



BILL NO. 471

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
3 Charles III, 2024*

An Act Respecting Advancing Nova Scotia Opportunities

CHAPTER 5
ACTS OF 2024

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
SEPTEMBER 20, 2024**

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 Respecting Advancing Nova Scotia Opportunities

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Advancing Nova Scotia Opportunities Act*.

ATLANTIC PROVINCES HARNESS RACING COMMISSION ACT

2 Chapter 8 of the Acts of 1993, the *Atlantic Provinces Harness Racing Commission Act*, as amended by Chapter 40 of the Acts of 1994, Chapter 35 of the Acts of 2002, Chapter 2 of the Acts of 2010 and Chapter 52 of the Acts of 2014, is further amended by striking out “Atlantic” in the title, Sections 1 and 2, clause 3(1)(b), subsections 5(3) and 6(2), Section 17, clause 19(1)(b) and subsection 19(2) and substituting “Maritime” in each case.

3 Subsection 3(1) of Chapter 8, as amended by Chapter 40 of the Acts of 1994, Chapter 35 of the Acts of 2002 and Chapter 52 of the Acts 2014 and Section 2 of this Act, is further amended by

- (a) striking out clause (aa);
- (b) striking out “established” in clause (b) and substituting “continued”; and
- (c) adding immediately after clause (eb) the following clause:
 - (f) “Maritime Provinces” means the Province of Nova Scotia, the Province of New Brunswick and the Province of Prince Edward Island;

4 Section 4 of Chapter 8 is repealed and following Section substituted:

4 The Atlantic Provinces Harness Racing Commission is continued as the Maritime Provinces Harness Racing Commission with jurisdiction throughout the Maritime Provinces and the Council shall appoint its members.

5 Subsection 5(1) of Chapter 8, as amended by Chapter 52 of the Acts of 2014, is further amended by striking out “eight” and substituting “six”.

6 Subsection 6(2) of Chapter 8, as amended by Chapter 52 of the Acts of 2014 and Section 1 of this Act, is further amended by striking out “Five” and substituting “Four”.

CANADA–NOVA SCOTIA OFFSHORE PETROLEUM RESOURCES ACCORD IMPLEMENTATION (NOVA SCOTIA) ACT

7 The title of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, is repealed and “An Act to Implement an Agreement Between the Government of Nova Scotia and the Government of Canada on Offshore Resource Management and Revenue and to Provide for the Joint Management of Offshore Renewable Energy” substituted.

8 Section 1 of Chapter 3 is repealed and the following Section substituted:

1 This Act may be cited as the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management (Nova Scotia) Act*.

9 Section 2 of Chapter 3 is amended by

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly;

(b) adding the following definitions in their alphabetical place:

“abandoned facility” means any pipeline, as defined in Section 133, installation, facility, equipment or system that has been abandoned in accordance with an authorization issued under Part III;

“Indigenous peoples of Canada” has the meaning assigned by the definition of aboriginal peoples of Canada in subsection 35(2) of the *Constitution Act, 1982*;

“offshore renewable energy project” means any of the following works and activities:

(a) any research or assessment conducted in relation to the exploitation or potential exploitation of a renewable resource to produce an energy product, unless it is conducted by or on behalf of a government or educational institution;

(b) any exploitation of a renewable resource to produce an energy product;

(c) any storage of an energy product produced from a renewable resource; and

(d) any transmission of an energy product produced from a renewable resource;

“offshore renewable energy recommendation” means a recommendation made by the Regulator respecting the exercise of a power or the performance of a duty under a provision of this Act that expressly provides for the exercise of the power or the performance of the duty subject to Sections 38A to 38C;

“Regulator” means the Canada–Nova Scotia Offshore Energy Regulator established by the joint operation of Section 9 of this Act and section 9 of the federal Implementation Act;

(c) striking out the definition of “Board”; and

(d) striking out the definition of “Minister” and substituting the following definition:

“Minister” means, other than for the purposes of Part IIIA, the minister of the Government of the Province who is responsible for the management of offshore energy resources;

10 Chapter 3 is further amended by adding immediately after Section 2 the following Section:

2A Subject to Section 6, the Governor in Council may make regulations amending the definition of “offshore renewable energy project” in Section 2 to add or remove any work or activity that is carried out in the offshore area.

11 Subsection 6(1) of Chapter 3 is repealed and the following subsection substituted:

(1) Before a regulation is made under Section 2A, subsection 5(1) or 17(4), Section 30A, subsection 35(8), 39(7) or 45(7), Section 51, 53A, 62A or 70, subsection 73(2), Section 102A, subsection 102B(2), Section 120, subsection 124(1), Section 127, subsection 146(1), 159(2C), 160(1B), 180S(6) or 180Y(1), Section 180AC, subsection 180AD(3) or 199B(1) or Section 200, the Minister shall consult the federal Minister with respect to the proposed regulation and the regulation shall not be made without the federal Minister’s approval.

12 Chapter 3 is further amended by adding immediately after Section 7 the following Section:

7A For greater certainty, the Accord does not apply to offshore renewable energy resources.

13 Subsection 9(1) of Chapter 3 is repealed and the following subsection substituted:

(1) There is established by the joint operation of this Act and the federal Implementation Act a board to be known as the Canada–Nova Scotia Offshore Energy Regulator.

14 Subsection 12(2) of Chapter 3 is repealed.

15 Subsection 18(2) of Chapter 3 is repealed and the following subsection substituted:

(2) The Regulator may make recommendations to both governments with respect to proposed amendments to this Act, the federal Implementation Act, any regulations made under those Acts and to any other legislation relating to petroleum resource and renewable energy activities in the offshore area.

16 Chapter 3 is further amended by adding immediately after Section 18 the following Section:

18A His Majesty in right of the Province or in right of Canada may rely on the Regulator for the purposes of consulting with the Indigenous peoples of Canada respecting any potential adverse impact of a work or activity in the offshore area on existing Aboriginal and treaty rights recognized and affirmed by section 35 of the *Constitution Act, 1982* and the Regulator may, on behalf of His Majesty, if appropriate, accommodate any adverse impacts on those rights.

17 Subsection 19(1) of Chapter 3 is repealed and the following subsection substituted:

(1) The Minister and the federal Minister are entitled to access to any information or documentation relating to petroleum resource and renewable energy activities in the offshore area that is provided for the purposes of this Act or any regulation made under it and such information or documentation shall, on the request of either Minister, be disclosed to that Minister without requiring the consent of the party who provided the information or documentation.

18 Subsection 21(1) of Chapter 3 is repealed and the following subsection substituted:

(1) The Regulator shall have responsibility for the storage and curatorship, in a facility in the Province, of

(a) all petroleum-related geophysical and geological records and reports, reports respecting wells and materials recovered from wells in the offshore area and, without limiting the generality of the foregoing, drill cuttings, fluid samples, hydrocarbon samples and cores recovered from those wells; and

(b) all records and reports involving geophysical, geological or geotechnical data, data on physical environmental conditions, environmental effects monitoring data or renewable energy resource data—including data on wind, waves and currents—all environmental studies and all geological and geotechnical samples, to the extent that those records and reports, studies and samples relate to offshore renewable energy.

19 Subsection 26(4) of Chapter 3 is repealed and the following subsection substituted:

(4) For the purpose of being eligible for appointment to a position in the civil service by an appointment process under the *Civil Service Act*,

(a) any person who, immediately prior to being employed by the Regulator, was employed in the civil service shall be deemed to be a person employed in the civil service in the Department of Natural Resources and Renewables in the location where that person is performing duties for the Regulator and in a position of an occupational nature and at a level equivalent to the position in which that person is employed by the Regulator; and

(b) any person who, immediately prior to being employed by the Regulator, was not employed in the civil service shall, two years after being employed by the Regulator, be deemed to be a person employed in the civil service in the Department of Natural Resources and Renewables in the location where that person is performing duties for the Regulator and in a position of an occupational nature and at a level equivalent to the position in which that person is employed by the Regulator.

20 Subsection 28(4) of Chapter 3 is repealed and the following subsections substituted:

(4) Subject to subsection (4A), the Government of the Province shall pay one half of the aggregate of the expenditures set out in the budget or revised budget in respect of each fiscal year.

(4A) The Chief Executive Officer may include in the budget or revised budget expenditures associated with specific requirements of one government that are to be paid entirely by that government.

21 (1) Clause 30A(1)(b) of Chapter 3 is repealed and the following clause substituted:

(b) respecting the fees or charges, or the method of calculating the fees or charges, in respect of any of the Regulator's activities under this Act or the *Impact Assessment Act* (Canada), that are to be paid by

(i) a person who makes an application for an authorization under clause 135(1)(b) or subsection 135AA(1) or an application under subsection 136(2), or

(ii) the holder of an operating licence issued under clause 135(1)(a) or an authorization issued under clause 135(1)(b) or subsection 135AA(1).

(2) Subsection 30A(3) of Chapter 3 is repealed and the following subsection substituted:

(3) The amounts of the fees or charges referred to in clause (1)(b) shall not exceed the cost of the Regulator's activities under this Act or the *Impact Assessment Act* (Canada).

22 Clause 33(1)(a) of Chapter 3 is amended by striking out "National Energy Board" and substituting "Canadian Energy Regulator".

23 (1) Subsection 35(3) of Chapter 3 is amended by striking out "National Energy Board" and substituting "Canadian Energy Regulator".

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

(a) striking out "National Energy Board" wherever it appears and substituting "Canadian Energy Regulator" in each case; and

(b) striking out "Board" in clause (c) and substituting "Canadian Energy Regulator".

(3) Subsection 35(5) of Chapter 3 is amended by striking out "National Energy Board" and substituting "Canadian Energy Regulator".

(4) Subsection 35(7) of Chapter 3 is amended by striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly.

24 Chapter 3 is further amended by adding immediately after Section 38 the following Sections:

38A (1) The Regulator shall notify the Minister and the federal Minister in writing of its offshore renewable energy recommendation as soon as practicable after deciding to make the recommendation.

(2) The Minister and the federal Minister shall, within 60 days after receiving the recommendation, notify the Regulator in writing of their respective decision to approve the recommendation, with or without variations, or to reject it.

(3) Notwithstanding subsection (2), on written notice by either Minister to the Regulator and the other Minister, both Ministers shall have an additional 30 days to notify the Regulator of their respective decision under that subsection.

(4) Notwithstanding subsection (2), the Minister or the federal Minister may notify the Regulator of their respective decision with respect to an offshore renewable energy recommendation to make a call for bids beyond the period of 60 days referred to in that subsection.

38B The Regulator shall publish in the Royal Gazette any notice of decision referred to in subsection 38A(2), unless the decision is to reject an offshore renewable energy recommendation to make a call for bids.

38C The Regulator shall only exercise a power or perform a duty subject to this Section and Sections 38A and 38B if it has been the subject of an offshore renewable energy recommendation that was approved by both Ministers with the same variations, if any, and, in that case, shall exercise the power or perform the duty as soon as practicable after it receives the notices referred to in subsection 38A(2).

25 (1) Subsection 40(1) of Chapter 3 is amended by

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly; and

(b) striking out the definition of “certificate” and substituting the following definition:

“certificate” means a certificate issued under Part 3 of the *Canadian Energy Regulator Act* (Canada);

(2) Subsection 40(2) of Chapter 3 is amended by striking out “National Energy Board” and substituting “Canadian Energy Regulator”.

26 Subsection 41(1) of Chapter 3 is amended by

(a) adding immediately after clause (a) the following clause:

(aa) offshore renewable energy recommendations;

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

(ba) the principles referred to in Section 102;

and

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

(ca) the development of guidelines and interpretation notes issued under Section 148 or 180AA;

27 Section 43(1) of Chapter 3, as amended by Chapter 56 of the Acts of 1988, is further amended by

(a) striking out “25,” and substituting “25 and”; and

(b) striking out “and subsection (4) of Section 134B”.

28 Section 44 of Chapter 3 is amended by adding immediately after subsection (2) the following subsection:

(2A) A commissioner appointed under clause (2)(b) may be a person selected under subparagraph 50(1)(b.1)(ii) of the *Impact Assessment Act* (Canada).

29 Section 44A of Chapter 3 is repealed and the following Section substituted:

44A The Regulator may conduct a public hearing in relation to the exercise of any of its powers or the performance of any of its duties and functions under this Act.

30 Clause 44C(a) is repealed and the following clause substituted:

(a) there is a real and substantial risk that disclosure of the information will impair the security of pipelines, as defined in Section 133, installations, facilities, vessels, aircraft or systems, including computer or communication systems, or methods employed to protect them; and

31 Section 45 of Chapter 3 is amended by adding immediately after subsection (7) the following subsections:

(8) The definitions in Section 163 also apply in subsections (9) and (10).

(9) A Canada-Nova Scotia benefits plan submitted for approval in respect of a work or activity to be carried out in a transboundary pool that is the subject of a joint exploitation agreement is not to be approved under this Section unless the Regulator and the appropriate authority have agreed on its content.

(10) The Regulator or the appropriate authority—or in respect of any transboundary pool extending into the jurisdiction of a foreign government, the federal Minister, after having consulted the federal Minister of Foreign Affairs and the Provincial Minister—may, where they disagree about the content of the plan submitted for approval, refer the matter to an expert in accordance with Section 180P, and the expert’s decision is deemed to be approval of the plan by the Regulator.

32 Section 49(1) of Chapter 3 is amended by adding “or respecting offshore renewable energy projects” immediately after “petroleum”.

33 Chapter 3 is further amended by adding immediately after the heading, “PART II” the following heading:

PETROLEUM AND OFFSHORE RENEWABLE ENERGY RESOURCES

34 Section 54 of Chapter 3 is amended by

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly;

(b) striking out the definitions of “call for bids”, “Crown reserve lands”, “interest” and “significant discovery” and substituting the following definitions:

“call for bids” means a call for bids made in accordance with

- (a) in the case of petroleum, Section 64; and
- (b) in the case of offshore renewable energy, Section 96;

“Crown reserve lands” means

(a) in relation to petroleum, portions of the offshore area in respect of which no petroleum-related interest is in force; and

(b) in relation to offshore renewable energy, portions of the offshore area in respect of which no submerged land licence is in force respecting a particular renewable energy resource;

“interest” means

(a) in relation to petroleum, any former exploration agreement, former lease, former permit, former special renewal permit, exploration licence, production licence or significant discovery licence; and

(b) in relation to offshore renewable energy, any submerged land licence;

“significant discovery” means a discovery indicated by a well on a geological feature that

(a) demonstrates, through any formation flow test approved by the Regulator, the existence of hydrocarbons in that feature; and

(b) having regard to geological and engineering factors, suggests the existence of an accumulation of hydrocarbons that has potential for sustained production;

35 Subsection 60(1) of Chapter 3 is repealed and the following subsections substituted:

(1) Subject to Sections 32 to 37, the Regulator may, except in a case referred to in subsection (2), by order, for any purposes and under any conditions set out in the order, prohibit the issuance of petroleum-related interests in respect of any portions of the offshore area specified in the order.

(1A) The Minister and the federal Minister may, except in a case referred to in subsection (2), issue a joint direction to the Regulator to, by order, for any purposes

and under any conditions set out in the order, prohibit the issuance of submerged land licences in respect of any portions of the offshore area specified in the order.

36 Subsections 62(1) and (2) of Chapter 3 are repealed and the following subsections substituted:

(1) Subject to subsections (2) and (2A), the Regulator may, by order, prohibit any interest owner specified in the order from commencing or continuing any work or activity on all or any portion of the offshore area subject to the interest, in the case of

- (a) an environmental or social problem of a serious nature; or
- (b) dangerous or extreme weather conditions affecting the health or safety of people or the safety of equipment.

(2) The making of an order by the Regulator in a case referred to in clause (1)(a) with respect to a petroleum-related interest is subject to Sections 32 to 37.

(2A) The making of an order by the Regulator in a case referred to in clause (1)(a) with respect to a submerged land licence is subject to Sections 38A to 38C.

37 Chapter 3 is further amended by adding immediately after Section 62 the following Sections:

62A Subject to Section 6, the Governor in Council may, for the purpose of the protection of the environment, make regulations prohibiting, in respect of any portion of the offshore area that is specified in those regulations and that is located in an area that is or, in the opinion of the Governor in Council, may be identified under an Act of the Legislature or of Parliament as an area for environmental or wildlife conservation or protection,

- (a) the commencement or continuation of
 - (i) any work or activity relating to the exploration or drilling for or the production, conservation, processing or transportation of petroleum, or
 - (ii) an offshore renewable energy project; or
- (b) the issuance of interests.

62B (1) The Minister may enter into negotiations with an interest owner for a determination of any compensation that may be granted to the interest owner for the surrender of the interest in respect of all or any portion of the offshore area subject to the interest, if all or any portion of the offshore area in respect of which the surrender is negotiated is

- (a) located in an area that is identified under an Act of the Legislature as an area for environmental or wildlife conservation or protection; or
- (b) subject to regulations made under Section 62A.

