strategic Assessments</p> <p>Regional assessments — region entirely on federal lands</p>	<p>Regional assessments — region entirely on federal lands</p> <p>92 The Minister may establish a committee — or authorize the Agency — to conduct a regional assessment of the effects of existing or future physical activities carried out in a region that is entirely on federal lands.</p>

<p>Section 74</p> <p>Regional Studies</p> <p>Joint establishment of committee — other regions</p>	<p>Joint establishment of committee — other regions</p> <p>74 (1) If the Minister is of the opinion that it is appropriate to conduct a study of the effects of existing or future physical activities carried out in a region that is composed in part of federal lands or in a region that is entirely outside federal lands,</p> <p>(a) the Minister may enter into an agreement or arrangement with any jurisdiction referred to in paragraphs (a) to (f) of the definition <i>jurisdiction</i> in subsection 2(1) respecting the joint establishment of a committee to conduct the study and the manner in which the study is to be conducted; and</p> <p>(b) the Minister and the Minister of Foreign Affairs may enter into an agreement or arrangement with any jurisdiction referred to in paragraph (g) or (h) of that definition respecting the joint establishment of a committee to conduct the study and the manner in which the study is to be conducted.</p> <p>Mandate and appointment of</p>	<p>Section 93</p> <p>Regional Assessments and Strategic Assessments</p> <p>Regional assessments — other regions</p>	<p>Regional assessments — other regions</p> <p>93 (1) If the Minister is of the opinion that it is appropriate to conduct a regional assessment of the effects of existing or future physical activities carried out in a region that is composed in part of federal lands or in a region that is entirely outside federal lands,</p> <p>(a) the Minister may</p> <p>(i) enter into an agreement or arrangement with any jurisdiction referred to in paragraphs (a) to (g) of the definition <i>jurisdiction</i> in section 2 respecting the joint establishment of a committee to conduct the assessment and the manner in which the assessment is to be conducted, or</p> <p>(ii) authorize the Agency to conduct the assessment; and</p> <p>(b) the Minister and the Minister of Foreign Affairs may enter into an agreement or arrangement with any jurisdiction referred to in paragraph (h) or (i) of that definition respecting the joint establishment of a committee to conduct the assessment and the manner in which the</p>
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	<p>members</p> <p>(2) If an agreement or arrangement referred to in subsection (1) is entered into, the Minister must establish — or approve — the committee's terms of reference and appoint one or more persons as a member of the committee — or approve their appointment.</p>		<p>assessment is to be conducted.</p> <p>Committee's terms of reference and appointment of members</p> <p>(2) If an agreement or arrangement referred to in subparagraph (1)(a)(i) or paragraph (b) is entered into, the Minister must establish — or approve — the committee's terms of reference and appoint as a member of the committee one or more persons, or approve their appointment.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 94</u></p> <p>Regional Assessments and Strategic Assessments</p> <p>Agency's obligation to offer to consult</p>	<p>Agency's obligation to offer to consult</p> <p>94 If the Agency conducts an assessment referred to in subsection 92 or 93, it must offer to consult and cooperate with any jurisdiction referred to in paragraphs (a) to (g) of the definition <i>jurisdiction</i> in section 2 that has powers, duties or functions in relation to the physical activities in respect of which the assessment is conducted.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 95</u></p> <p>Regional Assessments and Strategic</p>	<p>Assessments</p> <p>95 The Minister may establish a committee — or authorize the</p>

		Assessments Strategic Assessments Assessments	Agency — to conduct an assessment of (a) any Government of Canada policy, plan or program — proposed or existing — that is relevant to conducting impact assessments; or (b) any issue that is relevant to conducting impact assessments of designated projects or of a class of designated projects.
<u>N/A</u>	<u>N/A</u>	<u>Section 96</u> Regional Assessments and Strategic Assessments General Rules Committee's mandate and appointment of members	Committee's mandate and appointment of members 96 (1) If the Minister establishes a committee under section 92 or 95, he or she must establish its terms of reference and appoint as a member of the committee one or more persons. Agency's mandate (2) If the Minister authorizes the Agency to conduct an assessment under section 92, subsection 93(1) or section 95, he or she must establish the Agency's terms of reference with respect to the assessment.

<u>N/A</u>	<u>N/A</u>	<u>Section 97</u> Regional Assessments and Strategic Assessments General Rules Minister's obligations — request for assessment	Minister's obligations — request for assessment 97 The Minister must respond, with reasons and within the prescribed time limit, to any request that an assessment referred to in section 92, 93 or 95 be conducted. The Minister must ensure that his or her response is posted on the Internet site.
<u>N/A</u>	<u>N/A</u>	<u>Section 98</u> Regional Assessments and Strategic Assessments General Rules Information available to public	Information available to public 98 The Agency, or the committee, must ensure that the information that it uses when conducting an assessment referred to in section 92, 93 or 95 is made available to the public.
<u>N/A</u>	<u>N/A</u>	<u>Section 99</u> Regional Assessments and Strategic Assessments General Rules Public participation	Public participation 99 The Agency, or the committee, must ensure that the public is provided with an opportunity to participate in any assessment referred to in section 92, 93 or 95 that it conducts.
<u>N/A</u>	<u>N/A</u>	<u>Section 100</u>	Federal authority's

		Regional Assessments and Strategic Assessments General Rules Federal authority's obligation	obligation 100 Every federal authority that is in possession of specialist or expert information or knowledge with respect to the physical activities in respect of which an assessment referred to in section 92 or 93 is conducted — or with respect to any policy, plan, program or issue in respect of which an assessment referred to in section 95 is conducted — must, on request, make that information or knowledge available to the committee or Agency that conducts the assessment within the specified period.
<u>Section 75</u> Regional Studies Report to Minister	Report to Minister 75 On completion of the study that it conducts, the committee established under section 73 or under an agreement or arrangement entered into under paragraph 74(1)(a) or (b) must provide a report to the Minister.	<u>Section 102</u> Regional Assessments and Strategic Assessments General Rules Report to Minister	Report to Minister 102 On completion of the assessment that it conducts, the committee established under section 92 or 95 or under an agreement or arrangement entered into under subparagraph 93(1)(a)(i) or paragraph 93(1)(b) or the Agency, as the case may be, must provide a report to the Minister.
<u>N/A</u>	<u>N/A</u>	<u>Section 103</u> Regional Assessments	Copy of report posted on Internet site 103 The Agency must

		and Strategic Assessments General Rules Copy of report posted on Internet site	post a copy of the report on the Internet site.
<u>Section 76</u> Regional Studies Public notice	Public notice 76 On receiving the committee's report, the Minister must make the report available to the public in any manner he or she considers appropriate to facilitate public access to the report and must advise the public that it is available.	<u>N/A</u>	<u>N/A</u>
<u>Section 77</u> Regional Studies Application of section 45	Application of section 45 77 Section 45 applies, with any necessary modifications, to a committee referred to in section 75 and, for the purpose of applying section 45 to a committee, a reference in that section to a review panel is a reference to a committee.	<u>Section 101</u> Regional Assessments and Strategic Assessments General Rules Application of section 53	Application of section 53 101 Section 53 applies, with any necessary modifications, to a committee established under section 92 or 95 or under an agreement or arrangement entered into under subparagraph 93(1)(a)(i) or paragraph 93(1)(b) and, for the purpose of applying section 53 to a committee, a reference in that section to a review panel is a reference to a committee.

<p><u>Section 78</u></p> <p>Canadian Environmental Assessment Registry</p> <p>Establishment of Registry</p> <p>Canadian Environmental Assessment Registry</p>	<p>Canadian Environmental Assessment Registry</p> <p>78 (1) For the purpose of facilitating public access to records relating to environmental assessments and providing notice in a timely manner of those assessments, there is to be a registry called the Canadian Environmental Assessment Registry, consisting of an Internet site and project files.</p> <p>Right of access</p> <p>(2) The Registry must be operated in a manner that ensures convenient public access to it. That right of access to the Registry is in addition to any right of access provided under any other Act of Parliament.</p> <p>Copy</p> <p>(3) For the purpose of facilitating public access to records included in the Registry, the responsible authority must ensure that a copy of any of those records is provided in a timely manner on request.</p>	<p><u>Section 104</u></p> <p>Canadian Impact Assessment Registry</p> <p>Establishment of Registry</p> <p>Canadian Impact Assessment Registry</p>	<p>Canadian Impact Assessment Registry</p> <p>104 (1) There is to be a registry called the Canadian Impact Assessment Registry, consisting of an Internet site and project files.</p> <p>Right of access</p> <p>(2) The Registry must be operated in a manner that ensures convenient public access to it. That right of access to the Registry is in addition to any right of access provided under any other Act of Parliament.</p> <p>Copy</p> <p>(3) For the purpose of facilitating public access to records included in the Registry, the Agency must ensure that a copy of any of those records is provided in a timely manner on request.</p>
<p><u>Section 79</u></p> <p>Canadian Environmental</p>	<p>Establishment and maintenance</p> <p>79 (1) The Agency must</p>	<p><u>Section 105</u></p> <p>Canadian Impact Assessment</p>	<p>Establishment and maintenance</p> <p>105 (1) The Agency</p>

<p>Assessment Registry</p> <p>Internet Site</p> <p>Establishment and maintenance</p>	<p>establish and maintain an Internet site that is available to the public.</p> <p>Contents — responsible authority</p> <p>(2) The responsible authority with respect to a designated project must ensure that the following records and information, relating to the environmental assessment of the designated project that it conducts, are posted on the Internet site:</p> <p>(a) any public notice that is issued by the responsible authority to request participation of the public — or, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the National Energy Board Act, of any interested party — in the environmental assessment;</p> <p>(b) a description of the factors to be taken into account in the environmental assessment and of the scope of those factors or an indication of how such a description may be obtained;</p> <p>(c) the report with respect to the environmental assessment that is taken into account by</p>	<p>Registry</p> <p>Establishment and maintenance</p>	<p>must establish and maintain an Internet site that is available to the public.</p> <p>Contents — assessment conducted by Agency</p> <p>(2) The Agency must ensure that the following records and information relating to the impact assessment of the designated project that it conducts are posted on the Internet site:</p> <p>(a) any public notice that is issued by the Agency to request the participation of the public in the impact assessment;</p> <p>(b) a description of the factors to be taken into account in the impact assessment and of the scope of those factors or an indication of how such a description may be obtained;</p> <p>(c) the report with respect to the impact assessment that is taken into account by the Minister under subsection 60(1), or a summary of the report and an indication of how a copy of the report may be obtained;</p> <p>(d) any scientific information that the Agency receives from a proponent or federal authority, or a summary</p>
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	<p>the responsible authority or the Minister for the purpose of making decisions under section 27 or 36, or a summary of the report and an indication of how a copy of the report may be obtained;</p> <p>(d) the report with respect to the environmental assessment or the reconsideration report that is taken into account by the Governor in Council for the purpose of making a decision under section 31, or a summary of that report and an indication of how a copy of that report may be obtained;</p> <p>(e) notice of the responsible authority's decision to terminate the environmental assessment under section 62 or 63;</p> <p>(f) any other information that the responsible authority considers appropriate, including information in the form of a list of relevant records and an indication of how a copy of them may be obtained; and</p> <p>(g) any other record or information prescribed by regulations made under paragraph 84(f).</p> <p>Contents — Agency</p>		<p>of the scientific information and an indication of how that information may be obtained;</p> <p>(e) a description of the results of the follow-up program that is implemented with respect to that designated project or a summary of the results and an indication of how such a description may be obtained;</p> <p>(f) notice of the Agency's decision to terminate the impact assessment under section 73;</p> <p>(g) any other information that the Agency considers appropriate, including information in the form of a list of relevant records and an indication of how a copy of them may be obtained; and</p> <p>(h) any other record or information prescribed by regulations made under paragraph 112(f).</p> <p>Contents — assessment conducted by review panel</p> <p>(3) The Agency must ensure that, in the case of an assessment conducted by a review panel or an impact assessment completed under section 59, the</p>
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	<p>(3) The Agency must ensure that, in the case of an assessment conducted by a review panel or an environmental assessment completed under section 50, the following records or information are posted on the Internet site:</p> <p>(a) the review panel's terms of reference;</p> <p>(b) any public notice that is issued by the review panel to request public participation in an environmental assessment;</p> <p>(c) the report with respect to the environmental assessment that is taken into account by the Minister for the purpose of making decisions under section 47 or 51, or a summary of the report and an indication of how a copy of the report may be obtained;</p> <p>(d) notice of the termination of an assessment conducted by the review panel under section 49;</p> <p>(e) notice of the Minister's decision to terminate an environmental assessment under section 62 or 64;</p> <p>(f) any other information that the Agency</p>		<p>following records or information are posted on the Internet site:</p> <p>(a) the review panel's terms of reference;</p> <p>(b) any public notice that is issued by the review panel to request the participation of the public in an impact assessment;</p> <p>(c) the report with respect to the review panel's impact assessment referred to in section 55 or the impact assessment completed under section 59, or a summary of the report and an indication of how a copy of the report may be obtained;</p> <p>(d) any scientific information that the Agency or the review panel receives from a proponent or federal authority, or a summary of the scientific information and an indication of how that information may be obtained</p> <p>(e) a description of the results of the follow-up program that is implemented with respect to that designated project or a summary of the results and an indication of how such a description may be obtained;</p> <p>(f) notice of the</p>
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	<p>considers appropriate, including information in the form of a list of relevant documents and an indication of how a copy of them may be obtained; and</p> <p>(g) any other record or information prescribed by regulations made under paragraph 84(f).</p> <p>Management of Internet site</p> <p>(4) The Agency must determine (a) what the form of the Internet site is to be and how it is to be kept;</p> <p>(b) what information must be contained in any record required to be posted on the Internet site under this Act; and</p> <p>(c) when information may be removed from the Internet site.</p>		<p>termination of an assessment by the review panel under section 58;</p> <p>(g) notice of the Minister's decision to terminate an impact assessment under section 73;</p> <p>(h) any other information that the Agency considers appropriate, including information in the form of a list of relevant documents and an indication of how a copy of them may be obtained; and</p> <p>(i) any other record or information prescribed by regulations made under paragraph 112(f).</p> <p>Management of Internet site</p> <p>(4) The Agency must determine</p> <p>(a) what the form of the Internet site is to be and how it is to be kept;</p> <p>(b) what information must be contained in any record required to be posted on the Internet site under this Act; and</p> <p>(c) when information may be removed from the Internet site.</p>

