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—
Chair

Mr. Fabian Manning

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•(1535)

[English]

The Clerk of the Committee (Mr. Stephen Knowles): The chair and the two vice-chairs are away today. Therefore, the committee does not have an acting chair. I'm therefore authorized to invite the committee to elect an acting chair. Are there any nominations for acting chair?

Hon. Geoff Regan (Halifax West, Lib.): I nominate Peter Stoffer.

The Clerk: It has been moved that Mr. Stoffer take the chair. Is it the pleasure of the committee to adopt that motion?

(Motion agreed to)

The Clerk: Mr. Stoffer.

The Acting Chair (Mr. Peter Stoffer (Sackville—Eastern Shore, NDP)): Welcome, everyone. *Bienvenue.*

A special greeting to our new Deputy Minister of Fisheries and Oceans, Michelle d'Auray. Welcome to the committee, ma'am, and to your colleagues as well.

Pursuant to the decision of the committee of November 14, 2007, we are beginning our study of the supplementary estimates of the Department of Fisheries and Oceans.

By order of the House of October 30, 2007, pursuant to Standing Order 81(5), the supplementary estimates (A) for the fiscal year ending March 31, 2008, were deemed referred to several standing committees of the House as follows: to the Standing Committee on Fisheries and Oceans, Fisheries and Oceans votes 1a, 5a, and 10a.

I now call vote 1a.

Now, madame, we welcome you to speak. You can start off with a 10-minute presentation, and if any of your colleagues wish to take part of that, by all means they may.

Would you like to formally introduce your colleagues who are with you? Again, on behalf of all of my colleagues on the committee, I welcome you sincerely to the committee. You're among friends here, I can assure you. Questions will be asked in order as we go, after you're done.

Thank you.

Ms. Michelle d'Auray (Deputy Minister, Department of Fisheries and Oceans): Thank you, Mr. Chairman, and good afternoon. *Bonjour.*

I'm pleased to be here. It's my first chance to appear before this committee in my new role as Deputy Minister of Fisheries of Oceans. Before I go any further, I'd like to introduce my colleagues, most of whom are probably more familiar to you.

With me today are George Da Pont, Commissioner, Canadian Coast Guard; David Bevan, who is assistant deputy minister, fisheries and aquaculture management; Cal Hegge, who is the assistant deputy minister, human resources and corporate services; and Michaela Huard, who is the assistant deputy minister of policy.

My presentation and my remarks will be extremely brief, because I would like to ask Mr. Hegge to take us through the components of the supplementary estimates.

[Translation]

I'm sorry I was unable to attend your hearings on December 3. Although my departmental colleagues answered your questions on small craft harbours that day and subsequently, we are prepared to continue the discussion in that area if you wish.

I have been in my position since August 6, almost four months to the day. It's a department with a large number of activities and initiatives. As you know better than I, it covers the entire country and deals with the concerns of a large number of communities, fishers and businesses.

[English]

So without any further ado, I will ask Mr. Hegge to walk us through our presentation on the supplementary estimates, which I believe was provided to the committee, and then we will welcome your questions and comments.

•(1540)

Mr. Cal Hegge (Assistant Deputy Minister, Human Resources and Corporate Services, Department of Fisheries and Oceans): Thank you, Mr. Chair. Thank you, Deputy.

I hope everybody has a copy of the presentation. It is very short and I'll be very brief in addressing the highlights.

Basically we are here to present the supplementary estimates, which as you know increase the spending authority for the department and address items that have come forward since the tabling of the main estimates, which was done earlier. There are also supplementary (B) estimates, which will be tabled in the winter.

On the next slide you will see the increase of \$133 million that we requested through the supplementary estimates. You can see how that portions out across the vote structure of the department. I should add that this does not include the carry forward from last year, which is another \$41 million, so basically you can add that figure to the total, which would essentially give us our spending authority for the year.

On the last slide, which is rather busy, we have categorized the increases that make up that figure of \$133 million. I want to go through all these; we'll certainly address any questions if there are any.

I would just highlight the first item, which is the funding for the small craft harbours program, which I know is of interest to this committee. That essentially establishes the \$20 million as an ongoing addition to our A-base for that particular program.

That's really all I intended to say, Mr. Chair. We'd be prepared to answer any questions, if there are any.

The Acting Chair (Mr. Peter Stoffer): Madam d'Auray, we do have about six minutes if any of your other colleagues wish to participate in the discussion at all.

Ms. Michelle d'Auray: My understanding was that the committee liked very brief opening remarks so that you could get to the questioning. You have our full collaboration and cooperation to that end.

The Acting Chair (Mr. Peter Stoffer): Thank you very much.

Okay, we'll start the questioning for 10 minutes with the member from Newfoundland, Mr. Scott Simms.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Thank you, sir.

Congratulations on your new appointment. As you can see, everyone is in agreement, or perhaps not—much like yourselves.

I would like to start on voted appropriations. I've a question here.

On the first item under the category of funding of about \$19.9 million to continue the current level of repair and maintenance activity at core commercial fishing harbours, that's the replacement of the funding for infrastructure programs that were sunset in March of last year. Why has the government ignored the unanimous vote in the House of Commons on June 15, 2006, to allocate \$35 million to the small craft harbours program, and not just \$20 million? The program, in my opinion, would still be about \$15 million short of the will of Parliament.

Ms. Michelle d'Auray: Mr. Chair, I think what we have is in fact a confirmation on the understanding of the necessity to make the additional or temporary funding now permanent, and we are working on the business case with regard to increasing the funding overall.

Mr. Scott Simms: Does anybody else wish to comment?

Mr. Cal Hegge: It's been a matter of record, the funding challenges of this particular program. This is good in that it does keep the \$20 million, which as you point out, we're about to lose. As the deputy said, we are continuing to work on other aspects of the funding shortfall.

Mr. Scott Simms: It certainly is well short of what we've been discussing thus far. I'm sure you'll agree, as you discussed earlier.

I'll stay with the small craft harbours for now. There was \$48,000 for contributions to support organizations associated with research, development, management, and the promotion of Fisheries and Oceans related issues. It does not appear to be that transparent, so can you explain to the committee what this is for and where the \$48,000 was spent?

Mr. Cal Hegge: Can I ask where you're getting that figure?

Mr. Scott Simms: It's on grants and programs. You have the main supplements there? Do you have it? It's page 156. I wanted to know about the programs. Where would that money be going to promote the activities? It's a question of transparency more than anything else.

• (1545)

Mr. Cal Hegge: I don't know right off the top of my head, Mr. Simms. I could possibly come back before the end of this meeting today. But in any event, we'll get you an answer for that.

Mr. Scott Simms: Okay.

A total of \$275,000 was transferred to Foreign Affairs and International Trade for operating costs related to the international fisheries and governance strategy. What exactly is the money spent on? Is it primarily for the new office created for the fisheries ambassador? Am I correct in saying that?

Ms. Michelle d'Auray: Yes, it is primarily with regard to that.

Mr. Scott Simms: Have there been any additional expenses in that regard with the fisheries or fisheries ambassador?

Ms. Michelle d'Auray: Perhaps Ms. Huard can respond to that.

Mrs. Michaela Huard (Assistant Deputy Minister, Policy Sector, Department of Fisheries and Oceans): The expenses for the fisheries ambassador were jointly funded between the Department of Foreign Affairs and us, and our portion of the part we paid was transferred to them, I believe. I could—

Mr. Scott Simms: How many staff does he have? I'm sorry to interrupt.

Mrs. Michaela Huard: He has one staff that is provided for here and himself, but there are travel expenses as well. I'd have to get back to you with respect to detail, but there are—

Mr. Scott Simms: Can you make that available to the committee?

Mrs. Michaela Huard: We can.

Mr. Scott Simms: For the sake of transparency, the travel and staff expenses as well.

This is more toward the east coast. Seven hundred and forty-four thousand dollars were transferred from National Defence for investments in search and rescue. In view of the recent accidents at sea—and I speak of two notably, studies and reports have been published on both of them—how much of this \$744,000 is allocated to enhance S and R capabilities?

Commissioner George Da Pont (Commissioner, Canadian Coast Guard, Department of Fisheries and Oceans): That was funding transferred to the coast guard from the National SAR Secretariat and it supports three specific projects, or two specific projects and one exercise. The two projects it supports are research work on improving our current monitoring network and doing work on what's called ocean drift theory to help predict where vessels might drift in the course of a search and rescue operation. The final component was to support some search and rescue exercises between us, DND, and other partners.

Mr. Scott Simms: Mr. Chair, how much time do I have left?

The Acting Chair (Mr. Peter Stoffer): Four minutes and 13 seconds, sir.

Mr. Scott Simms: I would like to turn this over to my colleague the Honourable Geoff Regan for the final four.

The Acting Chair (Mr. Peter Stoffer): Very good.

Mr. Regan.

Hon. Geoff Regan: Mr. Chair, thank you.

