

fracking inquiry

From: Kim Wilson [REDACTED]
Sent: Monday, 12 February 2018 10:08 AM
To: [REDACTED]
Subject: Developments in Canada

Hi

we met in Darwin on Tuesday last week .

I noticed the attached two items in the press about recent developments in Canada which may be of interest to the Inquiry.

regards

Kim Wilson

THE AUSTRALIAN

Canada revamps energy project approval process

The proposed Keystone XL pipeline has aroused strong opposition.

PAUL VIEIRA THE WALL STREET JOURNAL 1:46PM February 9, 2018

Canada has unveiled sweeping new rules aimed at toughening oversight of energy projects and instilling confidence in a system criticised by companies as too cumbersome and environmentalists as too lax.

The wholesale makeover to the country's environmental review process is an effort by the Liberal government, led by Prime Minister Justin Trudeau, to strike a balance between its pledge to implement a more robust climate-change policy while fostering investment in the energy sector, which is a major driver of economic growth.

"We need good projects to go ahead," Catherine McKenna, Canada's Environment Minister, told a press conference on Thursday. "We cannot get there without better rules to guide our decisions about resource development."

The changes don't apply to projects that are already under review or have already received government approval. The government will require new legislation to implement the revamp, a task made easier by the Liberals' majority in Canada's lower house of parliament.

Ms McKenna said it was likely a wider variety of projects would come under the microscope. A list of the types of projects affected still needs to be completed.

The new rules are nearly two years in the making. Among the biggest changes is that the assessment must take into account health, social and economic benefits, as well as the environment.

Aboriginal groups will also have a greater role, and the impact on their rights and livelihood will carry greater weight when considering a project.

Reviews will be done either by a new assessment agency or a review panel, depending on the scale of the project. The National Energy Board, which previously reviewed and assessed major resource projects, will now have a reduced role and adopt a new name. The federal cabinet still has final say on a project's fate.

The way Canada evaluates proposals to build energy infrastructure has become a flashpoint along regional and ideological lines. The energy sector has been critical of the current Canadian system, which it says has thwarted progress toward building much-needed pipeline infrastructure connecting Canada's landlocked oil reserves to ports, for sale abroad.

Ms McKenna said under the previous Conservative government, more Canadians believed "project approvals were based on politics, rather than robust science", leading to "polarisation and paralysis".

The new rules emerge against a tense political backdrop playing out in western Canada over the fate of an approved pipeline project, Kinder Morgan Canada's expansion of its Trans Mountain corridor, which received federal approval in 2016.

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Ottawa introduces new rules for major resource projects

New law would create new agency and require more consultation on broader range of factors to build pipelines, mines and other projects.



Minister of Environment and Climate Change Catherine McKenna rises during Question Period in the House of Commons on Parliament Hill in Ottawa on Thursday, Feb. 8, 2018. McKenna introduced new legislation that when passed will mean all major energy projects will continue to be evaluated by a federally appointed review panel but that would happen in concert with bodies such as the Canadian Energy Regulator — the new name of the current National Energy Board. (JUSTIN TANG / THE CANADIAN PRESS)

By **ALEX BALLINGALL** Ottawa Bureau

Thu., Feb. 8, 2018

OTTAWA—The Liberal government unveiled major new legislation Thursday to overhaul how Canada decides whether to approve resource projects like pipelines and mines, promising to restore public confidence in a system the environment minister claimed was “gutted” by their Conservative predecessors.

The revamped process would create a new agency to lead major project proposals, consider a broader range of impacts under a tighter timeframe, and require project proponents to engage with Indigenous peoples and the broader public for 180 days before an assessment formally begins.

“Without the trust of Canadians, you end up with polarization, you end up with court challenges,” said Environment Minister Catherine McKenna.

“In the 21st century, if you want to get your resources to market, you need to understand that the environment and economy go together and that’s exactly what we’ve done.”

Critics from both ends of the political spectrum were quick to pounce on perceived problems with the bill, claiming that it gives the environment minister the power to block projects while they’re still being assessed and that it fails to address exactly what type of projects will be reviewed under the new rules.

Jason Kenney, former cabinet minister and leader of Alberta’s United Conservative Party, said the bill actually creates more uncertainty and that the new consultation requirement would drag out assessments and deter investors.