<p>Section 80</p> <p>Canadian Environmental Assessment Registry</p> <p>Project Files</p> <p>Establishment and maintenance</p>	<p>Establishment and maintenance</p> <p>80 (1) In respect of every designated project for which a screening or an environmental assessment is conducted, a project file must be established and maintained</p> <p>(a) by the Agency when there is a screening of the designated project, during the screening; and</p> <p>(b) by the responsible authority from the commencement of the environmental assessment until any follow-up program in respect of the designated project is completed.</p> <p>Contents of project file</p> <p>(2) A project file must contain all records produced, collected or received for the purpose of conducting the screening and the environmental assessment of the designated project, including</p> <p>(a) all records posted on the Internet site;</p> <p>(b) the description of the designated project;</p> <p>(c) any report relating</p>	<p>Section 106</p> <p>Canadian Impact Assessment Registry</p> <p>Establishment and maintenance</p>	<p>Establishment and maintenance</p> <p>106 (1) Subject to subsection (2), in respect of every designated project, a project file must be established by the Agency on the day on which the notice referred to in subsection 10(1) in respect of the designated project is posted on the Internet site and maintained until the day on which any follow-up program in respect of that designated project is completed.</p> <p>Exception</p> <p>(2) The obligation set out in subsection (1) ends on the earliest of the following days:</p> <p>(a) the day on which the Agency under subsection 16(1) decides that an impact assessment in respect of the designated project is not required;</p> <p>(b) the day on which the Minister makes an order under subsection 17(1) in respect of the designated project;</p> <p>(c) the day on which the impact assessment in respect of the designated project is terminated under</p>
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	<p>to the environmental assessment;</p> <p>(d) any comments that are received from the public in relation to the screening and the environmental assessment;</p> <p>(e) any records relating to the design or implementation of any follow-up program; and</p> <p>(f) any records relating to mitigation measures to be implemented.</p>		<p>subsection 20(1) or section 73;</p> <p>(d) the day on which the Minister issues, in respect of the designated project, a decision statement that informs the proponent of his or her, or the Governor in Council's, determination that the adverse effects within federal jurisdiction, or the adverse direct or incidental effects, that the designated project is likely to cause are not in the public interest; and</p> <p>(e) the day on which the decision statement expires under subsection 70(3) or is revoked under section 71.</p> <p>Contents of project file</p> <p>(3) A project file must contain all records produced, collected or received in relation to the Agency's preparations for a possible impact assessment of a designated project and in relation to the impact assessment of that designated project, including</p> <p>(a) all records posted on the Internet site;</p> <p>(b) any report relating to the impact assessment;</p>
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			<p>(c) any comments that are received from the public in relation to the Agency's preparations for a possible impact assessment and in relation to the impact assessment;</p> <p>(d) any records relating to the design or implementation of any follow-up program; and</p> <p>(e) any records relating to the implementation of any mitigation measures.</p>
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Section 81 and Section 107			
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<p><u>Section 81</u></p> <p>Canadian Environmental Assessment Registry</p> <p>General</p> <p>Categories of available information</p>	<p>Categories of available information</p> <p>81 (1) Despite any other provision of this Act, the Registry must contain a record, part of a record or information only if</p> <p>(a) it has otherwise been made publicly available; or</p> <p>(b) the responsible authority, in the case of a record under its control, or the Minister, in the case of a record under the Agency's control,</p> <p>(i) determines that it would have been disclosed to the public in accordance with the Access to Information Act if a request had been made in respect of that record under that Act at the time the</p>	<p><u>Section 107</u></p> <p>Canadian Impact Assessment Registry</p> <p>General</p> <p>Categories of available information</p>	<p>Categories of available information</p> <p>107 (1) Despite any other provision of this Act, the Registry is to contain a record, part of a record or information only if</p> <p>(a) it has otherwise been made publicly available; or</p> <p>(b) the Minister determines</p> <p>(i) that it would have been disclosed to the public in accordance with the Access to Information Act if a request had been made in respect of that record under that Act at the time the record came under the control of the Agency, including any record that would be disclosed in the public</p>
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	<p>record came under the control of the responsible authority or the Agency, including any record that would be disclosed in the public interest under subsection 20(6) of that Act, or</p> <p>(ii) believes on reasonable grounds that it would be in the public interest to disclose it because it is required for the public to participate effectively in the environmental assessment — other than any record the disclosure of which would be prohibited under section 20 of the Access to Information Act.</p> <p>Applicability of sections 27, 28 and 44 of Access to Information Act</p> <p>(2) Sections 27, 28 and 44 of the Access to Information Act apply to any information described in subsection 27(1) of that Act that the Agency or a responsible authority intends to be included in the Registry with any necessary modifications, including the following:</p> <p>(a) the information is deemed to be a record that the head of a government institution intends to disclose; and</p> <p>(b) any reference to the</p>		<p>interest under subsection 20(6) of that Act, or</p> <p>(ii) that there are reasonable grounds to believe that it would be in the public interest to disclose it because it is required for the public to participate effectively in the Agency’s preparations for a possible impact assessment or the impact assessment — other than any record the disclosure of which would be prohibited under section 20 of the Access to Information Act.</p> <p>Applicability of sections 27, 28 and 44 of Access to Information Act</p> <p>(2) Sections 27, 28 and 44 of the Access to Information Act apply to any information described in subsection 27(1) of that Act that the Agency intends to be included in the Registry with any necessary modifications, including the following:</p> <p>(a) the information is deemed to be a record that the head of a government institution intends to disclose; and</p> <p>(b) any reference to the person who requested access must be</p>
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	person who requested access must be disregarded.		disregarded.
<p><u>Section 82</u></p> <p>Canadian Environmental Assessment Registry</p> <p>General</p> <p>Protection from civil proceeding or prosecution</p>	<p>Protection from civil proceeding or prosecution</p> <p>82 Despite any other Act of Parliament, no civil or criminal proceedings lie against a responsible authority, the Agency or the Minister, or against any person acting on behalf of, or under the direction of, any one of them and no proceedings lie against the Crown, the Agency or any responsible authority, for the disclosure in good faith of any record or any part of a record under this Act or for any consequences that flow from that disclosure or for the failure to give any notice required under section 27 or 28 of the Access to Information Act if reasonable care is taken to give the required notice.</p>	<p><u>Section 108</u></p> <p>Canadian Impact Assessment Registry</p> <p>General</p> <p>Protection from civil proceeding or prosecution</p>	<p>Protection from civil proceeding or prosecution</p> <p>108 Despite any other Act of Parliament, no civil or criminal proceedings lie against the Agency or the Minister — or any person acting on behalf of, or under the direction of, either of them — and no proceedings lie against the Crown or the Agency, for the disclosure in good faith of any record or any part of a record or any traditional knowledge of the Indigenous peoples of Canada under this Act or for any consequences that flow from that disclosure or for the failure to give any notice required under section 27 or 28 of the Access to Information Act if reasonable care is taken to give the required notice.</p>
<p><u>Section 83</u></p> <p>Administration</p> <p>Regulations — Governor in</p>	<p>Regulations — Governor in Council</p> <p>83 The Governor in Council may make regulations (a)</p>	<p><u>Section 109</u></p> <p>Administration</p> <p>Regulations – Governor in</p>	<p>Regulations — Governor in Council</p> <p>109 The Governor in Council may make</p>

<p>Council</p>	<p>amending Schedule 1 or 3 by adding or deleting a body or a class of bodies;</p> <p>(b) prescribing, for the purposes of paragraph 15(c), the federal authority that performs regulatory functions and that may hold public hearings;</p> <p>(c) exempting any class of proponents or class of designated projects from the application of section 59;</p> <p>(d) varying or excluding any requirement set out in this Act or the regulations as it applies to physical activities to be carried out</p> <p>(i) on reserves, surrendered lands or other lands that are vested in Her Majesty and subject to the Indian Act,</p> <p>(ii) on lands covered by land claim agreements referred to in section 35 of the Constitution Act, 1982,</p> <p>(iii) under international agreements or arrangements entered into by the Government of Canada, or</p> <p>(iv) in relation to which there are matters of national security;</p> <p>(e) prescribing anything that, by this Act, is to be</p>	<p>Council</p>	<p>regulations</p> <p>(a) amending Schedule 1 or 4 by adding or deleting a body or a class of bodies;</p> <p>b) for the purpose of the definition <i>designated project</i> in section 2, designating a physical activity or class of physical activities;</p> <p>(c) exempting any class of proponents or class of designated projects from the application of section 76;</p> <p>(d) varying or excluding any requirement set out in this Act or the regulations as it applies to physical activities to be carried out</p> <p>(i) on reserves, surrendered lands or other lands that are vested in Her Majesty and subject to the Indian Act,</p> <p>(ii) on lands covered by land claim agreements referred to in section 35 of the Constitution Act, 1982,</p> <p>(iii) on lands with respect to which agreements or arrangements referred to in paragraph 114(1)(d) or (e) apply,</p> <p>(iv) under international agreements or arrangements entered into by the Government</p>
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	<p>prescribed;</p> <p>(f) prescribing the way in which anything that is required or authorized by this Act to be prescribed is to be determined; and</p> <p>(g) generally, for carrying out the purposes and provisions of this Act.</p>		<p>of Canada, or</p> <p>v) in relation to which there are matters of national security;</p> <p>(e) respecting agreements or arrangements referred to in paragraph 114(1)(d) or (e);</p> <p>(f) prescribing anything that, by this Act, is to be prescribed;</p> <p>(g) prescribing the way in which anything that is required or authorized by this Act to be prescribed is to be determined; and</p> <p>(h) generally, for carrying out the purposes and provisions of this Act.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 110</u></p> <p>Administration</p> <p>Amendment of Schedule 2</p>	<p>Amendment of Schedule 2</p> <p>110 The Governor in Council may, by order, amend Schedule 2 by adding, replacing or deleting a description of lands that are subject to a land claim agreement referred to in section 35 of the Constitution Act, 1982.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 111</u></p> <p>Administration</p> <p>Review of</p>	<p>Review of regulations</p> <p>111 (1) The Agency must review, within the prescribed period, any</p>

		regulations	regulations made under paragraph 109(b). Report 2) After completing its review the Agency must submit to the Minister a report setting out its conclusions and recommendations.
<u>Section 84</u> Administration Regulations — Minister	Regulations — Minister 84 The Minister may make regulations (a) for the purpose of the definition <i>designated project</i> in subsection 2(1), designating a physical activity or class of physical activities and specifying for each designated physical activity or class of physical activities one of the following federal authorities to which the physical activity is linked: (i) the Canadian Nuclear Safety Commission, (ii) the National Energy Board, (iii) any federal authority that performs regulatory functions, that may hold public hearings and that is prescribed in regulations made under	<u>Section 112</u> Administration Regulations — Minister	Regulations — Minister 112 The Minister may make regulations (a) prescribing the information that must be contained in the description referred to in subsection 10(1) or 15(1) and the documents referred to in paragraph 18(1)(b); (b) respecting the procedures, requirements and time periods relating to impact assessments, including the manner of designing a follow-up program; (c) prescribing, for the purposes of subsections 9(5), 18(6), 28(9), 36(3) and 37(6), activities in respect of which time limits may be suspended; (d) respecting a participant funding program established under section 75;

