

PROPOSED AMENDMENTS TO BILL C-69

A – Modification of individual clauses

Part 1 – Impact Assessment Act			
Section	Current wording	Proposed wording	Objective
To be added	Not currently a provision	<u>Time limit extensions may only be made by the Ministers or the GIC for one of four reasons: because the proponent has requested it; because there has been a major design change to the project; because the proponent's payment has not been made; or because significant new information has emerged.</u>	<ul style="list-style-type: none"> Establish certainty around timeframes and clock stoppages
To be added	Not currently a provision	<u>The IA Agency will continuously look for and pilot innovative ways to shorten the regulatory process.</u>	<ul style="list-style-type: none"> Establish certainty around timeframes and clock stoppages
Preamble	New	<u>Whereas the Government of Canada is committed to enhancing Canada's global competitiveness by building a system that enables decisions to be made in a predictable and timely manner, providing certainty to investors and stakeholders, driving innovation and enabling the carrying out of sound projects that create jobs for Canadians;</u>	<ul style="list-style-type: none"> Include positive aspects of national and regional growth, prosperity and competitiveness as public interest factors
Preamble	... Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples; Whereas the Government of Canada <u>has signed</u> the United Nations Declaration on the Rights of Indigenous Peoples; ...	<ul style="list-style-type: none"> Maintain clarity around duty to consult
2	New	<u>Meaningful means, with respect to public participation, that the Agency will consider the representation of any member of the public but that the method and level of participation offered will balance the interests of each participant with the extent to which the person's information may be of value to the Agency's decision-making, and the need for an expeditious process. The decision of the Agency as to how it will receive and consider the representations of any person is conclusive.</u>	<ul style="list-style-type: none"> Amend ambiguous terms that will require court interpretation
2	New	<u>Ministers means, with respect to ministerial decision-making, joint decision-making by the Minister of the Environment, the</u>	<ul style="list-style-type: none"> Establish tripartite decision-making

		<u>Minister of Finance and the Minister in charge of the project's sector (e.g., Natural Resources).</u>	
9(1)	<p>Minister's power to designate</p> <p>9(1) The Minister may, on request or on his or her own initiative, by order, designate a physical activity that is not prescribed by regulations made under paragraph 109(b) if, in his or her opinion, either the carrying out of that physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation.</p>	<p>Ministers' power to designate</p> <p>9(1) The <u>Ministers</u> may, on request or on <u>their joint</u> initiative, by order, designate a physical activity that is not <u>prescribed</u> by regulations made under paragraph 109(b) if, in their opinion, either the carrying out of that physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrant the designation. <u>The written notice must set out the reasons for this designation.</u></p>	<ul style="list-style-type: none"> • Amend clauses that allow too much discretion • Establish tripartite decision-making
17(1)	<p>Minister's obligation</p> <p>17 (1) If, before the Agency provides the proponent of a designated project with a notice of the commencement of the impact assessment of the designated project under subsection 18(1), a federal authority advises the Minister that it will not be exercising a power conferred on it under an Act of Parliament other than this Act that must be exercised for the project to be carried out in whole or in part, or the Minister is of the opinion that it is clear that the designated project would cause unacceptable environmental effects within federal jurisdiction, the Minister must provide the proponent with a written notice that he or she has been so advised or is of that opinion. The written notice must set out the reasons why the federal authority will not exercise its power or the basis for the Minister's opinion.</p>	<p>Ministers' obligation</p> <p>17 (1) If, before the Agency provides the proponent of a designated project with a notice of the commencement of the impact assessment of the designated project under subsection 18(1), a federal authority advises the <u>Ministers</u> that it will not be exercising a power conferred on it under an Act of Parliament other than this Act that must be exercised for the project to be carried out in whole or in part, or the <u>Ministers are</u> of the opinion that it is clear that the designated project would cause unacceptable environmental effects within federal jurisdiction, the <u>Ministers</u> must provide the proponent with a written notice that <u>they have</u> been so advised or is of that opinion. The written notice must set out the reasons why the federal authority will not exercise its power or the basis for the <u>Ministers' opinion</u>.</p> <p>...</p> <p>17(3) <u>Following issuance of the notice, the proponent may elect to amend the project description or provide alternatives and resubmit for the Ministers' review.</u></p>	<ul style="list-style-type: none"> • Amend clauses that allow too much discretion • Establish tripartite decision-making
18(1.2)	New	<p>Time limit for challenges</p> <p>Any challenges to decisions set out in any document referred to in 18(1)(b) may only be brought forward within 180 days of the issuance of the document, whether the challenge is made to the Agency, the Minister, or a federal court.</p>	<ul style="list-style-type: none"> • Add a time limit for challenges to planning phase decisions

