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# **Standing Committee on Transport, Infrastructure and Communities**

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**EVIDENCE**

**Tuesday, November 20, 2018**

—  
**Chair**

**The Honourable Judy A. Sgro**



## Standing Committee on Transport, Infrastructure and Communities

Tuesday, November 20, 2018

• (0845)

[English]

**The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)):** I call the meeting of the Standing Committee on Transport, Infrastructure and Communities on November 20 to order.

We gather this morning to study a number of votes from the supplementary estimates (A), 2018-19, namely votes 1a, 5a and 10a under the Office of Infrastructure Canada and vote 1a under Windsor-Detroit Bridge Authority.

On behalf of the Office of Infrastructure of Canada, I want to welcome Kelly Gillis, deputy minister, infrastructure and communities; Gerard Peets, assistant deputy minister, policy and results; Marc Fortin, assistant deputy minister, program operations; and Glenn Campbell, assistant deputy minister, investment, partnerships and innovation.

On behalf of the Windsor-Detroit Bridge Authority, I want to welcome Bryce Phillips, chief executive officer; Heather Grondin, vice-president, communications and stakeholder relations; Mike St. Amant, chief financial administrative officer; and Kevin Wilkinson, controller.

Welcome, everyone. Thank you for coming.

I'll start the discussion by calling vote 1a under the Office of Infrastructure of Canada.

Ms. Gillis, we'll hear from you for five minutes, please.

**Ms. Kelly Gillis (Deputy Minister, Infrastructure and Communities, Office of Infrastructure of Canada):** Thank you very much for inviting me to speak to you today.

As you outlined, I'm joined by some members of my senior executive team. We've been invited here today to speak to you about Infrastructure Canada's supplementary estimates (A), which were tabled in the House of Commons on October 24, 2018.

[Translation]

I'd like to begin with a brief update on the progress of the investing in Canada plan. The plan is designed to help grow the economy, build inclusive communities and support a low carbon green economy. It was rolled out in two phases.

[English]

The first phase, which focused on the repair and rehabilitation of existing public transit, water, waste-water and social housing infrastructure, is well under way across the country.

For the second phase, all 36 programs being implemented by 12 federal departments have been launched. At Infrastructure Canada, all provinces and territories have officially signed their bilateral agreements and projects are already being approved.

To date, more than \$18.5 billion in funding has been committed to thousands of projects, through both phases of the investing in Canada plan, and projects are under way in communities across the country.

To support Infrastructure Canada's program delivery, including legacy programs and those under the investing in Canada plan, the department is requesting an increase of \$548 million through supplementary estimates (A), which brings the total authorities for 2018-19 to \$6.7 billion.

Included in the supplementary estimates (A) request is \$292 million in funding for the new Champlain Bridge corridor project. Nearly \$235 million of this amount relates to a settlement agreement announced last March between the Government of Canada and the Signature on the Saint Lawrence Group to take additional measures to help mitigate construction delays caused by several factors, such as strikes and transportation of oversized parts to the work site. Fifty-seven million dollars is unspent funding from last year, which is brought forward annually to cover unexpected costs.

• (0850)

[Translation]

The department is requesting \$210 million to assume the P3 Canada fund commitments previously held by PPP Canada, and \$43 million in funding for the disaster mitigation and adaptation fund.

I would like to conclude by highlighting Infrastructure Canada's ongoing commitment to transparency and openness in the delivery of our investments.

[English]

The department is committed to regularly updating Canadians on the results of our investments. We do this in several ways. Our online geomap provides information on all projects that have been announced and have a longitude-latitude component across the federal government under the investing in Canada plan.

By department and by program, our data table shows the funding base, the number of projects approved, the projects started and the funds reimbursed to our project partners to date. The open data portal provides information on the progress of the projects Infrastructure Canada has supported through our programs. We have posted the signed bilateral agreements with a dashboard on the progress being made on approved projects. The Privy Council results website publishes key metrics on the progress being made under the minister's mandate letter. Those tools are updated regularly and provide Canadians with easy access to information about our investments.

In addition, Infrastructure Canada has been working with Statistics Canada to improve our understanding of the state of Canada's infrastructure and its impact on the economy.

[*Translation*]

As part of this work, Statistics Canada conducted the first-ever core public infrastructure survey for 2016, the results of which are being released over the fall. The survey will be reproduced for 2018 and future years, so that we are able to track the evolution of the stock, condition and performance of publicly owned infrastructure in Canada.

[*English*]

We have also worked closely with Statistics Canada to release the infrastructure economic accounts, which provide detailed information on investments being made in the public and private infrastructure since 2009, including those investments that affect the stock of infrastructure and their contribution to the Canadian economy. This information is easily accessible through Statistics Canada's online infrastructure statistical hub, allowing the public to easily manipulate the infrastructure data.

Looking ahead to 2019, we will release a progress report which will contain further details on the results achieved through our infrastructure investments under the plan.

[*Translation*]

Thank you for inviting us to speak with you today about the important work Infrastructure Canada is doing on behalf of Canadians.

We would be happy to answer any questions you have.

[*English*]

**The Chair:** Thank you very much, Ms. Gillis.

Mr. Phillips, for five minutes, please.

