



BILL NO. 101

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
71 Elizabeth II, 2022*

An Act to Amend Chapter 32 of the Acts of 2015, the Marine Renewable-energy Act

CHAPTER 19
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 22, 2022**

The Honourable Tory Rushton
Minister of Natural Resources and Renewables

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

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**An Act to Amend Chapter 32
of the Acts of 2015,
the Marine Renewable-energy Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 32 of the Acts of 2015, the *Marine Renewable-energy Act*, as amended by Chapter 12 of the Acts of 2017, is further amended by

(a) relettering clause (a) as (aa);

(b) adding immediately before clause (aa) the following clause:

(a) “application window” means a period of time, as prescribed by the regulations or as determined by the Minister, for receiving applications for demonstration permits under clause 35(1)(c);

(c) adding immediately after clause (b) the following clauses:

(ba) “business day” means a day other than a Saturday or a holiday as defined in the *Interpretation Act*;

(bb) “calendar day” means any day, including a Saturday or a holiday as defined in the *Interpretation Act*;

(d) striking out “and includes” in the seventh line of clause (h) and substituting “but excludes”;

**(e) striking out “but” in the eighth line of clause (h) and substituting “and”;
and**

(f) striking out clause (r) and substituting the following clause:

(r) “Minister” means the Minister of Natural Resources and Renewables;

2 Subsection 10(2) of Chapter 32 is amended by striking out “and the Minister of Natural Resources” in the second and third lines.

3 (1) Subsection 12(1) of Chapter 32 is amended by adding “, an anchor” immediately after “cable” in the first line of clause (b).

(2) Subsection 12(2) of Chapter 32 is amended by adding “, an anchor” immediately after “cable” in the first line of clause (b).

(3) Subsection 12(3) of Chapter 32 is amended by adding “, an anchor” immediately after “cable” in the first line of clause (b).

4 (1) Subsection 17(1) of Chapter 32 is amended by striking out “and the Minister of Natural Resources” in the first and second lines.

(2) Subsection 17(2) of Chapter 32 is amended by striking out “and the Minister of Natural Resources” in the first and second lines.

5 (1) Subsection 18(1) of Chapter 32 is amended by striking out “the Minister of Natural Resources and” in the first and second lines of clause (a).

(2) Subsection 18(2) of Chapter 32 is amended by striking out “the Minister of Natural Resources and” in the first and second lines of clause (a).

6 Subsection 19(2) of Chapter 32 is amended by

(a) striking out “and the Minister of Natural Resources” in the second line of clause (e); and

(b) striking out “their” in the second line of clause (e) and substituting “the Minister’s”.

7 Subsection 20(1) of Chapter 32 is amended by striking out “consult with the Minister of Natural Resources to” in the first line of clause (b).

8 Subsection 23(2) of Chapter 32 is amended by striking out clause (a) and substituting the following clause:

(a) shall ensure the decision considers the impact of the establishment of the marine renewable-electricity area on the conduct of other activities in the marine renewable-electricity area when determining whether its establishment continues to meet the objectives of this Act; and

9 (1) Subsection 35(1) of Chapter 32, as enacted by Chapter 12 of the Acts of 2017, is amended by

(a) adding “, anchor” immediately after “cable” in the first line of clause (b); and

(b) adding “, anchor” immediately after “cable” in the second line of clause (c).

(2) Subsection 35(2) of Chapter 32 is amended by adding “specified in this Act or” immediately after “information” in the second line.

(3) Subsection 35(4) of Chapter 32 is amended by

(a) adding “for a permit” immediately after “application” in the first line;

(b) adding “business” immediately after “90” in the first line of clause (b);

(c) striking out “and” at the end of clause (b);

(d) striking out “days” in the third line of clause (c) and substituting “business days”;

(e) **striking out the period at the end of clause (c) and substituting “; and” and**

(f) **adding immediately after clause (c) the following clause:**

(d) any application for a demonstration permit made under clause (1)(c) must be submitted prior to the close of the application window.

(4) Subsection 35(5) of Chapter 32 is repealed and the following subsections substituted:

(5) Where an application under clause (1)(c) is incomplete, the Minister shall reject the application and notify the applicant of the rejection within 30 business days of the close of the application window.

(5A) Subject to subsection (5C), where an application for a permit under clause (1)(a) or (b) is received, the Minister shall, within 90 business days, approve or deny the application unless there are exceptional circumstances, as prescribed in the regulations.

(5B) Subject to subsection (5C), where an application for a permit under clause (1)(c) is received, the Minister shall, within 90 business days after the close of the application window, approve or deny the application unless there are exceptional circumstances, as prescribed in the regulations.

(5C) Where exceptional circumstances exist, the Minister may extend the period of time to approve or deny an application in accordance with the regulations.

(5) Subsection 35(6) of Chapter 32 is repealed.

(6) Subsection 35(7) of Chapter 32, as enacted by Chapter 12 of the Acts of 2017, is amended by striking out “10” in the last line of clause (c) and substituting “15”.