22(2)	<p>Scope of factors</p> <p>22 (2) The scope of the factors to be taken into account under paragraphs (1)(a) to (f), (h) to (l) and (s) and (t) is determined by</p> <p>(a) the Agency; or (b) the Minister, if the impact assessment is referred to a review panel.</p>	<p>Scope of factors</p> <p>22(2) The scope of the factors to be taken into account under paragraphs (1)(a) to (f), (h) to (l) and (s) and (t) is determined by</p> <p>(a) the Agency; or (b) the <u>Ministers</u>, if the impact assessment is referred to a review panel.</p>	<ul style="list-style-type: none"> • Establish tripartite decision-making
27	<p>Public participation</p> <p>27 The Agency must ensure that the public is provided with an opportunity to participate meaningfully, within the time period specified by the Agency, in the impact assessment of a designated project.</p>	<p>Public participation</p> <p>27 The Agency must ensure that the public is provided with an opportunity to participate meaningfully, within the time period specified by the Agency, in the impact assessment of a designated project. <u>The Agency has the right to determine how participants will be engaged, and the method and level of participation offered will balance the interests of each participant with the extent to which the person’s information may be of value to the Agency’s decision-making, and the need for an expeditious process. The decision of the Agency as to how it will receive and consider the representations of any person is conclusive.</u></p>	<ul style="list-style-type: none"> • Enable the IA Agency to triage stakeholder input
28(3)	<p>Effects set out in report</p> <p>(3) The report must set out the effects that, in the Agency’s opinion, are likely to be caused by the carrying out of the designated project. It must also indicate, from among the effects set out in the report, those that are adverse effects within federal jurisdiction and those that are adverse direct or incidental effects, and specify the extent to which those effects are adverse.</p>	<p>Effects set out in report</p> <p>(3) The report must set out the effects that, in the Agency’s opinion, are likely to be caused by the carrying out of the designated project. It must also indicate, from among the effects set out in the report, those that are adverse effects within federal jurisdiction and those that are adverse direct or incidental effects, and specify the extent to which those effects are adverse; <u>and those that are positive effects and the extent to which those effects are positive. It must also set out the potential for the project to contribute positively to national and regional growth, prosperity and competitiveness.</u></p>	<ul style="list-style-type: none"> • Include positive aspects of national and regional growth, prosperity and competitiveness as public interest factors
36(2)	New	<p><u>(e) the potential for the project to contribute positively to national and regional growth, prosperity and competitiveness.</u></p>	<ul style="list-style-type: none"> • Include positive aspects of national and regional growth, prosperity and competitiveness as public interest factors

44(4)	<p>Not majority</p> <p>44 (4) The chairperson must not be appointed from the roster and the persons appointed from the roster must not constitute a majority of the members of the panel.</p>	<p>Majority</p> <p>44 (4) The chairperson <u>must be appointed</u> from the roster and the persons appointed from the roster <u>must constitute</u> a majority of the members of the panel.</p>	<ul style="list-style-type: none"> • Depoliticize the Project Review Panel appointment process
47(4)	<p>Not majority</p> <p>47 (4) The chairperson must not be appointed from the roster and the persons appointed from the roster must not constitute a majority of the members of the panel.</p>	<p>Majority</p> <p>47 (4) The chairperson <u>must be appointed</u> from the roster and the persons appointed from the roster <u>must constitute</u> a majority of the members of the panel.</p>	<ul style="list-style-type: none"> • Depoliticize the Project Review Panel appointment process
50	<p>Establishment of roster</p> <p>50 The Minister must establish the following rosters:</p> <p>(a) a roster of persons who may be appointed as members of a review panel established under any of the following:</p> <p>(i) section 41,</p> <p>(ii) subsection 44(1),</p> <p>(iii) subsection 47(1),</p> <p>(iv) an agreement, arrangement or document referred to in section 42;</p> <p>...</p>	<p><u>(d) The roster for section 50(a)(i) must be developed by an independent committee appointed by the Ministers of Environment, Finance and Natural Resources.</u></p>	<ul style="list-style-type: none"> • Depoliticize the Project Review Panel appointment process
51	<p>Review panel's duties</p> <p>51 (1) A review panel must, in accordance with its terms of reference,</p> <p>...</p> <p>(d) (iv) sets out the review panel's rationale, conclusions and recommendations, including conclusions and recommendations with respect to any mitigation measures and follow-up program;</p>	<p>Review panel's duties</p> <p>51 (1) A review panel must, in accordance with its terms of reference,</p> <p>...</p> <p>(d) (iv) sets out the review panel's rationale, conclusions and recommendations, including conclusions and recommendations with respect to any mitigation measures and follow-up program <u>and as to whether or not a certificate should be granted;</u></p>	<ul style="list-style-type: none"> • Have the IA Agency make a recommendation – not just provide a report
60	<p>Minister's decision</p> <p>60 (1) After taking into account the report with respect to the impact assessment of a designated project that is submitted to the Minister under subsection 28(2) or at the end of the assessment under the process approved under section 31, the Minister must</p>	<p>Minister's decision</p> <p>60 (1) After taking into account the report with respect to the impact assessment of a designated project that is submitted to the <u>Ministers</u> under subsection 28(2) or at the end of the assessment under the process approved under section 31, the <u>Ministers</u> must</p>	<ul style="list-style-type: none"> • Establish tripartite decision-making