	<p>paragraph 83(b), or</p> <p>(iv) the Agency;</p> <p>(b) prescribing the information that must be contained in a description of a designated project;</p> <p>(c) respecting the procedures, requirements and time periods relating to environmental assessments, including the manner of designing a follow-up program;</p> <p>(d) respecting a participant funding program established under section 57 or established under section 58 by the responsible authority referred to in paragraph 15(d);</p> <p>(e) designating, for the purposes of section 58, a physical activity or class of physical activities;</p> <p>(f) respecting the Registry, including the identification of records or information to be posted on the Internet site and the establishment and maintenance of project files referred to in section 80; and</p> <p>(g) respecting the charging of fees for providing copies of documents contained in</p>		<p>(e) designating, for the purposes of section 75, a physical activity or class of physical activities;</p> <p>(f) respecting the Registry, including the identification of records or information to be posted on the Internet site and the establishment and maintenance of project files referred to in section 106; and</p> <p>(g) respecting the charging of fees for providing copies of documents contained in the Registry.</p>
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	the Registry.		
<p><u>Section 85</u></p> <p>Administration</p> <p>Externally produced documents</p>	<p>Externally produced documents</p> <p>85 (1) A regulation made under this Act may incorporate by reference documents that are produced by a person or body other than the Agency, including a federal authority referred to in any of paragraphs (a) to (d) of the definition <i>federal authority</i> in subsection 2(1).</p> <p>Ambulatory incorporation by reference</p> <p>(2) A document may be incorporated by reference either as it exists on a particular date or as amended from time to time.</p> <p>Accessibility of incorporated document</p> <p>(3) The Minister must ensure that any document incorporated by reference in a regulation is accessible.</p> <p>No registration or publication</p> <p>(4) For greater certainty, a document that is incorporated by reference into a regulation is not required to be</p>	<p><u>Section 113</u></p> <p>Administration</p> <p>Externally produced documents</p>	<p>Externally produced documents</p> <p>113 (1) A regulation made under this Act may incorporate by reference documents that are produced by a person or body other than the Agency, including a federal authority referred to in any of paragraphs (a) to (d) of the definition <i>federal authority</i> in section 2.</p> <p>Ambulatory incorporation by reference</p> <p>(2) A document may be incorporated by reference either as it exists on a particular date or as amended from time to time.</p> <p>Accessibility of incorporated document</p> <p>(3) The Minister must ensure that any document incorporated by reference in a regulation is accessible.</p> <p>No registration or publication</p> <p>(4) For greater certainty, a document that is incorporated by reference into a regulation is not required to be</p>

	transmitted for registration or published in the Canada Gazette by reason only that it is incorporated by reference.		transmitted for registration or published in the Canada Gazette by reason only that it is incorporated by reference.
Section 86	Minister's powers	Section 114	Minister's powers
Administration Minister's powers	<p>86 (1) For the purposes of this Act, the Minister may</p> <p>(a) issue guidelines and codes of practice respecting the application of this Act and, without limiting the generality of the foregoing, establish criteria to determine whether a designated project, taking into account the implementation of any appropriate mitigation measures, is likely to cause significant adverse environmental effects or whether such effects are justified in the circumstances;</p> <p>(b) establish research and advisory bodies in the area of environmental assessment;</p> <p>(c) enter into agreements or arrangements with any jurisdiction referred to in paragraphs (a) to (f) of the definition <i>jurisdiction</i> in subsection 2(1) respecting assessments of environmental</p>	<p>Administration Minister's powers</p>	<p>114 (1) For the purposes of this Act, the Minister may</p> <p>(a) issue guidelines and codes of practice respecting the application of this Act;</p> <p>(b) establish research and advisory bodies in the area of impact assessment, including with respect to the interests and concerns of Indigenous peoples of Canada, and appoint as a member of any such bodies one or more persons;</p> <p>(c) enter into agreements or arrangements with any jurisdiction referred to in paragraphs (a) to (g) of the definition <i>jurisdiction</i> in section 2 respecting assessments of effects;</p> <p>(d) if authorized by the regulations, enter into agreements or arrangements with any jurisdiction referred to in paragraph (e) or (f) of the definition <i>jurisdiction</i> in section 2 to</p> <p>(i) authorize the</p>

	<p>effects;</p> <p>(d) enter into agreements or arrangements with any jurisdiction for the purposes of coordination, consultation, exchange of information and the determination of factors to be considered in relation to the assessment of the environmental effects of designated projects of common interest;</p> <p>(e) establish criteria for the appointment of members of review panels; and</p> <p>(f) establish criteria for the appointment of members of committees established under section 73 or 74.</p> <p>Power to enter into international agreements</p> <p>(2) The Minister and the Minister of Foreign Affairs may enter into agreements or arrangements with any jurisdiction referred to in paragraphs (g) and (h) of the definition <i>jurisdiction</i> in subsection 2(1) respecting assessments of environmental effects, including, without limiting the generality of the foregoing, for the purposes of implementing the</p>		<p>jurisdiction, on lands with respect to which it already has powers, duties or functions in relation to an assessment of the environmental effects of a designated project, to exercise powers or perform duties or functions in relation to impact assessments under this Act — except for those set out in section 16 — that are specified in the agreement or arrangement, or</p> <p>(ii) in relation to lands, specified in the agreement or arrangement, with respect to which it does not already have powers, duties or functions in relation to an assessment of the environmental effects of a designated project,</p> <p>(A) provide that the jurisdiction is considered to be a jurisdiction for the application of this Act on those lands, and</p> <p>(B) authorize the jurisdiction, on those lands, to exercise powers or perform duties or functions in relation to impact assessments under this Act — except for those set out in section 16 — that are specified in the agreement or</p>
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	<p>provisions of any international agreement or arrangement to which the Government of Canada is a party respecting the assessment of environmental effects.</p> <p>Opportunity for public to comment</p> <p>(3) The Minister must provide reasonable public notice of and a reasonable opportunity for anyone to comment on draft guidelines, codes of practice, agreements, arrangements or criteria under this section.</p> <p>Availability to public</p> <p>(4) Any guidelines, codes of practice, agreements, arrangements or criteria must be made available to the public.</p>		<p>arrangement;</p> <p>(e) if authorized by the regulations, enter into agreements or arrangements with any Indigenous governing body not referred to in paragraph (f) of the definition <i>jurisdiction</i> in section 2 to (i) provide that the Indigenous governing body is considered to be a jurisdiction for the application of this Act on the lands specified in the agreement or arrangement, and</p> <p>(ii) authorize the Indigenous governing body, with respect to those lands, to exercise powers or perform duties or functions in relation to impact assessments under this Act — except for those set out in section 16 — that are specified in the agreement or arrangement;</p> <p>(f) enter into agreements or arrangements with any jurisdiction for the purposes of coordination, consultation, exchange of information and the determination of factors to be considered in relation to the assessment of the effects of designated projects of common interest;</p>
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		<p>(g) establish criteria for the appointment of members of review panels; and</p> <p>(h) establish criteria for the appointment of members of committees established under section 92 or 93.</p> <p>International agreements and arrangements</p> <p>(2) The Minister and the Minister of Foreign Affairs may enter into agreements or arrangements with any jurisdiction referred to in paragraphs (h) and (i) of the definition <i>jurisdiction</i> in section 2 respecting assessments of environmental effects, including for the purposes of implementing the provisions of any international agreement or arrangement respecting the assessment of environmental effects to which the Government of Canada is a party.</p> <p>Opportunity for public to comment</p> <p>(3) The Minister must provide reasonable public notice of and a reasonable opportunity for anyone to comment on draft guidelines, codes of practice, agreements, arrangements or criteria</p>
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			<p>under this section.</p> <p>Availability to public</p> <p>(4) Any guidelines, codes of practice, agreements, arrangements or criteria must be made available to the public.</p> <p>Agreements or arrangements posted on Internet site</p> <p>(5) The Minister must ensure that an agreement or arrangement referred to in paragraph (1)(d) or (e) is posted on the Internet site.</p>
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Section 87			
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<p>Section 87</p> <p>Administration</p> <p>Non-application — national security</p>	<p>Non-application — national security</p> <p>87 (1) The Governor in Council may, by order, exclude a designated project from the application of this Act if, in the Governor in Council's opinion, the designated project is one in relation to which there are matters of national security.</p> <p>Non-application — national emergency or emergency</p> <p>(2) The Minister may, by order, exclude a designated project from the application of this Act if, in the Minister's opinion, the designated project is one to be</p>	<p>Section 115</p> <p>Administration</p> <p>Non-application — national security</p>	<p>Non-application — national security</p> <p>115 (1) The Governor in Council may, by order, exclude a designated project from the application of this Act if, in the Governor in Council's opinion, the designated project is one in relation to which there are matters of national security.</p> <p>Non-application — national emergency or emergency</p> <p>(2) The Minister may, by order, exclude a designated project from the application of this Act if, in the Minister's opinion, the designated project is one to be</p>
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	<p>carried out in response to</p> <p>(a) a national emergency for which special temporary measures are being taken under the Emergencies Act; or</p> <p>(b) an emergency, and carrying out the designated project without delay is in the interest of preventing damage to property or the environment or is in the interest of public health or safety.</p> <p>Posting of notice of order on Internet site</p> <p>(3) The Agency must post on the Internet site a notice of any order made under subsection (2).</p>		<p>carried out in response to</p> <p>(a) a national emergency for which special temporary measures are being taken under the Emergencies Act; or</p> <p>(b) an emergency, and carrying out the designated project without delay is in the interest of preventing damage to property or the environment or is in the interest of public health or safety.</p> <p>Posting of notice of order on Internet site</p> <p>(3) The Agency must post on the Internet site a notice of any order made under subsection (2).</p>
<p><u>Section 88</u></p> <p>Administration</p> <p>Statutory Instruments Act</p>	<p>Statutory Instruments Act</p> <p>88 An order made under subsection 14(2), 37(1), 87(1) or (2), 125(7) or 128(2) is not a statutory instrument for the purposes of the Statutory Instruments Act.</p>	<p><u>Section 116</u></p> <p>Administration</p> <p><i>Statutory Instruments Act</i></p>	<p><i>Statutory Instruments Act</i></p> <p>116 An order made under subsection 9(1) or 115(1) or (2) is not a statutory instrument for the purposes of the Statutory Instruments Act.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 117</u></p> <p>Minister's Advisory Council</p>	<p>Advisory council to be established</p> <p>117 (1) The Minister must establish an advisory council to</p>

		Advisory council to be established	<p>advise him or her on issues related to the implementation of the impact assessment and regional and strategic assessment regimes set out under this Act.</p> <p>Appointment</p> <p>(2) The Minister must appoint members to the advisory council, including a chairperson.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 118</u></p> <p>Minister's Advisory Council</p> <p>Meetings</p>	<p>Meetings</p> <p>118 (1) The advisory council must meet at least once a year.</p> <p>First report</p> <p>(2) Within three months after the end of the fiscal year during which the first anniversary of the coming into force of this Act occurs, the advisory council must submit to the Minister a report setting out the advice it provided during the period beginning on the day on which this Act comes into force and ending on the day on which that fiscal year ends.</p> <p>Subsequent reports</p> <p>(3) Within three months after the end of each period of two fiscal years not addressed by the previous report, the advisory council must provide to the Minister a</p>

			<p>report setting out the advice it provided during that period of two fiscal years.</p> <p>Tabling of report</p> <p>(4) The Minister must cause a copy of the report to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report and then ensure the report is posted on the Internet site.</p> <p>Minister's comments</p> <p>(5) Within 90 days after the day on which he or she receives the report, the Minister must provide his or her comments on the report to the advisory council and then ensure they are posted on the Internet site.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 119</u></p> <p>Traditional Knowledge of the Indigenous Peoples of Canada</p> <p>Confidentiality</p>	<p>Confidentiality</p> <p>119 (1) Any traditional knowledge of the Indigenous peoples of Canada that is provided to the Minister, the Agency or a review panel under this Act in confidence is confidential and must not knowingly be, or be permitted to be, disclosed without written consent.</p>

			<p>Exception</p> <p>(2) Despite subsection (1), the traditional knowledge referred to in that subsection may be disclosed if</p> <p>(a) it is publicly available;</p> <p>(b) the disclosure is necessary for the purposes of procedural fairness and natural justice or for use in legal proceedings; or</p> <p>(c) the disclosure is authorized in the prescribed circumstances.</p> <p>Further disclosure</p> <p>(3) The Minister, the Agency or the review panel, as the case may be, may impose conditions with respect to the disclosure of traditional knowledge by any person to whom it is disclosed under paragraph (2)(b) for the purposes of procedural fairness and natural justice.</p> <p>Duty to comply</p> <p>(4) The person referred to in subsection (3) must comply with any conditions imposed under that subsection.</p>
<u>Section 89</u>	Power to designate	<u>Section 120</u>	Designation

<p>Administration and Enforcement</p> <p>Designation</p> <p>Power to designate</p>	<p>89 (1) The Minister may designate persons or classes of persons for the purposes of the administration and enforcement of this Act.</p> <p>Certificate</p> <p>(2) The Minister must provide every person designated under subsection (1) with a certificate of designation. That person must, if so requested, produce the certificate to the occupant or person in charge of a place referred to in subsection 90(1).</p>	<p>Administration and Enforcement</p> <p>Enforcement Officers and Analysts</p> <p>Designation</p>	<p>120 (1) The Minister may designate persons or classes of persons as enforcement officers or analysts for the purposes of the administration and enforcement of this Act.</p> <p>Certificate</p> <p>(2) The Minister must provide every person designated under subsection (1) with a certificate of designation. That person must, if so requested, produce the certificate to the occupant or person in charge of a place referred to in subsection 122(1).</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 121</u></p> <p>Administration and Enforcement</p> <p>Enforcement Officers and Analysts</p> <p>Immunity</p>	<p>Immunity</p> <p>121 No action or other proceeding of a civil nature lies against an enforcement officer or analyst in respect of anything that is done or omitted to be done in good faith while exercising their powers or performing their duties or functions under this Act.</p>
<p><u>Section 90</u></p> <p>Powers</p> <p>Authority to enter</p>	<p>Authority to enter</p> <p>90 (1) A person who is designated to verify compliance or prevent non-compliance with this Act or orders made</p>	<p><u>Section 122</u></p> <p>Powers</p> <p>Authority to enter</p>	<p>Authority to enter</p> <p>122 (1) An enforcement officer may, for the purpose of verifying compliance or preventing non-</p>