Let me ask you about what's happening with fuel costs. Obviously that's in a year, like other years, when we've seen the cost of petroleum go up dramatically. That's bound to have an impact on fisheries and coast guard vessels and the cost of operating them. What's happened there, and is there any money in these supplementary estimates to deal with that?

Ms. Michelle d'Auray: In terms of the specific question with regard to whether there are funds in the estimates to deal with that, currently, no. In terms of the work going forward, I would ask the commissioner to answer your question on that.

Commr George Da Pont: Yes, that's an excellent question, because not surprisingly, it has had some very significant impacts on the coast guard and, I think, the rest of the department. From the coast guard perspective, when the price goes up 1¢, it adds about \$700,000 to our costs.

In 2003 we received an adjustment to our fuel budget from Treasury Board. We have not had an adjustment since, so in the interim we've had to redirect about \$14 million to cover increased fuel costs, and we are working with Treasury Board now on options on how to deal with that issue.

Hon. Geoff Regan: Let me ask you about the Pacific integrated commercial fisheries initiative. Can you tell us about what that initiative is doing and what the \$16.7 million is for? How will it be used?

• (1550)

Ms. Michelle d'Auray: The complete initiative is for \$175 million, which was announced earlier this year. The first component of the funds attributed to the department will be going towards the consultations and establishing the various working activities and working groups. We've actually begun a series of pretty in-depth technical consultations with a number of first nations and non-first nations fishers.

In terms of the components, I would turn to my colleague Mr. Bevan to walk you through the specifics.

Mr. David Bevan (Assistant Deputy Minister, Fisheries and Aquaculture Management, Department of Fisheries and Oceans): We're developing with the stakeholders, first nations, and commercial fleets, etc., the means by which we'll achieve the outcome being sought, to integrate first nations fishers into commercial fishing under the same conservation framework, and with the same rules generally applying to all people participating in that fishery. To do that, there will be a need to seek the means by which we can retire some licences and then move access to first nations and to enhance monitoring, control and surveillance, and reporting of catches, etc., in all fishing—not just first nation, but also commercial and recreational. Those deliberations are taking place with the people involved so that we will make those improvements and find the best means by which we can get the best value for the money in terms of retiring commercial licences and moving that access to first nations.

Hon. Geoff Regan: One of the concerns I've heard over the course of this year from groups has been about the oceans action plan, which doesn't seem to have been funded as it needs to be. I'd like to know what the status is of the oceans action plan.

Ms. Michelle d'Auray: We have received additional funds for the oceans action plan, and we are moving ahead on a number of large ocean management areas—I'm still familiarizing myself with the acronyms of LOMAs—and marine protected areas. In fact, we are increasing the number we will be able to do during this fiscal year and the next years.

There is probably a fair amount of work to be done, even just on getting those structured and organized. I met, for example, with one of the first stakeholder advisory councils of the eastern Scotian Shelf LOMA; and the next group being constituted is for Placentia Bay-Grand Banks. There is a lot of work and effort needing to be undertaken, but which is under way, to bring these stakeholders together. It is taking time and effort.

As for the marine protected areas, we are looking at establishing a national network. We're even looking at doing it from a regional perspective, such as the integrated view on the Pacific coast, as well.

So while I think expectations were high with regard to the funding, I'm quite satisfied that the funding we currently have will enable us to do a fair amount of work. In fact, it is stretching our capacity right now to achieve even the goals we currently have.

The Acting Chair (Mr. Peter Stoffer): Thank you very much, madame.

Now we'll move on to Monsieur Lévesque from the Bloc Québécois, *pour sept minutes* or seven minutes.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Good afternoon, ladies and gentlemen.

A total of \$8.8 million is requested for the Ice Compensation Program to help fishers in specified regions of Newfoundland and Quebec unable to fish due to severe ice.

Could you give us some details on that subject?

Ms. Michelle d'Auray: Certainly. That program was created last spring because the ice did not melt as quickly as expected. Funding has already been granted to qualifying fishers. I don't think we've spent the total amount. Ms. Huard could give you the figures on that subject. The amounts that have not been allocated to fishers will be returned to the fiscal framework.

Mr. Yvon Lévesque: So it isn't a recurring program?

Ms. Michelle d'Auray: No, it was established to address the exceptional situation that prevailed until June. The ice really prevented fishers from engaging in fishing activities.

• (1555)

Mr. Yvon Lévesque: All

[English]

Mrs. Michaela Huard: I'll just add that these figures were based on our worst-case scenario estimates. This program had to be put up very quickly. We weren't sure how many people would qualify. I know full well that actually less than half of this money was actually spent. I think there may still just be, literally, a handful of cases that may not have been decided yet. I myself don't have the final figures with me today, but the vast majority of the money was spent in June and July. The last ones have just been dealt with now.

Most of the people we thought might be applying turned out to have been able to get fishing at the last minute. It was something that was put up very quickly, and a lot of people were able to get out.

[Translation]

Mr. Yvon Lévesque: Almost \$6 million is required to improve the performance of the regulatory system for major natural resource projects that are subject to a comprehensive study, a panel review or a multi-jurisdictional screening under the Canadian Environmental Assessment Act.

Is this funding related to the establishment of the Major Projects Management Office announced last month?

Ms. Michelle d'Auray: That's the portion of funding that is allocated to the Department of Fisheries and Oceans so that it can contribute to the management of major projects and to the formation of teams within the department that will help accelerate project evaluation in the context of the establishment of the Major Projects Management Office.

Mr. Yvon Lévesque: Will that office recommend the projects to you?

Ms. Michelle d'Auray: Yes. Coordination of the office is assumed by the Department of Natural Resources. The Major Projects Management Office is being established by that department. As deputy minister, I see to the Office's management with my other designated colleagues. My contribution to it will be made through individuals that we will retain to expedite project evaluation.

Mr. Yvon Lévesque: Will this new office give rise to changes in the role of the Canadian Environmental Assessment Agency in particular?

Ms. Michelle d'Auray: No, that won't change its role or mandate. However, the promoters and the department will have what could be called a single window. Through it, projects can be identified and submitted. That will enable us to conduct a one-time collection of information that will be used by all departments, rather than request

various types of information from the promoters each time. That will help the Canadian Environmental Assessment Agency coordinate the consultation stages. The Agency will be able to continue doing that on behalf of all departments, as it currently does, but that capability will be reinforced.

Mr. Yvon Lévesque: In the case of small craft harbours, there are increasing demands for breakwaters to be installed and for sand build-up to be removed within the harbours.

Will this office assess those requests?

Ms. Michelle d'Auray: No, because the office will focus exclusively on natural resources, whether it be hydroelectric, gas extraction or mining projects.

Mr. Yvon Lévesque: Do I have any time left, Mr. Chairman?

The Acting Chair (Mr. Peter Stoffer): Yes.

Mr. Yvon Lévesque: Can you tell me how much has been budgeted for the transfer of Coast Guard ships between Nova Scotia and Newfoundland and Labrador?

Ms. Michelle d'Auray: I'm going to ask my Coast Guard colleague to provide an answer

[English]

to the question of funds allocated for the transfer of the vessels.

[Translation]

Commr George Da Pont: The transfer will be made next April 1 for the *Terry Fox* and April 1, 2009 for the *Louis S. St-Laurent*. An overall amount of nearly half a million dollars has been set aside to cover the cost of transport by ship of the people who will go to the High North every summer. As for the rest, we don't think we will have to bear significant costs, since we expect to spread it all over five years. We're not going to transfer people who don't want to go from Nova Scotia to Newfoundland.

• (1600)

Mr. Yvon Lévesque: That's a good thing. I expected to hear \$500 million.

Do these expenditures appear in the Supplementary Estimates?

[English]

The Acting Chair (Mr. Peter Stoffer): Next time, Mr. Lévesque. Good try.

Because I'm sitting over here and that spot is vacant, we now move over to the Conservative Party, to Mr. Randy Kamp, the parliamentary secretary, for 10 minutes, please.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Thank you, Mr. Chair, and thank you to Madam d'Auray and her officials for coming.

In the supplementary estimates, vote 1 refers to about \$16.5 million for funding to support science and sustainable fisheries in order to strengthen fisheries management and resource conservation. I'm just wondering if you can give us a bit more detail on what that covers.

In your answer—and perhaps Mr. Bevan can as well—tell us a little bit about how this all relates to the Larocque decision, and where we are in working through the Larocque decision, and how it impacts on fisheries management.

Ms. Michelle d'Auray: Thank you.

The amount of money, the \$16.4 million or \$16.5 million, really was provided to us to deal with three major issues. One of those is, as you have raised, the results of the court decision known as the Larocque decision, so that we can continue to do the work on the stock assessments. The bulk of the funding is really going towards that. Another portion is going to the ecosystem-based management and the science around that. Those are really the two major components that are being funded through that.

I don't know if you wanted to get a bit more information from Mr. Bevan about where we are in working our way through. My recollection is that we have dealt with 80% of the situations around that and are still working through a few odd cases.