(2) The Minister shall, not later than 60 days before entering into the negotiations, give written notice to the federal Minister of the Minister's intention to

enter into negotiations with the interest owner within the period specified in the notice referred to in subsection (3).

(3) The Minister shall, not later than 30 days before entering into the negotiations, give written notice to the interest owner, and forward a copy of the notice to the Regulator, indicating the Minister's intention to enter into negotiations with the interest owner within the period specified in the notice.

(4) The Minister and the federal Minister may, by order, jointly cancel the interest in respect of all or any portion of the offshore area that is subject to the interest and that is located in an area that is or, in the opinion of the Governor in Council, may be identified under an Act of the Legislature as an area for environmental or wildlife conservation or protection, if

(a) the interest owner did not enter into negotiations with the Minister within the period specified in the notice given to the interest owner;

(b) in the opinion of the Minister, the compensation to be granted to the interest owner for the surrender of the interest has not been determined during the negotiations within a reasonable time; or

(c) in the opinion of the Minister, the negotiations have not resulted in the surrender of the interest by the interest owner within a reasonable time even though the compensation to be granted to the interest owner has been determined during the negotiations.

(5) The Minister shall, in the order, specify the amount of the compensation to be granted to the interest owner under subsection 62C(2) in respect of the cancellation of the interest.

(6) The portion of the offshore area subject to the interest referred to in subsection (1) that has been surrendered or the interest referred to in subsection (4) that has been cancelled becomes Crown reserve lands.

(7) Where an interest referred to in subsection (1) is surrendered or where an interest referred to in subsection (4) is cancelled, the deposit balance with respect to the interest held by the person holding that deposit balance on behalf of the interest owner, calculated in accordance with the regulations, shall be returned to the interest owner, less any liability, either direct or by way of indemnity, owed by the interest owner to that person at the time of the surrender or cancellation.

62C (1) Where an interest owner surrenders an interest referred to in subsection 62B(1), His Majesty in right of the Province may grant any compensation that is determined by negotiations with the Minister for the surrender of the interest.

(2) Where an interest is cancelled by an order made under subsection 62B(4), His Majesty in right of the Province may grant an interest owner the compensation that is specified in the order and, where the order cancels a petroleum-related interest

(a) it is subject to Section 126 in respect of the amount of that compensation; and

(b) for the purposes of this subsection, any reference to the Regulator in Section 126 is to be read as a reference to the Minister.

(3) A person shall not have any right to claim or receive any compensation, damages, indemnity or other form of relief from His Majesty in right of the Province or from any servant or agent of His Majesty in right of the Province for any acquired, vested, future or potential right or entitlement that is affected by a surrender of an interest referred to in subsection 62B(1) or a cancellation of an interest referred to in subsection 62B(4), other than compensation that may be granted to an interest owner under this Section.

62D (1) The federal Minister may enter into negotiations with an interest owner for a determination of any compensation that may be granted to the interest owner for the surrender of the interest in respect of all or any portion of the offshore area subject to the interest, if all or any portion of the offshore area in respect of which the surrender is negotiated is

- (a) located in an area that is identified under an Act of Parliament as an area for environmental or wildlife conservation or protection; or
- (b) subject to regulations made under Section 62A.

(2) The federal Minister shall, not later than 60 days before entering into the negotiations, give written notice to the Minister of the federal Minister's intention to enter into negotiations with the interest owner within the period specified in the notice referred to in subsection (3).

(3) The federal Minister shall, not later than 30 days before entering into the negotiations,

- (a) give written notice to the interest owner; and
- (b) forward a copy of the notice to the Regulator,

indicating the federal Minister's intent to enter into negotiations with the interest owner within the period specified in the notice.

(4) The federal Minister and the Minister may, by order, jointly cancel the interest in respect of all or any portion of the offshore area that is subject to the interest and that is located in an area that is or, in the opinion of the Governor in Council, may be identified under an Act of Parliament as an area for environmental or wildlife conservation or protection, if

- (a) the interest owner did not enter into negotiations with the federal Minister within the period specified in the notice given to the interest owner;
- (b) in the opinion of the federal Minister, the compensation to be granted to the interest owner for the surrender of the interest has not been determined during the negotiations within a reasonable time; or
- (c) in the opinion of the federal Minister, the negotiations have not resulted in the surrender of the interest by the interest owner within a reasonable time even though the compensation to be granted to the interest owner has been determined during the negotiations.

(5) The federal Minister shall specify in the order the amount of the compensation to be granted to the interest owner under subsection 62E(2) in respect of the cancellation of the interest.

(6) The portion of the offshore area subject to the interest referred to in subsection (1) that has been surrendered or the interest referred to in subsection (4) that has been cancelled becomes Crown reserve lands.

(7) Where an interest referred to in subsection (1) is surrendered or where an interest referred to in subsection (4) is cancelled, the deposit balance with respect to the interest held by the person holding that deposit balance on behalf of the interest owner, calculated in accordance with the regulations, shall be returned to the interest owner, less any liability, either direct or by way of indemnity, owed by the interest owner to that person at the time of the surrender or cancellation.

62E (1) Where an interest owner surrenders an interest referred to in subsection 62D(1), His Majesty in right of Canada may grant any compensation that is determined by negotiations with the federal Minister for the surrender of the interest.

(2) Where an interest is cancelled by an order made under subsection 62D(4), His Majesty in right of Canada may grant an interest owner the compensation that is specified in the order and, where the order cancels a petroleum-related interest,

(a) it is subject to Section 126 in respect of the amount of that compensation; and

(b) for the purposes of this subsection, any reference to the Regulator in Section 126 is to be read as a reference to the federal Minister.

(3) A person shall not have any right to claim or receive any compensation, damages, indemnity or other form of relief from His Majesty in right of Canada or from any servant or agent of His Majesty in right of Canada for any acquired, vested, future or potential right or entitlement that is affected by a surrender of an interest referred to in subsection 62D(1) or a cancellation of an interest referred to in subsection 62D(4), other than compensation that may be granted to an interest owner under this Section.

38 Section 63 of Chapter 3 is repealed and the following Section substituted:

63 (1) The Regulator may issue petroleum-related interests in respect of any portion of the offshore area in accordance with this Part and the regulations.

(2) The issuance of a petroleum-related interest by the Regulator is subject to Sections 32 to 37 unless the interest is issued under subsection 79(1) or clause 87(1)(a).

(3) Subject to subsection (4), the application of any petroleum-related interest may be restricted to geological formations and to substances specified in the interest.

(4) Subsection (3) does not apply to any petroleum-related interest

(a) that is in force or in respect of which negotiations were completed before or on the coming into force of this Section in relation to any portion of the offshore area; or

(b) that immediately succeeds an interest referred to in clause (a) in relation to that portion of the offshore area if that portion was not Crown reserve lands on the expiration of the interest referred to in clause (a).

39 (1) Subsections 64(1) to (3) of Chapter 3 are repealed and the following subsections substituted:

(1) Subject to Section 67, the Regulator shall not issue a petroleum-related interest in relation to Crown reserve lands unless

(a) prior to issuing the interest, the Regulator has made a call for bids in relation to those Crown reserve lands by publishing a notice in accordance with this Section and Section 69; and

(b) the interest is issued to the person who submitted, in response to the call, the bid selected by the Regulator in accordance with subsection 65(1).

(2) The making of a call for bids for the issuance of a petroleum-related interest is subject to Sections 32 to 37.

(3) Any request received by the Regulator to make a call for bids for the issuance of a petroleum-related interest in relation to particular portions of the offshore area shall be considered by the Regulator in selecting the portions of the offshore area to be specified in such a call for bids.

(2) Subsection 64(4) of Chapter 3 is amended by

(a) striking out “A call” and substituting “The call”; and

(b) striking out clause (b) and substituting:

(b) if applicable, the geological formations and substances to which the interest is to apply;

40 Section 65 of Chapter 3 is repealed and the following Section substituted:

65 (1) A bid submitted in response to a call for bids for the issuance of a petroleum-related interest shall not be selected unless

(a) the bid satisfies the terms and conditions and is submitted in the form and manner specified in the call; and

(b) the selection is made on the basis of the criterion specified in the call.

(2) Where the Regulator selects a bid submitted in response to the call for bids, the Regulator shall publish a notice in accordance with Section 69 setting out the terms and conditions of that bid.

(3) Where a petroleum-related interest is to be issued as a result of a call for bids, the terms and conditions of the interest shall be substantially consistent with any terms and conditions in respect of the interest specified in the call.

(4) The Regulator shall publish a notice in accordance with Section 69 setting out the terms and conditions of any petroleum-related interest issued as a result of a call for bids as soon as practicable after its issuance.

41 Section 66 of the Chapter 3 is repealed and the following Section substituted:

66 (1) The Regulator is not required to issue a petroleum-related interest as a result of a call for bids.

(2) Subject to Section 67, if the Regulator has not issued a petroleum-related interest with respect to a particular portion of the offshore area specified in a call for bids within six months after the closing date specified in the call for bids, the Regulator shall, before issuing a petroleum-related interest in relation to that portion of the offshore area, make a new call for bids.

42 Subsection 67(1) is amended by striking out “Subject to Sections 31 to 37, the Board may issue an interest, in relation to any Crown reserve lands, without making a call for bids where” and substituting “Subject to Sections 32 to 37, the Regulator may issue a petroleum-related interest, in relation to any Crown reserve lands, without making a call for bids if”.

43 Section 68 of Chapter 3 is repealed and the following Section substituted:

68 Where a petroleum-related interest has been issued, it is not vitiated by reason only of a failure to comply with any of the requirements set out in Sections 64 to 67 respecting the form and content of, and time and manner of publishing, any notice required by those Sections in relation to that interest.

44 Subsection 81(3) of Chapter 3 is repealed and the following subsections substituting:

(3) Subject to subsection 91(1), a significant discovery licence continues in force, in relation to each portion of the offshore area to which the licence applies, for a term of 25 years.

(3A) Where the interest owner has made an application for a declaration of commercial discovery referred to in subsection 84(1) or for the issuance of a production licence referred to in subsection 87(1), the term of the significant discovery licence is extended until the Regulator makes a decision respecting that application.

(3B) The extension to the term of the significant discovery licence remains in force after the Regulator makes a declaration of commercial discovery, but the Regulator may cancel the extension if the interest owner fails to submit an application for the issuance of a production licence within a reasonable time.

45 Subsection 86(2) of Chapter 3 is repealed and the following subsection substituted:

(2) Notwithstanding subsection (1), the Regulator may, subject to such terms and conditions as the Regulator deems appropriate, authorize any interest holder of a petroleum-related interest or a share in such an interest to produce petroleum on the portions of the offshore area subject to the interest or share for use in the exploration or drilling for or development of petroleum on any portion of the offshore area.

46 Chapter 3 is further amended by adding immediately after Section 93 the following Sections:

94 (1) The Regulator may issue submerged land licences in respect of any portion of the offshore area in accordance with this Part and the regulations.

(2) The issuance of a submerged land licence by the Regulator is subject to Sections 38A to 38C.

(3) The application of any submerged land licence may be restricted to particular technologies or types of offshore renewable energy resources specified in the licence.

(4) A submerged land licence is not required for the purpose of carrying on a work or activity described in clause (a) of the definition of “offshore renewable energy project” in Section 2 that does not require attaching a facility or structure to the seabed.

95 A submerged land licence confers, with respect to the portions of the offshore area to which it applies and subject to the terms and conditions it specifies, the right to carry on an offshore renewable energy project.

96 (1) Subject to Section 100, the Regulator shall not issue a submerged land licence in relation to Crown reserve lands unless

(a) prior to issuing the licence, the Regulator has made a call for bids in relation to those Crown reserve lands by publishing a notice in accordance with this Section and Section 102; and

(b) the licence is issued to the person who submitted, in response to the call, a bid selected by the Regulator in accordance with subsection 97(1).

(2) The making of a call for bids for the issuance of a submerged land licence is subject to Sections 38A to 38C.

(3) The call for bids shall specify

(a) the licence to be issued and the portions of the offshore area to which the licence is to apply;

(b) where applicable, the particular technologies or types of offshore renewable energy resources to which the licence is to apply;

(c) the other terms and conditions subject to which the licence is to be issued;

(d) any terms and conditions that a bid must satisfy to be considered by the Regulator;

(e) the form and manner in which a bid is to be submitted;

(f) the closing date for the submission of bids; and

(g) the criteria that the Regulator will apply in assessing bids submitted in response to the call.

97 (1) A bid submitted in response to a call for bids shall not be selected unless

(a) the bid satisfies the terms and conditions and is submitted in the form and manner specified in the call; and

(b) the selection is made on the basis of the criteria specified in the call.

(2) Where the Regulator selects a bid submitted in response to a call for bids, the Regulator shall publish a notice in accordance with Section 102 setting out the terms and conditions of that bid.

(3) The Regulator shall make an offshore renewable energy recommendation for or against the issuance of a submerged land licence under Section 94 respecting all bids selected in accordance with subsection (1).

98 (1) The issuance of a submerged land licence is not required as a result of a call for bids.

(2) Where a submerged land licence is to be issued as a result of a call for bids, the terms and conditions of the licence shall be substantially consistent with any terms and conditions specified in the call.

(3) The Regulator shall publish a notice in accordance with Section 102 setting out the terms and conditions of any submerged land licence issued as a result of a call for bids as soon as practicable after the licence's issuance.

99 Subject to Section 100, where the Regulator has not issued a submerged land licence with respect to a particular portion of the offshore area specified in a call for bids within 12 months after the closing date specified in the call for bids, the Regulator shall, before issuing a submerged land licence in relation to that portion of the offshore area, make a new call for bids.

100 (1) Subject to Sections 38A to 38C, the Regulator may issue a submerged land licence, in relation to any Crown reserve lands, without making a call for bids if

(a) the portion of the offshore area to which the licence is to apply has, through error or inadvertence, become Crown reserve lands and the interest owner who last held a submerged land licence in relation to that portion of the offshore area has, within one year after the time it became Crown reserve lands, requested the Regulator to issue a licence;

(b) the Regulator is issuing the licence to an interest owner in exchange for the surrender by the interest owner, at the request of the Regulator, of any other submerged land licence or share in any other such licence, in relation to all or any portion of the offshore area subject to that other licence; or

(c) the federal Minister and the Minister have directed the Regulator to review an application for the issuance of a submerged land licence that will include the terms and conditions specified by the Ministers.

(2) The terms and conditions referred to in clause (1)(c) shall specify that the purpose of the offshore renewable energy project to be carried out under the submerged land licence shall be restricted to any of the following:

- (a) to conduct research or to demonstrate a technology, approach or method related to the production, transmission or storage of renewable energy;
- (b) to conduct a site assessment activity;
- (c) to transmit an energy product produced from a renewable resource;
- (d) to provide energy for a petroleum-related work or activity; or
- (e) any other purpose set out in regulations.

(3) Where the Regulator proposes to issue a submerged land licence under subsection (1), the Regulator shall, not later than 120 days before issuing the licence, publish a notice in accordance with Section 102 setting out the terms and conditions of the proposed licence.

101 Where a submerged land licence has been issued, it is not vitiated by reason only of a failure to comply with any of the requirements set out in Sections 96 to 100 respecting the form and content of, and time and manner of publishing, any notice required by those Sections in relation to that licence.

102 Any notice required to be published by the Regulator under subsection 96(1), 97(2), 98(3), 100(3) or 102C(2) shall be published in the Royal Gazette and in any other publication the Regulator deems appropriate and, notwithstanding those subsections, may contain only a summary of the information required to be published and a statement that the full text of the notice is available for inspection by any person on request made to the Regulator.

102A Subject to Section 6, the Governor in Council may, for the purposes of Section 96, make regulations of general application in relation to the offshore area or any portion of the offshore area, or in respect of any particular call for bids, prescribing the terms, conditions and criteria to be specified in a call for bids and the manner in which bids are to be submitted and requiring those terms, conditions and criteria and manner to be specified in the call.

102B (1) A submerged land licence shall contain any terms and conditions that may be set out in regulations and may contain any other terms and conditions, not inconsistent with this Part or the regulations, that may be agreed on by the Regulator, subject to Sections 38A to 38C, and the interest owner of the licence.

(2) Subject to Section 6, the Governor in Council may make regulations prescribing terms and conditions required to be included in submerged land licences issued in relation to the offshore area or any portion of the offshore area.

102C (1) Subject to Sections 38A to 38C, the Regulator and the interest owner of a submerged land licence may, by agreement, amend any provision of the licence in any manner not inconsistent with this Part or the regulations and may, subject to subsection (2), amend the licence to include any other portion of the offshore area.

(2) The Regulator shall not amend a submerged land licence to include any portion of the offshore area that, immediately prior to the inclusion, was Crown reserve lands unless the Regulator would be able to issue an interest to that interest owner in relation to that area under subsection 100(1) and a notice has been published in accordance with Section 102 not later than 120 days before making the amendment, setting out the terms and conditions of the amendment.

(3) Subject to Sections 38A to 38C, the Regulator may, on the application of the interest owners of two or more submerged land licences, consolidate those licences into a single submerged land licence, subject to any terms and conditions that may be agreed on by the Regulator and those interest owners.