	<p>under section 94 may, for those purposes, enter a place in which they have reasonable grounds to believe a designated project is being carried out or a record or anything relating to a designated project is located.</p> <p>Powers on entry</p> <p>(2) The designated person may, for those purposes,</p> <p>(a) examine anything in the place;</p> <p>(b) use any means of communication in the place or cause it to be used;</p> <p>(c) use any computer system in the place, or cause it to be used, to examine data contained in or available to it;</p> <p>(d) prepare a document, or cause one to be prepared, based on the data;</p> <p>(e) use any copying equipment in the place, or cause it to be used;</p> <p>(f) remove anything from the place for examination or copying;</p> <p>(g) take photographs and make recordings or sketches;</p> <p>(h) order the owner or person in charge of the place or a person at the</p>		<p>compliance with this Act, including an injunction ordered under section 140, enter a place in which they have reasonable grounds to believe a designated project is or was being carried out or a record or anything relating to a designated project is located.</p> <p>Powers on entry</p> <p>(2) The enforcement officer may, for those purposes,</p> <p>(a) examine anything in the place;</p> <p>(b) use any means of communication in the place or cause it to be used;</p> <p>(c) use any computer system in the place, or cause it to be used, to examine data contained in or available to it;</p> <p>(d) prepare a document, or cause one to be prepared, based on the data;</p> <p>(e) use any copying equipment in the place, or cause it to be used;</p> <p>(f) remove anything from the place for examination or copying;</p> <p>(g) take photographs and make recordings or sketches;</p>
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	<p>place to establish their identity to the designated person's satisfaction or to stop or start an activity;</p> <p>(i) order the owner or a person having possession, care or control of anything in the place to not move it, or to restrict its movement, for as long as, in the designated person's opinion, is necessary;</p> <p>(j) direct any person to put any machinery, vehicle or equipment in the place into operation or to cease operating it; and</p> <p>(k) prohibit or limit access to all or part of the place.</p> <p>Duty to assist</p> <p>(3) The owner or person in charge of the place and every person in the place must give all assistance that is reasonably required to enable the designated person to exercise a power or perform a duty or function under this section and must provide any documents, data or information that are reasonably required for that purpose.</p>		<p>(h) direct the owner or person in charge of the place or a person at the place to establish their identity to the enforcement officer's satisfaction or to stop or start an activity;</p> <p>(i) direct the owner or a person having possession, care or control of anything in the place not to move it, or to restrict its movement, for as long as, in the enforcement officer's opinion, is necessary;</p> <p>(j) direct any person to put any machinery, vehicle or equipment in the place into operation or to cease operating it; and</p> <p>(k) prohibit or limit access to all or part of the place.</p> <p>Person accompanying enforcement officer</p> <p>(3) An enforcement officer who enters a place under subsection (1) may be accompanied by any other person that they believe is necessary to help them exercise their powers and perform their duties and functions under this section.</p> <p>Analysts</p> <p>(4) An analyst who accompanies an</p>
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			<p>enforcement officer may exercise any of the powers referred to in paragraphs (2)(a) to (g).</p> <p>Duty to assist</p> <p>(5) The owner or person in charge of the place and every person in the place must give all assistance that is reasonably required to enable the enforcement officer or analyst to exercise a power or perform a duty or function under this section and must provide any documents, data or information that are reasonably required for that purpose.</p>
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Section 91			
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<p>Section 91</p> <p>Powers</p> <p>Warrant for dwelling-house</p>	<p>Warrant for dwelling-house</p> <p>91 (1) If the place is a dwelling-house, the designated person must not enter it without the occupant's consent except under the authority of a warrant issued under subsection (2).</p> <p>Authority to issue warrant</p> <p>(2) On ex parte application, a justice may issue a warrant authorizing a designated person who is named in it to enter a dwelling-house, subject to any conditions specified in the warrant,</p>	<p>Section 123 (1) - (2)</p> <p>Powers</p> <p>Warrant for dwelling-house</p>	<p>Warrant for dwelling-house</p> <p>123 (1) If the place is a dwelling-house, the enforcement officer may enter it without the occupant's consent only under the authority of a warrant issued under subsection (2).</p> <p>Authority to issue warrant</p> <p>(2) On ex parte application, a justice of the peace may issue a warrant authorizing an enforcement officer who is named in it to enter a dwelling-house, subject to any conditions</p>
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	<p>if the justice is satisfied by information on oath that</p> <p>(a) the dwelling-house is a place referred to in subsection 90(1);</p> <p>(b) entry to the dwelling-house is necessary for any of the purposes of that subsection; and</p> <p>(c) entry was refused by the occupant or there are reasonable grounds to believe that entry will be refused or that consent to entry cannot be obtained from the occupant.</p>		<p>specified in the warrant, and authorizing any analyst named in the warrant to accompany the enforcement officer, if the justice is satisfied by information on oath that</p> <p>(a) the dwelling-house is a place referred to in subsection 122(1);</p> <p>(b) entry to the dwelling-house is necessary for any of the purposes of that subsection; and</p> <p>(c) entry was refused by the occupant or there are reasonable grounds to believe that entry will be refused or that consent to entry cannot be obtained from the occupant.</p>
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<p><u>Section 92</u></p> <p>Powers</p> <p>Entry on private property</p>	<p>Entry on private property</p> <p>92 (1) For the purpose of gaining entry to a place referred to in subsection 90(1), a designated person may enter private property and pass through it, and is not liable for doing so. For greater certainty, no person has a right to object to that use of the property and no warrant is required for the entry, unless the</p>	<p><u>Section 124</u></p> <p>Powers</p> <p>Entry on private property</p>	<p>Entry on private property</p> <p>124 (1) For the purpose of gaining entry to a place referred to in subsection 122(1), an enforcement officer and analyst may enter private property and pass through it, and are not liable for doing so. For greater certainty, no person has a right to object to that use of the property</p>
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	<p>property is a dwelling-house.</p> <p>Person accompanying designated person</p> <p>(2) A person may, at the designated person's request, accompany the designated person to assist them to gain entry to the place referred to in subsection 90(1) and is not liable for doing so.</p>		<p>and no warrant is required for the entry, unless the property is a dwelling-house.</p> <p>Person accompanying</p> <p>124 (2) A person may, at an enforcement officer or analyst's request, accompany them to assist them to gain entry to the place referred to in subsection 122(1) and is not liable for doing so.</p>
<p><u>Section 93</u></p> <p>Powers</p> <p>Use of force</p>	<p>Use of force</p> <p>93 In executing a warrant to enter a dwelling-house, a designated person must not use force unless the use of force has been specifically authorized in the warrant and the designated person is accompanied by a peace officer.</p>	<p><u>Section 123 (3)</u></p> <p>Powers</p> <p>Warrant for a dwelling-house</p>	<p>Use of Force</p> <p>123 (3) In executing a warrant to enter a dwelling-house, an enforcement officer or analyst may use force only if the use of force has been specifically authorized in the warrant and the enforcement officer or analyst is accompanied by a peace officer.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 125</u></p> <p>Powers</p> <p>Production of documents</p>	<p>Production of documents</p> <p>125 (1) An enforcement officer may, for the purpose of verifying compliance or preventing non-compliance with this Act, including an injunction ordered under section 140, require any person to produce at a place specified by the</p>

			<p>enforcement officer, within any reasonable time and in the manner specified, any books, records, electronic data or other documents that the enforcement officer believes on reasonable grounds contain any information relevant to the administration of this Act.</p> <p>Proof of delivery</p> <p>(2) The enforcement officer must make the request by a means that provides a record of delivery.</p> <p>Compliance</p> <p>(3) Any person who is required to produce anything under subsection (1) must, despite any other law to the contrary, do so as required.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 126</u></p> <p>Notice of Non-Compliance</p> <p>Issuance</p>	<p>Issuance</p> <p>126 (1) If an enforcement officer believes on reasonable grounds that a person or entity has contravened this Act, they may issue a notice of non-compliance to that person or entity.</p> <p>Contents of notice</p> <p>(2) The notice must be made in writing and must set out</p>

			<p>(a) the name of the person or entity to whom it is directed;</p> <p>(b) the provision of this Act or the regulations, or the condition established under section 64, that is alleged to have been contravened;</p> <p>(c) the relevant facts surrounding the alleged contravention; and</p> <p>(d) a statement that the person or entity may provide comments in response to the notice and the time within which they may do so.</p>
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Section 94			
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<p>Section 94</p> <p>Orders</p> <p>Measures required</p>	<p>Measures required</p> <p>94 (1) If a person designated to verify compliance with this Act believes on reasonable grounds that there is a contravention of this Act, they may, among other things, order a person to</p> <p>(a) stop doing something that is in contravention of this Act or cause it to be stopped; or</p> <p>(b) take any measure that is necessary in order to comply with this Act or to mitigate the effects of non-compliance.</p>	<p>Section 127</p> <p>Orders</p> <p>Measures required</p>	<p>Measures required</p> <p>127 (1) If an enforcement officer believes on reasonable grounds that there is or is likely to be a contravention of this Act, they may, among other things, order a person or entity to</p> <p>(a) stop doing something that is or is likely to be in contravention of this Act or cause it to be stopped; or</p> <p>(b) take any measure that is necessary in order to comply with this Act or to mitigate the effects of non-compliance.</p>
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	<p>Notice</p> <p>(2) The order must be provided in the form of a written notice and must include</p> <p>(a) a statement of the reasons for the order; and</p> <p>(b) the time and manner in which the order must be carried out.</p>		<p>Contents of order</p> <p>(2) Subject to section 128, the order must be made in writing and must set out</p> <p>(a) the name of the person or entity to whom it is directed;</p> <p>(b) the provision of this Act or the regulations, or the condition established under section 64 or added or amended under section 68, that is alleged to have been or that is likely to be contravened;</p> <p>(c) the relevant facts surrounding the alleged contravention;</p> <p>(d) the measures to be taken;</p> <p>(e) the time or the day when each measure is to begin or the period during which it is to be carried out;</p> <p>(f) the duration of the order;</p> <p>(g) a statement that the person or entity may provide comments to the enforcement officer in response to the order; and</p> <p>(h) a statement that a request for a review may be made to the President of the Agency and the time period for</p>
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			<p>doing so.</p> <p>Variation or cancellation of order</p> <p>(3) The enforcement officer may, after giving reasonable notice to all persons or entities named in the order, and so long as the President of the Agency has not received a notice requesting a review of the order,</p> <p>(a) amend or suspend a condition of the order, add a condition to it or delete a condition from it;</p> <p>(b) cancel the order;</p> <p>(c) correct a clerical error in the order; or</p> <p>(d) extend the order's duration.</p>
<p><u>Section 94 (3)</u></p> <p>Orders</p> <p>Measures required</p>	<p>Duty to comply with order</p> <p>(3) Any person to whom an order is given under subsection (1) must comply with the order given.</p>	<p><u>Section 129 (1)</u></p> <p>Orders</p>	<p>Duty to comply with order</p> <p>129 (1) Any person or entity to whom an order is given under section 127 or 128 must comply with the order.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 128</u></p> <p>Orders</p> <p>Exigent Circumstances</p>	<p>Exigent circumstances</p> <p>128 (1) In the case of exigent circumstances, an order may be given orally on the condition that it is followed, within</p>

			<p>seven days, by a written order issued in accordance with section 127.</p> <p>For greater certainty</p> <p>(2) For greater certainty, <i>exigent circumstances</i> includes circumstances in which the delay necessary to issue a written order that meets the requirements of subsection 127(2) would likely result in danger to the environment, human life or health or public safety.</p>
<p><u>Section 95</u></p> <p>Orders</p> <p>Measures taken by designated person</p>	<p>Measures taken by designated person</p> <p>95 If a person does not comply with an order made under subsection 94(1) within the time specified, the designated person may, on their own initiative and at that person's expense, carry out the measure required.</p>	<p><u>Section 129 (2)</u></p> <p>Orders</p> <p>Measures taken by enforcement officer</p>	<p>Measures taken by enforcement officer</p> <p>(2) If the person or entity does not comply with the order within the time specified, the enforcement officer may, on their own initiative and at that person or entity's expense, carry out the measure required.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 130</u></p> <p>Review of Orders</p> <p>Request for Review</p>	<p>Request for Review</p> <p>130 (1) Any person or entity to whom an order is given under section 127 or 128 may, by notice in writing given to the President of the Agency within 30 days after the day on which the person or</p>

			<p>entity receives a copy of the order, make a request to the President for a review of the order</p> <p>Extension of period for request</p> <p>(2) The President of the Agency may extend the period within which a request for a review may be made if, in the President's opinion, it is in the public interest to do so.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 131</u></p> <p>Review of Orders</p> <p>Review</p>	<p>Review</p> <p>131 On receipt of a request made under subsection 130(1), the President of the Agency must designate an individual as a review officer to review the order.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 132</u></p> <p>Review of Orders</p> <p>No automatic stay on review</p>	<p>No automatic stay on review</p> <p>132 (1) Subject to subsection (2), the request for a review of an order does not suspend the operation of an order.</p> <p>Suspension on application</p> <p>(2) A review officer may, on application made by a person or entity to whom an order is given, suspend the operation of the order if</p>

			<p>the review officer considers it appropriate and, in that case, impose on all persons or entities subject to the order conditions that are reasonable in the circumstances and consistent with the protection of the environment, human life or health or public safety.</p> <p>Duration of suspension</p> <p>(3) If the operation of an order is suspended under subsection (2), the period for which the order is issued is suspended until the review is completed.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 133</u></p> <p>Review of Orders</p> <p>Evidence</p>	<p>Evidence</p> <p>133 (1) A review officer may order any person to give evidence in writing or produce any documents and things that the review officer considers relevant for the purpose of performing any of their functions.</p> <p>Enforcement of orders</p> <p>(2) Any order made under subsection (1) may be made an order of the Federal Court or of the superior court of a province and is enforceable in the same manner as an order of</p>

			<p>that court.</p> <p>Procedure</p> <p>(3) An order made under subsection (1) may be made an order of the Federal Court or of the superior court of a province by following the usual practice and procedure of the court in such matters, or by filing a certified copy of the order with the registrar of the court.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 134</u></p> <p>Review of Orders</p> <p>Powers of review officer</p>	<p>Powers of review officer</p> <p>134 A review officer, after considering the order under review and giving all persons or entities who are subject to it a reasonable opportunity to make representations, may</p> <p>a) confirm or cancel the order;</p> <p>(b) amend or suspend a condition of the order, add a condition to it or delete a condition from it; or</p> <p>(c) extend the order's duration.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 135</u></p> <p>Review of Orders</p>	<p>Decision</p> <p>135 (1) A review officer must render a written</p>