Mr. Randy Kamp: I think there are those who might not be completely clear on what that decision was and what its impacts were. Perhaps you can give us a very brief summary of it and then tell us a little bit more.

I also wouldn't mind hearing a bit more about this ecosystem-based management and what that will look like when we finally get there.

Mr. David Bevan: Thank you.

We had about 200 arrangements with groups of fishermen in which we had entered into agreements with fishermen. These agreements would involve services that the department would provide in order to fund those—and this is a generalization, of course, given the numbers—but in order to fund those, there were two options.

One was to enter into an agreement with a legally defined group, and then they would receive funds from their members and provide that to the department in exchange for additional services above and beyond what would be needed just to manage the fisheries and then conserve the stocks. Where there were problems with what's called a free rider, in which of the groups of fishermen, maybe 80% would like the agreement but 10% or 20% would not, and they were not paid. To deal with that, there was a move to take some of the quota and convert it into cash and then have the funds raised that way.

The Larocque decision found that this was not an appropriate use of fish; that the minister did not own the fish, but the people of Canada did, and he would manage it on their behalf; that he couldn't use his authorities to create these quotas that would then create funds for extra science or enforcement or other DFO activities.

So what's happened is that we can no longer enter into those kinds of agreements. The quotas are returned to the fishermen, and if they wish to enter into an agreement with us, they can do so, but not use fish to create the funds needed for the extra activities.

To compensate for some activities that were in fact part of our responsibilities, there has been extra funding provided to the department, but that will not replace all the activities that previously

existed. There's going to have to be some consideration by the groups as to whether or not they wish to reinstate them through some other type of arrangement or whether they are to try to make do without the extra levels of science or monitoring control and surveillance. That would be the response to the Larocque component.

On ecosystem-based management, in the past we've focused on single species management and we've looked for maximum sustainable yield within those species, and that was too narrow a focus. We couldn't see the entire risks that the activities were posing. There was bycatch and impact on the ecosystem that would change the productivity of the ecosystem. In addition, for example, with west coast salmon, there are impacts of the ecosystem on the productivity of target species. Salmon is a good example of where at-sea survival can be quite variable from one year to the next or from one type of oceanographic condition to another.

What we're looking at doing is moving incrementally to take these into consideration. We're accounting for bycatch, for managing bycatch. We're looking at closing vulnerable marine ecosystems to certain types of fishing that might impact it, and we're evaluating the impact of the oceanographic conditions on the productivity of populations so that we can factor all that into the management of the fisheries.

•(1605)

Mr. Randy Kamp: Does it take money just to get there, or once you're there, does it cost more to manage them in an ecosystem-based way?

Mr. David Bevan: It will be more complex to manage in this way because we have spatial and temporal closures required. We have that type of activity. We need to realign our science and management programs. I don't think we can ever know everything, but we need to know enough and have a broad enough picture that we can make informed decisions, and we need to work with the industry to deal with these things. That involves vessel monitoring systems, satellite transponders, better software, all that kind of thing, which would require investments by both us and the industry. But the markets are expecting this. We have a number of fisheries that are now in certification to demonstrate to the market that they're sustainable, and we have to move in this direction. It will take an alignment of resources.

Without extra funding, it just means we have to redefine how we spend our time and work collaboratively with the various parties involved.

Mr. Randy Kamp: Are there other jurisdictions around the world that have made better progress at ecosystem-based management than we have? Are there some good examples to follow?

Mr. David Bevan: There are some examples to follow in some jurisdictions. There are some in Australia. We have international examples of some RFMOs—regional fish management organizations—having moved in this direction.

Generally I think we can learn from each other, but nobody has it all right at this point. It's a path that most of the developed countries have started down. Most of the science organizations have recognized that by looking at only one species you have a false sense of risk, because you don't see the broader picture. That's what happened to cod in the Atlantic. We had such a narrow focus on a small number of indicators that we missed the bigger picture of changing productivity. We kept fishing at the previous level even though productivity had dropped dramatically, and we were using the wrong indicators because we had such a narrow focus.

So having learned from that, we now have to look at a broader set of indicators, and we do have examples to follow from other jurisdictions. But generally we're all working this through at the same pace.

Mr. Randy Kamp: Thank you very much. Mr. Chair, I think my colleague Mr. Allen has some questions.

The Acting Chair (Mr. Peter Stoffer): Mr. Allen, you have a minute and a half.

Mr. Mike Allen (Tobique—Mactaquac, CPC): Thank you, Mr. Chair.

Under vote 1, the \$5.935 million, is that money that is going to be associated with supporting the major project office that will be set up under Natural Resources? If that is so, do you expect that to be a continuing addition each year?

Second, under these major initiatives, wouldn't you have been contributing to some of these studies before? Is this an incremental cost?

•(1610)

Ms. Michelle d'Auray: The funds are currently allocated for five years, as they are for most government programs, and they have to go through an evaluation. This allows us to proceed more effectively with the evaluation and assessment of major projects.

Right now, major projects, like any other proponents that table a project that would require habitat authorization under the Fisheries Act, would be evaluated. This will allow us to accelerate and work more closely with our colleagues in other departments and agencies in reviewing a project.

So it allows us to contribute to a single-window initiative.

Mr. Mike Allen: I have probably used my time, Mr. Chair.

The Acting Chair (Mr. Peter Stoffer): Thank you.

Now we go to what we call the five-minute round, folks. So we go to Mr. Byrne from Newfoundland, for five minutes, please.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you very much, and thank you to our witnesses.

Mr. Bevan, you mentioned that the Larocque decision had a profound consequence for fisheries management as well as for funding for fisheries management and science. Fisheries and Oceans Canada, over the last number of years, has engaged in partnership agreements with various governmental and non-governmental organizations. Allocations of fish were given to organizations and agreements were struck whereby having been granted access to that fish, the fisheries organizations, with the assistance of DFO, would

expend a certain amount of money conducting a scientific protocol. And they would share that scientific data with Fisheries and Oceans. The Larocque decision by the Federal Court, you said, once it was decided, basically made that capacity or that possibility for DFO null and void.

Could you provide a list of all discontinued agreements, the ones that have either been allowed to lapse or have been terminated as a result of the Larocque decision? And could you indicate for us what the consequence has been for the departmental budget?

I will give you one example. In the northern shrimp fishery, Fisheries and Oceans Canada entered into an agreement with the Northern Coalition, allocating, I think, 5,000 metric tonnes of prawns to that organization to conduct science. You have now stated that the agreement has been terminated. Who is doing the science now, and what happened to the 5,000 tonnes of fish? It was granted to the Northern Coalition on the understanding that they were conducting science for the benefit of all users of the resource. Is that science now being done by Fisheries and Oceans? What has replaced it, and who has access now to that 5,000 tonnes?

Mr. David Bevan: There are well over 100 of these arrangements. There could be as many as 165, or perhaps close to 200. We'll get you the full list.

The one you're using as an example, involving the Northern Coalition, was for an allocation that was used to fund science in the north, in shrimp fishing areas 1 and 2. Those allocations now have been returned and are back in the hands of the fishing interests. We took it away from them; now they are back.

Obviously the fish didn't disappear. It was part of the overall TAC. The discontinuing of arrangements means that the fishermen themselves have higher quotas now than they had before. Under the arrangements, they have the money that those quotas now generate. If there's a desire to find another way to organize, to continue the work, it's up to the fleets to do that. They have the additional cash they otherwise wouldn't have had under the agreements.

The only problem is, as I mentioned earlier, the free rider. There are some who don't wish to pay, and if a minority don't wish to pay, that has an effect on the majority, who don't wish to then incur the costs for the benefit of all, only to have somebody be a free rider on the services that are provided.

We haven't seen a lot of uptake of a different kind of arrangement, but it hasn't been that long since the decision. We are getting ourselves organized. We are looking at what the obligation of the Government of Canada is in terms of science and basic conservation and the kind of information we need to make the right decisions on how to manage the fisheries, versus what was essentially providing an extra benefit for the people who had entered into these agreements.

•(1615)

Hon. Gerry Byrne: When the initial decision was taken, it was a somewhat controversial decision, if you recall, in the sense that competing interests that were looking for access to that resource accepted the decision at the time that 5,000 metric tonnes of shrimp resource—for the committee's perspective, this is basically the equivalent of anywhere from \$5 million to \$8 million worth of resource on an annual basis, which is a lot of shrimp.... Other stakeholders that did not get access to that shrimp reluctantly agreed to accept the management plan on the basis that at least valuable shrimp science was being conducted.

What you're telling me, the committee, and all fishery stakeholders is that while the requirement to conduct the science ceased as a result of the Larocque decision, those who were assigned the 5,000 tonnes of shrimp still retained the allocation of the 5,000 tonnes, but with no strings attached. Now it's basically part of their allocation. They do not have any legal requirement under any agreement to conduct any scientific activity.