102D (1) The effective date of a submerged land licence is the date specified in the licence.

(2) On the expiry of the submerged land licence, the portions of the offshore area to which the licence related become Crown reserve lands.

102E No submerged land licence or share in a submerged land licence may be held by any person other than a corporation incorporated in Canada.

102F The following principles apply in Sections 94 to 102E:

(a) all Canadian corporations and individuals resident in Canada shall have a full and fair opportunity to participate on a competitive basis, including in the course of employment, in the supply of goods and services used in any work or activity related to an offshore renewable energy project;

(b) importance shall be given to the development of measures that aim to increase the participation of under-represented groups, including in the course of employment, in the supply of goods and services used in any such work or activity; and

(c) during the submerged land licence issuance process, importance shall be given to the consideration of effects on fishing activities.

47 Subsections 103(3) and (4) of Chapter 3 are repealed and the following subsections substituted:

(3) Notwithstanding subsection 78(2) of the *Canada Petroleum Resources Act*, one of the members of the Environmental Studies Management Board established by subsection 78(1) of that Act is to be appointed by the Regulator on the recommendation of the Minister.

(4) The Environmental Studies Management Board referred to in subsection (3) shall submit to the Regulator, at the same time the report or recommendation referred to in clause (a) is submitted to the federal Minister,

(a) a copy of every annual report and recommendation submitted to the federal Minister under clause 79(1)(d) or (e) of the *Canada Petroleum Resources Act*; and

(b) a copy of that part of every budget submitted to the federal Minister under clause 79(1)(c) of that Act that relates to the offshore area.

48 Subsection 104(1) of Chapter 3, as amended by Chapter 36 of the Acts of 2015, is further amended by

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly; and

(b) striking out the definition of “operator’s lien” and substituting the following definition:

“operator’s lien” means any charge on or right in relation to an interest or a share in an interest

(a) that arises under a contract

(i) to which the interest owner or holder of the interest or share is a party,

(ii) that provides for the operator appointed under the contract to carry out any work or activity, in the portions of the offshore area to which the interest or share applies, related to the exploration for or the development or production of petroleum or to offshore renewable energy projects, and

(iii) that requires the interest owner or holder to make payments to the operator to cover all or part of the advances made by the operator in respect of the costs and expenses of such work or activity; and

(b) that secures the payments referred to in subclause (a)(iii);

49 Section 105 of Chapter 3 is repealed and the following Section substituted:

105 (1) Where an interest holder of an interest or any share in an interest enters into an agreement or arrangement that is or may result in a transfer, assignment or other disposition of the interest or share, the interest holder shall give notice of such agreement or arrangement to the Regulator, together with a summary of its terms and conditions or, on the request of the Regulator, a copy of the agreement or arrangement.

(2) A submerged land licence shall only be transferred, assigned or otherwise disposed of under subsection (1) if the Regulator is satisfied that the terms and conditions of the licence can be met following the transfer, assignment or other disposition.

50 (1) Subsection 121(1) of Chapter 3, as amended by Chapter 12 of the Acts of 1992 and Chapter 43 of the Acts of 2014, is further amended by

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly;

(b) striking out the definition of “engineering research or feasibility study” and substituting the following definition:

“engineering research or feasibility study” includes work undertaken to facilitate the design or to analyse the viability of engineering technology, systems or schemes to be used, in the offshore area, in the

exploration for or the development, production or transportation of petroleum or in offshore renewable energy projects;

(2) Subsection 121(5) of Chapter 3, as amended by Chapter 12 of the Acts of 1992, is further amended by

(a) striking out “or” at the end of subclause (d)(i);

(b) striking out subclause (d)(ii) and substituting the following subclauses:

(ii) in any other case relating to a petroleum-related work or activity, after the end of five years following the date of completion of the geological or geophysical work, or

(iii) in any case relating to an offshore renewable energy project, after the end of the time set out by regulations or, in the absence of regulations, three years following the date of completion of the geological or geophysical work;

(c) striking out “or” at the end of subclause (e)(i);

(d) striking out subclause (e)(ii) and substituting the following subclauses:

(ii) in any other case relating to a petroleum-related work or activity, after the end of five years following the date of completion of the research, study or experimental project or after the reversion of that portion of the offshore area to Crown reserve lands, whichever occurs first, or

(iii) in any case relating to an offshore renewable energy project, after the earlier of

(A) the end of the period set out by regulations or, in the absence of regulations, three years following the date of completion of the research, study or experimental project, and

(B) the reversion of that portion of the offshore area to Crown reserve lands;

(e) striking out “or” at the end of subclause (i)(i); and

(f) striking out subclause (i)(ii) and substituting the following subclauses:

(ii) in any other case relating to a petroleum-related work or activity, if five years have passed since the completion of the study, or

(iii) in any case relating to an offshore renewable energy project, if the period set out by regulations has passed or, in the absence of regulations, three years have passed since the completion of that study.

(3) Subsection 121(7) of Chapter 3 is repealed and the following subsection substituted:

(7) The Regulator may disclose any information or documentation that it obtains under this Part or Part III—to officials of the Government of Canada, the Government of the Province or any other provincial government, or a foreign government or to the representatives of any of their agencies—for the purposes of a federal, provincial or foreign law, as the case may be, that deals

primarily with a petroleum-related work or activity, including the exploration for and the management, administration and exploitation of petroleum resources, or with an offshore renewable energy project, if

- (a) the government or agency undertakes to keep the information or documentation confidential and not to disclose it without the Regulator's written consent;
- (b) the information and documentation is disclosed in accordance with any conditions agreed to by the Regulator and the government or agency; and
- (c) in the case of disclosure to a foreign government or agency, the Minister and federal Minister consent in writing.

(4) Subsection 121(9) of Chapter 3 is repealed and the following subsections substituted:

(9) Subsection (2) does not apply in respect of information regarding the applicant for an operating licence or authorization under subsection 135(1) or authorization under Section 135AA or in respect of the scope, purpose, location, timing and nature of the proposed work or activity for which the authorization is sought.

(9A) The Regulator shall make public a summary of the information referred to in subsection (9) in respect of a work or activity

- (a) for which the Impact Assessment Agency of Canada decided under section 16 of the *Impact Assessment Act* (Canada) that an impact assessment is not required; or
- (b) that is excluded under section 112.1 of the *Impact Assessment Act* (Canada).

(5) Subsection 121(13) of Chapter is repealed and the following subsections substituted:

(13) Subject to subsection 122(1), the Regulator may disclose, including for the purposes of the *Impact Assessment Act* (Canada), all or part of any information or documentation related to safety or environmental protection that is provided in relation to an application for an operating licence or authorization under subsection 135(1) or authorization under Section 135AA or to an operating licence or authorization that is issued under one of those subsections or provided in accordance with any regulation made under this Part or Part III.

(13A) Notwithstanding subsection (13), the Regulator is not permitted to disclose information or documentation if it is satisfied that

- (a) disclosure of it could reasonably be expected to result in a material loss or gain to a person, or to prejudice the person's competitive position, and the potential harm resulting from the disclosure outweighs the public interest in making the disclosure;
- (b) it is financial, commercial, scientific or technical information or documentation that is confidential and has been consistently treated as

such by a person who would be directly affected by its disclosure, and for which the person's interest in confidentiality outweighs the public interest in its disclosure; or

(c) there is a real and substantial risk that disclosure of it will impair the security of pipelines, as defined in Section 133, installations, facilities, vessels, aircraft or systems, including computer or communication systems, used for any work or activity in respect of which this Act applies—or methods employed to protect them—and the need to prevent its disclosure outweighs the public interest in its disclosure.

51 Subsection 125(2) of Chapter 3 is repealed and the following subsections substituted:

(2) Notwithstanding anything in this Part but subject to Sections 32 to 37 and subsection (3), where the interest owner or holder of a petroleum-related interest fails to comply with a notice under subsection (1) within the period specified in the notice and the Regulator considers that the failure to comply warrants cancellation of the interest of the interest owner or holder or of any share in the interest held by the holder with respect to a portion only of the offshore area subject to the interest, the Regulator may, by order subject to Section 126, cancel that interest or share, in which case the portions of the offshore area under that interest or share become Crown reserve lands.

(2A) The Regulator's order to cancel an exploration licence, significant discovery licence or production licence under subsection (2) is not subject to Section 126 if the notice under subsection (1) relates to a failure to meet any of the terms and conditions contained in that licence.

(2B) Notwithstanding anything in this Part but subject to Sections 38A to 38C, where the interest owner or holder of a submerged land licence fails to comply with a notice under subsection (1) within the period specified in the notice and the Regulator considers that the failure to comply warrants cancellation of the licence of the interest owner or holder or any share in the licence held by the holder, the Regulator may, by order, cancel that licence or share, in which case the portions of the offshore area under that licence or share become Crown reserve lands.

52 Subsection 126(8) of Chapter 3 is repealed and the following subsection substituted:

(8) Where an order, decision or action referred to in subsection (2) is made or taken, the Regulator shall notify the person who requested a hearing in respect of the order, decision or action under subsection (3) and, on request by that person, publish or make available to that person the reasons for the order, decision or action.

53 Subsection 131(1) of Chapter 3 is repealed and the following subsection substituted:

131 (1) Subject to Section 129, the petroleum-related interests provided for under this Part replace all petroleum rights or prospects of petroleum rights acquired

or vested in relation to any portion of the offshore area prior to the coming into force of this Section.

54 Chapter 3 is further amended by adding immediately after Section 132 the following Section:

132A Notwithstanding subsection 81(3) and subject to subsection 91(1), where the interest holder of an exploration licence issued before 2017 applies for a declaration of significant discovery in relation to any portion of the offshore area to which that licence applies and where the significant discovery is indicated by the first well on a geological feature that demonstrates, by flow testing, the existence of hydrocarbons in that feature, any significant discovery licence issued for that significant discovery area continues in force, in relation to each portion of the offshore area to which the licence applies, for as long as the declaration of significant discovery on the basis of which the licence was issued remains in force in relation to that portion.

55 Chapter 3 is further amended by adding immediately after the heading “Part III” before Section 133, the following:

PETROLEUM AND OFFSHORE RENEWABLE ENERGY OPERATIONS

56 Section 133 of Chapter 3 is amended by striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly.

57 Section 133A of Chapter 3 is repealed and the following Section substituted:

133A The purpose of this Part is to promote

- (a) safety, particularly by encouraging persons exploring for and exploiting petroleum or carrying on an offshore renewable energy project to maintain a prudent regime for achieving safety;
- (b) the protection of the environment;
- (c) accountability in accordance with the “polluter pays” principle; and
- (d) in respect of the exploration for and exploitation of petroleum, the conservation of petroleum resources and joint production arrangements.

58 Chapter 3 is further amended by adding immediately after Section 134AA the following Section:

134B No person shall carry on any work or activity related to an offshore renewable energy project unless

- (a) that person is the holder of an authorization issued, before the commencement of operations, under subsection 135AA(1) for the work or activity; and
- (b) where required, that person is authorized or entitled to carry on business in the place where that person proposes to carry on the work or activity.

59 Section 134D of Chapter 3 is repealed and the following Section substituted:

134D The Regulator may delegate any of the Regulator’s powers under Section 135, 135AA, 135B, 135C, 136A, 136B, 159A, 160, 180T or 180U to any person, and the person shall exercise those powers in accordance with the terms of the delegation.

60 (1) Section 135(1) of Chapter 3, as enacted by Chapter 12 of the Acts of 1992, is amended by striking out “The Board may, on application made in the form and containing the information fixed by it and in the prescribed manner, issue” and substituting “The Regulator may, on application made in the form and containing the information fixed by it and in the prescribed manner, issue in relation to petroleum-related works or activities”.

(2) Subsection 135(4) of Chapter 3, as enacted by Chapter 12 of the Acts of 1992, is amended by

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

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

(ba) requirements that are conditions established under the *Impact Assessment Act* (Canada), including those established under section 64 of that Act or by regulations made under paragraph 112(1)(a.2) of that Act; and

61 Sections 135AA to 135AC of Chapter 3 are repealed and the following Sections substituted:

135AA(1) The Regulator may, on application containing any information required by the Regulator or prescribed, issue an authorization with respect to each work or activity proposed to be carried out in relation to an offshore renewable energy project.

(2) On receipt by the Regulator of an application for an authorization referred to in subsection (1) or of an application to amend the authorization, the Regulator shall provide a copy of the application to the Chief Safety Officer.

(3) An authorization is subject to any terms and conditions required by the Regulator or prescribed, including terms or conditions with respect to

(a) approvals;

(b) deposits of money;

(c) liability for loss, damage, costs or expenses related to debris, as defined in subsection 180Q(1);

(d) the carrying out of safety or environmental programs or studies;

(e) conditions established under the *Impact Assessment Act* (Canada), including those established under section 64 or by regulations made under paragraph 112(1)(a.2) of that Act; and

(f) certificates of fitness and who may issue them.

(4) The terms and conditions shall not be inconsistent with the provisions of this Act or the regulations.

(5) The Regulator may suspend or revoke an authorization referred to in subsection (1) for failure to comply with, contravention of or default in respect of

- (a) a term or condition, determined by the Regulator in accordance with the provisions of this Part or Part IIIA or prescribed under either of those Parts, subject to which the authorization was issued;
- (b) a fee or charge payable in accordance with regulations made under Section 30A;
- (c) a requirement undertaken in a declaration referred to in subsection 136A(2);
- (d) subsection 136A(3), 180T(3) or 180U(2);
- (e) any provision of Part IIIA; or
- (f) any applicable regulation.

135AB (1) For the purposes of this Section and Sections 135AC to 135AG, designated project means a designated project, as defined in section 2 of the *Impact Assessment Act* (Canada), that is a work or activity referred to in Section 134 or 134B of this Act.

(2) Where an application for an authorization under clause 135(1)(b) or subsection 135AA(1) or an application made under subsection 136(2) is in respect of a designated project, the Regulator may not make a determination respecting that application before

- (a) the Impact Assessment Agency of Canada decides, under subsection 16(1) of the *Impact Assessment Act* (Canada), that an impact assessment of that project is not required; or
- (b) the Minister of the Environment for Canada has issued a decision statement under section 65 of the *Impact Assessment Act* (Canada).

(3) Where the Minister of the Environment for Canada considers designating, under section 9 of the *Impact Assessment Act* (Canada), a work or activity referred to in Section 134 or 134B of this Act, the Chair of the Regulator shall provide the Minister with comments respecting this designation.

(4) Before providing the Minister of the Environment for Canada with comments, the Chair of the Regulator may consult with the Minister and the federal Minister and, in that event, the Chair shall consult with both Ministers.

135AC (1) The Regulator shall provide the Impact Assessment Agency of Canada, on request and within the period specified by the Agency under subsection 13(1) of the *Impact Assessment Act* (Canada), with any specialist or expert information or knowledge that the Regulator possesses.

(2) The Regulator shall, on the Agency's request made under subsection 13(2) of the *Impact Assessment Act* (Canada), engage the proponent of a designated project in order to specify to the proponent the information, if any, that the Regulator may require in order to exercise its powers or perform its duties or functions with respect to that project.

(3) The Chair of the Regulator shall provide the Agency with comments for any work or activity referred to in Section 134 or 134B that is the subject of

a notice posted under subsection 15(3) of the *Impact Assessment Act* (Canada) in order to assist the Agency to decide whether an impact assessment of that work or activity is required.

(4) Before providing the Agency with comments, the Chair of the Regulator may consult with the Minister and federal Minister and, in that event, the Chair shall consult with both Ministers.

(5) Where the Agency decides that an impact assessment of the designated project is required, the Chair of the Regulator shall provide the Agency with comments respecting the time limits referred to in subsections 28(2) and 37(1) of the *Impact Assessment Act* (Canada) within which the impact assessment report shall be submitted to the Minister of the Environment for Canada and within which any recommendations shall be posted on the Internet site established by the Agency.

(6) The Chair of the Regulator shall provide the Minister of the Environment for Canada with comments respecting any extension to the time limits that is considered under subsection 28(6) or (7) or 37(3) or (4) of the *Impact Assessment Act* (Canada).

(7) Before providing the Minister of the Environment for Canada with comments, the Chair of the Regulator may consult with the Minister and the federal Minister and, in that event, the Chair shall consult with both Ministers.

(8) Where the Agency decides that an impact assessment of the designated project is required, the Regulator shall provide the Agency with comments respecting

(a) the scope of the factors that the Agency takes into account in determining, under subsection 18(1.2) of the *Impact Assessment Act* (Canada), what information or which studies it considers necessary and that it may require from the proponent for the conduct of the impact assessment;

(b) the information or studies that the Regulator considers necessary for the conduct of the impact assessment or preparation of the impact assessment report, as the case may be, and that the Agency may require from the proponent under paragraph 18(1)(a), subsections 19(3) and 26(2) and section 38 of the *Impact Assessment Act* (Canada); and

(c) whether the proponent has provided the Agency with all of the information or studies necessary for the conduct of the impact assessment or preparation of the impact assessment report.