		Decision	<p>decision, with reasons, and provide all persons or entities to whom the order was given and the President of the Agency with a copy of the decision and the reasons.</p> <p>Duty to comply with revised order</p> <p>(2) Any person or entity that is subject to an order confirmed or varied under section 134 must comply with the order.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 136</u></p> <p>Review of Orders</p> <p>Immunity</p>	<p>Immunity</p> <p>136 No action or other proceeding of a civil nature may be brought against a review officer in respect of anything that is done or omitted to be done in good faith while exercising their powers or performing their duties or functions under this Act.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 137</u></p> <p>Review of Orders</p> <p>Rules</p>	<p>Rules</p> <p>137 The Agency may make rules</p> <p>(a) governing the practice and procedure for the review of orders;</p> <p>(b) generally, respecting the work of review officers; and</p> <p>(c) for preventing trade</p>

			secrets and information described in section 20 of the Access to Information Act from being disclosed or made public as a result of their being used as evidence before a review officer.
<u>N/A</u>	<u>N/A</u>	<u>Section 138</u> Federal Court Appeal to Federal Court	Appeal to Federal Court 138 The Minister or any person or entity to whom an order, as confirmed or varied by a review officer, is directed may, by filing a written notice of appeal within 30 days after the day on which the written reasons are provided by the review officer under section 135, appeal to the Federal Court from the review officer's decision.
<u>N/A</u>	<u>N/A</u>	<u>Section 139</u> Federal Court Order not suspended	Order not suspended 139 The filing of a notice of appeal under section 138 does not suspend the operation of an order, as confirmed or varied by a review officer.
<u>Section 96</u> Injunctions	Court's power 96 (1) If, on the Minister's application, it appears to a court of competent jurisdiction	<u>Section 140</u> Injunctions Court's power	Court's power 140 (1) If, on the Minister's application, it appears to a court of competent jurisdiction

<p>Court's power</p>	<p>that a person has done, is about to do or is likely to do any act constituting or directed toward the commission of an offence under section 99, the court may issue an injunction ordering the person who is named in the application to</p> <p>(a) refrain from doing an act that, in the court's opinion, may constitute or be directed toward the commission of the offence; or</p> <p>(b) do an act that, in the opinion of the court, may prevent the commission of the offence.</p> <p>Notice</p> <p>(2) At least 48 hours before the injunction is issued, notice of the application must be given to persons named in the application, unless the urgency of the situation is such that the delay involved in giving the notice would not be in the public interest.</p>		<p>that a person or entity has done, is about to do or is likely to do any act constituting or directed toward the commission of an offence under this Act, the court may issue an injunction ordering the person or entity who is named in the application to</p> <p>(a) refrain from doing an act that, in the court's opinion, may constitute or be directed toward the commission of the offence; or</p> <p>(b) do an act that, in the court's opinion, may prevent the commission of the offence.</p> <p>Notice</p> <p>(2) No injunction is to be issued under subsection (1) unless 48 hours' notice is served on the party or parties who are named in the application or unless the urgency of the situation is such that service of notice would not be in the public interest.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 141</u></p> <p>Voluntary Reports</p> <p>Voluntary reports</p>	<p>Voluntary reports</p> <p>141 (1) If a person has knowledge of the commission or reasonable likelihood of the commission of an offence under this Act, but is not required to</p>

			<p>report the matter under this Act, the person may report any information relating to the offence or likely offence to an enforcement officer or the Agency.</p> <p>Request for confidentiality</p> <p>(2) The person making the report may request that their identity, and any information that may reveal their identity, not be disclosed.</p> <p>Due diligence</p> <p>(3) An enforcement officer and the Agency must exercise all due diligence to not disclose the identity of a person who makes a request under subsection (2) or any information that may reveal their identity.</p> <p>Prohibition</p> <p>(4) A person not referred to in subsection (3), or an entity, must not disclose the identity of a person who makes a request under subsection (2) or any information that may reveal that person's identity unless that person authorizes the disclosure in writing.</p> <p>Employee protection</p> <p>(5) Despite any other Act of Parliament, an</p>
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			<p>employer must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, with the intent to retaliate against the employee because the employee has</p> <p>(a) made a report under subsection (1);</p> <p>(b) acting in good faith and on the basis of reasonable belief, refused or stated an intention of refusing to do anything that is an offence under this Act; or</p> <p>(c) acting in good faith and on the basis of reasonable belief, done or stated an intention of doing anything that is required to be done by or under this Act.</p>
<p><u>Section 97</u></p> <p>Prohibitions and Offences</p> <p>Obstruction</p>	<p>Obstruction</p> <p>97 It is prohibited to obstruct or hinder a designated person who is exercising their powers or performing their duties and functions under this Act.</p>	<p><u>Section 142</u></p> <p>Prohibitions and Offences</p> <p>Obstruction</p>	<p>Obstruction</p> <p>142 A person or entity must not obstruct or hinder an enforcement officer or analyst who is exercising their powers or performing their duties or functions under this Act.</p>

<p><u>Section 98</u></p> <p>Prohibitions and Offences</p> <p>False statements or information</p>	<p>False statements or information</p> <p>98 It is prohibited to knowingly make a false or misleading statement or knowingly provide false or misleading information in connection with any matter under this Act to any person who is exercising their powers or performing their duties and functions under this Act.</p>	<p><u>Section 143</u></p> <p>Prohibitions and Offences</p> <p>False statements or information</p>	<p>False statements or information</p> <p>143 A person or entity must not make a false or misleading statement or provide false or misleading information in connection with any matter under this Act to any person who is exercising their powers or performing their duties or functions under this Act.</p>
<p><u>Section 99 & 100</u></p> <p><u>Section 99</u></p> <p>Prohibitions and Offences</p> <p>Contravention — section 6</p>	<p>Contravention — section 6</p> <p>99 (1) Any proponent who contravenes section 6 is guilty of an offence punishable on summary conviction and is liable, for a first offence, to a fine of not more than \$200,000 and, for any subsequent offence, to a fine of not more than \$400,000.</p> <p>Contravention — subsection 94(3)</p> <p>(2) A person who contravenes subsection 94(3) is guilty of an offence punishable on summary conviction and is liable, for a first offence, to a fine of not more than \$200,000 and, for any subsequent offence, to a fine of not more than \$400,000.</p> <p>Contravention —</p>	<p><u>Section 144 & 146</u></p> <p><u>Section 144</u></p> <p>Prohibitions and Offences</p> <p>Offences</p>	<p>Offences</p> <p>144 (1) Every person or entity commits an offence that</p> <p>(a) contravenes section 7, subsection 122(5), 125(3), 129(1), 135(2) or 141(4) or (5) or section 142 or 143;</p> <p>(b) contravenes a condition established under subsection 64(2) or added or amended under section 68 with which the person or entity must comply; or</p> <p>(c) omits to provide to the Minister information required to be provided under subsection 72(1).</p> <p>Penalty — individuals</p> <p>(2) Every individual who commits an offence under subsection (1) is</p>

<p>Section 100</p> <p>Prohibitions and Offences</p> <p>Contravention — section 98</p>	<p>section 97</p> <p>(3) Any person who contravenes section 97 is guilty of an offence punishable on summary conviction and is liable, for a first offence, to a fine of not more than \$100,000 and, for any subsequent offence, to a fine of not more than \$300,000.</p> <p>Continuing offences</p> <p>(4) If an offence under subsection (1) or (2) is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.</p> <p>Due diligence defence</p> <p>(5) A person must not be found guilty of an offence under subsection (1), (2) or (3) if they establish that they exercised due diligence to prevent the commission of the offence.</p> <p>Contravention — section 98</p> <p>100 Any person who contravenes section 98 is guilty of an offence punishable on summary conviction and is liable to a fine of not more than \$300,000.</p>		<p>liable on summary conviction</p> <p>(a) for a first offence, to a fine of not less than \$5,000 and not more than \$300,000; and</p> <p>(b) for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000.</p> <p>Penalty — small revenue corporations or entities</p> <p>(3) Every corporation or entity that commits an offence under subsection (1) and that the court determines under section 145 to be a small revenue corporation or entity is liable on summary conviction</p> <p>(a) for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000; and</p> <p>(b) for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000.</p> <p>Penalty — other corporations or entities</p> <p>(4) Every corporation or entity, other than a corporation or entity referred to in subsection (3), that commits an offence under subsection (1) is liable</p>
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			<p>on summary conviction</p> <p>(a) for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000; and</p> <p>(b) for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000.</p>
		<p><u>Section 146</u></p> <p>Prohibitions and Offences</p> <p>Continuing Offences</p>	<p>Continuing offences</p> <p>146 (1) If an offence of contravening section 7, subsection 129(1) or 135(2) or section 142, or an offence under paragraph 144(1)(b), is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.</p> <p>Due diligence defence</p> <p>(2) A person or entity must not be found guilty of an offence for a contravention of section 7, subsection 129(1) or 135(2) or section 142, or of an offence under paragraph 144(1)(b), if they establish that they exercised due diligence to prevent the commission of the offence.</p>
<u>N/A</u>	<u>N/A</u>	<u>Section 145</u>	Determination of small revenue

		<p>Prohibitions and Offences</p> <p>Determination of small revenue corporation or entity status</p>	<p>corporation or entity status</p> <p>145 For the purpose of subsection 144(3), a court may determine a corporation or entity to be a small revenue corporation or entity if the court is satisfied that the gross revenues of the corporation or entity for the 12 months immediately before the day on which the subject matter of the proceedings arose — or, if it arose on more than one day, for the 12 months immediately before the first day on which the subject matter of the proceedings arose — were not more than \$5,000,000.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 147</u></p> <p>Prohibitions and Offences</p> <p>Liability of senior officers</p>	<p>Liability of senior officers</p> <p>147 If a corporation or entity commits an offence under this Act, any <i>senior officer</i>, as defined in section 2 of the Criminal Code, of the corporation or entity who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence, and is liable on conviction to the penalty provided for by this Act for an individual in respect of the offence</p>

			committed by the corporation or entity, whether or not the corporation or entity has been prosecuted.
<u>N/A</u>	<u>N/A</u>	<u>Section 148</u> Prohibitions and Offences Duties of senior officers	Duties of senior officers 148 Every <i>senior officer</i> , as defined in section 2 of the Criminal Code, of a corporation or entity must take all reasonable care to ensure that the corporation or entity complies with this Act and any order issued by an enforcement officer or review officer.
<u>N/A</u>	<u>N/A</u>	<u>Section 151</u> Prohibitions and Offences Notice to shareholders	Notice to shareholders 151 If a corporation that has shareholders is convicted of an offence under this Act, the court must make an order directing the corporation to notify its shareholders, in the manner and within the time directed by the court, of the facts relating to the commission of the offence and of the details of the punishment imposed.
<u>Section 101</u>	Limitation period	<u>Section 149</u>	Limitation period or

<p>Prohibitions and Offences</p> <p>Limitation period</p>	<p>101 Proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within two years after the day on which the Minister becomes aware of the acts or omissions that constitute the alleged offence.</p>	<p>Prohibitions and Offences</p> <p>Limitation period or prescription</p>	<p>prescription</p> <p>149 Proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within two years after the day on which the Minister becomes aware of the acts or omissions that constitute the alleged offence.</p>
<p><u>Section 102</u></p> <p>Prohibitions and Offences</p> <p>Admissibility of evidence</p>	<p>Admissibility of evidence</p> <p>102 (1) In proceedings for an offence under this Act, a statement, certificate, report or other document of the Minister, the responsible authority or the designated person that is purported to have been signed by that person or authority is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence to the contrary, is proof of the matters asserted in it.</p> <p>Copies and extracts</p> <p>(2) In proceedings for an offence under this Act, a copy of or an extract from any document that is made by the Minister, the responsible authority or</p>	<p><u>Section 150</u></p> <p>Prohibitions and Offences</p> <p>Admissibility of evidence</p>	<p>Admissibility of evidence</p> <p>150 (1) In proceedings for an offence under this Act, a statement, certificate, report or other document of the Minister, an officer or employee of the Agency, an enforcement officer or an analyst that is purported to have been signed by that person is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence to the contrary, is proof of the matters asserted in it.</p> <p>Copies and extracts</p> <p>(2) In proceedings for an offence under this Act, a copy of or an extract from any document that is made by the Minister, an</p>

	<p>the designated person that appears to have been certified under the signature of that person or authority as a true copy or extract is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence to the contrary, has the same probative force as the original would have if it were proved in the ordinary way.</p> <p>Presumed date of issue</p> <p>(3) A document referred to in this section is, in the absence of evidence to the contrary, presumed to have been issued on the date that it bears.</p> <p>Notice</p> <p>(4) No document referred to in this section may be received in evidence unless the party intending to produce it has provided reasonable notice of that intention to the party against whom it is intended to be produced together with a copy of the document.</p>		<p>officer or employee of the Agency, an enforcement officer or an analyst that appears to have been certified under the signature of that person as a true copy or extract is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence to the contrary, has the same probative force as the original would have if it were proved in the ordinary way.</p> <p>Presumed date of issue</p> <p>(3) A document referred to in this section is, in the absence of evidence to the contrary, presumed to have been issued on the date that it bears.</p> <p>Notice</p> <p>(4) No document referred to in this section may be received in evidence unless the party intending to produce it has provided reasonable notice of that intention to the party against whom it is intended to be produced together with a copy of the document.</p>
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<u>N/A</u>	<u>N/A</u>	<u>Section 152</u> Publication Power	152 The Agency must publish, in the manner it considers appropriate, (a) information or a document provided by a proponent to comply with a condition established under section 64 or added or amended under section 68; (b) a summary of a report that an enforcement officer or analyst may prepare in the exercise of their powers or the performance of their duties and functions under sections 122 to 125; (c) a notice of non-compliance referred to in section 126; (d) a written order issued by an enforcement officer in accordance with section 127 or by a review officer under section 134; or (e) a decision rendered under section 135.
<u>Section 103</u> Canadian Environmental Assessment Agency Agency continued	Agency continued 103 (1) The Canadian Environmental Assessment Agency is continued and must advise and assist the Minister in exercising the powers and performing the duties	<u>Section 153</u> Impact Assessment Agency of Canada Agency continued	Agency continued 153 (1) The Canadian Environmental Assessment Agency is continued as the Impact Assessment Agency of Canada. The Impact Assessment Agency must advise and assist