	<p>(a) determine if the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63, in the public interest; or</p> <p>(b) refer to the Governor in Council the matter of whether these effects are, in light of the factors referred to in section 63, in the public interest.</p> <p>Notice posted on Internet site</p> <p>(2) If the Minister refers the matter to the Governor in Council, he or she must ensure that a notice of the referral and the reasons for it are posted on the Internet site.</p>	<p>(a) determine if the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63, in the public interest; or</p> <p>(b) refer to the Governor in Council the matter of whether these effects are, in light of the factors referred to in section 63, in the public interest.</p> <p>Notice posted on Internet site</p> <p>(2) If the <u>Ministers</u> refers the matter to the Governor in Council, <u>they</u> must ensure that a notice of the referral and the reasons for it are posted on the Internet site.</p>	
63	<p>Factors — public interest</p> <p>63 The Minister’s determination under paragraph 60(1)(a) in respect of a designated project referred to in that subsection, and the Governor in Council’s determination under section 62 in respect of a designated project referred to in that subsection, must be based on the report with respect to the impact assessment and a consideration of the following factors:</p> <p>(a) the extent to which the designated project contributes to sustainability;</p> <p>(b) the extent to which the adverse effects within federal jurisdiction and the adverse direct or incidental effects that are indicated in the impact assessment report in respect of the designated project are adverse;</p> <p>(c) the implementation of the mitigation measures that the Minister or the Governor in Council, as the case may be, considers appropriate;</p> <p>(d) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>; and</p> <p>(e) the extent to which the effects of the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change.</p>	<p>Factors — public interest</p> <p>63 The <u>Ministers’</u> determination under paragraph 60(1)(a) in respect of a designated project referred to in that subsection, and the Governor in Council’s determination under section 62 in respect of a designated project referred to in that subsection, must be based on the report with respect to the impact assessment and a consideration of the following factors:</p> <p>(a) the extent to which <u>positive effects are positive</u>;</p> <p>(b) the extent to which the adverse effects within federal jurisdiction and the adverse direct or incidental effects that are indicated in the impact assessment report in respect of the designated project are <u>significant</u>;</p> <p>(c) the implementation of the mitigation measures that the <u>Ministers</u> or the Governor in Council, as the case may be, considers appropriate;</p> <p>(d) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>; and</p> <p>(e) the extent to which the effects of the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change.</p>	<ul style="list-style-type: none"> • Amend clauses that allow too much discretion • Need to include positive aspects of national and regional growth, prosperity and competitiveness as public interest factors • Amend ambiguous terms that will require court interpretation • Establish tripartite decision-making