**Mr. Bryce Phillips (Chief Executive Officer, Windsor-Detroit Bridge Authority):** Good morning, and thank you very much, Madam Chair, for welcoming us here today.

The Windsor-Detroit Bridge Authority, or the WDBA, has been here previously at this committee and other committees. It's always a privilege to be here in Ottawa to speak about the Gordie Howe International Bridge project. It is a very exciting time for this project and for the WDBA. Just last month, the Prime Minister joined us in Windsor, and we celebrated the official start of construction. It's one of the largest infrastructure projects ongoing right now in North America.

The construction of the Gordie Howe International Bridge is a project that is very good news for Canada and Canadians. As you know, the Windsor-Detroit gateway sees over 30% of the total of Canada-U.S. trade, and that's all by trucks across the border at Windsor-Detroit. This amounts to over \$100 billion a year.

An important benefit of the Gordie Howe International Bridge project is that it'll provide the capacity for the current and future long-term needs of our country. As well, the completed project will provide highway-to-highway connection between Ontario and Michigan. In fact, you can get on the 401 on the eastern border of Ontario and travel all the way to Florida, with one stop only at the border, and that will be a high-tech border crossing at the new international bridge.

Together, these features will work to improve the flow of people and goods between Canada and the U.S. It's arguably the most important trade corridor between Canada and the United States. While the WDBA was created in 2012, we started operations in August 2014. Since then, we've been very busy preparing for this once in a generation undertaking.

Over the past few years, we've worked on two parallel streams: managing the public-private partnership procurement process, which was just completed at the end of September, to select our private sector partner to design and build, finance, operate and maintain this project; and preparing the sites of both the Canadian and U.S. ports of entry, along with the extension from the U.S. port of entry out to the I-75 in Michigan.

Our private sector partner is Bridging North America. It's comprised of some of the most recognized names in international infrastructure construction projects. There are American, Canadian and international partners in that consortium.

The fixed price contract for Bridging North America is valued at \$5.7 billion. This includes the design-build phase and the operation, maintenance and rehabilitation phase of the project. Bridging North America was selected, and will be held to a 74-month construction schedule which will see the bridge open by the end of 2024. This contract is actually very good value for Canadians. It's a fixed price contract. The private sector partner assumes risk related to the material cost and any cost increases or cost fluctuations.

A value for money analysis was conducted by an independent firm. That analysis demonstrated that using the P3 model for this project had a savings of about 10%, a little over half a billion dollars compared to other methods of procuring and constructing such a project.

As I mentioned, at the end of September, with the selection of Bridging North America, the procurement process has been completed.

We're now into the construction phase of the Gordie Howe International Bridge. The WDBA is concentrating on two areas: completing the early work on the Canadian and the U.S. sides, and getting ourselves established and ready for the construction phase.

For the supplementary estimates, the WDBA is requesting about \$284 million in funding for this project. This funding is aligned with our priorities, and will cover project and construction costs in the preparatory phase on both the U.S. and Canadian sides to be ready to turn over the properties to Bridging North America, so it can do the construction.

• (0855)

The funding is important so that we can maintain all critical path activities and near critical path activities to make sure that we meet that 74-month schedule.

I thank you for your continued interest in the Gordie Howe International Bridge project.

My colleagues and I would be pleased to answer any questions you have.

**The Chair:** Thank you very much.

Mr. Jeneroux.

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Thank you, Madam Chair.

Thank you, witnesses, for being here today.

I do want to draw your attention to who is not here, Madam Chair. We don't have the minister here. He's ultimately responsible for the supplementary estimates. We do have the Minister of Transport coming. He's coming for an entire 90 minutes, which is good, but it would have been nice to also have the Minister of Infrastructure here as well.

**The Chair:** On December 6, we're scheduled to have the Minister of Infrastructure here.

**Mr. Matt Jeneroux:** He's coming here on his mandate letter, though, Madam Chair. He's not coming on the supplementary estimates. It would have been nice to have him here for those.

The other folks who aren't here are the people from the new Champlain Bridge. It's actually receiving more money than the Gordie Howe bridge. It would have also been nice to have the opportunity to talk to them, but we'll just have to deal with those who are here today.

I would like to start with you, Ms. Gillis.

There's already been \$35 billion allotted to the Canada Infrastructure Bank. Just recently, there was a \$477-million transfer to the bank from Finance Canada. Since the CIB falls under Infrastructure Canada, I imagine you would have the breakdown of these costs, of what the \$477 million is for.

**Ms. Kelly Gillis:** Certainly, we can provide you the details of that money. The majority of that money would be for the first investment they are making for the REM project, which was around \$1.3 billion. It was announced earlier in the summer, and it was the first investment to help advance this project, which is really important in providing light rail to Montreal.

• (0900)

**Mr. Matt Jeneroux:** It was previously announced in June, so I'm curious. If you could provide those details, that would be fantastic. But \$477 million is a fair bit of money for a project that was already

allotted when the Prime Minister himself announced it in June 2017. The Canada Infrastructure Bank itself is part of the confusion. I think you're seeing a number of people investing in infrastructure who are confused about exactly what it does.