135AD The Regulator shall provide the Impact Assessment Agency of Canada or a review panel, on request and within the period specified by the Agency or review panel under section 23 of the *Impact Assessment Act* (Canada), with any specialist or expert information or knowledge that the Regulator possesses.

135AE Where the Impact Assessment Agency of Canada or review panel is to make recommendations respecting a designated project to assist the Minister of the Environment for Canada in establishing conditions under section 64 of the *Impact Assessment Act* (Canada), including respecting mitigation measures, a follow-up program or an adaptive management plan, the Regulator shall provide the Agency or review panel, as the case may be, with comments respecting those conditions.

135AF Every federal authority, as defined in section 2 of the *Impact Assessment Act* (Canada), shall provide the Regulator, on request and within the period specified by the Regulator, with any specialist or expert information or knowledge that the authority possesses and that the Regulator may require in order to

- (a) decide whether to authorize a work or activity under subsection 134(1) or 135AA(1);
- (b) decide whether to approve a development plan under subsection 136(4) or any amendment to that plan under subsection 136(5); or
- (c) conduct a regional assessment under Section 135AH or a strategic assessment under Section 135AI.

135AG The Regulator shall provide an authority, as defined in section 81 of the *Impact Assessment Act* (Canada), on request and within the period specified by the authority under section 85 of that Act, with any specialist or expert information or knowledge that the Regulator possesses respecting a project, as defined in section 81 of that Act.

135AH (1) The Regulator may conduct a regional assessment of the effects of any existing or future work or activity referred to in Sections 134 and 134B.

(2) The Minister and the federal Minister may enter into an agreement with any jurisdiction authorized under any other federal or provincial legislation to conduct a regional assessment of the effects of any existing or future work or activity referred to in Sections 134 and 134B, including to specify the time limits and terms of that regional assessment.

135AI (1) The Regulator may conduct a strategic assessment of any proposed or existing policy, plan or program respecting the offshore area or of any issue that is relevant to any existing or future work or activity referred to in Sections 134 and 134B.

(2) The Minister and the federal Minister may enter into an agreement with any jurisdiction authorized under any other federal or provincial legislation to conduct a strategic assessment of any proposed or existing policy, plan or program respecting the offshore area or of any issue that is relevant to any existing or future work or activity referred to in Sections 134 and 134B, including to specify the time limits and terms of that strategic assessment.

135AJ The Regulator shall provide the Impact Assessment Agency of Canada or a committee, on request and within the period specified by the Agency or committee under section 100 of the *Impact Assessment Act* (Canada), with any specialist or expert information or knowledge that the Regulator possesses.

135AK Where the Minister of the Environment for Canada, for the purposes of any regional assessment of the effects of any existing or future work or activity referred to in Section 134 or 134B or for the purposes of any strategic assessment in the offshore area, establishes the terms of reference and appoints members of a committee or establishes the terms of reference of the Impact Assessment Agency of Canada under section 96 of the *Impact Assessment Act* (Canada), the Minister, the federal Minister, and the Chair of the Regulator shall provide the Minister of the Environment for Canada with comments respecting those terms of reference or appointments.

135AL The Regulator may establish a participant funding program to facilitate the participation of the public and any Indigenous peoples of Canada in consultations concerning any matter respecting the offshore area.

135AM (1) Subject to subsection (4), any person may, for the purpose of exploring for or exploiting petroleum, enter on and use any portion of the offshore area in order to carry on a work or activity authorized pursuant to clause 135(1)(b).

(2) Subject to subsection (4), any person may, for the purpose of carrying on an offshore renewable energy project, enter on and use any portion of the offshore area in order to carry on a work or activity authorized under Section 135AA.

(3) Subject to subsection (4), any person may enter on and use any portion of the offshore area in order to make contact with, alter or remove an abandoned facility if they have been authorized to do so under subsection 180AD(3).

(4) Where a person occupies a portion of the offshore area under a lawful right or title, other than an authorization under clause 135(1)(b) or subsection 135AA(1) or an interest as defined in Section 54, no person may enter on or use that portion for a purpose referred to in any of subsections (1) to (3) without the consent of the occupier or, where consent has been refused, except in accordance with the terms and conditions imposed by a decision of an arbitrator made in accordance with the regulations.

(5) With respect to Sable Island National Park Reserve of Canada, the surface access rights provided for under this Section are limited to the following:

- (a) access to existing wellheads for the purposes of safety and environmental protection;
- (b) petroleum exploration activities with a low impact on the environment, including seismic, geological or geophysical programs;
- (c) emergency evacuation capacity for offshore workers;
- (d) the operation, maintenance and inspection of emergency facilities, including helicopter landing and fuel storage facilities.

62 Subsections 135AC(5) and (6) of Chapter 3, as enacted by Section 61, are repealed and the following subsections substituted:

(5) Where the Agency decides that an impact assessment of the designated project is required, the Chair of the Regulator shall provide the Agency with comments respecting the time limits referred to in subsection 37.1(1) of the *Impact Assessment Act* (Canada) within which the impact assessment report shall be submitted to the Minister of the Environment for Canada and within which any recommendations shall be posted on the Internet site established by the Agency.

(6) The Chair of the Regulator shall provide the Minister of the Environment for Canada with comments respecting any extension to the time limits that is considered in accordance with subsections 37(3) or (4) and 37.1(4) of the *Impact Assessment Act* (Canada).

63 Chapter 3 is further amended by adding immediately after Section 135AC, as enacted by Section 61, the following Section:

135ACA Where the Minister of the Environment for Canada consults the Chair of the Regulator respecting the establishment of a review panel's terms of reference under subsection 46.1(1) of the *Impact Assessment Act* (Canada), the Chair shall consult the federal Minister and the Minister.

64 Chapter 3 is further amended by adding immediately after Section 135AD, as enacted by Section 61, the following Sections:

135ADA Where the Minister of the Environment for Canada consults the federal Minister respecting the selection of any member of the Regulator to a roster under subparagraph 50(1)(b.1)(i) of the *Impact Assessment Act* (Canada), the federal Minister shall consult with the Minister and the Chair of the Regulator.

135ADB Where the Minister of the Environment for Canada consults the federal Minister and the Regulator respecting the selection of any person to a roster under subparagraph 50(1)(b.1)(ii) of the *Impact Assessment Act* (Canada), the Regulator shall consult with the federal Minister and the Minister.

135ADC Where the Minister of the Environment for Canada consults the federal Minister under subsection 61(1) of the *Impact Assessment Act* (Canada) with respect to the referral to the Governor in Council for Canada of an impact assessment report for a designated project, the federal Minister shall consult the Minister.

65 Section 135B of Chapter 3 is repealed and the following Section substituted:

135B (1) The Regulator shall, before issuing an authorization for a work or activity referred to in clause 135(1)(b), consider the safety of the work or activity by reviewing, in consultation with the Chief Safety Officer, the system as a whole and its components, including its structures, facilities, equipment, operating procedures and personnel.

(2) The Regulator shall, before a work or activity referred to in subsection 135AA(1) commences, consider the safety of the work or activity by reviewing, in consultation with the Chief Safety Officer, the system as a whole and its components, including its structures, facilities, equipment, operating procedures and personnel.

66 Section 135C of Chapter 3 is repealed and the following Section substituted:

135C (1) The Regulator shall, before issuing an authorization for a work or activity referred to in clause 135(1)(b), ensure that the applicant has complied with the requirements of subsection 159A(1) or (2) and subsection 160(1) or (1A) in respect of that work or activity.

(2) The Regulator shall ensure that an applicant or holder of an authorization under subsection 135AA(1) has, prior to a date determined by regulations or, in the absence of regulations, prior to commencing a work or activity under that authorization, complied with the requirements of subsections 180T(1) and 180U(1) in respect of that work or activity.

67 Section 136 of Chapter 3, as amended by Chapter 12 of the Acts of 1992, is further amended by adding immediately after subsection (6) the following subsections:

(7) The definitions in Section 163 apply to subsections (8) to (12).

(8) Notwithstanding subsection (4), a development plan submitted for approval in respect of a work or activity to be carried out in a transboundary pool that is the subject of a joint exploitation agreement is not to be approved by the Regulator unless the appropriate authority has agreed to its content, and the approval of Part I of that development plan is subject to Sections 32 to 37—or in respect of any transboundary pool that extends into the jurisdiction of a foreign government, to the consent of the federal Minister in consultation with the Minister—and any requirements that the Regulator and appropriate authority have agreed are appropriate or that may be prescribed.

(9) In the case of a disagreement about the content of the plan submitted for approval, or any of the requirements for approval referred to in subsection (8), the Regulator or the appropriate authority—or in respect of any transboundary pool extending into the jurisdiction of a foreign government, the federal Minister after having consulted the Minister of Foreign Affairs for Canada and the Minister—may refer the matter to an expert in accordance with Section 180P.

(10) Any submissions to the expert by the Regulator regarding Part I of the development plan are subject to Sections 32 to 37, and in respect of any transboundary pool extending into the jurisdiction of a foreign government, the submissions are subject to the approval of the federal Minister in consultation with the Minister.

(11) The expert's decision is deemed to be approval of the plan by the Regulator and approval of Part I of that plan by the Minister and the federal Minister or, in the case of any transboundary pool extending into the jurisdiction of a foreign government, by only the federal Minister.

(12) Subsections (7) to (11) apply, with any necessary modifications, to a proposed amendment to a development plan to which a work or activity in a transboundary pool relates or to any requirement to which the approval of the plan is subject.

68 (1) Subsection 136A(1) of Chapter 3 is amended by striking out the portion before clause (a) and substituting “No authorization under clause 135(1)(b) shall be issued unless the Regulator has received, from the applicant for the authorization, a declaration in the form fixed by the Regulator that states that”.

(2) Subsection 136A(3) of Chapter 3 is repealed and the following subsections substituted:

(2) An applicant or holder of an authorization under subsection 135AA(1) shall, prior to a date determined by regulations or, in the absence of regulations, by the Regulator, provide the Regulator with a declaration in the form fixed by it that states that

(a) the equipment and facilities that are to be used in the work or activity to be authorized are fit for the purposes for which they are to be used, the operating procedures relating to them are appropriate for those

uses, and the personnel who are to be employed in connection with them are qualified and competent for their employment; and

(b) the applicant or holder shall ensure, so long as the work or activity that is authorized continues, that the equipment and facilities continue to be fit for the purposes for which they are used, the operating procedures continue to be appropriate for those uses, and the personnel continue to be so qualified and competent.

(3) Where the equipment, an installation, a facility, the operating procedures or any of the personnel specified in a declaration changes and no longer conforms to the declaration, the holder of the authorization that provided the declaration shall provide the Regulator with a new declaration as soon as the circumstances permit after the change occurs.

69 Subsection 145(2) of Chapter 3, as amended by Chapter 36 of the Acts of 2015, is further amended by striking out “19.” and substituting “20.”.

70 Subsection 146(1) of Chapter 3 is amended by

(a) striking out clause (a) and substituting the following clause:

(a) defining, in relation to petroleum-related works or activities, “equipment” for the purposes of Sections 136A and 136B, “oil” and “gas” for the purposes of Sections 146 to 180 and “installation” and “serious” for the purposes of Section 162;

(b) striking out subclause (c)(ii) and substituting the following subclause:

(ii) the removal of petroleum from the offshore area, including in relation to the management of access by third parties to existing offshore infrastructure for the purpose of storing, processing and transporting petroleum and in relation to the amounts that may be charged for that access, and

(c) striking out clause (d) and substituting the following clause:

(d) concerning arbitration relating to petroleum-related works or activities for the purposes of subsection 135AM(4), including the costs of or incurred in relation to such arbitrations;

(d) striking out (g) and substituting the following clause:

(g) prohibiting, in relation to petroleum-related works or activities, the introduction into the environment of substances, classes of substances and forms of energy, in prescribed circumstances;

(e) striking out clause (hc) and substituting the following clause:

(hc) concerning the creation, conservation and production of records relating to petroleum-related works or activities; and

and

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

(i) prescribing, in relation to petroleum-related works or activities, anything that is required to be prescribed for the purposes of this Part.

71 Section 148 of Chapter 3 is repealed and the following Section substituted:

148 The Regulator may issue and publish, in any manner the Regulator considers appropriate, guidelines and interpretation notes with respect to the application and administration of Sections 45, 135 and 136 and subsection 160(1A) and any regulations respecting petroleum-related works or activities made under Sections 30A and 146.

72 (1) Subsections 162(1) and (1A) of Chapter 3 are repealed and the following subsections substituted:

(1) Where a spill or debris or an accident or incident related to any activity to which this Part applies occurs or is found in any portion of the off-shore area and results in death or injury or danger to public safety or the environment, the Regulator may direct an inquiry to be made and may authorize any person it deems qualified to conduct the inquiry.

(1A) Where a spill or debris or an accident or incident related to any activity to which this Part applies occurs or is found in any portion of the off-shore area and is serious, as defined by the regulations, the Regulator shall direct that an inquiry referred to in subsection (1) be made and shall ensure that the person who conducts the inquiry is not employed by the Regulator.

73 Section 163 of Chapter 3 amended by

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly;

(b) repealing the definition of “unitization order” and substituting the following definition:

“unitization order” means an order made under Section 173 or subsection 180L(1);

and

(c) adding the following definitions in their alphabetical place:

“appropriate authority” means

(a) before the determination of whether a transboundary pool exists is made and, where applicable, its boundaries have been delineated, the authority that is responsible for the jurisdiction

(i) adjoining the portion of the perimeter where the drilling took place or where a pool exists, and

(ii) into which there is reason to believe that, based on the data obtained from any drilling, the pool extends; and

(b) after that determination is made, the authority that is responsible for the jurisdiction into which the pool extends;

“authority” means the Government of Canada, a government of a province of Canada, a foreign government or any of their agencies or a federal-provincial regulatory agency that has administrative responsibility for the exploration and exploitation of petroleum in the area adjoining the perimeter;

“expert” means a person who is appointed under subsection 180P(2) and includes an expert panel constituted under subsection 180P(3) or a person or arbitral tribunal who is appointed in accordance with any applicable treaty referred to under subsection 180P(9);

“perimeter” means the portion of the offshore area that is within 10 nautical miles of the limit of that offshore area;

“transboundary”, in relation to a pool, means extending beyond the Regulator’s jurisdiction under this Act;

74 Chapter 3 is further amended by adding immediately after Section 180 the following Sections:

180A (1) Where an exploratory well, as defined in subsection 121(1), is drilled in the perimeter, the Regulator shall, in the prescribed time and manner, provide the appropriate authority with any information in its possession, including any prescribed information, pertinent to its determination of whether a transboundary pool exists and the delineation of it.

(2) The Regulator shall provide the Minister and the federal Minister with any information referred to in subsection (1) before providing it to the appropriate authority.

(3) After providing any information referred to in subsection (1) in the prescribed time, the Regulator shall, on request, provide the appropriate authority with any additional information in its possession that is pertinent to its determination of the existence of a transboundary pool and the delineation of it.

180B (1) Where the data obtained from any drilling in the perimeter provides sufficient information for the Regulator to determine whether a pool exists, the Regulator shall notify the appropriate authority as soon as feasible of its determination.

(2) Where the Regulator determines that a pool exists, the Regulator shall also specify in the notice whether or not there is, in its opinion, reason to believe that the pool is transboundary.

(3) The Regulator shall, before it notifies the appropriate authority under subsection (1), provide the Minister and the federal Minister with the reasons for its determination and opinion, if any.

(4) The notice shall be given no later than one year after the Regulator receives the data from three drillings of the same geological feature in the perimeter.

180C (1) Where the Regulator receives a notice from an authority indicating the authority’s determination as to whether a pool exists in an area adjoining the perimeter and, where applicable, whether there is reason to believe the pool extends into the perimeter, the Regulator shall, within 90 days after receiving the notice, inform the authority of its agreement or disagreement with the determination or opinion set out in the notice.

(2) Where the Regulator disagrees with the content of the notice, it shall provide the authority with the reasons for its disagreement.

(3) The Regulator shall, before it informs the authority under subsection (1), provide the Minister and the federal Minister of its agreement or disagreement and its reasons, if any.

180D (1) Where, after receiving a notice under Section 180B or 180C, the Regulator and the authority in question agree that a pool exists, the Regulator and that authority shall jointly determine whether that pool is transboundary and, where so, they shall jointly delineate its boundaries.

(2) The Regulator or the authority—or, in respect of any transboundary pool extending into the jurisdiction of a foreign government, the federal Minister after consultations with the Minister of Foreign Affairs for Canada and the Minister—may, where they disagree about whether a pool exists, whether the pool is transboundary or its delineation, refer the matter to an expert and shall do so no later than 180 days after the day on which the Regulator issues a notice under subsection 180B(1) or the authority issues an equivalent notice.

(3) The Regulator shall, with respect to subsection (2), inform the Minister and the federal Minister

- (a) that the Regulator intends to refer the matter to an expert; or
- (b) that the authority has referred the matter to an expert.

(4) The federal Minister shall, with respect to subsection (2) and any transboundary pool extending into the jurisdiction of a foreign government, inform the Minister that the foreign government has referred the matter to an expert.