		<u>(f) the extent to which the designated project supports national or regional prosperity, competitiveness, economic development, infrastructure, sovereignty, security or other priorities.</u>	
64	<p>Conditions — effects within federal jurisdiction</p> <p>64 (1) If the Minister determines under paragraph 60(1)(a), or the Governor in Council determines under section 62, that the effects that are indicated in the report that the Minister or the Governor in Council, as the case may be, takes into account are in the public interest, the Minister must establish any condition that he or she considers appropriate in relation to the adverse effects within federal jurisdiction with which the proponent of the designated project must comply.</p> <p>Conditions — direct or incidental effects</p> <p>(2) If the Minister determines under paragraph 60(1)(a), or the Governor in Council determines under section 62, that the effects that are indicated in the report that the Minister or the Governor in Council, as the case may be, takes into account are in the public interest, the Minister must establish any condition that he or she considers appropriate — that is directly linked or necessarily incidental to the exercise of a power or performance of a duty or function by a federal authority that would permit a designated project to be carried out, in whole or in part, or to the provision of financial assistance by a federal authority to a person for the purpose of enabling the carrying out, in whole or in part, of that designated project — in relation to the adverse direct or incidental effects with which the proponent of the designated project must comply.</p> <p>Conditions subject to exercise of power or performance of duty or function</p> <p>(3) The conditions referred to in subsection (2) take effect only if the federal authority exercises the power or performs the duty or function or provides the financial assistance.</p> <p>Mitigation measures and follow-up program</p> <p>(4) The conditions referred to in subsections (1) and (2) must include</p>	<p>Conditions — effects within federal jurisdiction</p> <p>64 (1) If the <u>Ministers determine</u> under paragraph 60(1)(a), or the Governor in Council determines under section 62, that the effects that are indicated in the report that the <u>Ministers</u> or the Governor in Council, as the case may be, takes into account are in the public interest, the <u>Ministers</u> must establish any condition that <u>they consider</u> appropriate in relation to the adverse effects within federal jurisdiction with which the proponent of the designated project must comply.</p> <p>Conditions — direct or incidental effects</p> <p>(2) If the <u>Ministers determine</u> under paragraph 60(1)(a), or the Governor in Council determines under section 62, that the effects that are indicated in the report that the <u>Ministers</u> or the Governor in Council, as the case may be, takes into account are in the public interest, the <u>Ministers</u> must establish any condition that <u>they consider</u> appropriate — that is directly linked or necessarily incidental to the exercise of a power or performance of a duty or function by a federal authority that would permit a designated project to be carried out, in whole or in part, or to the provision of financial assistance by a federal authority to a person for the purpose of enabling the carrying out, in whole or in part, of that designated project — in relation to the adverse direct or incidental effects with which the proponent of the designated project must comply.</p> <p>Conditions subject to exercise of power or performance of duty or function</p> <p>(3) The conditions referred to in subsection (2) take effect only if the federal authority exercises the power or performs the duty or function or provides the financial assistance.</p> <p>Mitigation measures and follow-up program</p> <p>(4) The conditions referred to in subsections (1) and (2) must include</p>	<ul style="list-style-type: none"> • Establish tripartite decision-making

	<p>(a) the implementation of the mitigation measures that the Minister takes into account in making a determination under paragraph 60(1)(a), or that the Governor in Council takes into account in making a determination under section 62, other than those the implementation of which the Minister is satisfied will be ensured by another person or by a jurisdiction; and</p> <p>(b) the implementation of a follow-up program and, if the Minister considers it appropriate, an adaptive management plan.</p>	<p>(a) the implementation of the mitigation measures that the <u>Ministers take</u> into account in making a determination under paragraph 60(1)(a), or that the Governor in Council takes into account in making a determination under section 62, other than those the implementation of which the <u>Ministers are</u> satisfied will be ensured by another person or by a jurisdiction; and</p> <p>(b) the implementation of a follow-up program and, if the <u>Ministers consider</u> it appropriate, an adaptive management plan.</p>	
65	<p>Decision statement issued to proponent</p> <p>65 (1) The Minister must issue a decision statement to the proponent of a designated project that</p> <p>(a) informs the proponent of the determination made under paragraph 60(1)(a) or section 62 in relation to that project and the reasons for the determination;</p> <p>(b) includes any conditions that are established under section 64 in relation to the designated project and that must be complied with by the proponent;</p> <p>(c) sets out the period established under subsection 70(1); and</p> <p>(d) includes a description of the designated project.</p> <p>Detailed reasons</p> <p>(2) The reasons for the determination must demonstrate that the Minister or the Governor in Council, as the case may be, based the determination on the report with respect to the impact assessment of the designated project and considered each of the factors referred to in section 63.</p> <p>Time limit of decision statement — Minister’s determination</p> <p>(3) When the Minister makes a determination under paragraph 60(1)(a), he or she must issue the decision statement no later than 30 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.</p>	<p>Decision statement issued to proponent</p> <p>65 (1) The <u>Ministers</u> must issue a decision statement to the proponent of a designated project that</p> <p>(a) informs the proponent of the determination made under paragraph 60(1)(a) or section 62 in relation to that project and the reasons for the determination;</p> <p>(b) includes any conditions that are established under section 64 in relation to the designated project and that must be complied with by the proponent;</p> <p>(c) sets out the period established under subsection 70(1); and</p> <p>(d) includes a description of the designated project.</p> <p>Detailed reasons</p> <p>(2) The reasons for the determination must demonstrate that the <u>Ministers</u> or the Governor in Council, as the case may be, based the determination on the report with respect to the impact assessment of the designated project and considered each of the factors referred to in section 63.</p> <p>Time limit of decision statement — <u>Ministers’</u> determination</p> <p>(3) When the <u>Ministers make</u> a determination under paragraph 60(1)(a), <u>they</u> must issue the decision statement no later than 30 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.</p>	<ul style="list-style-type: none"> • Establish tripartite decision-making