Wouldn't it have been more appropriate, given the fact that when this allocation was made, when the decision was taken that the 5,000 tonnes was for a specific purpose and that the Northern Coalition were the only participants who could actually effectively do the science and would therefore be the recipients of the 5,000 tonnes.... With the decision to terminate the agreement as a result of the Larocque decision, wouldn't it have been fairer to go back to all stakeholders and say, since science will no longer be done with this, we now have an obligation to share among all stakeholders, all fishing interests that participate in the northern shrimp fishery?

Are you telling me this was not done?

Mr. David Bevan: I don't have, off the top of my head, all the details around the northern shrimp fishery. As you are aware, it's an extraordinarily complex allocation key, and I can't say how we made those adjustments, off the top of my head—whether it went back to the offshore interests, where most of it came from, and that they are now able to fish that without the strings attached.

Hon. Gerry Byrne: Would you be able to get that information to the committee?

I have one last question. Does the new Fisheries Act—

The Acting Chair (Mr. Peter Stoffer): No, I'm sorry, Mr. Byrne, you're over your limit, sir. You're over your quota.

[Translation]

Mr. Lévesque.

Mr. Yvon Lévesque: Thank you, Mr. Chairman.

I'm going to go back to the question I wanted to ask earlier.

Is the \$500,000 earmarked for the transfer of Coast Guard ships set out in the current Supplementary Estimates?

[English]

Commr George Da Pont: Actually, it's \$500,000. I apologize. I was searching for the amount.

[Translation]

No, there's no money for that. The money will be taken out of the Coast Guard budget.

Mr. Yvon Lévesque: In the entire Coast Guard budget, \$500,000 surely isn't enormous. I was simply curious as to whether that was currently in the budget.

Ms. Michelle d'Auray: It's in the budget, but not supplementary funding; we haven't received any supplementary funding for this transition.

Mr. Yvon Lévesque: Thank you, madam.

Unless I'm mistaken, there is the implementation of the Pacific Integrated Commercial Fisheries Initiative. That's in the order of \$16.7 million.

Is this a new initiative?

Ms. Michelle d'Auray: Yes, it's an initiative that Minister Hearn announced this past summer. It's in the order of \$175 million. As my colleague Mr. Bevan explained earlier, the purpose of this initiative is to: assist in integrating First Nations fishers into the commercial fishery on the Pacific Coast; to increase our ability to monitor all commercial fisheries on the Coast; and to enhance local fisheries monitoring and surveillance. I don't know if you want to know more about that.

Mr. Yvon Lévesque: No, that's fine.

I also note that funding is allocated in order to comply with the Nunavik Inuit Land Claims Act.

Can we have some explanation on that subject? There is very nearly \$2 million.

•(1620)

Ms. Michelle d'Auray: Yes. Essentially, this funding is allocated to the department. It appears among the amounts allocated on an overall basis to the Department of Indian and Northern Affairs to monitor treaties and initiatives.

So this is the portion that goes to the Department of Fisheries and Oceans to implement and monitor initiatives and treaties concerning fishing activities.

Mr. Yvon Lévesque: Thank you, madam.

Thank you, Mr. Chairman.

[English]

The Acting Chair (Mr. Peter Stoffer): Monsieur Lévesque, you still have two minutes, if Monsieur Cardin would like to ask a question.

[Translation]

Mr. Serge Cardin (Sherbrooke, BQ): That's fine, Mr. Chairman; I'll leave him all my time.

Mr. Yvon Lévesque: Perhaps I could use it just to ask one supplementary question.

The funding to address an operating shortfall appears to be in the order of \$16 million, doesn't it? We note: "Funding to address an operating shortfall (unanticipated settlement of a contractual claim)".

Ms. Michelle d'Auray: That's an agreement that we negotiated with a supplier about which we cannot disclose any information. However, it's essentially for a contract that we had to terminate.

Mr. Yvon Lévesque: All right, thank you.

[English]

The Acting Chair (Mr. Peter Stoffer): *Merci.*

Now we'll turn it over to Mr. Allen, but before we do, I want to welcome to the committee Ms. Julia Lockhart from Vancouver, B.C., who, after she gets the fine tutelage from Mr. Knowles, will be our new clerk of our committee. We want to welcome you very much to the committee.

Ms. Julia Lockhart (Procedural Clerk): Thank you.

The Acting Chair (Mr. Peter Stoffer): Mr. Allen, you'll have five minutes, please, sir.

Mr. Mike Allen: I have a couple of questions, one just to confirm the previous one, when I ran a little out of time.

Just so I can be clear, is this five-year appropriation for the regulatory system in natural resource projects going to be \$5.9 million over each of the next five years? It's in addition?

Ms. Michelle d'Auray: Yes, the average is around, if I recall, \$8 million a year. The allocation for this fiscal year is for the first year.

Mr. Mike Allen: Okay, thank you.

My next question is on your funding for the coast guard and the coast guard vessel life extensions. There's \$4 million there. What I'd like to understand is how common a practice it is for this life extension expenditure to be in the supplementary estimates.

The second thing is, what is the life extension timeline? These are all in vote 5, which means they're in capital, so I would assume there would be a fairly lengthy life extension to these vessels.

My third question, associated with that, is how this line item maps to the line item on the next page, which is \$23 million to establish a fleet refit capital budget. If we're talking about a life extension refit, to me they're probably about the same thing.

If you could answer those for me, that would be great.

Commr George Da Pont: To start with, vessel life extensions are becoming extremely common. Our fleet, as you undoubtedly know, is getting older. We've had significant investment in new vessels, but it will take some time to procure them. In the meantime we have to make major investments to keep the existing fleet going. How much additional time comes from a vessel life extension varies from vessel to vessel, but generally it's five to ten years for the investment.

On the \$4 million, it is carry-forward funding that we had intended to spend in the previous year. Because of complications around shipyard time and other things, we've had to include it in the supplementary estimates as part of a carry forward. It funds part of two projects: one on the west coast with the *Sir Wilfrid Laurier*, and one on the east coast with the *Alfred Needler*.

The \$23 million for vessel refit corrects what has been a difficult issue for us. We have covered vessel refit costs from major capital sources, operating sources, and minor capital. Each had an authority

to do very specific things, and it made it very difficult to manage when we drew from the same pots of money for one project.

So we went to the Treasury Board to create a new general refit authority within major capital. We're transferring what had previously been in operating into that authority so we can have one global refit budget.

It is a bit different from vessel life extensions. Vessels require repairs and upgrades on an ongoing basis, and sometimes they can be significant. But they're different from a major vessel-life extension, where we do very significant work and generally spend anywhere from \$6 million to \$15 million on one life extension.

• (1625)

Ms. Michelle d'Auray: What Mr. Da Pont was explaining actually clarifies and makes a lot more transparent how much is being used for refit and how much is being used for major life extensions over and above day-to-day maintenance.

There is another fund for major capital, if you wish, or for procurement purposes. Rather than trying to pick and choose from a variety of funds, we now have maintenance, life extension, and major capital projects.

Mr. Mike Allen: Okay.

There's a line item showing \$3.136 million for funding related to the assessment, management, and remediation of federal contaminated sites. I suspect that with the number of federal contaminated sites we have there'd be a fair... Will that be ongoing, or is it based on another initiative, if this line item is now in the budget?

Ms. Michelle d'Auray: The funds are an overall allocation that the government manages through the Treasury Board Secretariat. I will ask Mr. Hegge to respond to the specifics.

Mr. Cal Hegge: Basically it is ongoing. It is kind of planned out. There's a huge amount of money going into this from the government. It's a matter of allocating the resources in the year in which we can best use them. You'll probably see it as part of the supplementary estimates throughout, as we try to match the funding with the sites we're going to address.

So DFO is one of a number of participating departments in this government-wide program.

Mr. Mike Allen: The last question I have is on the reinvestment of royalties from intellectual property. What intellectual property are those royalties coming from?

Ms. Michelle d'Auray: It's mainly with regard to the science sector. A number of investments are made and approaches developed. Occasionally we will issue them to be developed and applied in the private sector, rather than manage them ourselves. We receive royalties from the use of them.

There was one initiative or development in particular that generated a fair amount of royalties that we are showing. But I can get back to you with the specifics.

Mr. Mike Allen: That would be great.

Thank you, Mr. Chair.

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Allen.

Now we'll go over to the Liberal Party and Mr. Lawrence MacAulay, from the great island of Prince Edward Island.

Hon. Lawrence MacAulay (Cardigan, Lib.): Thank you very much.

I see there's just under \$20 million in small craft harbours. You're no doubt aware that there was a motion that was supported by all the House for \$35 million. I wonder if you could give us somewhat of an understanding as to what's been done with Treasury Board in order to acquire that \$15 million. Of course, as we're all aware on this committee, that doesn't even attend to what needs to be attended to with infrastructure problems.

As well, on Prince Edward Island we have a blue mussel industry. I'd like to know where funds would be acquired or what can be done with the invasive species, the vase tunicate and this type of invasive species, that are going to destroy the mussel industry off the coast of Prince Edward Island if something is not done.