	<p>and functions conferred on him or her by this Act.</p> <p>Minister's responsibility</p> <p>(2) The Minister is responsible for the Agency.</p>		<p>the Minister in exercising the powers and performing the duties and functions conferred on him or her by this Act.</p> <p>Minister's responsibility</p> <p>(2) The Minister is responsible for the Agency.</p>
<p><u>Section 104</u></p> <p>Canadian Environmental Assessment Agency</p> <p>Delegation to Agency</p>	<p>Delegation to Agency</p> <p>104 (1) The Minister may, subject to any terms and conditions that the Minister specifies, delegate to an officer or employee of the Agency any of the powers, duties and functions that the Minister is authorized to exercise or perform under this Act.</p> <p>Restriction</p> <p>(2) However, the Minister is not authorized to delegate a power to make regulations nor a power to delegate under subsection (1).</p>	<p><u>Section 154</u></p> <p>Impact Assessment Agency of Canada</p> <p>Delegation to Agency</p>	<p>Delegation to Agency</p> <p>154 (1) The Minister may, subject to any terms and conditions that the Minister specifies, delegate to an officer or employee of the Agency any of the powers, duties and functions that the Minister is authorized to exercise or perform under this Act.</p> <p>Restriction</p> <p>(2) However, the Minister is not authorized to delegate a power to make regulations or a power to delegate under subsection (1).</p>
<p><u>Section 105</u></p> <p>Canadian Environmental Assessment Agency</p>	<p>Agency's objects</p> <p>105 The Agency's objects are</p> <p>(a) to conduct or administer environmental</p>	<p><u>Section 155</u></p> <p>Impact Assessment Agency of Canada</p>	<p>Agency's objects</p> <p>155 The Agency's objects are</p> <p>(a) to conduct or administer impact assessments and</p>

<p>Agency's objects</p>	<p>assessments and administer any other requirements and procedures established by this Act and the regulations;</p> <p>(b) to promote uniformity and harmonization in relation to the assessment of environmental effects across Canada at all levels of government;</p> <p>(c) to promote or conduct research in matters of environmental assessment and to encourage the development of environmental assessment techniques and practices, including testing programs, alone or in cooperation with other agencies or organizations;</p> <p>(d) to promote environmental assessment in a manner that is consistent with the purposes of this Act;</p> <p>(e) to promote, monitor and facilitate compliance with this Act;</p> <p>(f) to promote and monitor the quality of environmental assessments conducted under this Act; and</p> <p>(g) to engage in consultation with</p>	<p>Agency's objects</p>	<p>administer any other requirements and procedures established by this Act and the regulations;</p> <p>(b) to coordinate — during the period that begins on the day on which a copy of the description of the project referred to in subsection 10(1) is posted on the Internet site, and that ends on the day on which the decision statement in respect of the project is issued — consultations with Indigenous groups that may be affected by the carrying out of a designated project;</p> <p>(c) to promote uniformity and harmonization in relation to the assessment of effects across Canada at all levels of government;</p> <p>(d) to promote or conduct research in matters of impact assessment and to encourage the development of impact assessment techniques and practices, including testing programs, alone or in cooperation with other agencies or organizations;</p> <p>(e) to promote impact assessment in a manner that is consistent with the purposes of this Act;</p>
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	<p>Aboriginal peoples on policy issues related to this Act.</p>		<p>(f) to promote, monitor and facilitate compliance with this Act;</p> <p>(g) to promote and monitor the quality of impact assessments conducted under this Act;</p> <p>(h) to develop policy related to this Act; and</p> <p>(i) to engage in consultation with the Indigenous peoples of Canada on policy issues related to this Act.</p>
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<p>Section 106 Agency's duties Section 156 Agency's duties</p>			
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<p>Section 106</p> <p>Canadian Environmental Assessment Agency</p> <p>Agency's duties</p>	<p>106 (1) In carrying out its objects, the Agency must</p> <p>(a) provide support for review panels and any committees established under section 73 or under an agreement or arrangement entered into under paragraph 74(1)(a) or (b);</p> <p>(b) provide, on the Minister's request, administrative support for any research and advisory body established under paragraph 86(1)(b); and</p> <p>(c) provide information or training to facilitate the application of this</p>	<p>Section 156</p> <p>Impact Assessment Agency of Canada</p> <p>Agency's duties</p>	<p>156 (1) In carrying out its objects, the Agency must</p> <p>(a) provide support for review panels and any committees established under section 92 or under an agreement or arrangement entered into under paragraph 93(1)(a) or (b);</p> <p>(b) provide, on the Minister's request, administrative support for any research and advisory body established under paragraph 114(1)(b); and</p> <p>(c) provide information or training to facilitate</p>
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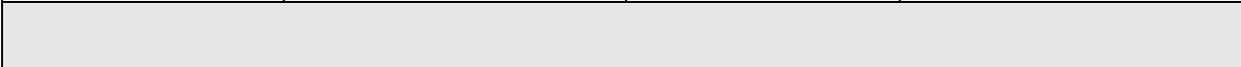
	<p>Act.</p> <p>Agency's powers</p> <p>(2) In carrying out its objects, the Agency may</p> <p>(a) undertake studies or activities or conduct research relating to environmental assessment;</p> <p>(b) advise persons and organizations on matters relating to the assessment of environmental effects; and</p> <p>(c) negotiate agreements or arrangements referred to in paragraph 86(1)(c) or (d) on the Minister's behalf.</p>		<p>the application of this Act.</p> <p>Agency's powers</p> <p>(2) In carrying out its objects, the Agency may</p> <p>(a) undertake studies or activities or conduct research relating to impact assessment;</p> <p>(b) advise persons and organizations on matters relating to the assessment of effects;</p> <p>(c) issue guidelines and codes of practice;</p> <p>(d) negotiate agreements or arrangements referred to in paragraphs 114(1)(c) to (f) on the Minister's behalf; and</p> <p>(e) establish research and advisory bodies for matters related to impact assessment, including with respect to the interests and concerns of Indigenous peoples of Canada, and appoint as a member of any such bodies one or more persons.</p>
<u>N/A</u>	<u>N/A</u>	<u>Section 157</u> Impact Assessment Agency of Canada	<p>Expert committee</p> <p>157 (1) The Agency must establish an expert committee to advise it on issues related to impact assessments, including</p>

		Expert committee	<p>scientific, environmental, health, social or economic issues.</p> <p>Appointment</p> <p>(2) The Agency may appoint any person with relevant knowledge or experience as a member of the expert committee. The membership of the committee must include at least one Indigenous person.</p> <p>Publication</p> <p>(3) The Agency must post on the Internet site all advice it receives from the expert committee.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 158</u></p> <p>Impact Assessment Agency of Canada</p> <p>Advisory committee — interests and concerns of Indigenous peoples</p>	<p>Advisory committee — interests and concerns of Indigenous peoples</p> <p>158 (1) The Agency must establish an advisory committee to advise it with respect to the interests and concerns of the Indigenous peoples of Canada in relation to assessments to be conducted under this Act.</p>
<p><u>Section 107</u></p> <p>Canadian Environmental</p>	<p>Using government facilities</p> <p>107 In exercising its</p>	<p><u>Section 159</u></p> <p>Impact Assessment</p>	<p>Using government facilities</p> <p>159 In exercising its</p>

<p>Assessment Agency</p> <p>Using government facilities</p>	<p>powers and performing its duties and functions under this Act, the Agency must, when appropriate, make use of the services and facilities of departments, boards and agencies of the Government of Canada.</p>	<p>Agency of Canada</p> <p>Using government facilities</p>	<p>powers and performing its duties and functions under this Act, the Agency must, when appropriate, make use of the services and facilities of departments, boards and agencies of the Government of Canada.</p>
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<p><u>Section 108</u></p> <p>Canadian Environmental Assessment Agency</p> <p>President</p>	<p>President</p> <p>108 (1) The Governor in Council appoints an officer to be the President of the Agency, to hold office during pleasure, who is, for the purposes of this Act, a deputy of the Minister.</p> <p>President — chief executive officer</p> <p>(2) The President is the Agency's chief executive officer, and may exercise all of the Minister's powers under this Act as authorized by the Minister.</p> <p>Acting President — Executive Vice-president</p> <p>(3) Subject to subsection (5), in the event of the absence or incapacity of the President or a vacancy in that office, the Executive Vice-president acts as, and exercises the powers of, the President in the</p>	<p><u>Section 160</u></p> <p>Impact Assessment Agency of Canada</p> <p>President</p>	<p>President</p> <p>160 (1) The Governor in Council appoints an officer to be the President of the Agency, to hold office during pleasure, who is, for the purposes of this Act, a deputy of the Minister.</p> <p>President — chief executive officer</p> <p>(2) The President is the Agency's chief executive officer, and may exercise all of the Minister's powers under this Act as authorized by the Minister.</p> <p>Acting President — Executive Vice-president</p> <p>(3) Subject to subsection (5), in the event of the absence or incapacity of the President or a vacancy in that office, the Executive Vice-president acts as, and exercises the powers of, the President in the</p>

	<p>interim.</p> <p>Acting President — other person</p> <p>(4) Subject to subsection (5), the Minister may appoint a person other than the Executive Vice-president to act as the President in the interim.</p> <p>Governor in Council's approval required</p> <p>(5) The Executive Vice-president, or a person appointed under subsection (4), must not act as the President for a period exceeding 90 days without the Governor in Council's approval.</p>		<p>interim.</p> <p>Acting President — other person</p> <p>(4) Subject to subsection (5), the Minister may appoint a person other than the Executive Vice-president to act as the President in the interim.</p> <p>Governor in Council's approval required</p> <p>(5) The Executive Vice-president, or a person appointed under subsection (4), must not act as the President for a period exceeding 90 days without the Governor in Council's approval.</p>
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<p><u>Section 109</u></p> <p>Canadian Environmental Assessment Agency</p> <p>Executive Vice-president</p>	<p>Executive Vice-president</p> <p>109 (1) The Governor in Council may appoint an officer to be the Executive Vice-president of the Agency and to hold office during pleasure.</p> <p>Powers, duties and functions</p> <p>(2) The Executive Vice-president must exercise any powers and perform any duties and functions that the President may assign.</p>	<p><u>Section 161</u></p> <p>Impact Assessment Agency of Canada</p> <p>Executive Vice-president</p>	<p>Executive Vice-president</p> <p>161 (1) The Governor in Council may appoint an officer to be the Executive Vice-president of the Agency and to hold office during pleasure.</p> <p>Powers, duties and functions</p> <p>(2) The Executive Vice-president must exercise any powers and perform any duties and functions that the President may assign.</p>
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<p><u>Section 110</u></p> <p>Canadian Environmental Assessment Agency</p> <p>Remuneration</p>	<p>Remuneration</p> <p>110 The President and the Executive Vice-president are to be paid any remuneration that the Governor in Council may fix.</p>	<p><u>Section 162</u></p> <p>Impact Assessment Agency of Canada</p> <p>Remuneration</p>	<p>Remuneration</p> <p>162 The President and the Executive Vice-president are to be paid any remuneration that the Governor in Council may fix.</p>
<p><u>Section 111</u></p> <p>Canadian Environmental Assessment Agency</p> <p>Appointment under Public Service Employment Act</p>	<p>Appointment under Public Service Employment Act</p> <p>111 The employees who are necessary to carry out the Agency's work are to be appointed in accordance with the Public Service Employment Act.</p>	<p><u>Section 163</u></p> <p>Impact Assessment Agency of Canada</p> <p>Appointment under <i>Public Service Employment Act</i></p>	<p>Appointment under <i>Public Service Employment Act</i></p> <p>163 The employees who are necessary to carry out the Agency's work are to be appointed in accordance with the Public Service Employment Act.</p>
<p><u>Section 112</u></p> <p>Canadian Environmental Assessment Agency</p> <p>Head office</p>	<p>Head office</p> <p>112 The head office of the Agency is to be in the National Capital Region as described in the schedule to the National Capital Act.</p>	<p><u>Section 164</u></p> <p>Impact Assessment Agency of Canada</p> <p>Head office</p>	<p>Head office</p> <p>164 The head office of the Agency is to be in the National Capital Region as described in the schedule to the National Capital Act.</p>
<p><u>Section 113</u></p> <p>Canadian Environmental Assessment Agency</p> <p>Contracts, etc., binding on Her Majesty</p>	<p>Contracts, etc., binding on Her Majesty</p> <p>113 (1) Every contract, memorandum of understanding and arrangement entered into by the Agency in its own name is binding on Her Majesty in right of Canada to the same</p>	<p><u>Section 165</u></p> <p>Impact Assessment Agency of Canada</p> <p>Contracts, etc., binding on Her Majesty</p>	<p>Contracts, etc., binding on Her Majesty</p> <p>165 (1) Every contract, memorandum of understanding and arrangement entered into by the Agency in its own name is binding on Her Majesty in right of Canada to the same</p>