(7) Section 35 of Chapter 32, as amended by Chapter 12 of the Acts of 2017, is further amended by adding immediately after subsection (7) the following subsections:

(8) The Minister may issue zero or one or more than one demonstration permits after an application window closes.

(9) The Minister may, with respect to an application window,

(a) establish an application window, including specifying opening and closing dates, notice requirements and public consultation requirements, if any;

(b) establish eligibility requirements for applicants;

(c) establish a rate cap, specify allowed technology and maximum capacity for each generator and specify the maximum available megawatts;

(d) identify the geographic area to which the application window relates; and

(e) make regulations respecting any item or thing mentioned in clauses (a) to (d).

(10) The exercise by the Minister of the authority contained in clause (9)(e) is a regulation within the meaning of the *Regulations Act*.

10 Subsection 36(1) of Chapter 32, as amended by Chapter 12 of the Acts of 2017, is further amended by

- (a) adding “, anchor” immediately after “cable” in the first line of clause (b);**
- and**
- (b) adding “, anchor” immediately after “cable” in the second line of clause (c).**

11 Subsection 38(2) of Chapter 32, as amended by Chapter 12 of the Acts of 2017, is further amended by adding “, anchor” immediately after “cable” in the second line of clause (a).

12 (1) Subsection 44(1) of Chapter 32 is amended by adding “, anchor” immediately after “cable” in the first line of clause (a).

(2) Subsection 44(3) of Chapter 32 is amended by striking out “, with the consent of the Minister of Natural Resources,” in the first and second lines.

13 Subsection 45(3) of Chapter 32 is repealed and the following subsection substituted:

(3) Where a person requests that the Minister consent to a transfer, sale, lease, assignment or other disposition of a licence or permit, the Minister shall provide a decision in writing within 60 business days of receipt of the request.

14 Subsections 46(1) and (2) of Chapter 32 are repealed and the following subsections substituted:

(1) The Minister may only amend a term or condition of, add a term or condition to or delete a term or condition from a licence or permit

(a) upon the request of the licence holder or permit holder, as the case may be, if the Minister considers it appropriate to do so;

(b) if an adverse effect or an unacceptable environmental effect, as defined in the *Environment Act*, has occurred or may occur;

(c) if the term or condition relates to a monitoring or reporting requirement; or

(d) to correct a typographical error.

(2) The Minister shall give notice in writing, together with reasons, to the licence holder or permit holder at least 30 business days in advance of making an amendment under clauses (1)(b) to (d).

15 (1) Subsection 47(2) of Chapter 32 is amended by striking out “Subject to subsection (3), the” in the first line and substituting “The”.

(2) Subsection 47(3) of Chapter 32 is repealed.

16 Subsection 51(3) of Chapter 32 is amended by striking out “Environment, the Department of Natural Resources,” in the sixth line and substituting “Environment and Climate Change”.

17 Subsection 55(1) of Chapter 32 is amended by striking out “days” in the first line and substituting “calendar days”.

18 Subsection 60(2) of Chapter 32 is amended by striking out “days” in the first line of clause (a) and substituting “calendar days”.

19 (1) Subsection 66(3) is repealed.

(2) Subsection 66(4) of Chapter 32 is amended by striking out “day” in the second and in the third lines and substituting “calendar day” in each case.

20 Chapter 32 is further amended by adding immediately after Section 66 the following Section:

66A Where a corporation commits an offence under this Act or the regulations, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the violation of this Act or the regulations is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.

21 Subsection 69(1) of Chapter 32 is amended by striking out “and the Minister of Natural Resources” in the first and second lines.

22 Subsection 70(1) of Chapter 32 is amended by striking out “and the Minister of Natural Resources” in the first and second lines.

23 (1) Subsection 71(1) of Chapter 32, as amended by Chapter 12 of the Acts of 2017, is further amended by striking out “Environment, the Department of Natural Resources” in the second line of clause (q) and substituting “Environment and Climate Change”.

(2) Subsection 71(2) of Chapter 32, as amended by Chapter 12 of the Acts of 2017, is further amended by

(a) striking out “and the Minister of Natural Resources” in the first and second lines;

(b) adding immediately after clause (i) the following clauses:

(ia) prescribing exceptional circumstances for extending the period for review and decision on permit applications;

(ib) prescribing how long the Minister may extend the period for review and decision on permit applications;

(ic) respecting the opening and closing dates of an application window;

(id) respecting notice provisions and public consultation requirements, if any, for an application window;

(ie) respecting the eligibility requirements for an application window;

(if) respecting application criteria for an application window, including setting a geographical area, a rate cap, a project cap and a maximum megawatt cap;

and

(c) adding “, anchor” immediately after “cable” in the first line of subclause (q)(i).

24 Subsection 9(6) of this Act comes into force on such day as the Governor in Council orders and declares by proclamation.