Ms. Michelle d'Auray: With regard to the funds for the small craft harbours, as I think my colleague indicated earlier, we are working on a business case. We do recognize, as I think has been stated many times before this committee, that there is a gap, and an increasing one. We are working with our colleagues from the Treasury Board Secretariat on the business case that would encourage an increase in the funding.

With regard to the invasive species, we have in fact met with our colleagues from Prince Edward Island, as well with ACOA, the economic development agency, to see what in fact could be provided in terms of direct technical support for the aquaculture enterprises.

In terms of the invasive species per se, in terms of the science work that we have done, there are some techniques that can be used in order to, I would say, contain, but it's not something that we can eradicate. So the techniques have to be used on a recurring basis in order to remove this rather ugly invasive species from the mussel.

•(1630)

Hon. Lawrence MacAulay: You mentioned that they're going to ACOA for funding. Would this not be a fisheries responsibility? Why is it ACOA funding that would be used in this situation?

Ms. Michelle d'Auray: The issue is to acquire the equipment necessary. I'm not a specialist in this area, but I understand that there is a high-powered water treatment that can be used. To purchase the equipment around that is not a fisheries activity, but if businesses want to make the acquisition of that, perhaps ACOA would be one opportunity for them to do so.

Hon. Lawrence MacAulay: Okay. I'll pass on to Geoff.

Hon. Geoff Regan: Thank you very much, Mr. MacAulay and Mr. Chairman.

You spoke earlier of creating a network of marine protected areas. How is that a measurable goal?

Ms. Michelle d'Auray: The issue around that is to be able to have similar approaches, similar standards, to be able to identify across Canada which are the areas that the country would identify as protected areas, so that in fact, as a standard internationally, they can also be recognized and we can establish leadership. I guess from the

point of view of a specific goal or result, it would give us a coherent approach across the country.

Hon. Geoff Regan: Let me ask it a different way: how many do we have now in place?

Ms. Michelle d'Auray: Currently I believe we have six areas and are moving to nine.

Hon. Geoff Regan: Were there two areas put in place over the last 22 months or so? Did I see an announcement this summer on two areas? When were the last ones announced, and how many have been announced since the current government has been in office?

Ms. Michelle d'Auray: I would have to get back to you on the specifics of that.

Hon. Geoff Regan: Do any of your colleagues know? Do the ADMs know?

I guess the question really is that the department—I shouldn't say "we" anymore—has talked for a while about the goal of establishing a network. The thing is, when will the public know? How will the public be able to look at that and say, "Well, they've done it", or "No, they haven't done it"? Is it 10 MPAs or 20? Is there a magic number?

You've talked about standards. Again, that's not really a measurable thing.

Ms. Michelle d'Auray: In some ways, yes, I suppose if you said here's a finite number and here are the MPAs, here they all are.... But I think the goal for us in terms of the network is to have a coherent approach and standards.

Have we identified them all at this point? I don't think so. So is there a finite number? Probably. Do we know what the specific number happens to be today? Not that I know of. Do we have an approach that allows us to deal with them on a consistent basis, so that there are ways in which, once they are set up...how they're managed, who manages them, how we deal with the approaches, for example, in terms of shipments, in terms of ecological sustainability, all of those things? That's what we mean about a network and a standardized approach.

So those are measurable elements in some ways to say yes, we do have a national approach to these things.

Hon. Geoff Regan: There was a 10-year plan, right, or a goal to have the network in place in 10 years, and that's what it seems to me the public needs to understand. How do they figure out whether it has been achieved or not? You can say there's a network now. It seems to me that there were, I think, six as of two years ago.

Ms. Michelle d'Auray: There are six now and there are three more in development.

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Regan.

Now over to the Conservative Party for five minutes, from Mr. Calkins, please.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Mr. Chair.

I certainly appreciate everyone appearing here before our committee today.

I have several questions. They are not related to one another, so I'll just go as quickly as I can here. The first one is that I notice there's an item line here for "Funding in support of the Federal Accountability Act to evaluate all ongoing grant and contribution programs every five years". I'm wondering if somebody here can give me a status on how that funding is proceeding and what kinds of results the department is seeing through that program.

• (1635)

Ms. Michelle d'Auray: This is essentially a commitment that the government and the Treasury Board Secretariat have made to ensure that every five years all the grants and contributions programs are reviewed and an allocation has been given. This is the first year in which we have received it. In fact, we have just received it to enable us to do this.

Mr. Blaine Calkins: So you will be ramping up right now, then. Is that right?

Ms. Michelle d'Auray: Yes, we are.

Mr. Blaine Calkins: Is there anything you can provide the committee with insofar as, other than the general expectations of what the money is allocated for, how many staff you plan? I would imagine this is to hire some staff to do some reviewing. Is that correct?

Mr. Cal Hegge: Yes.

Mr. Blaine Calkins: Have you any idea on how many, and is it going to be contracted or in-house?

Mr. Cal Hegge: I think it's going to be in-house, but if you would like, we could come back with more details. As the deputy just said, we just got the money. We're just planning now what we're going to do.

Mr. Blaine Calkins: I suppose I should let you have a plan first. There will be another time when the estimates come back, I guess, in the spring or whatever the case might be. We'll discuss it then.

Ms. Michelle d'Auray: In many instances, if I can put it this way, it's to increase, by a few people, our current capacity. Since we didn't have a specific timeline to do the reviews, we now have those timelines. So every five years there is in fact a calendar by which the Treasury Board Secretariat is going to ask us to provide those updates.

Mr. Blaine Calkins: Great.

I will move on to a different topic, then. Last spring, as you know, this committee tabled a report dealing with the seal harvest. One of the recommendations in the seal harvest dealt with observers and observer status. I am wondering if there is that, or are there any other aspects of that report that any of the departments can talk to here? Is any progress being made on any of those recommendations? Can you tell me where that report has worked its way through to?

Ms. Michelle d'Auray: There are a number of items we are acting on in light of that report. Perhaps my colleague Mr. Bevan can respond to some of the specific ones.

Mr. David Bevan: We are changing the way the hunt is managed to slow it down, to provide people more time to conduct it in a more humane way. It is humane, but we want to make it even more so. There are changes to the marine mammal regulations that are now being consulted on, where we are looking at additional steps that

should be taken. On observers, there are changes to those regulations being contemplated that make it clear that it's not just observing the hunt that takes place on the ice, but it's also observing the hunt more generally.

With respect to some of the recommendations on distance, etc., we do have some obligations under the charter. We aren't able to restrict people as much as would have been desired by some of the hunters and perhaps as recommended by the committee, but we are looking at making it clear that there is an obligation on the part of the observer to maintain a distance and not to disrupt the hunt, regardless of whether it is on the ice or taking place from vessels.

Mr. Blaine Calkins: Great. I'm glad to hear that.

My last question, I guess, is for the coast guard.

As you know, there has been discussion or talk about seven new ports or small craft harbours in the central and Arctic region for the expansion of an Arctic fishery. I am wondering about the coast guard's perspective. What plans do you have insofar as ramping up for that, for having the ships or the capacity to potentially deal with an expanding Arctic fishery?

Commr George Da Pont: We have a significant capacity now in the Arctic. Every year we have seven icebreakers that operate generally between June and November. If the coast guard were required to support additional ports, that would likely be in terms of breaking out ports, and that would likely be in terms of supporting some navigational aids, depending on the port. Those are things we would program into our normal operations.

Mr. Blaine Calkins: Great.

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Calkins.

We'll now go over to Mr. Byrne of the Liberal Party, for five minutes, to finish our round.

Hon. Gerry Byrne: Thank you, Mr. Chair.

I want to follow up on my previous line of questioning on the Larocque decision and its impacts on fisheries management and fisheries science. I've asked for—and you've agreed to be able to provide—a listing of the approximately 100 fisheries science agreements that have been entered into and that have been either terminated or allowed to lapse. Could you provide as well the dollar value, the amount of fish that was actually associated with each of those agreements, and the associated dollar value that each of the organizations was expected to be able to contribute or to expend on science activities as part of the agreement? Obviously you audit them, and there must be some basis of an audit through which you can ensure that those organizations are keeping up with their responsibilities for utilization of that fish. So could you provide that dollar value so that we could know what that was?

As well, could you provide some specifics on what has happened to that fish since the Larocque decision? This is not to suggest that it was redistributed back to stakeholders. I'd really like to know, and I think committee members would like to know, if it was simply given to the original agreement holders or it was given to new entrants into the industry or existing entrants who weren't actually parties to the science agreement?

In the main estimates in the budget announcement of 2007, you indicated there was \$10 million allocated for court rulings pressures. That, I assume, would be part of the Larocque decision. But in the supplementary estimates you indicated \$16.4 million would be allocated for court rulings pressures, science support for eco-based management and ecosystem-based management. Of the \$16.4 million in the supplementary estimates, what actual amount of that was being given for court rulings? Specifically, how much is actually allocated in 2007-08 for replacement of scientific activities now no longer occurring because of the Larocque decision, and are we left with a shortfall?

