

Council of Canadians comments to Law Amendments re: Bill 6  
Petroleum Resources Act (amended)  
21 October 2014

Madam Chair, members of the committee and members of the public here today,

Thank you for this opportunity to comment. My name is Angela Giles and I am the Atlantic Regional Organizer with the Council of Canadians based here in Halifax.

Just to give you a sense of who I am representing, The Council of Canadians was founded in 1985, and is Canada's largest citizens' organization, with over 100 000 supporters and approximately 60 grassroots chapters across the country. We are a social justice organization and address environmental issues through an environmental justice lens. We promote progressive policies on fair trade, clean water, energy security, public health care, democracy and other issues of social and economic concern to Canadians. The Council has 5 grassroots chapters and approximately 1000 members in Nova Scotia, but many more across the country fighting fracking on a variety of levels and angles, given the complexity of this issue.

I requested to present to your committee on Bill #6, "Petroleum Resources Act (amended)" or "An Act to Amend Chapter 342 of the Revised Statutes, 1989, the Petroleum Resources Act.

We were compelled to present before your committee because we wanted to take the opportunity to participate in this democratic process, first: in order to commend the government for hearing the public's concerns on this issue and, despite pressure from the oil and gas lobby as well as the right-wing Chronicle Herald, seeing the bill through to fruition; and secondly, we felt we needed to take this one last opportunity to strengthen this bill, in the hopes that once again our voices might be heard.

#### 1. Definition within the bill

We would advocate for a clear definition of the term 'hydraulic fracturing' to be included in the bill itself, not in the regulations.

#### 2. Exemption for research and testing

The Bill should define the meaning of "for the purpose of testing and research".

We would propose then that section 11 A (2) add the following:

"Such exemption will only be permitted if the data and research results sought are not available, or cannot reasonably be obtained, from research and testing conducted in other jurisdictions."

One brief additional comment to make here, which is that we would like to see a requirement for the disclosure of any and all chemicals by the companies who perform any "testing or research".

### 3. Community consent

One of the key findings of the Wheeler review, as you are all likely familiar, was an acknowledgement that community consent is required prior to ever allowing hydraulic fracturing to occur.

This was unfortunately not reflected in the language of this bill, and so we propose the addition of wording to acknowledge that,

- (a) "Municipalities have the right to ban or restrict hydraulic fracturing for unconventional gas, oil or other hydrocarbons.
- (b) If a future legislature lifts the prohibition on hydraulic fracturing contained in this bill, before hydraulic fracturing is permitted proceed within any municipality, a local municipal referendum authorizing it would be required, after community members have been presented with all materials facts in the form of health and environmental assessments that are prepared with extensive public input, for each well and well pad but considering all cumulative impacts.

### 4. Ministerial review must include public consultation

We are concerned with the language of 11 B, which states under part (1) "The minister may review the prohibition under Section 11 A". Part (2) as you can see, goes into further detail about what would be considered by the Minister before lifting it if she or he ever so chose.

These considerations, however detailed, do not include some form of public consultation. This makes it appear that the Minister might make these considerations however briefly the Minister so desires, after which they could lift this amendment.

We recommend an addition under Section 11 a new point (3), stating, "If the Minister reviews the prohibition, such review shall include a transparent process involving sufficient opportunity for broad public consultation and input from independent experts."

This of course takes us beyond the duty to consult with first nations, which is the law and required as such. More generally however, public consultation is important in a democracy and as we have seen in the example of the wheeler review process, allowed the public to truly express concerns and share science in a way that is not otherwise seen so undeniably.

I would like to recognize the efforts of members of the NOFRAC Steering Committee (of which we are a part) for all of the efforts in ensuring strong legislation, and of course appreciate the efforts of all of you on the committee as well.

Thanks again for your time and attention. I welcome any questions the committee may have.

Respectfully submitted,

Angela Giles

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