180E (1) A transboundary pool is to be exploited as a single pool.

(2) The exploitation of a transboundary pool is subject to a joint exploitation agreement having been entered into and to a unit agreement and a unit operating agreement having been entered into and approved under subsection 180H(4) or 180L(4).

(3) The joint exploitation agreement prevails over the unit agreement and the unit operating agreement to the extent of any inconsistency between them.

180F (1) Subject to subsection (2), the Regulator and the appropriate authority may enter into a joint exploitation agreement providing for the exploitation of a transboundary pool as a single pool, and the agreement shall include any matters provided for by regulation.

(2) In the case of any transboundary pool extending into the jurisdiction of a foreign government, the Regulator shall provide advice in respect of the exploitation of that transboundary pool to the Minister and federal Minister, who may enter into a joint exploitation agreement with the appropriate authority.

180G (1) Where an interest owner, as defined in Section 54, advises the Regulator, including by way of an application under subsection 87(1) or clause 135(1)(b), that it intends to start production of petroleum from a transboundary pool, the Regulator shall notify the appropriate authority as soon as feasible of the interest owner's intention.

(2) The Regulator shall, before notifying the appropriate authority of the interest owner's intention to start production of petroleum from the transboundary pool, notify the Minister and the federal Minister of that intention.

(3) The appropriate authority or the Regulator—or in respect of any transboundary pool extending into the jurisdiction of a foreign government, the federal Minister after consultation with the Minister of Foreign Affairs for Canada and the Minister—may, where they have not yet entered into a joint exploitation agreement within a period of 180 days after the Regulator's notice was given under subsection (1), refer the matter of determining the particulars of the agreement to an expert, but they may agree to refer the matter to an expert any time before the period ends.

180H (1) The royalty owners and the working interest owners in a transboundary pool may enter into a unit agreement and, once it is approved, shall operate their interests in accordance with it or any amendment to it.

(2) The working interest owners in a transboundary pool may enter into a unit operating agreement and, once it is approved, shall operate their interests in accordance with it or any amendment to it.

(3) The unit agreement shall include the details referred to in subsection 172(2) and the unit operating agreement shall include the details referred to in subsection 172(3).

(4) The Regulator and the appropriate authority may approve

(a) the unit agreement if all the royalty owners and all the working interest owners in the transboundary pool are parties to it; and

(b) the unit operating agreement if all the working interest owners in the transboundary pool are parties to it.

(5) An authorization under clause 135(1)(b) for a work or activity proposed to be carried on in relation to the exploitation of a transboundary pool shall not be issued if the unit agreement and the unit operating agreement have not been jointly approved by the Regulator and the appropriate authority.

(6) Subsections 169(2) and (3) apply to the unit agreement.

180I When a joint exploitation agreement is entered into in respect of a transboundary pool, the Regulator shall order the working interest owners in the portion of the pool that is in its jurisdiction to enter into a unit agreement and a unit operating agreement with any other working interest owner in the pool if they have not already done so.

180J (1) One or more working interest owners who are parties to a unit agreement and a unit operating agreement and own 65% or more of the working interests in a transboundary pool may apply for a unitization order with respect to the agreements.

(2) The application

(a) shall be submitted to both the Regulator and the appropriate authority;

(b) shall include the documents and statements referred to in subsection 172(1); and

(c) may be made by the unit operator or proposed unit operator on behalf of the working interest owners.

(3) The Regulator and the appropriate authority shall, for the purposes of Section 180K, appoint an expert in accordance with subsections 180P(2) to (4).

(4) In respect of any transboundary pool extending into the jurisdiction of a foreign government, the federal Minister shall, after consultation with the Minister, agree with the appropriate authority on the appointment of an expert in accordance with subsection 180P(9).

180K (1) Once seized of the application under Section 180J, the expert shall hold a hearing at which all interested persons shall be given an opportunity to be heard.

(2) On the conclusion of the hearing, the expert shall request that the Regulator and appropriate authority

(a) order that the unit agreement be a valid contract enuring to the benefit of all the royalty owners and working interest owners who have an interest in the unit area and binding on and enforceable against those owners, and that the unit operating agreement be a valid contract enuring to the benefit of all the working interest owners who have an interest in the unit area and binding on and enforceable against those owners; and

(b) include in the order any variations to the unit agreement or unit operating agreement determined necessary by the expert to allow for the more efficient or more economical production of petroleum from the unitized zone.

(3) Notwithstanding subsection (2), the expert shall end the hearing and request that the Regulator and the appropriate authority take the measures referred to in clause (2)(a) if the expert finds that

(a) on the day the hearing begins,

(i) the unit agreement and the unit operating agreement have been executed by one or more working interest owners who own 65% or more of the working interests in the unit area, and

(ii) the unit agreement has been executed by one or more royalty owners who own 65% or more of the royalty interests in the unit area; and

(b) the unitization order applied for would allow for the more efficient or more economical production of petroleum from the unitized zone.

(4) In respect of any transboundary pool extending into the jurisdiction of a foreign government, the interested persons referred to in subsection (1) are representatives of each country in question and, on the conclusion of the hearing, the expert shall request that the interested persons ensure that the Regulator and the appropriate authority take the measures referred to in subsection (2) or (3).

180L (1) The Regulator shall issue a unitization order in accordance with the expert's request made under subsections 180K(2) to (4).

(2) The unit agreement and the unit operating agreement have the effect given to them by the unitization order.

(3) A unitization order becomes effective only if the appropriate authority has issued an equivalent order.

(4) The issuance of a unitization order by the Regulator and of an equivalent order by the appropriate authority is deemed to be their joint approval of the unit agreement and the unit operating agreement.

(5) Subject to subsections (3) and (6), a unitization order becomes effective on the date established in the order, but that date shall not be less than 30 days after the day on which the order is made.

(6) The Regulator shall immediately revoke a unitization order varying a unit agreement or a unit operating agreement if, before the effective date of that order, the party who applied for a unitization order under subsection 180J(1) files with the Regulator a notice withdrawing the application on behalf of the working interest owners or there are filed with the Regulator statements objecting to the order and signed

(a) in the case of the unit agreement, by

(i) one or more working interest owners who own in total more than 25% of the working interests in the unit area and are part of the group that owns 65% or more of the working interests as described in subclause 180K(3)(a)(i), and

(ii) one or more royalty owners who own in total more than 25% of the working interest in the unit area and are part of the group that owns 65% or more of the royalty interests as described in subclause 180K(3)(a)(ii); or

(b) in the case of the unit operating agreement, by one or more working interest owners who own in total more than 25% of the working interests in the unit area and are part of the group that owns 65% or more of the working interests as described in subclause 180K(3)(a)(i).

(7) A unitization order is not invalid by reason only of the absence of notice or of any irregularities in giving notice to any owner in respect of the application for the order or any proceedings leading to the making of the order.

(8) After the date on which a unitization order comes into effect and while the order remains in force, no person shall carry on any operations within the unit area for the purpose of drilling for or producing petroleum from the unitized zone, except in accordance with the provisions of the unit agreement and the unit operating agreement.

180M (1) A unitization order may be amended on the application of a working interest owner submitted to both the Regulator and the appropriate authority.

(2) The Regulator and the appropriate authority shall, for the purposes of this Section, appoint an expert in accordance with subsections 180P(2) to (4) and,

in the case of any transboundary pool extending into the jurisdiction of a foreign government, the federal Minister, after consultation with the Minister, shall agree with the appropriate authority on the appointment of an expert in accordance with subsection 180P(9).

(3) Once seized of the application, the expert shall hold a hearing at which all interested persons shall be given an opportunity to be heard.

(4) On the conclusion of the hearing, the expert may request that the Regulator amend the unitization order in accordance with the proposed amendment and include in the order any variations to it determined necessary by the expert to allow for the more efficient or more economical production of petroleum from the unitized zone and, where the expert makes such a request, the expert shall also request that the appropriate authority amend its equivalent order in the same way.

(5) Where the expert finds that, on the day on which the hearing begins, one or more working interest owners who own 65% or more of the working interests and one or more royalty owners who own 65% or more of the royalty interests in the unit area have consented to the proposed amendment, the expert may end the hearing and request that the Regulator amend the unitization order in accordance with the amendment and, where the expert makes such a request, the expert shall also request that the appropriate authority amend its equivalent order in the same way.

(6) In respect of any transboundary pool extending into the jurisdiction of a foreign government, the interested persons referred to in subsection (3) are representatives of each country in question and, on the conclusion of the hearing, the expert shall request that the interested persons ensure that the Regulator and the appropriate authority take the measures referred to in subsections (4) and (5).

180N No amendment shall be made under Section 180M that will alter the ratios between the tract participations of those tracts that were qualified for inclusion in the unit area before the commencement of the hearing, and, for the purposes of this Section, the tract participations shall be those indicated in the unit agreement when it became subject to a unitization order.

180O The percentages of interests referred to in subsections 180J(1), 180K(3), 180L(6) and 180M(5) shall be determined in accordance with Section 179.

180P (1) A party that intends to refer a matter to an expert under subsection 45(1), 136(9), 180D(2) or 180G(3) shall notify the other party of that intention.

(2) Within 30 days after notice is given under subsection (1), or of the application made under subsection 180J(1) or 180M(1), the parties shall agree on the appointment of an expert who shall be seized of the matter.

(3) Where

(a) the parties do not agree on the appointment of a single expert, they shall, within 30 days after the day on which the period to jointly appoint an expert under subsection (2) ends, each appoint one member to an expert panel and those experts shall, in turn, jointly appoint an additional expert as chair; and

(b) the members fail to agree on the appointment of a chair within a period of 30 days after the day of the last appointment, the chair

shall be appointed by the Chief Justice of the Federal Court within 30 days after the end of that period,

and, once the chair is appointed, the expert panel shall be seized of the matter.

(4) An expert shall be impartial and independent and have knowledge or experience relative to the subject of disagreement between the parties.

(5) In the case of an expert panel, decisions shall be made on the basis of a majority vote of the members and the chair's vote is the deciding vote in the case of a tie.

(6) The expert's decisions shall be made no later than 270 days after the day on which they were seized of the matter.

(7) Subject to judicial review, a decision made by an expert is final and binding on all parties specified in the decision from the date specified in it.

(8) An expert shall cause records to be kept of the expert's hearings and proceedings and shall deposit those records with the Regulator when the expert's activities to which the records relate have ceased.

(9) In the case of a transboundary pool extending into the jurisdiction of a foreign government, the appointment of an expert and the making of decisions by them are to be made in accordance with any applicable international treaty respecting the exploration and exploitation of transboundary pools, as amended from time to time.

(10) In the circumstances described in subsection (9),

(a) Canada and the foreign government shall share equally both the expert's fees and costs and the costs of the expert's proceedings;

(b) with respect to the portion of those costs and fees to be paid by Canada, the Government of Canada and the Government of the Province are to share the expert's fees and costs equally; and

(c) unless otherwise agreed, the costs of the proceedings are also to be shared equally.

(11) An expert has the powers necessary to carry out the expert's functions under this Act.

180Q (1) In Sections 180R to 180T and 180W, "debris" means

(a) any facility or structure that

(i) was put in place in the course of any work or activity required to be authorized under subsection 135AA(1), other than a site assessment activity, and

(ii) has been abandoned

(A) without an authorization that may be required by or under this Part, or

(B) in a way that did not comply with such an authorization; or

(b) any material that has broken away or been jettisoned or displaced in the course of any of that work or activity or from an abandoned facility.

(2) In Section 180S, actual loss or damage includes loss of income, including future income, and, with respect to any Indigenous peoples of Canada, loss of hunting, fishing and gathering opportunities but does not include loss of income recoverable under subsection 42(3) of the *Fisheries Act* (Canada).

180R (1) No person shall cause or permit debris to be left in any portion of the offshore area.

(2) Where there is debris in any portion of the offshore area, any person carrying on any work or activity required to be authorized under subsection 135AA(1) in the area in which the debris is left shall, in the manner prescribed, report the debris to the Chief Conservation Officer.

(3) Every person required to report debris under subsection (2) shall, as soon as feasible, take all reasonable measures consistent with safety and the protection of health and the environment to prevent any further debris from accumulating, to repair or remedy any condition resulting from the debris and to reduce or mitigate any damage or danger that results or may reasonably be expected to result from the debris.

(4) The Chief Conservation Officer may take any action that is necessary, or direct that it be taken by any person, if the Chief Conservation Officer is satisfied on reasonable grounds that

(a) there is debris in any portion of the offshore area and immediate action is necessary in order to effect any reasonable measures referred to in subsection (3); and

(b) the action is not being taken or will not be taken under subsection (3).

(5) For the purposes of subsection (4), the Chief Conservation Officer may authorize and direct any person whose services are necessary to enter the area where the debris has been left and take over the management and control of any work or activity being carried on in that area.

(6) A person authorized and directed to take over the management and control of any work or activity under subsection (5) shall manage and control that work or activity and take all reasonable measures referred to in subsection (3) in relation to the debris.

(7) Any costs incurred under subsection (6) shall be borne by the person who obtained an authorization under subsection 135AA(1) in respect of the work or activity from which the debris originated and, until paid, constitute a debt recoverable by action in any court of competent jurisdiction as a debt due to the Regulator.

(8) Where a person, other than a person referred to in subsection (7), takes a measure or an action under subsection (3) or (4), the person may recover from His Majesty in right of the Province the costs and expenses reasonably incurred by that person in taking the measure or action.

(9) No person required, directed or authorized to act under this Section is personally liable either civilly or criminally in respect of any act or omission in the course of complying with this Section unless it is shown that the person did not act reasonably in the circumstances.

180S (1) Where, as a result of debris or as a result of any action or measure taken in relation to debris, there is a loss of non-use value relating to a public resource or any person incurs actual loss or damage or where His Majesty in right of Canada or the Province reasonably incurs any costs or expenses in taking any action or measure in relation to debris,

(a) all persons to whose fault or negligence the debris is attributable or who are by law responsible for others to whose fault or negligence the debris is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for that loss, actual loss or damage, and for those costs and expenses;

(b) the person who is required to obtain an authorization under subsection 135AA(1) in respect of the work or activity from which the debris originated is liable, without proof of fault or negligence, up to the applicable limit of liability established under this Section, for that loss, actual loss or damage, and for those costs and expenses; and

(c) the person who carried out a work or activity for which an authorization under subsection 135AA(1) was required in a facility that is now an abandoned facility from which the debris originated is liable, without proof of fault or negligence, up to the applicable limit of liability established under this Section, for that loss, actual loss or damage, and for those costs and expenses.

(2) A person who is required to obtain an authorization under subsection 135AA(1) and who retains, to carry on a work or activity in respect of which the authorization is required, the services of a contractor to whom clause (1)(a) applies is jointly and severally liable with that contractor for any actual loss or damage, costs and expenses and loss of non-use value described in subsection (1).

(3) For the purposes of clauses (1)(b) and (c), the limit of liability is one billion dollars.

(4) Notwithstanding subsection (3), the Minister may, by order, on the Regulator's recommendation and with the federal Minister's approval, establish a limit of liability that is lower than the limit referred to in that subsection in respect of persons carrying out a work or activity relating to offshore renewable energy projects that is specified in the order or of persons who carried out that work or activity in a facility that is now an abandoned facility.

(5) Notwithstanding subsections (3) and (4), the Regulator may, in the absence of regulations, establish a lower limit of liability for the purposes of clause (1)(c).

(6) Subject to Section 6, the Governor in Council may, by regulation,

(a) establish a limit of liability that is higher than the limit referred to in subsection (3);

(b) establish a limit of liability that is lower than the limit referred to in subsection (3) for the purposes of clause (1)(c); and

(c) limit the amount of time during which a person referred to in clause (1)(c) may be held liable under that clause.

(7) Where a person is liable under clause (1)(b) or (c) with respect to an occurrence and the person is also liable under any other Act, without proof of fault or negligence, for the same occurrence, the person is liable up to the greater of the applicable limit of liability that is set out in subsection (3) and the limit up to which the person is liable under the other Act and, where the other Act does not set out a limit of liability, the limit set out in subsection (3) does not apply.

(8) The costs and expenses that are recoverable by His Majesty in right of Canada or the Province under this Section are not recoverable under subsection 42(1) of the *Fisheries Act* (Canada).

(9) Only His Majesty in right of Canada or the Province may bring an action to recover a loss of non-use value described in subsection (1).

(10) All claims under this Section may be sued for and recovered in any court of competent jurisdiction in Canada, and claims in favour of persons incurring actual loss or damage described in subsection (1) are to be distributed pro rata and rank in priority over claims for costs and expenses described in that subsection, and the claims for costs and expenses rank in priority over claims to recover a loss of non-use value described in that subsection.

(11) Subject to subsections (8) and (9), nothing in this Section suspends or limits

(a) any legal liability or remedy for an act or omission by reason only that the act or omission is an offence under this Act or gives rise to liability under this Section;

(b) any recourse, indemnity or relief available at law to a person who is liable under this Section against any other person; or

(c) the operation of any applicable law or rule of law that is not inconsistent with this Section.

