



# **BILL NO. 82**

*Government Bill*

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*2nd Session, 61st General Assembly  
Nova Scotia  
59 Elizabeth II, 2010*

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## **An Act Respecting a Moratorium on Petroleum Activity on Georges Bank**

CHAPTER 40  
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
DECEMBER 10, 2010**

The Honourable Bill Estabrooks, M.B.  
*Minister of Energy*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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## **An Act Respecting a Moratorium on Petroleum Activity on Georges Bank**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Offshore Licensing Policy Act*.

**2** The purpose of this Act is to direct the Minister of Energy to use the Minister's powers and authority under the Accord Acts to ensure that no person engages in exploration or drilling for or the production, conservation, processing or transportation of petroleum on Georges Bank until a resolution is passed by the House of Assembly accepting a recommendation to permit the licensing of petroleum interests and activity, in whole or in part, on Georges Bank.

**3** In this Act,

(a) "Accord" means the Canada-Nova Scotia Offshore Petroleum Resources Accord dated August 26, 1986, and entered into by the Government of Canada, as represented by the Prime Minister of Canada and the Minister of Natural Resources, and by the Government of Nova Scotia, as represented by the Premier of Nova Scotia and the Minister of Mines and Energy;

(b) "Accord Acts" means the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* (Canada) and the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*;

(c) "Board" means the Canada-Nova Scotia Offshore Petroleum Board established under the Accord Acts;

(d) "fundamental decision" has the same meaning as in the Accord Acts;

(e) "Georges Bank" means that portion of the offshore area described in Schedule IV in each of the Accord Acts;

(f) "Minister" means Minister of Energy;

(g) "moratorium" means the prohibition on exploration or drilling for or the production, conservation, processing or transportation of petroleum on Georges Bank.

**4** (1) In the event of a conflict between this Act and the Accord Acts, the Accord Acts prevail.

(2) In the event of a conflict between this Act and the Accord, the Accord prevails.

**5** (1) This Act does not affect the current moratorium provided for in the Accord Acts.

(2) This Act does not affect the Minister's authority under any enactments other than the Accord Acts.

**6** For the purpose of this Act, the Minister shall

- (a) exercise the Minister's power and discretion in respect of fundamental decisions so as to effect the moratorium;
- (b) inform the Board that it is a matter of public interest that the moratorium be maintained unless a resolution has been passed by the House of Assembly accepting a recommendation to permit the licensing of petroleum interests and activity, in whole or in part, on Georges Bank;
- (c) seek agreement from the Minister of Natural Resources for Canada to take a similar position and jointly direct the Board under the Accord Acts accordingly; and
- (d) consult with the Minister of Natural Resources for Canada to develop mirror provincial and federal legislation to implement this Act.

**7 (1)** On or before December 31, 2022, the Minister may examine the available environmental and socio-economic evidence related to the impact of exploration and drilling activities on Georges Bank.

**(2)** Where, based on the examination under subsection (1), the Minister is of the opinion that

- (a) adverse environmental risks from petroleum activities on Georges Bank are not significant, given the industry practices in Canada and technology for environmental protection;
- (b) offshore petroleum exploration and development activity on Georges Bank is attractive to industry due to the cost of developing potential petroleum resources and the long-term projections for resources prices; and
- (c) there are prospects for revenue streams and economic impacts of a significant nature to the benefit of all Nova Scotians, including those in southwest Nova Scotia, from petroleum activity on Georges Bank,

the Minister shall recommend that Executive Council order a public review in accordance with Section 8 to determine if the moratorium should be continued or be lifted in whole or in part.

**(3)** The Minister shall not order a public review before December 31, 2022.

**(4)** Where, based upon the examination under subsection (1), the Minister does not form the opinion referred to in subsection (2), the Minister shall not order a public review, but shall continue to exercise the Minister's power and discretion in the manner provided in clause 6(a).

**(5)** Where the moratorium is still in effect in whole or in part, the Minister may conduct an examination under subsection (1) on or before the end of each ten-year period following 2022.

**(6)** The Minister shall publish notice of the outcome of an examination under subsection (1) in the Royal Gazette.

**8 (1)** Where the Minister orders that a public review be conducted, the review must consider the environmental and socio-economic impact of exploration and drilling for petroleum on Georges Bank and the Minister shall specify the time within which the public review is to take place, the manner in which it is to take place and the form and manner in which a recommendation is to be prepared for the Minister's consideration and may

- (a) establish terms of reference and a timetable that will permit a comprehensive review of all aspects of the matter;
- (b) appoint one or more persons to conduct the review; and
- (c) direct those persons to hold public hearings in appropriate locations in the Province and report to the Minister.

**(2)** The Governor in Council may confer on the persons appointed pursuant to clause 8(b) all or any of the powers, privileges and immunities conferred on persons appointed as commissioners pursuant to the *Public Inquiries Act*.

**9** Where a public review under this Act results in a recommendation that the moratorium is no longer necessary, in whole or in part, the recommendation must be presented to the House of Assembly by the Minister for a vote on whether to accept the recommendation.

**10** Where a resolution under Section 9 to accept the recommendation is passed by a majority vote of the House of Assembly, the Minister shall endeavour to implement the outcome of the resolution through the authority given to the Minister under the Accord Acts.

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