• (1640)

Ms. Michelle d'Auray: We can provide you with some of the details, but I don't know if Ms. Huard wants to add something.

Mrs. Michaela Huard: It was \$10 million allocated for 2007-08, and \$12 million for 2008-09 regarding Larocque, for us to be able to support agreements. That's why, in response to the earlier question of how many were dropped, actually there weren't that many dropped, because with this money we were able to replace them.

Hon. Gerry Byrne: In the example of the Northern Coalition and the northern shrimp allocation, I understood they were required to spend approximately \$5 million on scientific research. That's one of one hundred agreements. That doesn't seem to follow the test of a reasonable person to suggest that we're doing fine.

Mrs. Michaela Huard: Actually, there are a number of them. That's a large one, and I don't know the details of the northern shrimp one, so I'd have to leave it to David, or we'd have to get back to you. But there are a number of them that actually, for one reason or another, we were able to deal with in another way. We had to review each and every one of those projects, and there are quite a number of them.

Hon. Gerry Byrne: Just the status is helpful. And on that point, do you contemplate that the new Fisheries Act, which has been tabled, will allow the minister now to have the statutory authority to enter into these agreements without being concerned that it could be tested in the court, with the Larocque decision applied as a precedent? Does the new Fisheries Act allow the minister to enter into scientific arrangements on the basis of providing fish for cash for science?

Mrs. Michaela Huard: In the previous Bill C-45, there was a provision that would have allowed the minister to use fish as part of these fisheries management agreements, but in the most recent bill that was tabled, Bill C-32, that part has been removed. The minister may still enter into agreements, but the use of fish has been taken out.

Hon. Gerry Byrne: Interesting.

Mr. Bevan.

Mr. David Bevan: If I may add, though, the minister may enter into agreements with groups of fishermen, for example, legally constituted bodies that would represent a majority of the fishermen. If there's somebody who doesn't want to pay and 90% of the people do, then there would be the capacity under the new act in order to extract the cash from the fishermen, with their concurrence generally, but those who were not willing to pay would still have to pay. Therefore, we could eliminate the free rider provision. While there's

no use of fish in that, there is obviously a way around the problem that caused us to go there in the first place, and that is now being disallowed under the Larocque decision.

• (1645)

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Byrne.

With the committee's indulgence, I have a couple of questions, and that will conclude the questioning for today.

Mr. Da Pont, the Minister of Fisheries and Oceans announced a while ago \$12 million, I believe it was, for refurbishment of three coast guard vessels in the Quebec City area, in order to get them up to speed for the 400th anniversary of Quebec, if I'm not mistaken. Am I correct on those figures? If the minister did announce that, would that not be in the estimates of coast guard or DFO, or did that come from another department?

Commr George Da Pont: I don't know the exact figure. I think it's in that ballpark, but it was not for vessels; it was for refurbishment of the coast guard base, and it would have come out of the major capital budget in real property. So it would have been dealt with from internal resources. It's actually a project that's been on the books for quite some time.

The Acting Chair (Mr. Peter Stoffer): Thank you.

As you know, this committee moved a motion to remove the marine service fees north of 60. The previous testimony you gave, sir, was that you were studying it. You had a group of stakeholders and you were studying that aspect. I guess a lot of people in the north have been waiting very patiently for the answer to that. So quite simply, when can we see those marine service fees removed for the people north of 60 in this country?

Commr George Da Pont: We've been working very closely with representatives of the shipping industry, including Arctic representatives, on looking at the options for just those issues. It's been making very good progress, and I am hoping that we'll come to a mutually satisfactory solution. We are in the process of working together and so it'll take a little while yet.

The Acting Chair (Mr. Peter Stoffer): Thank you.

My last question is this. You said half a million dollars, and that was for staffing, I believe, for the transfer of the two vessels to Newfoundland from Nova Scotia. Is that half a million dollars just the estimate for the staff concerns?

Commr George Da Pont: The half-million-dollar estimate is to cover what we anticipate to be additional travel costs over and above what they currently are for having staff crew change in the north. It's generated by the fact that we've taken a five-year period of transition for crew, so we do not disrupt them or their families.

The Acting Chair (Mr. Peter Stoffer): Has there been an estimated cost of what it would take to refurbish *Argentia* and *St. John's* to ready them for the two vessels? Have those costs been announced yet?

Commr George Da Pont: Yes. With *St. John's*, we anticipate no costs. All the facilities are currently in place and we don't feel we have to expand in any way to accommodate having the *Terry Fox* home base there.

With Argentina, we estimate the cost to be somewhere between \$70,000 and \$100,000, primarily for some additional power hook-ups.

The Acting Chair (Mr. Peter Stoffer): That's for the *Louis*, correct?

Commr George Da Pont: That's for the *Louis St. Laurent*, yes.

The Acting Chair (Mr. Peter Stoffer): Okay.

Madame, on behalf of the committee, we thank you very much for your testimony today.

We thank the committee members for their questions and the answers.

We have two motions, committee, to deal with—one from Mr. Scott Simms, and one from Mr. Lévesque. So we'll take a three-minute refreshment break, as they say.

Again, thank you very much for coming today.

- _____ (Pause) _____
-
- (1655)

The Acting Chair (Mr. Peter Stoffer): Gentlemen, we'll now return to committee business. We'll do the first motion that was turned in....

Mr. Byrne.

Hon. Gerry Byrne: Mr. Chair, before we get into the matter of motions, could I follow up the testimony we heard from our witnesses today? I would like to follow up a little bit on the Larocque decision. My request is a friendly request to the committee generally and does not require a motion.

We heard in the testimony that the Larocque decision and its implementation is a bit of a complicated matter of business, involving over a hundred different organizations and fisheries management agreements that have been signed. The testimony we heard is that some of them have been cancelled as a result of the Larocque decision, and some have not because there has been agreement by various parties to continue to participate.

I would like to ask the committee if it could request our researcher to provide a more fulsome backgrounder on this issue, and include the follow-up information I requested of the departmental officials during the course of their testimony as part of that, and really dig into this whole issue of the Larocque decision.

I recognize that I could request this as a private member and that I don't necessarily need the committee to request the services of the Library of Parliament, but I just think it would be very helpful for our researcher to have the authority of the committee when he makes his request, to say this is a committee request, as I think it may facilitate a broader transmission of the information required.

I don't know if you want a motion to that effect or if we can just have the unanimous consent of the committee to request that our researcher liaise with the department over the course of the Christmas-New Year break in doing that as a backgrounder?

The Acting Chair (Mr. Peter Stoffer): Mr. Kamp, do you have anything to add or say regarding Mr. Byrne's request?

Mr. Randy Kamp: I think it is a very complex topic and that when the analyst starts looking at the meat of it, he'll discover that you can't just put things easily into columns. But I would support the motion.

The Acting Chair (Mr. Peter Stoffer): Mr. Lévesque, do you have any concerns or issues regarding Mr. Byrne's request?

[*Translation*]

Mr. Yvon Lévesque: No.

[*English*]

The Acting Chair (Mr. Peter Stoffer): How about the researcher? You would work on this over Christmas and New Year's?

Mr. François Côté (Researcher, As an Individual): Yes.

The Acting Chair (Mr. Peter Stoffer): Mr. Byrne, with the consent of the committee, it will be done.

Hon. Gerry Byrne: I appreciate that.

I also appreciate Mr. Kamp's statement. One of my fears was that it would just be a report made up of columns produced by the department, when in fact it does require some analysis. So I appreciate that.

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Byrne, for bringing that up.

Now we will go back to our order of business of two motions. The first motion, of course, was from Monsieur Lévesque. I'll read it to the committee:

That, pursuant to Standing Order 108(2), the Committee undertake a study on the condition of the eel grass (*zostera marina*) beds in James Bay and that representatives of the Cree Nation of Chisasibi, the Department of Fisheries and Oceans and other witnesses as appropriate be invited to appear.

Mr. Lévesque, would you like to explain your motion, please?

[*Translation*]

Mr. Yvon Lévesque: Mr. Chairman, I've been approached by a number of nations and communities living along the north shores of James Bay, Ungava Bay and Hudson Bay for whom goose hunting is part of their culture. In English, they call it the goose break. It's an activity specific to the cultures of the First Nations and it's their source of food for the fall and spring.

Currently, as a result of the disappearance of this grass and this species of moss that cover the littoral, the geese are disappearing as well, and the communities are very concerned about this.

They would therefore like us to conduct a scientific study on the causes of the disappearance of this grass. Experts have studied the phenomenon and would like to be heard by the committee. They would also like to hear the department's experts, if possible.

• (1700)

[*English*]

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Lévesque.

Mr. Kamp.

Mr. Randy Kamp: Thank you, Mr. Chair.

I'm not opposed to the notion of the committee studying something like this, but it seems to me we're in the middle of a study right at the moment, and this other motion proposes the committee getting even more work. We've talked, I think both in the steering committee and in the committee at large, of other possible studies, and so I'm not sure I would be supportive of saying yes to this without knowing whether it means we would do it right away or sometime in the future, or whether it would be one of a long list of things we would want to consider for our next study following the small craft harbours.