(12) Proceedings in respect of claims under this Section may be instituted no later than the third anniversary of the day on which the loss, damage, costs or expenses occurred but in no case after the sixth anniversary of the day on which the facility, equipment or system in question was abandoned or the material in question broke away or was jettisoned or displaced.

180T (1) An applicant for an authorization under subsection 135AA(1) shall provide proof that they have the financial resources necessary to pay an amount that is determined by the Regulator, and the proof shall be in the form and manner prescribed or, in the absence of regulations, specified by the Regulator.

(2) In determining the amount, the Regulator is not required to consider any potential loss of non-use value relating to a public resource that is affected as a result of debris.

(3) The holder of the authorization shall ensure that the proof referred to in subsection (1) remains in force for the duration of the work or activity in respect of which the authorization is issued.

180U (1) An applicant for an authorization under subsection 135AA(1) shall provide proof of financial responsibility in an amount that is determined by the Regulator, and the proof shall be in the form of a letter of credit, guarantee or indemnity bond or in any other form satisfactory to the Regulator.

(2) The holder of the authorization shall ensure that the proof of financial responsibility remains in force for the duration of the work or activity in respect of which the authorization is issued.

(3) The Regulator may require that money in an amount of not more than the amount prescribed for any case or class of cases, or fixed by the Regulator in the absence of regulations, be paid out of the funds available under the letter of credit, guarantee or indemnity bond or other proof provided under subsection (1) in respect of any claim for which proceedings may be instituted under Section 180S, whether or not those proceedings have been instituted.

(4) A required payment shall be made in the manner, subject to any conditions and procedures, and to or for the benefit of the persons or classes of persons that may be prescribed for any case or class of cases, or that may be required by the Regulator in the absence of regulations.

(5) Where a claim is sued for under Section 180S, there shall be deducted from any award made as a result of the action on that claim any amount received by the claimant under this Section in respect of the loss, damage, costs or expenses claimed.

180V (1) A committee, consisting of members appointed by each government and by representatives of the offshore renewable energy industry and of the fisheries industry, is established by the joint operation of this Act and the federal Implementation Act to review and monitor the application of Sections 180S and 180U and any claims and the payment of claims made under those sections.

(2) The committee may be dissolved only by the joint operation of an Act of Parliament and an Act of the Legislature of the Province.

(3) The Regulator shall promote and monitor compensation policies for fishers sponsored by the fishing industry respecting damages of a non-attributable nature.

180W (1) Where debris or an accident or incident related to any work or activity to which Sections 180Q to 180T apply occurs or is found in any portion of the offshore area and results in death or injury or danger to public safety or the environment, the Regulator may direct an inquiry to be made and may authorize any person it deems qualified to conduct the inquiry.

(2) Where debris or an accident or incident related to any work or activity to which Sections 180Q to 180T apply occurs or is found in any portion of the offshore area and is “serious”, as defined by regulation in accordance with clause 180Y(1)(a), the Regulator shall direct that an inquiry referred to in subsection (1) be made and shall ensure that the person who conducts the inquiry is not employed by the Regulator.

(3) For the purposes of an inquiry under subsection (1), a person authorized by the Regulator under that subsection has and may exercise all the powers of a person appointed as a commissioner under the *Public Inquiries Act*.

(4) As soon as feasible after the conclusion of an inquiry under subsection (1), the person or persons authorized to conduct the inquiry shall submit a report to the Regulator, together with the evidence and other material that was before the inquiry.

(5) The Regulator shall publish the report within 30 days after the Regulator receives it.

(6) The Regulator may supply copies of a report published under subsection (5) in any manner and on any terms that the Regulator considers appropriate.

180X The holder of an authorization issued under subsection 135AA(1) shall take all reasonable care to ensure the safety of persons and facilities and the protection of property and the environment.

180Y (1) Subject to Section 6, the Governor in Council may, for the purposes of safety, the protection of the environment and accountability, make regulations

(a) defining, in relation to offshore renewable energy projects, “facility” and “equipment” for the purposes of Section 136A and “serious” for the purpose of Section 180W;

(b) respecting works and activities related to offshore renewable energy projects;

(c) authorizing the Regulator, or any person, to make any orders that are specified in the regulations and to exercise any powers and perform any duties that are necessary for the design, construction, operation or abandonment of an offshore renewable energy project within the offshore area;

(d) respecting arbitrations relating to offshore renewable energy projects for the purposes of subsection 135AC(2), including the costs of or incurred in relation to such arbitrations;

(e) respecting the approvals to be granted as terms and conditions of authorizations issued under subsection 135AA(1);

(f) prohibiting, in relation to offshore renewable energy projects, the introduction into the environment of substances, classes of substances and forms of energy, in prescribed circumstances;

(g) respecting the creation, conservation and production of records relating to offshore renewable energy projects;

(h) prescribing, in relation to offshore renewable energy projects, anything that is required to be prescribed for the purposes of this Part.

(2) Unless otherwise provided in this Part, a regulation made under subsection (1) may incorporate by reference any document, regardless of its source, either as it exists on a particular date or as it is amended from time to time.

180Z (1) Subject to subsection (2), the Chief Safety Officer and Chief Conservation Officer may

(a) authorize the use of equipment, methods, measures or standards in lieu of any required by any regulation made under Section 180Y if those Officers are satisfied that the use of that other equipment or those other methods, measures or standards would provide a level of safety and protection of the environment equivalent to that provided by compliance with the regulations; or

(b) grant an exemption from any requirement imposed by any regulation made under Section 180Y in respect of equipment, methods, measures or standards if those Officers are satisfied with the level of safety and protection of the environment that will be achieved without compliance with that requirement.

(2) The Chief Safety Officer alone may exercise the powers referred to in clause (1)(a) or (b) if the regulatory requirement referred to in that clause does not relate to protection of the environment, and the Chief Conservation Officer alone may exercise those powers if the regulatory requirement does not relate to safety.

(3) No person contravenes the regulations if that person acts in compliance with an authorization or exemption under subsection (1) or (2).

180AA The Regulator may issue and publish, in any manner the Regulator considers appropriate, guidelines and interpretation notes with respect to the application and administration of Section 180AA, any regulations respecting offshore renewable energy projects made under Sections 30A and 180Y and any regulations made under Section 180AC and subsection 180AD(2).

180AB (1) The Regulator may, by order, direct any of the following persons or bodies to take measures in respect of an abandoned facility that the Regulator considers necessary for the safety of persons or the abandoned facility or for the protection of property or the environment:

(a) the holder of an authorization under clause 142(1)(b) or subsection 135AA(1) or any other person;

(b) the federal government or a federal Crown corporation; and

(c) a local authority.

(2) Where a person or body does not comply with an order under subsection (1), the Regulator may

(a) take any action or measure the Regulator considers necessary;

(b) authorize an officer or employee, or class of officers or employees, of the Regulator to take the action or measure; or

(c) authorize a third party to take the action or measure.

180AC Subject to Section 6, the Governor in Council may make regulations respecting abandoned facilities, including with respect to liability and to the proof of financial responsibility or financial resources to be provided by an applicant or holder of an authorization under subsection 135AA(1).

180AD (1) A person shall not make contact with, alter or remove an abandoned facility unless they are authorized to do so in an order made under subsection (2) or by regulations.

(2) The Chief Safety Officer may make an order, subject to any conditions that the Chief Safety Officer considers appropriate, authorizing a person to make contact with, alter or remove an abandoned facility.

(3) Subject to Section 6, the Governor in Council may make regulations respecting the circumstances in which or conditions under which an order under subsection (2) is not necessary.

75 Subsection 190(1) is repealed and the following subsection substituted:

(1) Where an operational safety officer or the Chief Safety Officer, on reasonable grounds, is of the opinion that continuation of an operation in relation to the exploration or drilling for or the production, conservation, processing or transportation of petroleum or in relation to an offshore renewable energy project in any portion of the offshore area is likely to result in serious bodily injury, the operational safety officer or Chief Safety Officer, as the case may be, may order that the operation cease or be continued only in accordance with the terms of the order.

76 Chapter 3 is further amended by adding immediately after Section 190B the following Section:

190C (1) Every holder of an authorization under subsection 135AA(1) with respect to a work or activity for which a prescribed facility is to be used shall put in command of the facility a manager who meets any prescribed qualifications, and the facility manager is responsible for the safety of the facility and the persons at it.

(2) Subject to this Act and any other Act, a facility manager has the power to do anything that is required to ensure the safety of the facility and the persons at it and, more particularly, may

- (a) give orders to any person who is at the facility;
- (b) order that any person who is at the facility be restrained or removed; and
- (c) obtain any information or documents.

(3) In a prescribed emergency situation, a facility manager's powers are extended so that they also apply to each person in charge of a vessel, vehicle or aircraft that is at the facility or that is leaving or approaching it.

77 Subsection 191(1) of Chapter 3, as enacted by Chapter 12 of the Acts of 1992 and amended by Chapter 16 of the Acts of 2013, is further amended by striking out clauses (e) and (f) and substituting the following clauses:

(e) undertakes or carries on a work or activity without an authorization under clause 135(1)(b) or without complying with the approvals or requirements, determined by the Regulator in accordance with the provisions of this Part or granted or prescribed by regulations made under this Part, of an authorization issued under that clause;

(f) undertakes or carries on a work or activity without an authorization under subsection 135AA(1) or without complying with the terms and condi-

tions of the authorization that were determined by the Regulator in accordance with the provisions of this Part or granted or prescribed under this Part; or

(g) fails to comply with a direction, requirement or order of an operational safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer or with an order of an installation manager, a facility manager or the Committee.

78 Clause 193(1)(h) of Chapter 3 is repealed and the following clause substituted:

(h) directing the offender to pay to the Regulator an amount of money that the court considers appropriate for the purpose of conducting research, education and training in matters related to the protection of the environment, conservation of petroleum resources or safety of petroleum operations or offshore renewable energy projects;

79 Section 200 of Chapter 3 is amended by striking out “expressions” and substituting “terms”.

80 Section 202A(1) of Chapter 3, as enacted by Chapter 16 of the Acts of 2013, is amended by:

(a) striking out the clause lettering and changing the punctuation, formatting and cross-references accordingly;

(b) striking out the definition of “authorization” and substituting the following definition:

“authorization” means an authorization issued under clause 135(1)(b) or subsection 135AA(1);

(c) striking out the definition of “declaration” and substituting the following definition:

“declaration” means a declaration referred to in subsection 136A(1) or (2);

and

(d) striking out the definition of “marine installation or structure” and substituting the following definition:

“marine installation or structure”

(a) includes

(i) any ship, including any ship used for construction, production or diving or for geotechnical or seismic work,

(ii) any offshore drilling unit, including a mobile offshore drilling unit,

(iii) any production platform, subsea installation, pipeline as defined in Section 133, pumping station or storage structure,

(iv) any facility or structure used for producing, storing or transmitting an offshore renewable energy product, including an electrical substation,

(v) any living accommodation or loading or landing platform, and

(vi) any other work, or work within a class of works, prescribed under clause (4)(a);

but

(b) does not include

(i) any vessel, including any supply vessel, standby vessel, shuttle tanker or seismic chase vessel, that provides any supply or support services to a ship, installation, facility, structure, work or anything else described in clause (a), unless the vessel is within a class of vessels that is prescribed under clause (4)(b), or

(ii) any ship or vessel within a class of ships or vessels prescribed under clause (4)(c).

81 Subsection 202C(1) of Chapter 3 is repealed and the following subsection substituted:

202C (1) This Part applies to and in respect of a workplace that is situated within the offshore area for the purposes of the exploration or drilling for—or the production, conservation or processing of—petroleum, or for the purposes of offshore renewable energy projects, within the offshore area.

82 Sections 202D to 202G of Chapter 3 are repealed and the following Sections substituted:

202D Except to the extent provided for under this Part, the *Occupational Health and Safety Act* does not apply to or in respect of a workplace that is situated within the offshore area for the purposes of the exploration or drilling for, or the production, conservation or processing of, petroleum within the offshore area, or for the purposes of offshore renewable energy projects within the offshore area.

202E Notwithstanding subsections 123(1) and 168(1) of the *Canada Labour Code* and any other Act of Parliament, Parts II and III of the *Canada Labour Code* do not apply to and in respect of a workplace that is situated within the offshore area for the purposes of the exploration or drilling for—or the production, conservation or processing of—petroleum, or for the purposes of offshore renewable energy projects, within the offshore area.

202F The *Canadian Human Rights Act* does not apply to or in respect of a workplace that is situated within the offshore area for the purposes of the exploration or drilling for—or the production, conservation or processing of—petroleum, or for the purposes of offshore renewable energy projects, within the offshore area.

202G The *Non-smokers' Health Act* (Canada) does not apply to or in respect of a workplace that is situated within the offshore area for the purposes of the explora-

tion or drilling for—or the production, conservation or processing of—petroleum, or for the purposes of offshore renewable energy projects, within the offshore area.

83 Subsection 202H(1) of Chapter 3 is repealed and the following subsection substituted:

(1) Provincial social legislation and any regulations made under it apply to and in respect of a workplace that is situated within the offshore area for the purposes of the exploration or drilling for—or the production, conservation or processing of—petroleum, or for the purposes of offshore renewable energy projects, within the offshore area.

84 (1) Subsection 202I(1) of Chapter 3, as enacted by Chapter 16 of the Acts of 2013, is amended by striking out clause (a) and substituting the following clause:

(a) a marine installation or structure that is situated within the offshore area in connection with the exploration or drilling for—or the production, conservation or processing of—petroleum, or in connection with offshore renewable energy projects, within the offshore area and that is in the offshore area for the purpose of becoming, or that is, permanently attached to, permanently anchored to or permanently resting on the seabed or subsoil of the submarine areas of the offshore area;

(2) Subsection 202I(2) of Chapter 3 is repealed and the following subsection substituted:

(2) Part I of the *Canada Labour Code* applies to and in respect of a marine installation or structure that is situated within the offshore area in connection with the exploration or drilling for—or the production, conservation or processing of—petroleum, or in connection with an offshore renewable energy project, within the offshore area if subsection (1) does not apply to or in respect of the marine installation or structure.

85 Section 202N of Chapter 3, as enacted by Chapter 16 of the Acts of 2013, is amended by

(a) adding “(1)” immediately after the Section number; and

(b) adding immediately after subsection (1) the following subsection:

(2) Notwithstanding clause (1)(q), all or part of a workplace described in clause (a) of the definition of “workplace” in subsection 202A(1) does not have to be inspected at least once a month if that workplace, or that part of the workplace, is normally unattended and is used for the purpose of carrying out an offshore renewable energy project.

86 Section 202T of Chapter 3, as enacted by Chapter 16 of the Acts of 2013, is amended by adding immediately after subsection (1) the following subsection:

(1A) Notwithstanding clause (1)(p), all or part of a workplace described in clause (a) of the definition workplace in subsection 202A(1) does not have to be

inspected at least once a month if that workplace, or that part of the workplace, is normally unattended and is used for the purpose of carrying out an offshore renewable energy project.

87 (1) Subsection 202BR(1) of Chapter 3 is repealed and the following subsection substituted:

(1) On receipt under subsection 135(3A) or 135AA(2) of an application for an authorization, or to amend an authorization, the Chief Safety Officer shall

(a) consider the potential impact of the work or activity to be authorized on the health and safety of employees engaged in the work or activity; and

(b) make a written recommendation to the Regulator on the matters considered.

(2) Subsection 202BR(3) of Chapter 3 is repealed and the following subsection substituted:

(3) In addition to any requirement, approval, term or condition determined by the Regulator under Part III to which an authorization is subject, the authorization is also subject to any requirements, approvals, terms and conditions, not inconsistent with the provisions of this Act or the regulations, that the Regulator determines relate to occupational health and safety.

88 Subsection 202CX(2) of Chapter 3 is repealed and the following subsection substituted:

(2) The costs incurred by the Labour Board in respect of appeals made under subsection (1), including the remuneration of their members, shall be paid by the Regulator.

89 Chapter 3 is further amended by replacing every reference to “Chairman” or “chairman” with “Chair” and “chair”, respectively.

90 Chapter 3 is further amended by replacing every reference to “Her Majesty” with “His Majesty”.

91 Chapter 3 is further amended by replacing every reference to “Her Majesty the Queen” with “His Majesty the King”.

92 Chapter 3 is further amended by replacing every reference to “Board” with “Regulator”, except in the context of

- (a) the Labour Board;
- (b) the Environmental Studies Management Board;
- (c) the Offshore Oil and Gas Training Standards Advisory Board;
- (d) the *Canadian Transportation Accident Investigation and Safety Board Act*;

- (e) **Section 53; and**
- (f) **subsection 103(2).**

Transitional Provisions

93 In Sections 94 and 95,

“Board” has the same meaning as in Section 2 of the *Canada–Nova Scotia Offshore Petroleum Resources Accord (Nova Scotia) Act* as it read immediately before the day on which subsection 3(1) of this Act comes into force.