“This is the worst possible news at the worst time for Canada’s energy industry,” he said.

Alexandre Boulerice, an NDP MP from Montreal, said the bill included some positive measures — such as a move to open up consultation to people without a direct interest in a

proposed project — but accused McKenna of breaking a Liberal campaign promise by giving more discretionary power over proposed projects to the environment minister.

“That is something we see in a very bad light,” he said.

Green Party Leader Elizabeth May said the authority of the minister and federal cabinet for proposed projects, combined with a lack of clarity around which projects would fall under the new review scheme, means the bill should be split up so it can be studied closely by Members of Parliament.

“What we now have is unpredictability, a lot of political discretion, and even after reading this bill, it’s not possible for me to tell you what projects will be assessed and what won’t be,” May said.

The bill would create a new review body called the Impact Assessment Agency of Canada that would lead assessments for major projects under federal jurisdiction. But the bill does not spell out which projects would be included for review under that agency; the government launched consultations Thursday to determine those details, which are expected to take several months.

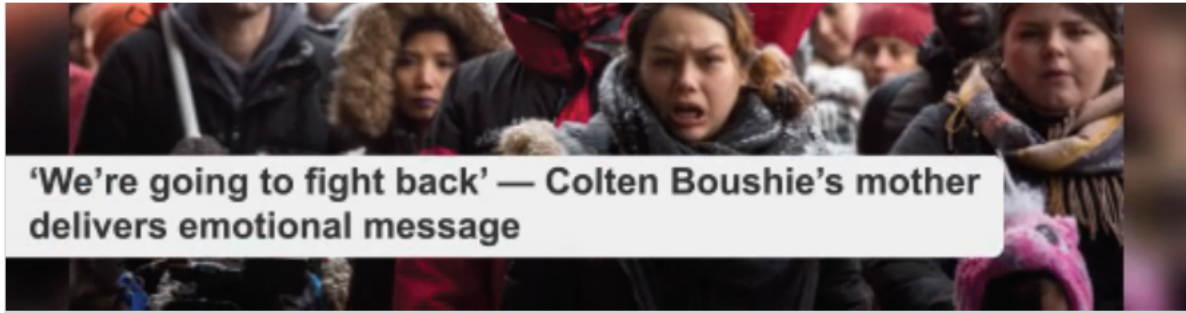
The new law also proposes that assessments for projects consider a wider scope of factors surrounding each proposal — not just the environmental impact, but also consequences on health, the economy and Indigenous peoples. Each assessment would also include a gender-based analysis.

There would also be deeper requirements for consultation, with a new 180-day “early planning” phase that would require companies to engage with Indigenous peoples and the wider public. After that, the assessment would begin under a legislated timeline of 300 days — down from the current 365-day limit.

The bill also replaces the National Energy Board with the Canadian Energy Regulator, and adds protections to navigable lakes, rivers and canals.

Read more about: [Jason Kenney](#)





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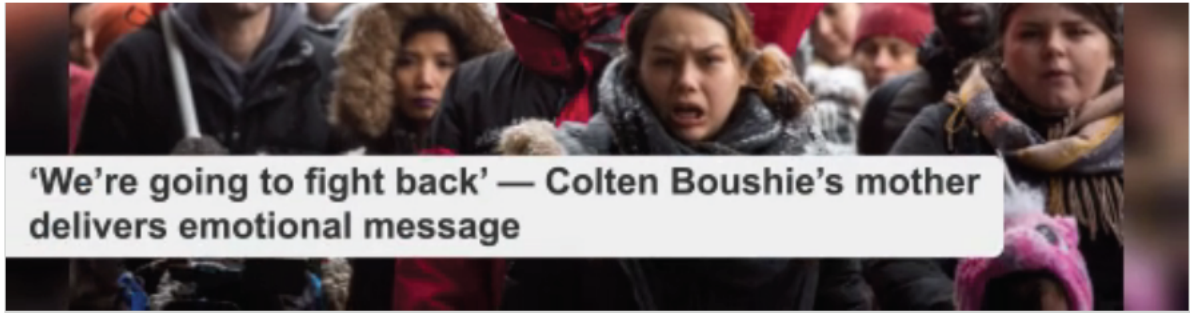
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