	<p>extent as it is binding on the Agency.</p> <p>Legal proceedings</p> <p>(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Agency, whether in its own name or in the name of Her Majesty in right of Canada, may be brought or taken by or against the Agency in its own name in any court that would have jurisdiction if the Agency were a corporation that is not an agent of Her Majesty.</p>		<p>extent as it is binding on the Agency.</p> <p>Legal proceedings</p> <p>(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Agency, whether in its own name or in the name of Her Majesty in right of Canada, may be brought or taken by or against the Agency in its own name in any court that would have jurisdiction if the Agency were a corporation that is not an agent of Her Majesty.</p>
<p><u>Section 114</u></p> <p>Annual Report</p> <p>Annual report to Parliament</p>	<p>Annual report to Parliament</p> <p>114 (1) The Minister must, at the end of each fiscal year, prepare a report on the Agency's activities and the administration and implementation of this Act during the previous fiscal year.</p> <p>Tabling in Parliament</p> <p>(2) The Minister must, during the fiscal year after the fiscal year for which the report is prepared, cause the report to be laid before each House of Parliament.</p>	<p><u>Section 166</u></p> <p>Annual Report</p> <p>Annual report to Parliament</p>	<p>Annual report to Parliament</p> <p>166 (1) The Minister must, at the end of each fiscal year, prepare a report on the Agency's activities and the administration and implementation of this Act during the previous fiscal year.</p> <p>Tabling in Parliament</p> <p>(2) The Minister must, during the fiscal year after the fiscal year for which the report is prepared, cause the report to be laid before each House of Parliament.</p>

<u>N/A</u>	<u>N/A</u>	<p><u>Section 167</u></p> <p>Review of Act</p> <p>Review of Act after 10 years</p>	<p>Review of Act after 10 years</p> <p>167 Ten years after the day on which this Act comes into force, a comprehensive review of the provisions and operation of the Act is to be undertaken by the committee of the Senate, of the House of Commons or of both Houses of Parliament that is designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.</p>
<p><u>Section 115</u></p> <p>Transitional Provisions</p> <p>Definitions</p>	<p>Definitions</p> <p>115 The following definitions apply in this section and sections 116 to 129.</p> <p>former Act means the Canadian Environmental Assessment Act, chapter 37 of the Statutes of Canada, 1992. (<i>an-cienne loi</i>)</p> <p>former Agency means the Canadian Environmental Assessment Agency established by section 61 of the former Act. (<i>ancienne Agence</i>)</p>	<p><u>Section 168</u></p> <p>Transitional Provisions</p> <p>Definitions</p>	<p>Definitions</p> <p>168 The following definitions apply in this section and sections 169 to 188.</p> <p>1992 Act means the Canadian Environmental Assessment Act. (<i>Loi de 1992</i>)</p> <p>2012 Act means the Canadian Environmental Assessment Act, 2012. (<i>Loi de 2012</i>)</p> <p>environmental assessment has the same meaning as in subsection 2(1) of the 2012 Act. (<i>évaluation</i>)</p>

			<p><i>environ-nementale)</i></p> <p>former Agency means the Canadian Environmental Assessment Agency continued under section 103 of the 2012 Act. (<i>ancienne Agence</i>)</p>
<p><u>Section 116</u></p> <p>Transitional Provisions</p> <p>President of former Agency</p>	<p>President of former Agency</p> <p>116 The person who holds the office of President of the former Agency immediately before the day on which this Act comes into force continues in office as the President of the Agency until the expiry or revocation of the appointment.</p>	<p><u>Section 169</u></p> <p>Transitional Provisions</p> <p>President of former Agency</p>	<p>President of former Agency</p> <p>169 The person who holds the office of President of the former Agency immediately before the day on which this Act comes into force continues in office as the President of the Agency until the expiry or revocation of the appointment.</p>
<p><u>Section 117</u></p> <p>Transitional Provisions</p> <p>Executive Vice-president of former Agency</p>	<p>Executive Vice-president of former Agency</p> <p>117 The person who holds the office of Executive Vice-president of the former Agency immediately before the day on which this Act comes into force continues in office as the Executive Vice-president of the Agency until the expiry or revocation of the appointment.</p>	<p><u>Section 170</u></p> <p>Transitional Provisions</p> <p>Executive Vice-president of former Agency</p>	<p>Executive Vice-president of former Agency</p> <p>Executive Vice-president of former Agency</p> <p>170 The person who holds the office of Executive Vice-president of the former Agency immediately before the day on which this Act comes into force continues in office as the Executive Vice-president of the Agency until the expiry or revocation of the</p>

			appointment.
<p><u>Section 118</u></p> <p>Transitional Provisions</p> <p>Employment continued</p>	<p>Employment continued</p> <p>118 (1) Nothing in this Act is to be construed to affect the status of an employee who, immediately before the day on which this Act comes into force, occupied a position in the former Agency, except that the employee is to, on that day, occupy their position in the Agency.</p> <p>Definition of <i>employee</i></p> <p>(2) For the purposes of this section, <i>employee</i> has the same meaning as in subsection 2(1) of the Public Service Employment Act.</p>	<p><u>Section 171</u></p> <p>Transitional Provisions</p> <p>Employment continued</p>	<p>Employment continued</p> <p>171 (1) Nothing in this Act is to be construed to affect the status of an employee who, immediately before the day on which this Act comes into force, occupies a position in the former Agency, except that the employee, on that day, occupies their position in the Agency.</p> <p>Definition of <i>employee</i></p> <p>(2) For the purposes of this section, <i>employee</i> has the same meaning as in subsection 2(1) of the Public Service Employment Act.</p>
<p><u>Section 119</u></p> <p>Transitional Provisions</p> <p>References</p>	<p>References</p> <p>119 Every reference to the former Agency in any deed, contract, agreement or other document executed by the former Agency in its own name is, unless the context otherwise requires, to be read as a reference to the Agency.</p>	<p><u>Section 172</u></p> <p>Transitional Provisions</p> <p>References</p>	<p>References</p> <p>172 Every reference to the former Agency in any deed, contract, agreement or other document executed, or in Quebec, signed, by the former Agency in its own name is, unless the context otherwise requires, to be read as a reference to the Agency.</p>
<p><u>Section 120</u></p>	<p>Transfer of rights and</p>	<p><u>Section 173</u></p>	<p>Transfer of rights and</p>

<p>Transitional Provisions</p> <p>Transfer of rights and obligations</p>	<p>obligations</p> <p>120 All rights and property of the former Agency and of Her Majesty in right of Canada that are under the administration and control of the former Agency and all obligations of the former Agency are transferred to the Agency.</p>	<p>Transitional Provisions</p> <p>Transfer of rights and obligations</p>	<p>obligations</p> <p>173 All rights and property of the former Agency and of Her Majesty in right of Canada that are under the administration and control of the former Agency and all obligations of the former Agency are transferred to the Agency.</p>
<p><u>Section 121</u></p> <p>Transitional Provisions</p> <p>Commencement of legal proceedings</p>	<p>Commencement of legal proceedings</p> <p>121 Any action, suit or other legal proceeding in respect of an obligation or liability incurred by the former Agency may be brought against the Agency in any court that would have had jurisdiction if the action, suit or other legal proceeding had been brought against the former Agency.</p>	<p><u>Section 174</u></p> <p>Transitional Provisions</p> <p>Commencement of legal proceedings</p>	<p>Commencement of legal proceedings</p> <p>174 Any action, suit or other legal proceeding in respect of an obligation or liability incurred by the former Agency may be brought against the Agency in any court that would have had jurisdiction if the action, suit or other legal proceeding had been brought against the former Agency.</p>
<p><u>Section 122</u></p> <p>Transitional Provisions</p> <p>Continuation of legal proceedings</p>	<p>Continuation of legal proceedings</p> <p>122 Any action, suit or other legal proceeding to which the former Agency is party that is pending in any court immediately before the day on which this Act comes into force may be continued by or against the Agency in like manner and to the same extent as it could have been continued by</p>	<p><u>Section 175</u></p> <p>Transitional Provisions</p> <p>Continuation of legal proceedings</p>	<p>Continuation of legal proceedings</p> <p>175 Any action, suit or other legal proceeding to which the former Agency is party that is pending in any court immediately before the day on which this Act comes into force may be continued by or against the Agency in the same manner and to the same extent as it could have been</p>

	or against the former Agency.		continued by or against the former Agency.
<u>Section 123</u> Transitional Provisions Appropriations	Appropriations 123 Any amount appropriated, for the fiscal year in which this Act comes into force, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the former Agency and that, on the day on which this Act comes into force, is unexpended is considered, on that day, to be an amount appropriated for defraying the charges and expenses of the Agency.	<u>Section 176</u> Transitional Provisions Appropriations	Appropriations 176 Any amount that is appropriated by an Act of Parliament for the fiscal year in which this Act comes into force to defray the expenditures of the former Agency and that is unexpended on the day on which this Act comes into force is deemed to be an amount appropriated to defray the expenditures of the Agency.
<u>N/A</u>	<u>N/A</u>	<u>Section 177</u> Transitional Provisions Persons designated	Persons designated 177 A person or class of persons who are designated under subsection 89(1) of the 2012 Act, immediately before the day on which this Act comes into force, are deemed to have been designated as enforcement officers under subsection 120(1) of this Act.
<u>Section 124</u> Transitional Provisions	Completion of screenings commenced under former Act	<u>Section 178</u> Transitional Provisions	Screenings commenced under 1992 Act 178 Any screening of a

<p>Completion of screenings commenced under former Act</p>	<p>124 (1) Subject to subsections (3) to (5), any screening of a project commenced under the former Act before the day on which this Act comes into force must, if the project is a designated project, be continued and completed as if the former Act had not been repealed.</p> <p>Minister's power</p> <p>(2) The Minister may, only on the day on which this Act comes into force, exercise the power conferred by subsection 14(2) with respect to a physical activity that is included in a project that was the subject of a screening commenced under the former Act before the day on which this Act comes into force, and that is not completed on that day and that is not, on that day, a designated project.</p> <p>Time limit</p> <p>(3) The responsible authority with respect to the project to which subsection (1) applies must take a course of action under section 20 of the former Act no later than 365 days after the day on which this Act comes into force.</p> <p>Exclusion</p>	<p>Screenings commenced under 1992 Act</p>	<p>project commenced under the 1992 Act in respect of which the responsible authority has</p> <p>not, before the day on which this Act comes into force, taken a course of action under section 20 of that Act is terminated.</p>
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	<p>(4) If the responsible authority under subsection 18(2) of the former Act requires the proponent of the project to collect information or undertake a study with respect to the project, the period that is taken by the proponent, in the opinion of the responsible authority, to comply with the requirement, is not included in the calculation of the 365-day time limit.</p> <p>Project requiring assessment by review panel</p> <p>(5) If, during the screening or once the screening is completed, the Minister is of the opinion that the project must be referred to a review panel, the environmental assessment of the project is continued under the process established under this Act. The project is considered to be a designated project and the Minister must refer the environmental assessment of the project to a review panel under section 38.</p>		
<p><u>Section 125</u> Transitional Provisions Completion of</p>	<p>Completion of comprehensive studies commenced under former Act 125 (1) Subject to</p>	<p><u>Section 179</u> Transitional Provisions Comprehensive</p>	<p>Comprehensive studies commenced under 1992 Act 179 (1) Any comprehensive study of</p>

<p>comprehensive studies commenced under former Act</p>	<p>subsections (2) to (6), any comprehensive study of a project commenced under the former Act before the day on which this Act comes into force is continued and completed as if the former Act had not been repealed.</p> <p>Establishing Timelines for Comprehensive Studies Regulations</p> <p>(2) The <i>Establishing Timelines for Comprehensive Studies Regulations</i> are deemed to have come into force on July 12, 2010 with respect to a comprehensive study to which subsection (1) applies.</p> <p>Six-month time limit</p> <p>(3) With respect to any comprehensive study commenced before July 12, 2010 to which subsection (1) applies with respect to a project for which the responsible authority is not the Canadian Nuclear Safety Commission, the responsible authority must ensure that the Minister and the Agency are provided with the comprehensive study report no later than six months after the day on which this Act comes into force.</p>	<p>studies commenced under 1992 Act</p>	<p>a project commenced under the 1992 Act in respect of which the former Agency has not, before the day on which this Act comes into force, published a notice under subsection 22(1) of that Act is terminated.</p> <p>Comprehensive studies continued under 2012 Act</p> <p>(2) Any comprehensive study of a project commenced under the 1992 Act in respect of which the former Agency has, before the day on which this Act comes into force, published a notice under subsection 22(1) of that Act is continued as an environmental assessment by the Agency under the 2012 Act as if the 2012 Act had not been repealed.</p> <p>Comprehensive studies subject to subsection 125(7) of 2012 Act</p> <p>(3) Any comprehensive study of a project that was the subject of an order made by the Minister under subsection 125(7) of the 2012 Act before the day on which this Act comes into force is continued as an environmental assessment under the 2012 Act as if that Act had not been repealed.</p>
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	<p>Six-month time limit</p> <p>(4) With respect to any comprehensive study to which subsection (1) applies and which was commenced before July 12, 2010 by a port authority established under section 8 of the Canada Marine Act, the port authority must ensure that the comprehensive study report is provided to the Minister of Transport and the Agency no later than six months after the day on which this Act comes into force.</p> <p>Excluded periods</p> <p>(5) If, under the former Act, the responsible authority or the port authority requires the proponent to collect information or undertake a study with respect to the project, then</p> <p>(a) the period that is taken by the proponent, in the opinion of the responsible authority, to comply with the requirement, is not included in the calculation of the six-month time limit referred to in subsection (3); and</p> <p>(b) the period that is taken by the proponent, in the opinion of the port authority, to comply with the requirement, is not included in the</p>		
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	<p>calculation of the six-month time limit referred to in subsection (4).</p> <p>Project requiring assessment by review panel</p> <p>(6) If, during the comprehensive study, the Minister is of the opinion that the project must be referred to a review panel, the environmental assessment of the project is continued under the process established under this Act. The project is considered to be a designated project and the Minister must refer the environmental assessment of the project to a review panel under section 38.</p> <p>Minister's powers</p> <p>(7) The Minister may, by order, exclude any comprehensive study of a project from the application of subsection (1) and provide that the environmental assessment of the project is continued under the process established under this Act. In such a case, the project is considered to be a designated project and, despite subsection 27(2), when the Minister must make decisions under section 27 with respect to the</p>		
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	<p>designated project, he or she must specify in the order the time limit for the decisions to be made. Subsections 27(3), (4) and (6) apply with respect to the time limit.</p> <p>Posting of notice of order on Internet site</p> <p>(8) The Agency must post a notice of any order made under subsection (7) on the Internet site.</p>		
<u>N/A</u>	<u>N/A</u>	<p><u>Section 180</u></p> <p>Transitional Provisions</p> <p>Screenings under 2012 Act</p>	<p>Screenings under 2012 Act</p> <p>180 If the proponent of a designated project provided the former Agency with a description of the designated project under subsection 8(1) of the 2012 Act and the former Agency has not, before the day on which this Act comes into force, posted a notice under section 12 of the 2012 Act of its decision with respect to the designated project, the screening is terminated. The description of the designated project that was provided under subsection 8(1) of the 2012 Act is deemed to be an initial description of the project provided under subsection 10(1) of this Act on the day on which this Act comes</p>