	<p>Time limit of decision statement — Governor in Council's decision</p> <p>(4) When the Governor in Council makes a determination under section 62, the Minister must issue the decision statement no later than 90 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.</p> <p>Extension of time limit by Minister</p> <p>(5) The Minister may extend the time limit referred to in subsection (3) or (4) by any period — up to a maximum of 90 days — for any reason that the Minister considers necessary.</p> <p>Extension of time limit by Governor in Council</p> <p>(6) The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (5) any number of times.</p> <p>Proponent informed of extension</p> <p>(7) The Minister must inform the proponent in writing of any extension granted under this section and the reasons for granting it and ensure that a notice of the extension and the reasons for granting it are posted on the Internet site.</p>	<p>Time limit of decision statement — Governor in Council's decision</p> <p>(4) When the Governor in Council makes a determination under section 62, the <u>Ministers</u> must issue the decision statement no later than 90 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.</p> <p>Extension of time limit by <u>Ministers</u></p> <p>(5) The <u>Ministers</u> may extend the time limit referred to in subsection (3) or (4) by any period — up to a maximum of 90 days — for any reason that the <u>Ministers consider</u> necessary.</p> <p>Extension of time limit by Governor in Council</p> <p>(6) The Governor in Council may, on the recommendation of the <u>Ministers</u>, extend the time limit extended under subsection (5) any number of times.</p> <p>Proponent informed of extension</p> <p>(7) The <u>Ministers</u> must inform the proponent in writing of any extension granted under this section and the reasons for granting it and ensure that a notice of the extension and the reasons for granting it are posted on the Internet site.</p>	
68(2)	<p>Limitation — condition</p> <p>68(2) The Minister may add, remove or amend a condition only if he or she is of the opinion that doing so will not increase the extent to which the effects that are indicated in the report with respect to the impact assessment of the designated project are adverse.</p>	<p>Limitation — condition</p> <p>68(2) The Minister may add, remove or amend a condition only if he or she is of the opinion that doing so will not increase the extent to which the effects that are indicated in the report with respect to the impact assessment of the designated project are adverse <u>and if the modification will not materially change the cost or the timing of the project.</u></p>	<ul style="list-style-type: none"> Amend clauses that allow too much discretion
Part 2 — Canadian Energy Regulator Act			
Section	Current wording	Proposed wording	Objective
Preamble	<p>...</p> <p>Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples;</p>	<p>...</p> <p>Whereas the Government of Canada <u>has signed</u> the United Nations Declaration on the Rights of Indigenous Peoples;</p>	<ul style="list-style-type: none"> Maintain clarity around duty to consult

	
190(1)	<p>190(1) The Commission may, on application or on its own initiative, vary a certificate issued under this Part and may, on application, transfer a certificate issued under this Part. However, the Minister may, if he or she considers that it is in the public interest to do so, direct the Commission to make a recommendation to the Governor in Council with respect to the variation or transfer instead.</p>	<p>190(1) The Commission may, on application or on its own initiative, vary a certificate issued under this Part and may, on application, transfer a certificate issued under this Part. However, the Minister may, if he or she considers that it is in the public interest to do so, direct the Commission to make a recommendation to the Governor in Council with respect to the variation or transfer instead. <u>If such a direction is made, the reasons for must be provided in writing and made public.</u></p>	<ul style="list-style-type: none"> • Amend clauses that allow too much discretion

B – Amendments needed to excise the CER

Introduce a separate bill to amend the National Energy Board Act, incorporating the improvements currently found in Part 2 of Bill C-69 on independent governance, transparency of decision-making, inclusion of Indigenous participation and the like. In addition, the following changes need to be made to Bill C-69.

