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OCEANS ACT CANADA PETROLEUM RESOURCES ACT

**BILL TO AMEND—MESSAGE FROM COMMONS—
MOTION FOR CONCURRENCE IN COMMONS
AMENDMENT—DEBATE ADJOURNED**

Speech by:

The Honourable Patricia Bovey

Wednesday, May 15, 2019

THE SENATE

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COMMONS—MOTION FOR CONCURRENCE IN
COMMONS AMENDMENT—DEBATE ADJOURNED

Hon. Patricia Bovey: Senators, I rise today to speak to the message received from the other place regarding the Senate's proposed amendments to Bill C-55, an Act to amend the Oceans Act and the Petroleum Resources Act.

If I may, I would like to send my hopes and best wishes to the Minister of Intergovernmental Affairs and Northern Affairs and Internal Trade for a full and speedy recovery and return to good health. Our thoughts are with you.

I would also like to thank the current Minister of Fisheries, Oceans and the Canadian Coast Guard and his staff for their support throughout.

You all know that I felt the two amendments we sent to the other place were redundant, but I did support the amended bill. That said, as sponsor of the bill I am pleased to see the government has made this overture to senators and has taken into consideration the concerns expressed in this chamber regarding Bill C-55. The message we are considering today will provide more transparency to proposed process of designating an interim marine protected area contained in Bill C-55.

Under the proposal we have before us, the minister shall publish a report that includes the geographic area, a summary of consultations that took place prior to making an order and a summary of information the minister took into consideration when making the order. I agree with Senator Harder that this meets the intent of the amendment proposed by Senator McInnis in that it ensures the government is undertaking the consultations already provided for in the Oceans Act by requiring they be published upon an order being made for interim protection and that the geographical area is also published when an order is made.

I would like to reiterate my concern with the amendment proposed by Senator Patterson, which was not accepted vis-à-vis the legal analysis posted by Professor Bankes at the University of Calgary:

... since the amendment is only proposed to apply to the creation of MPAs by ministerial order and not to the process of creating an MPA by order-in-council and regulation, it will arguably be more difficult to use the ministerial order process than the MPA by regulation process.

I do not believe we are in a position to be slowing down the work of protecting our oceans. I also understand the expectations of those who have negotiated our agreements, such as the Qikiqtani Inuit Association, who are awaiting passage of Bill C-55 in order to move the process along with an interim protection order, which will lead to a determination within five years.

Colleagues, this bill is intended to provide an option for interim marine protection in areas that are deemed ecologically sensitive. Bill C-55 would allow the minister to freeze the footprint of ongoing activities after initial consultations. This freeze would be in place for five years, during which time further consultations and scientific research would be conducted. The minister, at the end of this five-year period, would either move ahead to establish the area as a permanent MPA based on these consultations and science, or repeal the interim order.

The current regime has proven to take 7 to 10 years to complete, which is far too long when an ecologically sensitive area is at stake. Furthermore, there could be no interim protection given to these areas during the process to establish an MPA. Bill C-55 establishes a more timely process and interim protection measures while preserving the consultation and scientific processes on which MPAs are based.

A 2012 report by the Commissioner of the Environment and Sustainable Development found that:

During the 20 years since Canada ratified the United Nations Convention on Biological Diversity, 10 federal MPAs have been established by Fisheries and Oceans Canada and Parks Canada as part of their marine protected area programs. Federal, provincial and territorial governments and non-governmental organizations are collectively protecting about 1 per cent of Canada's oceans and Great Lakes through MPAs. At the current rate of progress, it will take many decades for Canada to establish a fully functioning MPA network and achieve the target established in 2010 under the United Nations Convention on Biological Diversity to conserve 10 per cent of marine areas.

Furthermore, the commissioner documented that it took Parks Canada more than 20 years to establish Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site, and more than 10 years for the Department of Fisheries and Oceans to establish the Tarium Niryutait MPA. I don't believe this to be an acceptable time frame in the context of the challenges facing our oceans today.

Coincidentally, last week the United Nations released its Global Assessment Report on Biodiversity and Ecosystem Services. The report examines the changes that have occurred to the planet over the last five decades. With the contributions of some 450 experts from 50 countries, the report paints a very bleak outlook for the future if we do not address the issues facing us now.

According to the authors:

The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.

Among its findings regarding the world's oceans, the report indicates that one third of marine mammals are threatened; 66 per cent of the marine environment has been altered by human

activity; 33 per cent of marine fish stocks are being harvested at unsustainable levels and plastic pollution has increased tenfold since 1992.

Senators, we need to move forward in a more timely fashion while still employing a responsible and transparent means of protecting our ecologically sensitive marine areas. The bill we have before us provides a solution to the problem identified seven years ago.

It is for that reason I urge senators to concur with this message so that we can move ahead with the work of protecting our oceans, which need our stewardship now more than ever. Thank you.