It's not clear to me what the intent of this is, so at this point, with the information I have, I wouldn't be supportive of it.

The Acting Chair (Mr. Peter Stoffer): Monsieur Lévesque, may I ask when, if this were passed, you would anticipate our studying something of this nature?

I'll just give you a brief calendar. Next week we're here, and then I assume we're rising, and we probably won't come back until the last week of January. Then we have February and two meetings then, and a couple more, and then there may or may not be a budget in February or early March, so our time is extremely limited then. And we don't know what the budget will propose and, of course, what Parliament will say about that budget.

Did you anticipate that this is something you want done fairly soon, or can it wait until the spring, or something of that nature?

[Translation]

Mr. Yvon Lévesque: We discussed this idea in subcommittee, according to what my colleague Raynald Blais told me. That was planned in early February, if possible, but I'm making my request today so that it is on the agenda and we can debate it.

It would be very important for the First Nations if we could do this as soon as possible, as soon as the ice is gone, if we decided to send teams to study the problem. The survival of the First Nations people and their culture are partly at stake.

We don't necessarily need to do it before the holidays. We can do it in early February. Subsequent action will be the responsibility of the subcommittee, as soon as we are heard on the matter of whether we can proceed or not. If we can proceed, we'll set a date in early February and that will be fine.

[English]

The Acting Chair (Mr. Peter Stoffer): How many meetings do you anticipate this would take, if it passes?

[Translation]

Mr. Yvon Lévesque: Perhaps we could do everything in a single meeting: call the Cree experts and those of the department, and make a decision on that basis.

[English]

The Acting Chair (Mr. Peter Stoffer): Mr. Kamp, do you have any concerns?

Mr. Williams.

Mr. John Williams (Edmonton—St. Albert, CPC): Thank you, Mr. Chairman.

As you know, I'm not a regular at this committee, but it seems to me that this issue of the eel grass up in James Bay is not a political event; it's a scientific problem that seems to be caused up there, and I don't think, therefore, the resolution to the problem is going to be found around this committee table.

It would seem to me therefore much more appropriate that the committee call for a scientific study to be brought to this committee, once they have the answers and some recommendations and know exactly what's going on. I don't think bringing some people from James Bay down here to discuss a problem that's up there is going to shed an awful lot of light on it. It's not that I wouldn't want to find out what's going on, but I don't think this is the way to do it.

The Acting Chair (Mr. Peter Stoffer): Would I be fair in saying that you would recommend a letter from the committee to the department asking them about this specific issue, what they know about it, and what they can or cannot do about it?

• (1705)

Mr. John Williams: Absolutely, and once some scientist has done a study on it and understands what's going on, then the committee can take a look at the scientific reports and call in the people who live around there to find out what's going on. That way you're going to get some intelligence, rather than just trying to debate it around here. None of us, I think, has the expertise and the knowledge; we've never even been there to see the problem. It would seem to me much more appropriate that we ask the department to get a technical, scientific report and bring it to committee. Then you can call in the witnesses.

The Acting Chair (Mr. Peter Stoffer): Thank you, Mr. Williams.

Monsieur Lévesque.

[Translation]

Mr. Yvon Lévesque: The representatives of the First Nations are appealing to the committee today because they have already contacted the department and were not satisfied with the answer given or with the department's intention to proceed in this matter.

That is why, as a result of the responses they have obtained, they are now asking to be heard, and they are open to the idea of the departmental experts being heard as well.

[English]

The Acting Chair (Mr. Peter Stoffer): Thank you.

[Translation]

One moment, Mr. Lévesque.

Mr. Yvon Lévesque: I believe I'll have to start over.

[English]

The Acting Chair (Mr. Peter Stoffer): Mr. Lévesque, would you like to say that again, please. I apologize.

[Translation]

Mr. Yvon Lévesque: I said that the First Nations were seeking agreements from the committee because they had already contacted the department and the answer they received was unsatisfactory.

It currently appears that the department does not acknowledge the problem. That's why they're asking to be heard together with their experts. They are also prepared to hear the department's experts.

[English]

The Acting Chair (Mr. Peter Stoffer): Okay, Mr. Lévesque.

Does anyone from the Liberal Party wish to add anything to this?

Mr. Simms.

Mr. Scott Simms: In my own opinion, I like the idea of the study, if it's a one-day or two-day thing. It is something worth looking into. I don't see any major concerns, unless my colleagues want to speak otherwise.

The Acting Chair (Mr. Peter Stoffer): Mr. Byrne.

Hon. Gerry Byrne: Again, I'll just register my broad caution that I've raised before, which is that when we enter into one-day studies, rarely do we have an opportunity to hear all the witnesses, and it often expands into a four-session study. That is natural. If you hear testimony from one particular group of witnesses with a specific point of view, those of a contrary point of view then want to be heard and expect to be heard.

If we're confident that this is a one-day testimony event, then by all means, but if we believe there is a strong possibility that there could be an equal and opposite reaction from other stakeholders wanting to be heard in this particular court, then we have to merit that from the point of view of the time available to us.

The Acting Chair (Mr. Peter Stoffer): Mr. Lévesque, if you wish, I can consult with the regular chair of the committee along with the vice-chairs and the subcommittee of fisheries and oceans, which I'm a member of as well. We could bring it to their attention and discuss it there, if you wish, and we can bring whatever consensus comes out of that back here and indicate that to the committee. I'm just concerned about the time and the scheduling complexities of it.

I've been around long enough to know that if you have a one-day committee hearing on an issue, generally you end up writing a letter to the department saying, "Can you do the following?" or "Are you aware of the following?", which is what Mr. Williams had indicated. Maybe we could head it off at the pass by doing the letter in advance.

If you wish, sir, I could take it to the subcommittee, or if you prefer, it is your motion and you can have a vote on it right now if you wish. I put it in your hands.

My own advice, sir, would be for Mr. Blais, Mr. Matthews, me, Mr. Anders, and Mr. Kamp to sit around the subcommittee to discuss this with you, if you would like to attend, and to be able to see how we can move this forward, if you so desire.

[Translation]

Mr. Yvon Lévesque: Ultimately, if we agree to the motion today, you could submit it to the subcommittee for it to set a representative date of the time needed to present the matter, if necessary.

First, we would have to acknowledge the necessity of hearing these people. Then we would submit that to the subcommittee for it to set the hearing date.

What do you think about that?

• (1710)

[English]

The Acting Chair (Mr. Peter Stoffer): Mr. Lévesque, would you like a vote on this motion now, then?

[Translation]

Mr. Yvon Lévesque: All right.

[English]

The Acting Chair (Mr. Peter Stoffer): All in favour of the motion by Mr. Lévesque?

I will read the motion again:

That, pursuant to Standing Order 108(2) the Committee undertake a study on the condition of the eel grass (*zostera marina*) beds in James Bay and that representatives of the Cree Nation of Chisasibi, the Department of Fisheries and Oceans and other witnesses as appropriate be invited to appear.

There are five in favour and five against.

An hon. member: Welcome to the chair.

An hon. member: You can just adjourn.

The Acting Chair (Mr. Peter Stoffer): As a person from the smallest party who always has motions...in fairness to him, I would vote in favour of the motion.

(Motion agreed to)

The Acting Chair (Mr. Peter Stoffer): Mr. Lévesque, because of time constraints, the subcommittee will determine the exact time when this can happen. I can't guarantee February, though. That could be the problem. We will do the best we can, as the subcommittee, to move this issue forward.

Thank you, Mr. Lévesque.

Now we will go on to the next motion presented by Mr. Simms. I will read the motion for you:

That the Committee present a Report to the House to request that the Government consider the advisability of referring Bill C-32, An Act respecting the sustainable development of Canada's seacoast and inland fisheries to the Standing Committee on Fisheries and Oceans prior to second reading pursuant to Standing Order 73 (1).

Mr. Simms, would you like to open the debate, please.

Mr. Scott Simms: I think it explains what it is. We've talked about this in certain forms under different subjects about this particular piece of legislation. We always thought that when Bill C-45 came in, the advice given and the input sought was not sufficient if you were going to replace an act that was stretching towards 140 years old.

In light of the great spirit that was shown when Bill C-2 was referred to committee, we thought that Bill C-32 would have the same process, whereby we wouldn't be strapped down by certain rules and procedures that could confine us. Hopefully we can take this from the standing committee and go across the country. I think it's something we need to do, given that we are replacing an act that's close to 140 years old.

The Acting Chair (Mr. Peter Stoffer): Mr. Kamp.

Mr. Randy Kamp: Thanks, Mr. Chair.

Of course the committee would be free to do that, regardless of when they received this piece of legislation, either before or after second reading.