Section	Action needed	References
Part 2	Remove Part 2 of the bill	
Part 1	Remove these sections	<p>39 (2) (b) – Limitation</p> <p>39(2)(b) - Agreement to jointly establish review panel</p> <p>43(b) - Obligation to refer</p> <p>47 - Terms of reference — <i>Canadian Energy Regulator Act</i></p> <p>48 - Powers in relation to <i>Canadian Energy Regulator Act</i></p> <p>50(c) - Establishment of roster</p> <p>51(3) - Duties in relation to <i>Canadian Energy Regulator Act</i></p> <p>58(3)(b) - Preliminary consultations — other</p> <p>67(2) - Decision statement considered part of certificate, etc., under <i>Canadian Energy Regulator Act</i></p>

C – Amendments needed to restore project approval function to the CNSC

Section	Action needed	References
Part 1	Remove these sections	<p>39(2)(b) – Limitation</p> <p>44 - Nuclear Safety and Control Act</p> <p>45 - Impact assessment to be used</p> <p>46 - Powers in relation to Nuclear Safety and Control Act</p> <p>58(3)(a) - Preliminary consultations — other</p>

D – Amendments needed to establish the IAA as an independent agency

Establish the IAA as an independent agency outside Environment and Climate Change Canada, with an independent CEO reporting to an independent Board of Directors rather than to the Minister of the Environment, and with independent commissioners and panellists. The wording below, taken from the National Energy Board Act, can be used as a template on which to build this structure.

Section	Sections to be removed	Wording to be added
Part 1	Remove sections 153-165.	<p>Establishment of the Board</p> <p>Board established</p> <ul style="list-style-type: none"> • There is hereby established a Board, to be called the National Energy Board, consisting of not more than nine members to be appointed by the Governor in Council. • Tenure of members <p>Subject to subsection (3), each member of the Board shall be appointed to hold office during good behaviour for a period of seven years, but may be removed at any time by the Governor in Council on address of the Senate and House of Commons.</p> <p>Executive Officers</p> <p>Chairman and Vice-Chairman</p> <ul style="list-style-type: none"> • The Governor in Council shall designate one of the members to be Chairperson of the Board and another of the members to be Vice-chairperson of the Board. • Chairperson’s duties <p>The Chairperson is the chief executive officer of the Board. The Chairperson apportions work among the members, decides whether the Board sits in a panel, and assigns members to panels and a member to preside over each panel. The Chairperson also has supervision over and direction of the work of the Board’s staff.</p> <ul style="list-style-type: none"> • Vice-chairperson’s duties <p>If the Chairperson is absent or unable to act or if the office is vacant, the Vice-chairperson has all the Chairperson’s powers and functions.</p>

		<p>Rules</p> <p>The Board may make rules respecting</p> <ul style="list-style-type: none"> • the sittings of the Board; • the procedure for making applications, representations and complaints to the Board and the conduct of hearings before the Board, and generally the manner of conducting any business before the Board; and • generally, the carrying on of the work of the Board, the management of its internal affairs and the duties of its officers and employees. <p>Board a court</p> <ul style="list-style-type: none"> • The Board is a court of record. <p>Jurisdiction</p> <ul style="list-style-type: none"> • The Board has full and exclusive jurisdiction to inquire into, hear and determine any matter <ul style="list-style-type: none"> ○ where it appears to the Board that any person has failed to do any act, matter or thing required to be done by this Act or by any regulation, certificate, licence or permit, or any order or direction made by the Board, or that any person has done or is doing any act, matter or thing contrary to or in contravention of this Act, or any such regulation, certificate, licence, permit, order or direction; or ○ where it appears to the Board that the circumstances may require the Board, in the public interest, to make any order or give any direction, leave, sanction or approval that by law it is authorized to make or give, or with respect to any matter, act or thing that by this Act or any such regulation, certificate, licence, permit, order or direction is prohibited, sanctioned or required to be done. <p>Powers of Board</p> <p>For the purposes of this Part, the Board has all the powers of commissioners under Part I of the <i>Inquiries Act</i>.</p>
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