“Regulator” has the same meaning as in Section 2 of the *Canada–Nova Scotia Offshore Petroleum Resources Accord (Nova Scotia) Act* as it reads on the day on which subsection 3(3) comes into force.

94 Every person who is a member of the Board immediately before the day on which Section 3 comes into force continues as a member of the Regulator for the remainder of the person’s term.

95 Nothing in this Act is to be construed as affecting the status of an employee who occupied, immediately before the day on which Section 3 comes into force, a position with the Board, except that the employee, beginning on that day, occupies that position with the Regulator.

Consequential Amendments

96 Clause 4A(2)(a) of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act*, as enacted by Chapter 11 of the Acts of 1999 (Second Session), is amended by adding “and *Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

97 Subsection 107(1) of Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, as enacted by Chapter 4 of the Acts of 2000, is amended adding “and *Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

98 Clause 3(1)(g) of Chapter 6 of the Acts of 2001, the *Land Registration Act*, is amended by adding “and *Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

99 (1) Subsection 6(5) of Chapter 6 is amended by adding “and *Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

(2) Subsection 6(6) of Chapter 6 is amended by adding “and *Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

100 (1) Clauses 2(1)(c) and (e) of Chapter 9 of the Acts of 1987, the *Offshore Petroleum Royalty Act*, are amended by adding “and *Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

(2) Subsection 2(2) of Chapter 9 is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

101 Subsection 16(2) of Chapter 9 is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

102 Section 19 of Chapter 9 is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*” each time it appears.

103 Section 21 of Chapter 9 is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

104 Clause 3(1)(j) of Chapter 7 of the Acts of 1999, the *Petroleum Resources Removal Permit Act*, is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

105 Clause 13(i) of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

106 Clause 32(b) of Chapter 17 is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

107 Clause 46A(b) of Chapter 17, as enacted by Chapter 2 of the Acts of 2020, is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

108 Clause 48(e) of Chapter 17 is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

109 Clause 2(h) of Chapter 37 of the Acts of 2001, the *Subsurface Energy Storage Act*, is amended by adding “*and Offshore Renewable Energy Management Act*” immediately after “*Accord*”.

FISHERIES AND COASTAL RESOURCES ACT

110 Section 2 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, as amended by Chapter 19 of the Acts of 2015, is further amended by adding immediately after clause (c) the following clause:

(ca) recognize that the fish harvesting, fish processing and aquaculture industries are integral to the food system;

111 (1) Subsection 25(2) of Chapter 25 is amended by striking out “members” and substituting “directors”.

(2) Subsection 25(3) of Chapter 25 is amended by striking out “member” both times it appears and substituting in each case “director”.

(3) Section 25 of Chapter 25 is further amended by adding immediately after subsection (3) the following subsection:

(4) A reference in any Act of the Legislature or in any rule, order, regulation, by-law, ordinance or proceeding or in any document whatsoever to a member of the Board shall be held and construed to be a reference to a director of the Board.

112 (1) Subsection 26(1) of Chapter 25 is amended by striking out “members” and substituting “directors”.

(2) Subsection 26(2) of Chapter 25 is amended by striking out “members” and substituting “directors”.

113 (1) Subsection 27(1) of Chapter 25 is amended by striking out “members” and substituting “directors”.

(2) Subsection 27(2) of Chapter 25 is amended by striking out “members” and substituting “directors”.

(3) Subsection 27(3) of Chapter 25 is amended by

(a) striking out “member” and substituting “director”;

(b) striking out “three” and substituting “five”; and

(c) striking out “member’s” both times it appears and substituting in each case “director’s”.

(4) Section 27 of Chapter 25 is further amended by adding immediately after subsection (3) the following subsection:

(3A) No person is eligible to serve as a director of the Board for more than two consecutive terms.

114 Section 38 of Chapter 25, as amended by Chapter 50 of the Acts of 2005, is further amended by adding “; as applicable and prescribed by regulation, of the Minister or” immediately after “approval”.

115 Chapter 25 is further amended by adding immediately after Section 38 the following Section:

38A (1) Notwithstanding any law, statutory or otherwise, in force in the Province, no person may, except with the consent in writing of the Board, acquire any estate, right, title, interest, lien, charge, claim or demand whatsoever in, on, to or against any property of a borrower in priority to or to the prejudice of any claim of the Board, so long as any part of the sale price or the amount of any advance made by the Board with respect to such property or any interest thereon remains unpaid to the Board.

(2) Notwithstanding subsection (1), that subsection does not apply with respect to property if an interest in that property may be perfected or registered pursuant to the *Personal Property Security Act*.

116 Section 39 of Chapter 25, as enacted by Chapter 31 of the Acts of 2019, is amended by striking out “members” and substituting “directors”.

117 Section 41 of Chapter 25 is amended by striking out “January 31” and substituting “June 30”.

118 (1) Subsection 44A(4) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015, is amended by adding “, in the Minister’s discretion,” immediately after “may”.

(2) Subsection 44A(5) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015, is amended by adding immediately after clause (a) the following clause:

(aa) include any terms and conditions required by the Minister;

119 Section 46 of Chapter 25 is amended by adding immediately after subsection (3) the following subsections:

(4) Where, in the opinion of the Minister, an application does not comply with all the terms and conditions in an option to lease issued pursuant to Section 44A, the Minister may, in the Minister’s discretion,

(a) require the applicant to resubmit the application, subject to any requirements stipulated by the Minister and in accordance with the duration of the option to lease prescribed pursuant to clause 44A(5)(b); or

(b) reject the application.

(5) A rejection of an application by the Minister pursuant to clause (4)(b) results in the termination of the option to lease.

120 Section 47 of Chapter 25 is repealed and the following Section substituted:

47 (1) Subject to subsection (2) and subsection 46(4), upon receipt of an application referred to in subsection 54A(1) for an aquaculture licence or aquaculture lease, other than an application referred to in clause 54A(1)(aa), the Minister shall refer the application to the Administrator.

(2) Subject to subsection 46(4), upon receipt of an application for an aquaculture licence or aquaculture lease for a marine area not designated as an aquaculture development area, the Minister shall appoint an employee of the Department to consult with

(a) other departments or agencies of the Government or the Government of Canada, as may be required under the laws of the Province or of Canada;

(b) any person, group of persons or organization that the Minister considers necessary or advisable in the circumstances; and

(c) the public by inviting the public to submit written comments to the Department within thirty days of a notice being published, and shall refer the application, along with a report on the outcome of the consultations described in clauses (a) to (c), to the Review Board or to the Administrator, as applicable, for decision.

121 (1) Subsection 47A(1) of Chapter 25, as enacted by Chapter 8 of the Acts of 2018, is amended by striking out “The” and substituting “With respect to those applications referred to in clauses 49(b) and (c), the”.

(2) Subsection 47A(4) of Chapter 25, as enacted by Chapter 8 of the Acts of 2018, is amended by adding “, in the Minister’s discretion”, immediately after “may”.

(3) Subsection 47A(5) of Chapter 25, as enacted by Chapter 8 of the Acts of 2018, is amended by adding immediately after clause (a) the following clause:

(aa) must include any terms and conditions required by the Minister;

(4) Section 47A of Chapter 25, as enacted by Chapter 8 of the Acts of 2018, is further amended by adding immediately after subsection (5) the following subsection:

(5A) Where, in the opinion of the Minister, an applicant does not comply with all the terms and conditions in an approval to advance the application issued pursuant to subsection (4), the Minister may, in the Minister’s discretion,

(a) require the applicant to submit additional information as required by the Minister to demonstrate to the Minister’s satisfaction compliance with the terms and conditions; or

(b) terminate the approval to advance the application.

122 Section 49 of Chapter 25, as enacted by Chapter 19 of the Acts of 2015, is amended by

(a) adding “that authorizes the production of finfish species, either alone or in conjunction with the production of shellfish or aquatic plants” immediately after “lease” in clause (a); and

(b) striking out “an application to amend an” in clause (c) and substituting “where an existing aquaculture licence or aquaculture lease authorizes the production of finfish species, either alone or in conjunction with the production of shellfish or aquatic plants, an application to amend the”.

123 Subsection 54A(1) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015 and amended by Chapter 8 of the Acts of 2018, is further amended by

(a) striking out “only” in clause (a); and

(b) adding immediately after clause (a) the following clause:

(aa) applications for aquaculture licences or aquaculture leases that authorize the production of shellfish or aquatic plants, but that do not authorize

the production of finfish species, in marine areas not designated as aquaculture development areas;

124 Section 55A of Chapter 25, as enacted by Chapter 8 of the Acts of 2018, is amended by striking out “that are not for the purpose of commercial gain”.

125 (1) Section 56 of Chapter 25, as amended by Chapter 19 of the Acts of 2015, is further amended by adding immediately after subsection (1) the following subsection:

(1A) A designation made pursuant to subsection (1) must contain a description of the sub-aquatic lands comprising the aquaculture development area sufficient to identify their boundaries.

(2) Subsection 56(5) of Chapter 25, as amended by Chapter 19 of the Acts of 2015, is further amended by striking out “plan and description of the area designated and the conditions or restrictions imposed to be registered in the registry of deeds for the county or district in which the area is located and the Minister shall cause a notice” and substituting “designation and the conditions or restrictions”.

126 Subsection 58(1) of Chapter 25, as enacted by Chapter 19 of the Acts of 2015 and amended by Chapter 8 of the Acts of 2018, is further amended by adding immediately after clause (a) the following clause:

(aa) issue aquaculture licences or aquaculture leases that authorize the production of shellfish or aquatic plants, but that do not authorize the production of finfish species, in marine areas not designated as aquaculture development areas;

127 Clause 65(b) of Chapter 25 is amended by striking out “but does not include chondrus crispus (commonly known as Irish moss), dulse or eel grass” and substituting “and such other species as prescribed by the regulations”.

128 Section 69 of Chapter 25 is repealed and the following Section substituted:

69 (1) Notice of an application for a lease must

(a) be served on the Minister in a manner prescribed by the regulations;

(b) contain such information as the Minister determines; and

(c) be published in a manner prescribed by the regulations.

(2) Upon receiving notice of an application for a lease, the Minister, in a manner determined by the Minister, shall invite the public to submit written comments to the Department concerning the notice within thirty days of the notice being published.

(3) Upon review of the notice of an application for a lease and having taken into account any comments received from the public pursuant to subsection (2), the Minister may issue an approval for an application for a lease to be made in accordance with Section 68.

129 (1) Section 118 of Chapter 25 is amended by adding immediately after subsection (2) the following subsection:

(2A) Where more than one appeal of a decision or order is made pursuant to subsection (1), the Minister may, in the Minister's discretion, consolidate some or all of the appeals and render a single decision with respect to the consolidated appeals.

(2) Subsection 118(3) of Chapter 25 is amended by striking out "thirty" and substituting "sixty".

(3) Section 118 of Chapter 25 is further amended by adding immediately after subsection (5) the following subsection:

(6) The initiation of an appeal made pursuant to this Section does not suspend the operation of any decision or order appealed from pending the disposition of the appeal.

130 Section 119 of Chapter 25 is amended by adding immediately after subsection (1) the following subsection:

(1A) The initiation of an appeal made pursuant to this Section does not suspend the operation of any decision or order appealed from pending the disposition of the appeal.

FORESTS ACT

131 Section 2 of Chapter 179 of the Revised Statutes, 1989, the *Forests Act*, is amended by

- (a) striking out the period at the end of clause (h) and substituting "; and"; and**
- (b) adding immediately after clause (h) the following clause:**
 - (i) preventing and mitigating wildfires in a changing climate.

132 Section 3 of Chapter 179, as amended by Chapter 29 of the Acts of 1998, is further amended by

- (a) striking out clause (b) and substituting the following clause:**
 - (b) "conservation officer" means a person employed in the Department or appointed under this Act to ensure compliance with this Act, the regulations under this Act or an order made under this Act or the regulations;
- (b) striking out "Lands and Forests" in clause (f) and substituting "Natural Resources and Renewables";**
- (c) striking out clause (g) and substituting the following clause:**
 - (g) "fire season" means the period in each year when an open fire may not be set except in accordance with this Act and the regulations;
- (d) striking out "Lands and Forests" in clause (o) and substituting "Natural Resources and Renewables";**

(e) adding immediately after clause (p) the following clause:

(pa) “open fire” means a fire that is outdoors and not in a fully enclosed appliance that controls sparks but does not include an appliance that uses a fuel, other than wood, such as charcoal, natural gas or propane;

and

(f) adding immediately after clause (s) the following clauses:

(sa) “vehicle” means a vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered under the *Motor Vehicle Act*, and includes an airplane;

(sb) “vessel” means a means of conveyance used on water and includes an accessory to a vessel;

133 Chapter 179 is further amended by adding immediately after Section 3 the following Section:

3A Where there is a conflict between this Act and any other enactment, the more restrictive provisions apply.

134 Clause 5(1)(d) of Chapter 179 is amended by adding “, mitigation” immediately after “prevention”.**135 Subsection 6(6) of Chapter 179 is repealed and the following subsections substituted:**

(6) While carrying out the duties and functions under this Act, conservation officers, and any person accompanying them, may enter on and pass through or over private property without being liable for doing so and without any person having the right to prevent that use of the property.

(7) For the purpose of enforcing this Act and the regulations, any vehicles used by a conservation officer in the execution of the conservation officer’s duty may be equipped with such special equipment and markings as may be authorized by the Minister of Public Works.

(8) No person shall make a false statement to a conservation officer respecting a violation of this Act or the regulations.

(9) No person shall refuse or fail to comply with any order, visible signal or direction of any conservation officer.

(10) A conservation officer may arrest without a warrant a person whom

(a) the conservation officer finds committing an offence against this Act or the regulations; or

(b) on reasonable and probable grounds the conservation officer believes is committing or has recently committed an offence against this Act or the regulations.

(11) A conservation officer may seize anything, including a vehicle or vessel, that the conservation officer believes on reasonable and probable grounds may afford evidence of an offence under this Act or the regulations.

(12) Except as provided in this Act or the regulations, a conservation officer who has seized property pursuant to this Act or the regulations may detain the same pending disposition of the prosecution.

(13) A conservation officer may return the seized property to the person from whom it was seized or to whom it belongs before it is dealt with in the courts.

(14) A conservation officer who is furnished with information respecting a violation of this Act or the regulations is not required to disclose the name of the informant.

(15) A conservation officer is not personally liable for anything the conservation officer does or omits to do in good faith under this Act.

136 Chapter 179 is further amended by adding immediately after Section 6 the following Section:

6A (1) A conservation officer, before commencing duties under this Act, must be designated as such by the Minister.

(2) Subsection (1) does not apply to members of the Royal Canadian Mounted Police, municipal police officers, federal fisheries officers, national park wardens or conservation officers who have already taken and subscribed to an oath of office.

(3) A copy of a Government-issued identification card is proof in any court of law that the individual is a conservation officer under this Act or the regulations without any further proof.

(4) Every conservation officer having knowledge of any violation of this Act or the regulations shall report the violation and act in accordance with the directions of the Department.

137 Section 16 of Chapter 179 is amended by striking out “With the approval of the Governor in Council, the” and substituting “The”.

138 Subsection 21(2) of Chapter 179 is amended by adding “prevent,” immediately before “detect”.

139 (1) Subsection 23(1) of Chapter 179 is amended by striking out “in the various counties”.

(2) Subsection 23(3) of Chapter 179 is repealed and the following subsection substituted:

(3) During the fire season no person shall ignite, maintain or make use of an open fire, or cause an open fire to be ignited, maintained or used, unless an open fire is permitted as prescribed by the regulations.

(3) Subsections 23(4) to (9) of Chapter 179 are repealed and the following subsections substituted:

(4) At any time, permission to burn may be cancelled or suspended by a conservation officer by verbal or written notice.

(5) A person receiving notice pursuant to subsection (4) shall immediately extinguish any open fire referred to.

140 (1) Subsection 24(1) of Chapter 179 is amended by

(a) adding “open” immediately before “fires”; and

(b) striking out “in woods or within one thousand feet of woods”.

(2) Subsection 24(2) of Chapter 179 is repealed and the following subsection substituted:

(2) Where a proclamation is made pursuant to subsection (1), no person shall ignite, maintain or make use of an open fire, or cause an open fire to be ignited, maintained or used, during the period specified in the proclamation.

(3) Subsection 24(4) of Chapter 179 is amended by

(a) striking out “newspaper containing the proclamation” and substituting “proclamation or burn restrictions published by the Department”; and

(b) adding “or burn restrictions” immediately after “proclamation” the second time it appears.

141 (1) Subsection 26(1) of Chapter 179 is repealed and the following subsections substituted:

(1) For the purpose of controlling and extinguishing an open fire in the woods, a conservation officer, and such other persons appointed by the Minister, may

(a) requisition the use of any privately owned equipment;

(b) encourage people to assist in extinguishing a fire;

(c) restrict persons or vehicles from entering any area except a highway as defined by the *Motor Vehicle Act*; and

(d) restrict persons or vessels from entering a provincial watercourse.

(1A) No person shall be present in a provincial watercourse that is in use by aircraft for fire-suppression operations or shall otherwise impede fire-suppression operations.