			into force.
<u>N/A</u>	<u>N/A</u>	<p><u>Section 181</u></p> <p>Transitional Provisions</p> <p>Environmental assessments by former Agency under 2012 Act</p>	<p>Environmental assessments by former Agency under 2012 Act</p> <p>181 (1) Any environmental assessment of a designated project by the former Agency commenced under the 2012 Act before the day on which this Act comes into force, in respect of which the Agency considers that the proponent has not, before that day, collected the information or undertaken the studies required by the former Agency under subsection 23(2) of the 2012 Act, is continued as an impact assessment under this Act. The Agency is deemed to have provided the proponent, on the day on which this Act comes into force, with a notice of the commencement of the impact assessment of the designated project under subsection 18 (1) of this Act.</p> <p>No referral to review panel</p> <p>(2) If the 60-day period during which the Minister was authorized to refer an</p>

			<p>environmental assessment described in subsection (1) to a review panel under subsection 38(1) of the 2012 Act expired before the day on which this Act comes into force, the Minister is not authorized to refer the impact assessment to a review panel under subsection 36(1) of this Act.</p> <p>Environmental assessments by Agency continued under 2012 Act</p> <p>(3) Any environmental assessment of a designated project by the former Agency commenced under the 2012 Act before the day on which this Act comes into force, in respect of which the Agency considers that the proponent has, before that day, collected the information or undertaken the studies required by the former Agency under subsection 23(2) of the 2012 Act, is continued under the 2012 Act as if that Act had not been repealed.</p> <p>Request of proponent</p> <p>(4) Despite subsection (3), at the request of the proponent of a designated project referred to in that subsection, the Agency may terminate the</p>
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			<p>environmental assessment in order to enable the proponent to commence the process established under this Act by providing an initial description of the project under subsection 10(1) of this Act. The request must be made to the Agency within 60 days after the day on which this Act comes into force.</p> <p>Exception</p> <p>(5) This section does not apply to an environmental assessment of a project that was the subject of an order made by the Minister under subsection 125(7) of the 2012 Act.</p>
<u>N/A</u>	<u>N/A</u>	<p><u>Section 182</u></p> <p>Transitional Provisions</p> <p>Environmental assessments by other responsible authorities</p>	<p>Environmental assessments by other responsible authorities</p> <p>182 Any environmental assessment of a designated project by the Canadian Nuclear Safety Commission or the National Energy Board commenced under the 2012 Act, in respect of which a decision statement has not been issued under section 54 of the 2012 Act before the day on which this Act comes into force, is continued under the 2012 Act as if that Act had not been</p>

			repealed.
<p><u>Section 126</u></p> <p>Transitional Provisions</p> <p>Project requiring assessment by review panel</p>	<p>Completion of assessment by a review panel commenced under former Act</p> <p>126 (1) Despite subsection 38(6) and subject to subsections (2) to (6), any assessment by a review panel, in respect of a project, commenced under the process established under the former Act before the day on which this Act comes into force is continued under the process established under this Act as if the environmental assessment had been referred by the Minister to a review panel under section 38. The project is considered to be a designated project for the purposes of this Act and Part 3 of the Jobs, Growth and Long-term Prosperity Act, and</p> <p>(a) if, before that day, a review panel was established under section 33 of the former Act, in respect of the project, that review panel is considered to have been established — and its members are considered to have been appointed — under subsection 42(1)</p>	<p><u>Section 183</u></p> <p>Transitional Provisions</p> <p>Environmental assessments referred to review panel</p>	<p>Environmental assessments referred to review panel</p> <p>183 (1) Any environmental assessment of a designated project referred to a review panel under section 38 of the 2012 Act before the day on which this Act comes into force in respect of which the Agency considers that the proponent has not, before that day, collected the information or undertaken the studies required by the former Agency under section 39 of the 2012 Act is continued as an impact assessment under this Act as if the impact assessment had been referred to a review panel by the Minister under section 36 of this Act.</p> <p>Rules concerning review panels</p> <p>(2) The following rules apply in respect of an impact assessment referred to in subsection (1):</p> <p>(a) if, before the day on which this Act comes into force, a review panel was established</p>

	<p>of this Act;</p> <p>(b) if, before that day, an agreement or arrangement was entered into under subsection 40(2) of the former Act, in respect of the project, that agreement or arrangement is considered to have been entered into under section 40 of this Act; and</p> <p>(c) if, before that day, a review panel was established by an agreement or arrangement entered into under subsection 40(2) of the former Act or by document referred to in subsection 40(2.1) of the former Act, in respect of the project, it is considered to have been established by — and its members are considered to have been appointed under — an agreement or arrangement entered into under section 40 of this Act or by document referred to in subsection 41(2) of this Act.</p> <p>Time limit for issuing decision statement under section 54</p> <p>(2) The Minister must establish the time limit within which, from the day on which this Act comes into force, the decision statement that</p>		<p>under subsection 42(1) of the 2012 Act, that review panel is deemed to have been established — and its members are deemed to have been appointed — under section 41 of this Act;</p> <p>(b) if, before that day, an agreement or arrangement was entered into under section 40 of the 2012 Act, that agreement or arrangement is deemed to have been entered into under section 39 of this Act; and</p> <p>(c) if, before that day, a review panel was established by an agreement or arrangement entered into under section 40 of the 2012 Act or by document referred to in subsection 41(2) of the 2012 Act, it is deemed to have been established by — and its members are deemed to have been appointed under — an agreement or arrangement entered into under section 39 of this Act or by document referred to in subsection 40(2) of this Act.</p> <p>Environmental assessments referred to review panel</p> <p>(3) Any environmental assessment of a designated project</p>
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	<p>is required under section 54 in respect of the project must be issued. Subsection 54(3) applies with respect to the time limit.</p> <p>Other time limits</p> <p>(3) The Minister must, in respect of the project, also establish any of the time limits set out in paragraphs 38(3)(a) to (c) — which combined are not to exceed the time limit referred to in subsection (2) — that are necessary, depending on whether, on the day on which this Act comes into force, the review panel has or has not been established or the report with respect to the environmental assessment of the project has or has not been submitted to the Minister.</p> <p>Certain time limits established jointly</p> <p>(4) In respect of a project to which paragraph (1)(b) applies and for which the responsible authority is referred to in paragraph 15(a) or (b), the Minister jointly establishes the time limits under subsections (2) and (3) with the responsible authority with respect to the project.</p> <p>Posting time limits on</p>		<p>referred to a review panel under section 38 of the 2012 Act before the day on which this Act comes into force, in respect of which the Agency considers that the proponent has, before that day, collected the information or undertaken the studies required by the former Agency under section 39 of the 2012 Act, is continued under the 2012 Act as if that Act had not been repealed.</p> <p>Request of proponent</p> <p>(4) Despite subsection (3), at the request of the proponent of a designated project referred to in that subsection and in order to enable the proponent to commence the process established under this Act by providing an initial description of the project under subsection 10(1) of this Act, the Minister may terminate the environmental assessment and the Minister is deemed not to have referred the environmental assessment to a review panel under section 38 of the 2012 Act. The request must be made to the Agency within 60 days after the day on which this Act comes into force.</p>
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	<p>Internet site</p> <p>(5) The Agency must post on the Internet site a notice of any time limits established under subsection (2) or (3) in respect of the project.</p> <p>Excluded periods</p> <p>(6) If the Agency, the review panel or the Minister, under section 39 or subsection 44(2) or 47(2), respectively, requires the proponent of the project to collect information or undertake a study with respect to the designated project, the following periods are not included in the calculation of the time limit within which the Minister must issue the decision statement in respect of the project nor in the calculation of any of the time limits that are established under subsection (3):</p> <p>(a) the period that is taken by the proponent, in the opinion of the Agency, to comply with the requirement under section 39;</p> <p>(b) the period that is taken by the proponent, in the opinion of the review panel, to comply with the requirement under subsection 44(2); and</p> <p>(c) the period that is taken by the proponent,</p>		
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	in the opinion of the Minister, to comply with the requirement under subsection 47(2).		
<u>N/A</u>	<u>N/A</u>	<u>Section 184</u> Transitional Provisions Decision statements issued under 2012 Act	Decision statements issued under 2012 Act 184 A decision statement issued by the Minister under subsection 54(1) of the 2012 Act is deemed to be a decision statement issued under subsection 65(1) of this Act, other than for the purposes of section 70 of this Act.
<u>Section 127</u> Transitional Provisions Substitution under former Act	Substitution under former Act 127 The environmental assessment of a project commenced under the former Act before the day on which this Act comes into force for which the Minister has, before that date, approved the substitution of a process under section 43 of the former Act is continued and completed as if the former Act had not been repealed.	<u>Section 185</u> Transitional Provisions Substitution	Substitution 185 The environmental assessment of a designated project commenced under the 2012 Act before the day on which this Act comes into force for which the Minister has, before that date, approved the substitution of a process under section 32 of the 2012 Act is continued as if the 2012 Act had not been repealed.
<u>N/A</u>	<u>N/A</u>	<u>Section 186</u> Transitional Provisions	Unpaid costs 186 If the proponent of a designated project has not paid any costs

		Unpaid costs	or amounts referred to in section 59 of the 2012 Act that were due more than 90 days before the day on which this Act comes into force, the Agency is authorized, despite any other provision of the 2012 Act or this Act, to not commence any preparations for a possible impact assessment of any designated project the proponent proposes to carry out on or after the day on which this Act comes into force until the proponent pays the costs or amounts.
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<p><u>Section 128</u></p> <p>Transitional Provisions</p> <p>Non-application of this Act</p>	<p>Non-application of this Act</p> <p>128 (1) This Act does not apply to a project, as defined in the former Act, that is a designated project as defined in this Act, if one of the following conditions applies:</p> <p>(a) the proponent of the project has, before the day on which this Act comes into force, initiated the construction of the project;</p> <p>(b) it was determined by the Agency or a federal authority under the former Act that an environmental assessment of the project was likely not</p>	<u>N/A</u>	<u>N/A</u>
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	<p>required;</p> <p>(c) the responsible authority has taken a course of action under paragraph 20(1)(a) or (b) or subsection 37(1) of the former Act in relation to the project; or</p> <p>(d) an order issued under subsection (2) applies to the project.</p> <p>Exception</p> <p>(1.1) Paragraph (1)(b) does not apply if the carrying out of the project in whole or in part requires that a federal authority exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act and that power, duty or function was a power, duty or function referred to in subsection 5(1) of the former Act.</p> <p>Cessation of effect</p> <p>(1.2) Subsection (1.1) ceases to have effect on January 1, 2014.</p> <p>Minister's powers</p> <p>(2) On the day on which this Act comes into force, the Minister may, by order, exclude from the application of this Act a project, as defined in the former Act, that is a designated project under this Act, if the</p>		
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	<p>Minister is of the opinion that the project was not subject to the former Act and that another jurisdiction that has powers, duties or functions in relation to the assessment of the environmental effects of the project has commenced that assessment.</p> <p>Posting of notice of order on Internet site</p> <p>(3) The Agency must post a notice of any order made under subsection (2) on the Internet site. 2012, c. 19, s. 52 "128", c. 31, s. 432.</p>		
<p><u>Section 129</u></p> <p>Transitional Provisions</p>	<p>Privileged evidence, documents or things</p> <p>129 The evidence, documents or things that, before the day on which this Act comes into force, are privileged under subsection 35(4) or (4.1) of the former Act are considered to be privileged under subsection 45(4) or (5), respectively, of this Act.</p>	<p><u>Section 187</u></p> <p>Transitional Provisions</p> <p>Privileged evidence, documents or things</p>	<p>Privileged evidence, documents or things</p> <p>187 The evidence, documents or things that, before the day on which this Act comes into force, are privileged under subsection 45(4) or (5) of the 2012 Act are considered to be privileged under subsection 53(4) or (5), respectively, of this Act.</p>
<p><u>N/A</u></p>	<p><u>N/A</u></p>	<p><u>Section 188</u></p> <p>Transitional Provisions</p> <p>Regulations</p>	<p>Regulations</p> <p>188 The Governor in Council may make any regulations that the Governor in Council considers necessary to</p>

			provide for any other transitional matter arising from the coming into force of this Act.