

Summary of the Meetings of the Minister's Advisory Council on Impact Assessment – December 2020, January and February 2021

The Minister of Environment and Climate Change established an Advisory Council on impact assessment in November 2020. The mandate of the Council is to provide the Minister with advice on the implementation of the impact assessment and regional and strategic assessment regimes under the *Impact Assessment Act*. The Minister asked the Council initially to focus on governance structures and processes, priority areas for regional and strategic assessments, and perspectives to ensure the planning phase is predictable and transparent, and that meaningful public engagement and Indigenous collaboration are achieved. The Council is made up of 12 members, including the Chair. The President of the Agency serves as an additional, ex-officio non-voting member. The Council will deliver its first report to the Minister in June 2021. Given its broad mandate and the short timeframe for the delivery of its first report to the Minister, the Council will identify specific areas where it can provide early advice and will elaborate on other topics in future reports.

Meeting Objectives

During their first three meetings in December 2020, January 2021 and February 2021, the Council focussed on how they were going to operate, the scope of their mandate, and identification of areas for advice on the priorities outlined by the Minister. Expert presentations and discussions focussed on ensuring a common understanding of the *Impact Assessment Act* and its implementation to date, cultivating an ethical space in the Council, and beginning the process of developing advice for the Minister.

Discussion topics

Impact Assessment Act

- The Agency presented the context, purpose, and content of the *Impact Assessment Act*, including background on the legislative review that led to the new Act. It then explained the five phases of the impact assessment process and gave an overview of implementation of the Act to date.
- Discussions on the implementation of the impact assessment process focused on several areas, including:
 - tailoring of impact assessment guidelines;
 - consideration of sustainability throughout the process;
 - evaluation of implementation of the Act;
 - roles and responsibilities of proponents and lifecycle regulators;
 - harmonization of the Impact Assessment Registry with other data sources;
 - consideration of climate change and environmental agreements;
 - collaboration with provinces and other jurisdictions, including Indigenous self-government jurisdictions;

- project designation requests.

Ethical Space

- The Council agreed to develop an understanding of ethical space to create a respectful environment for deliberations and will embody the concept of ethical space in the Council's advice to the Minister.
- An external expert on ethical space was invited to explain the concept and provide a foundation for the Council to interpret it together. The expert shared thoughts on different worldviews, ways of being, thinking, and interpreting the world, and how these can all co-exist, learn from, and support one another.
- The Council suggested moving forward together by acknowledging their biases, leveraging the backgrounds of all members in a positive way and equally considering Indigenous and non-Indigenous worldviews in discussions, deliberations and decisions.
- The Council formed a sub-committee to develop principles of ethical space and a model for building consensus to support the work of the Council.
- Ethical space is proposed as a standing agenda item for future meetings.

Governance

- The Agency presented the governance structures put in place to support implementation of the Act. These include agreements, committees, advisory bodies and modalities for collaboration with other federal government departments, jurisdictions, regulators, stakeholders and the public.
- Four governance areas on which the Council could focus its deliberations were proposed by the Agency and considered by the Council: collaboration with federal expert departments, cooperation with other jurisdictions, the planning phase, and decision-making in the public interest.
- The discussion included topics such as inter-departmental efforts and coherence, independence of the Agency, and a process to identify lessons learned.
- The Council formed a sub-committee on governance, which proposed to first develop advice on the planning phase.

Regional and Strategic Assessments

- The Agency outlined the legislative and policy frameworks for conducting regional and strategic assessments, which are new provisions in the Act, intended to provide contextual information, support project-level decisions and mitigate cumulative effects of projects.

- A legal scholar and practitioner of regional and strategic assessments was invited to present to the Council. He provided his perspective on the role that these assessments can play in implementing the Act and addressing challenges at the project level, their definition and purposes, as well as options for the scope of regional assessments.
- Discussions on regional and strategic assessments included the following topics:
 - considerations for selecting, prioritizing and timing regional assessments;
 - provincial collaboration and jurisdictional issues;
 - definitions and principles;
 - success factors.
- The Council formed a sub-committee on regional and strategic assessments, which will focus on developing advice for the Minister.

Indigenous Issues

- Throughout discussions on all of the areas above, the Council acknowledged that Indigenous rights, engagement, and meaningful consultation are of fundamental importance to the ability of the Act to achieve its stated purposes. This is of particular importance as it relates to promoting communication and cooperation with Indigenous peoples of Canada with respect to impact assessments and ensuring that the rights of Indigenous peoples are understood, respected and protected.
- The Council recognized that Indigenous issues need to be a major focus of its overall discussions in future meetings.

Next steps

- The Council met in March and will meet in April and May with sub-committee meetings as required until the first report is finalized.