(2) Section 26 of Chapter 179 is further amended by adding immediately after subsection (4) the following subsection:

(5) Notwithstanding any other provision of this Act or the regulations, a conservation officer or an employee of the Department, or other such persons

appointed by the Minister, may, with reasonable care, start or ignite a fire for the purpose of

- (a) controlling or containing a fire already burning;
- (b) removing hazards;
- (c) ecological management or restoration;
- (d) training or education in fire investigation or suppression; or
- (e) carrying out their duties.

142 (1) Subsection 27(1) of Chapter 179 is amended by

(a) striking out “who is in the woods or within one thousand feet of the woods”; and

(b) adding “unless those materials are deposited into a repository specifically designed to contain hot materials with no chance of fire spread” immediately after “thing”.

(2) Subsection 27(2) of Chapter 179 is amended by striking out “a fire” and substituting “an open fire”.

(3) Subsection 27(3) of Chapter 179 is repealed and the following subsection substituted:

(3) No person shall ignite or cause to be ignited an open fire on privately owned land without the permission of the owner or occupier.

143 (1) Subsection 28(1) of Chapter 179 is amended by striking out “camp,”.

(2) Subsection 28(2) is amended by striking out “a fire” both times it appears and substituting “an open fire” in each case.

(3) Subsection 28(3) is amended by striking out “a fire” and substituting “an open fire”.

(4) Subsection 28(4) is amended by striking out “a fire” and substituting “an open fire”.

144 Section 32 of Chapter 197, as enacted by Chapter 29 of the Acts of 1998, is amended by

(a) striking out “at a reasonable hour of the day,” in clause (a);

(b) striking out the period at the end of clause (e) and substituting a semicolon; and

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

(f) enter and inspect any place, other than a dwelling, to which this act applies;

(g) enter private property to inspect any activity that is reasonably related to the purpose of an inspection;

(h) request production of any document and examine, analyze or copy any document for the purpose of an inspection;

(i) stop a vehicle or vessel if there are reasonable grounds to believe there is anything on or in the vehicle to which this Act or regulations apply;

(j) require any vessel or vehicle to be stopped, require it to be moved to a place where an inspection can be carried out and detain it for a reasonable time;

(k) direct the owner or person in charge of the property to

(i) give assistance to carry out the duties and functions of the persons identified in this Section, and

(ii) provide them with any information that is requested.

145 Section 34 of Chapter 179 is repealed.

146 Subsection 36(1) of Chapter 179, as enacted by Chapter 29 of the Acts of 1998, is amended by

(a) striking out “hundred thousand” in clause (a) and substituting “million”; and

(b) striking out “fifty” in clause (b) and substituting “five hundred”.

147 Section 37 of Chapter 179, as amended by Chapter 18 of the Acts of 1998, is further amended by adding “(1)” immediately after the Section number and adding the following subsection:

(2) The Department may recover in debt, either in an action or as prescribed in this Act or the regulations, from any person who is convicted of an offence under this Act the costs and expenses incurred by the Department

(a) in responding to any matter related to the offence; and

(b) in carrying out or causing to be carried out any preventive or remedial action made necessary by the act or omission that constituted the offence.

148 Section 40 of Chapter 179, as amended by Chapter 18 of the Acts of 1992 and Chapter 29 of the Acts of 1998, is further amended by

(a) striking out clause (b) and substituting the following clauses:

(b) governing the issue, refusal and cancellation of permits;

(ba) governing the types, content and terms and conditions of permits;

and

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

(sa) prescribing the process for recovering costs from utilities, regional municipalities, towns, municipalities of a county or district, villages, federal government and corporations for extinguishing wildfires on their lands;

(sb) prescribing duties of utilities, regional municipalities, towns, municipalities of a county or district, villages and corporations for the purpose of wildfire prevention, mitigation or suppression;

(sc) prescribing restrictions on open fire burning during specified times that are high risk or for the entire fire season;

149 Sections 40A and 42 of Chapter 179 are repealed.

GAS DISTRIBUTION ACT

150 Chapter 4 of the Acts of 1997, the *Gas Distribution Act*, is amended by adding immediately after Section 30 the following Sections:

30A (1) In this Section, “alternative energy resources” means hydrogen, renewable natural gas or other gaseous fuels with a lower carbon-emission intensity than traditional natural gas.

(2) A franchise holder who has been issued a licence may apply to the Board to enter into a contract for the acquisition and use of alternative energy resources, including the acquisition of the renewable attributes associated with alternative energy resources.

(3) Where an application is made pursuant to subsection (2), the Board shall, subject to such terms and conditions it considers appropriate, approve the application if

(a) the franchise holder has demonstrated that the contract will result in a reduction in carbon-emission intensity compared to the use of traditional natural gas; and

(b) the Board determines that entering into the contract is prudent and in the public interest.

(4) In determining whether entering into the contract is prudent and in the public interest pursuant to subsection (3), the Board shall consider the impact of entering into the contract on

(a) the forecast cost of gas for the franchise holder’s customers; and

(b) the public-policy goals of the Province in relation to sustainable development and the reduction of carbon emissions.

(5) Where an application is approved under subsection (3), the franchise holder is entitled to recover

(a) its costs incurred under the contract through its gas cost-recovery rate; and

(b) any associated capital costs and related cost of capital, including injection site costs, in the rates, tolls and charges approved or fixed by the Board under subsection 22(1).

30B (1) In this Section, “hydrogen-production equipment” means any equipment, apparatus, mechanism, machinery, instrument or ancillary facility, or any building or structure that houses or protects any of the foregoing, used to produce, process or distribute hydrogen with a lower carbon-emission intensity than traditional natural gas, and related equipment and pipelines to attach to a gas delivery system.

(2) A franchise holder who has been issued a licence may apply to the Board to construct and operate hydrogen-production equipment.

(3) Where an application is made pursuant to subsection (2), the Board shall, subject to such terms and conditions it considers appropriate, approve the application if

(a) the franchise holder has demonstrated that the construction and operation of the hydrogen-production equipment will result in a reduction in carbon-emission intensity compared to the use of traditional natural gas; and

(b) the Board determines that the construction and operation of the hydrogen-production equipment is prudent and in the public interest.

(4) In determining whether the construction and operation of the hydrogen-production equipment is prudent and in the public interest pursuant to subsection (3), the Board shall consider the impact of the construction and operation of the hydrogen-production equipment on

(a) the forecast cost of gas for the franchise holder’s customers; and

(b) the public-policy goals of the Province in relation to sustainable development and the reduction of carbon emissions.

(5) Where an application is approved under subsection (3), the franchise holder is entitled to recover its costs incurred for the construction and operation of the hydrogen-production equipment and related cost of capital in the rates, tolls and charges approved or fixed by the Board under subsection 22(1).

151 Subsection 42(1) of Chapter 4, as amended by Chapter 18 of the Acts of 2002, Chapter 48 of the Acts of 2014 and Chapter 55 of the Acts of 2022, is further amended by adding immediately after clause (g) the following clause:

(ga) prescribing the manner of calculating the carbon-emission intensity of gas and alternative energy resources for the purpose of Sections 30A and 30B;

MARINE RENEWABLE-ENERGY ACT

152 Subsection 7(1) of Chapter 32 of the Acts of 2015, the *Marine Renewable-energy Act*, is amended by

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

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

- (ca) any regulator established by an enactment;
- (cb) any corporation; or

153 (1) Clause 20(1)(a) of Chapter 32 is amended by adding “, regional assessment or equivalent assessment” immediately after “assessment”.

(2) Subsection 20(3) of Chapter 32 is amended by adding “, regional assessment or equivalent assessment” immediately after “assessment”.

154 Chapter 32 is further amended by adding immediately after Section 30 the following Section:

30A (1) In this Section, “split licence” means a licence that is split by the Minister pursuant to this Section.

(2) Upon the written request by a licence holder, the Minister may split an existing licence into two or more licences and issue them to the licence holder as new licences.

(3) In deciding whether to split a licence, the Minister shall consider any factors prescribed by the regulations.

(4) The split licences must comply with the following:

(a) the cumulative aggregate nameplate capacity of the split licences cannot exceed the nameplate capacity of the original licence;

(b) the split licences must maintain the same term length, begin on the same date and be contained within the same licence area as the original licence;

(c) the split licences must have the same terms and conditions as the original licence or, subject to clauses (a) and (b), may have such other terms and conditions prescribed by the regulations or deemed appropriate by the Minister.

(5) The Minister shall revoke the original power purchase agreement issued to the licence holder and issue new power purchase agreements for each of the split licences in accordance with the following:

(a) the licence holder and the public utility are deemed to have entered into the new power purchase agreements;

(b) the Minister may keep the rate within the power purchase agreements the same or may decrease it, in accordance with any factors prescribed by the regulations;

(c) the term of the new power purchase agreements cannot exceed the term of the original power purchase agreement;

(d) the Minister may, in consultation with the licence holder, extend the final in-service date of the new power purchase agreements by a maximum of five years.

155 Subsection 71(1) of Chapter 32, as amended by Chapter 12 of the Acts 2017 and Chapter 19 of the Acts of 2022, is further amended by adding immediately after clause (j) the following clauses:

- (ja) prescribing factors to be considered by the Minister when making a decision on whether to split an existing licence and issue new licences;
- (jb) prescribing terms and conditions for new licences issued upon splitting an existing licence;
- (jc) prescribing factors for the Minister to consider in determining the rate for new power purchase agreements issued under Section 30A;

PUBLIC PROCUREMENT ACT

156 Section 2 of Chapter 12 of the Acts of 2011, the *Public Procurement Act*, is amended by

(a) striking out clause (a) and substituting the following clause:

(a) provide for the procurement of goods, services or construction by public sector entities in a fair, open, consistent and transparent manner resulting in best value;

(b) adding “and” at the end of clause (b); and

(c) striking out clause (c) and substituting the following clause:

(c) promote sustainable procurement decisions.

157 Sections 3 and 4 of Chapter 12 are repealed and the following Sections substituted:

3 In this Act,

“best value” means attributing factors, in addition to purchase price, to select a supplier that includes life cycle cost, supplier capacity to meet criteria in the procurement processes and sustainable procurement considerations;

“bid” means a supplier response to a limited competition, a non-competitive procurement or a public tender;

“Chief Procurement Officer” means the Chief Procurement Officer for the Province appointed under this Act;

“competitive procurement” means a public tender process for soliciting bids from suppliers for the purchase of goods, services or construction;

“construction” means the construction, reconstruction, demolition, repair or renovation of a building, structure, road or other engineering or architectural work, excluding professional consulting services related to the construction contract unless they are included in the procurement;

“domestic review process” means a review process to decide procurement issues arising under domestic or international trade agreements;

“goods” means materials, furniture, merchandise, equipment, stationery and other supplies required by a public sector entity for the transaction of its business and affairs and includes services that are incidental to the provision of such supplies;

“limited competition” means a procurement method that is not a public tender whereby a public sector entity invites suppliers to respond to a procurement process;

“Minister” means the Minister of Service Nova Scotia;

“non-competitive procurement” means the procurement directly from a supplier of goods, services or construction outside of a competitive procurement process;

“personal services contract” means an agreement, whether or not in writing, establishing an employment relationship between an individual and a public sector entity and includes an amending or extension agreement;

“Procurement Advisory Group” means the advisory group established by this Act;

“procurement portal” means the public procurement website maintained and operated by the Crown in right of the Province;

“Public Procurement Policy” means the Province of Nova Scotia Public Procurement Policy approved by the Treasury and Policy Board of the Province, as amended from time to time;

“public sector entity” means

(a) Government Reporting Entities as defined in the *Finance Act*, excluding government partnership arrangements, and set out annually in the consolidated financial statements of the Province and, for greater certainty, includes all government departments, education entities, health authorities, housing authorities and crown corporations;

(b) municipalities, municipal water utilities and service commissions, as defined in the *Municipal Government Act*; and

(c) post-secondary education institutions receiving regular education-related operating funding from the Province and, for greater certainty, includes universities and the Nova Scotia Community College;

“public tender” means a competitive procurement for goods, services or construction;

“public tender notice” means an advertisement of a public tender on the procurement portal;

“services” means services required by a public sector entity for the transaction of its business and affairs, excluding services provided by an employee of a public sector entity through a personal services contract;

“standards” means the applicable codes, standards or guidelines adopted under this Act or the regulations;

“supplier” means an entity that provides goods, services or construction;

“sustainable procurement” means a procurement process that considers the environmental, economic and social factors related to the procurement of goods, services or construction.

4 This Act applies to public sector entities acquiring and suppliers providing goods, services or construction.

158 Section 5A of Chapter 12 is repealed.

159 (1) Subsection 7(2) of Chapter 12, as amended by Chapter 34 of the Acts of 2014, is further amended by striking out “Internal Services” and substituting “Service Nova Scotia”.

(2) Subsection 7(3) of Chapter 12, as amended by Chapter 34 of the Acts of 2014, is further amended by striking out “Internal Services” and substituting “Service Nova Scotia”.

160 (1) Subsection 8(1) of Chapter 12 is amended by

(a) striking out clause (a) and substituting the following clause:

(a) promote and encourage competition amongst suppliers of goods, services or construction to public sector entities;

(b) striking out clause (b);

(c) striking out “all public sector entity” in clause (c);

(d) striking out clause (d);

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

(f) striking out the period at the end of clause (f) and substituting “; and”; and

(g) adding immediately after clause (f) the following clause:

(g) require proof that public sector entities have adopted or adapted their procurement policies and practices to conform with this Act.

(2) Subsection 8(2) of Chapter 12 is repealed.

(3) Subsection 8(5) of Chapter 12 is amended by striking out “web”.

161 Section 9 of Chapter 12 is repealed and the following Section substituted:

9 The Minister may establish a domestic review process to decide procurement issues arising pursuant to domestic or international trade agreement obligations.

162 (1) Subsection 10(1) of Chapter 12 is amended by striking out “Minister” and substituting “Chief Procurement Officer”.

(2) Subsection 10(2) of Chapter 12 is repealed and the following subsection substituted:

(2) The Chief Procurement Officer shall appoint public sector entity representatives as members of the Procurement Advisory Group.

(3) Subsections 10(4) to (6) of Chapter 12 are repealed and the following subsection substituted:

(4) The Procurement Advisory Group may provide advice and recommendations to improve procurement processes to the Chief Procurement Officer.

163 Section 11 of Chapter 12 is repealed.

164 Sections 12 to 17 of Chapter 12 are repealed and the following Sections substituted:

12 (1) A public sector entity shall

(a) publicly tender for all goods, services or construction for procurements that exceed applicable trade agreement thresholds, in accordance with applicable domestic or international trade agreement obligations and procurement policies;

(b) post public tender notices and contract award information on the procurement portal for procurements that exceed applicable trade agreement thresholds, in accordance with transparency obligations set out in applicable domestic or international trade agreements and procurement policies;

(c) establish and follow appropriate protocols to address conflicts of interest within its procurement processes;

(d) be accountable for its procurement decisions; and

(e) subject to Section 13, adopt or adapt its procurement policies to be consistent with the requirements of this Act.

(2) When evaluating a bid, the public sector entity shall consider best value.

13 (1) A public sector entity may elect to not adopt or adapt its procurement policies to be consistent with the requirements of this Act.

(2) Where a public sector entity makes an election under subsection (1), the public sector entity is subject to the Public Procurement Policy.

14 (1) Public sector entities may apply a preference for goods, services or construction below applicable domestic or international trade agreement thresholds.

(2) Public sector entities may apply a preference for goods, services or construction for procurements above applicable domestic and international trade agreement thresholds within the obligations under the applicable trade agreement.

(3) Public sector entities retain the right within the trade agreement obligations to accept or reject, consider and evaluate bids from other jurisdictions on the same basis that the purchasing authorities in those jurisdictions would treat a bid from a Provincial supplier.

15 (1) Every public tender notice must include the terms and conditions that govern the purchase of goods, services or construction.

(2) Every public tender notice must comply with all applicable legislation and applicable domestic and international trade agreements.

16 (1) The Minister may make regulations establishing supplier standards, rights and responsibilities in the procurement process.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

17 At the request of a supplier who submitted a rejected bid, the public sector entity shall conduct a debriefing session to provide feedback on the evaluation of the supplier's bid.

165 Subsections 18(1) and (2) of Chapter 12 are repealed and the following subsections substituted:

(1) A supplier may file a complaint with the Chief Procurement Officer in accordance with the Public Procurement Policy.

(2) The Chief Procurement Officer may make recommendations to a public sector entity after consideration of the supplier complaint.

166 (1) Subsection 19(1) of Chapter 12 is amended by

(a) striking out clause (a) and substituting the following clause:

(a) respecting alternative procurement practices applicable to public sector entities;

and

(b) adding “a domestic or” immediately after “from” in clause (d).

(2) Subsection 19(5) of Chapter 12 is amended by striking out “regulations” and substituting “a regulation”.

EFFECTIVE DATES

167 Sections 2 to 109, 118 to 123, 126 to 128, 150 and 151 come into force on such day as the Governor in Council orders and declares by proclamation.