I have some other comments about the substance, but I'm a little concerned about the process as well. It's not out of order or anything, but we are missing our chair and both our vice-chairs. I think it would be appropriate to delay debate and voting on this motion until they are with us—on Wednesday perhaps. There are other members missing as well.

I wonder if the mover of the motion would be open to that.

The Acting Chair (Mr. Peter Stoffer): He's basically saying that we have people at the committee who normally aren't here. They're replacing other people, obviously because of the weather. I believe Mr. Kamp is saying that in fairness and to have a more enhanced debate, the regular members of the committee should be here to debate and discuss it. That, of course, is in your hands.

Mr. Simms, I'll let you rebut to Mr. Kamp, and then we'll go to Mr. Byrne.

Mr. Scott Simms: I wouldn't want to undermine you, sir, as the chair. I think you're a great replacement.

I'm willing to hear others if they want to get in on this as well. I understand and appreciate the fact that some of the members aren't here, but I think this is a very important issue and it needs to be addressed right away.

The Acting Chair (Mr. Peter Stoffer): Mr. Byrne.

Hon. Gerry Byrne: I have a question about the intent of the motion versus what's drafted here. I'm presuming that in the context of parliamentary language and instructions that committees can give, or reports they can send to the House, the language of this motion is drafted in a specific way because of procedure.

Is the intent of the motion to request that the government refer Bill C-32, An Act respecting the sustainable development of Canada's seacoast and inland fisheries, to the Standing Committee of Fisheries and Oceans, or is the intent of the motion to request the government to consider the advisability of referring Bill C-32?

If there's an option here for this committee to present a report to the House to request that the government refer Bill C-32 to the Standing Committee on Fisheries and Oceans prior to second reading, pursuant to Standing Order 73(1), then I think that would be a better motion.

• (1715)

The Acting Chair (Mr. Peter Stoffer): With the help of our great clerk here, I can answer that question for you.

Mr. Byrne, I'll read Standing Order 73(1) out to you:

Immediately after the reading of the Order of the Day for the second reading of any government bill, a Minister of the Crown may, after notifying representatives of the opposition parties, propose a motion that the said bill be forthwith referred to a standing, special or legislative committee. The Speaker shall immediately propose the question to the House and proceedings thereon shall be subject to the following conditions

As the clerk has informed me, this is saying that only the minister can make the indication of the bill going to a committee before second reading, but there's nothing to stop the committee from

asking the minister to consider it. That's why the motion is read the way it is. We can't tell the minister to do it; we can only ask him to consider it.

Hon. Geoff Regan: But if you're using the word "request", doesn't the word "request" include the same?

Hon. Gerry Byrne: On that point, is it unparliamentary or contrary to the Standing Orders for the motion to read "That the Committee present a Report to the House to request that the Government refer Bill C-32, An Act respecting...to the Standing Committee on Fisheries and Oceans prior to second reading"?

Is that out of order? On "to consider the advisability of referring", when I read that, I say some lawyer is getting paid by the word here.

The Acting Chair (Mr. Peter Stoffer): I can answer that for you. As the clerk has indicated, it is the language of Parliament. That is the proper way in order to ask that from him. In previous requests, that's what has been said.

Mr. Williams.

Mr. John Williams: When I read Standing Order 73(1), I think the motion is out of order, because when the bill is tabled it is stated that the minister will immediately rise and give the designation. I don't see any opportunity in the standing order for the minister to come back at a later time and make that designation. Perhaps you can read that standing order again, but it would seem to me it's out of order.

The Acting Chair (Mr. Peter Stoffer): I will, Mr. Williams. It says, "Immediately after the reading of the Order of the Day for the second reading of any government bill". It is just the first reading. That's why.

Mr. John Williams: So it's still at first reading at this point.

The Acting Chair (Mr. Peter Stoffer): That is correct, and we did check prior to this, and the motion was in order, according to the Standing Orders.

Mr. Wallace, please.

Mr. Mike Wallace (Burlington, CPC): Thank you, Mr. Chair.

I think the opposition should take note that they haven't got the wording among themselves on what it should be, and that a small delay till Wednesday when everybody is back here, as Mr. Kamp has suggested, might be more appropriate so they get correct the wording they want.

You won't be sitting in the chair, so you can speak for the NDP. Since the bill is a significant bill that hasn't been changed in 140-some years, to do the motion correctly I think would be the most appropriate approach.

I would suggest that they wait till Wednesday. It's two days. I don't think the bill is going to change in two days.

The Acting Chair (Mr. Peter Stoffer): Mr. MacAulay.

• (1720)

Hon. Lawrence MacAulay: There's no fear that that bill could be brought before the House tomorrow. Can we be assured of that?

Mr. Mike Wallace: The parliamentary secretary to the minister might be able to assure the committee.

The Acting Chair (Mr. Peter Stoffer): If I may answer that, Mr. MacAulay, I have looked at the government orders and projected orders of business. It's not showing at all this week. But I will ask the parliamentary secretary whether there is any intention within the next 48 hours to bring that bill forward.

Mr. Randy Kamp: Not to my knowledge.

The Acting Chair (Mr. Peter Stoffer): If Mr. Simms agrees to the 48-hour delay, can you at least advise the minister not to do it? I know you can't, but....

Mr. Randy Kamp: I can certainly advise him of the spirit of the committee.

The Acting Chair (Mr. Peter Stoffer): Okay.

Mr. Byrne.

Hon. Gerry Byrne: We just had a debate on whether or not we should introduce new business to the committee in terms of the study, and one of the issues that I and others raised was that time is a factor. Delaying now would be somewhat contradictory to our previous positions on whether or not time is a factor here at the Standing Committee on Fisheries and Oceans.

The second point I would raise is this. If it's inappropriate to take decisions despite there being quorum and all the standing orders being met to be able to fulfill decisions here at this committee based on substitutions and others who are here, can we also agree that no decision or motion will ever be debated or voted on in the absence of our chair or either of our vice-chairs? If it is inappropriate for us to decide on this issue in the absence of our regular chair or our vice-chairs, then we as a committee should adopt that as a regular practice at this committee and amend our routine procedures, our routine motions, to adopt a policy that whenever the regular chair is not present or whenever either of the vice-chairs is not present, this committee will not consider any motions.

The Acting Chair (Mr. Peter Stoffer): I take your point, but I believe what Mr. Kamp was trying to do, as a courtesy to the regular members who are not here, including the chair and the two vice-chairs, was to allow them the possibility to enter into the debate or the discussion.

Again, that was a request by Mr. Kamp, but it is up to Mr. Simms, who is the mover of the motion, to either accept the request by Mr. Kamp or move the motion as presented.

Mr. Simms.

Mr. Scott Simms: I would put the question forward, Mr. Chair.

The Acting Chair (Mr. Peter Stoffer): Okay.

Mr. Kamp.

Mr. Randy Kamp: Mr. Chairman, would it be in order to move a superseding motion that this be deferred until our meeting on Wednesday?

The Acting Chair (Mr. Peter Stoffer): Mr. Kamp, would you like to repeat that again, please, sir.

Mr. Randy Kamp: Basically, it's a motion to table this item of business until Wednesday.

The Acting Chair (Mr. Peter Stoffer): You're asking to table the motion at the next meeting. It's already tabled, Mr. Kamp.

Mr. Randy Kamp: Well, "to table" means "to defer until a future date". That's the definition of the term "table", and I'm using that.

The Acting Chair (Mr. Peter Stoffer): It means that—

Mr. Randy Kamp: Defer. I don't know which. That's the Robert's rules.

The Acting Chair (Mr. Peter Stoffer): We'll postpone it for another 48 hours.

Mr. Kamp has asked that the consideration of this motion be postponed until the next standing committee meeting, which is on Wednesday. So we'll have debate on that, please.

An hon. member: Is that debatable?

The Acting Chair (Mr. Peter Stoffer): If he moved that the debate or the meeting be adjourned, then that would not be debatable, but right now he's just put forward a piece of discussion, which is debatable.

An hon. member: Question.

The Acting Chair (Mr. Peter Stoffer): You want to put it to the question? Okay.

Mr. Kamp had indicated that he would like the consideration of postponing, I believe, this motion until the next meeting of the Standing Committee on Fisheries and Oceans, which is on Wednesday, December 5.

All in favour, please? The five Conservatives to my right have voted in favour.

All those against Mr. Kamp's request for a postponement? Six against.

An hon. member: That was close.

• (1725)

The Acting Chair (Mr. Peter Stoffer): Now we move back to the motion presented by Mr. Simms. I'll read the motion again, if you wish. No?

(Motion agreed to)

The Acting Chair (Mr. Peter Stoffer): For the benefit of the committee, I will be advising Mr. Anders what has transpired here today.

Is there any further business?

Some hon. members: Mr. Manning.

The Acting Chair (Mr. Peter Stoffer): Oh, Mr. Manning, right. I'm thinking veterans committee. Rob Anders is on the veterans committee.

I'm sorry, I will advise Mr. Manning of the proceedings of the day.

Thank you all very much, gentlemen.

The meeting is adjourned.

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