I had the opportunity to talk to the CEO yesterday, and it didn't help clear up much of this confusion. I leave that out there for you and your department, but it's certainly something we've been hearing from many stakeholders. If they don't fit within the three pillars within the Canada Infrastructure Bank, then it's essentially not a project for them.

I also want to talk about the completion of the Champlain Bridge. It's now been delayed a second time. You highlighted some of that in your comments. This time it's been delayed by six months. The mandate letter that the new minister received from the Prime Minister indicated that the previous minister had failed on the delivery of a number of these projects. It encouraged the new minister not to experience the delays that occurred under the previous minister.

However, we're here in the same situation with the Champlain Bridge delays. How much of that is essentially on Infrastructure Canada? You have blamed the strikes. You have blamed oversized equipment. I'm curious to know how much of that is on you guys and whether these penalties will be respected once the bridge comes to fruition.

**Ms. Kelly Gillis:** Regarding the Champlain Bridge project, we announced last March the accelerated measures related to the request for the funding in the supplementary estimates, and we provided a full technical briefing of the rationale for those changes.

We have since done further technical briefings, including this past October, to explain the status of the bridge. With Signature on the Saint Lawrence Group, we walked through the technical aspects of the construction related to doing work in Canada in the winter. We also mentioned to all Canadians that the bridge will be structurally complete in December, meaning that you can walk across the bridge but that there is some work such as waterproofing and paving that cannot be done in a winter time frame.

**Mr. Matt Jeneroux:** I'm sorry to interrupt you.

**Ms. Kelly Gillis:** That is what was explained to Canadians to make sure that the schedule is transparent.

**Mr. Matt Jeneroux:** If I may, this bridge was an election promise by the Prime Minister that this Christmas break we'd have people driving over the bridge. I don't think they're necessarily feeling the same comfort that they're able to walk over the bridge.

How much is estimated to be recovered from these penalties?

**Ms. Kelly Gillis:** The contract date for the bridge is being negotiated right now. As we've done in the past, just like last March, when that information is known, we will make sure that it's transparent to all Canadians, as we've done in the past.

**Mr. Matt Jeneroux:** When it comes to the sentiments of Canadians, particularly Montrealers, they are feeling the pressure regarding this bridge.

Could you perhaps indicate that it might have been a mistake to remove the bridge tolls then, to pay for the maintenance and the building of this bridge?

**The Chair:** Could you give a very short answer, if that's possible.

Sorry, Mr. Jeneroux.

**Ms. Kelly Gillis:** The bridge is proceeding as the government has announced. We will keep Canadians completely posted on the schedule, as it is known.

**The Chair:** We'll move to Mr. Iacono.

Mr. Iacono, we're having a problem with interpretation. They are trying to fix it.

**Mr. Angelo Iacono (Alfred-Pellan, Lib.):** Then I'll start off in English.

Thank you, Madam Chair.

When it comes to sentiments of a Montrealer, I think I speak best here because I am from Montreal.

When it comes to the Champlain Bridge, I can say that the previous government had 10 years to regulate and fix that problem, but they didn't do anything about it.

• (0905)

**Mr. Matt Jeneroux:** On a point of order, Madam Chair, we're speaking about the estimates of the government.

**Mr. Angelo Iacono:** It's been less than four years—

**Mr. Ron Liepert:** You are still behind.

**Mr. Matt Jeneroux:** Do you want to brag about this, Angelo?

**The Chair:** Let's just keep things going, all right?

Mr. Iacono, the interpretation has now been corrected, by the way. Please feel free to continue as you like.

**Mr. Angelo Iacono:** Thank you, Madam Chair.

As I was saying, within less than four years or close to the four-year mark, we will have a bridge. Obviously, in any big construction, there are always going to be unexpected delays.

[Translation]

I'm sure Quebecers who commute everyday across the existing Champlain bridge were disappointed to learn that the new bridge would not be open to vehicles until the spring. The Signature on the Saint Lawrence Group confirmed that the bridge would open in June 2019 at the latest.

What are the main factors that will determine the official opening of the new Champlain bridge?

**Ms. Kelly Gillis:** Thank you for the question.

Weather is the biggest factor. Some work can't be done in the rain or cold. The bulk of the construction will be completed in December, leaving the work that couldn't be done during the winter for the spring. Taking into account the weather and the number of days necessary to complete the work, we can confirm that the bridge will open no later than the end of June, but likely sooner.

**Mr. Angelo Iacono:** You said weather was the biggest factor. Surely, it's a major consideration when spreading asphalt. Do you

need the weather to co-operate in order to carry out any other activities? Tell us a bit more about that, if you would.

[English]

**Ms. Kelly Gillis:** It's asphalt and waterproofing.

[Translation]

Those are the two main activities that really depend on the weather. They can't be done in the winter. Apart from those two activities, the bridge will be completely finished by the end of December.

**Mr. Angelo Iacono:** I'm really glad to see that, in the Montreal area, planning and construction of the Réseau express métropolitain, or REM, are progressing nicely, thanks to the federal government's investment in the public transit project. Investments in public transit projects like this one are paramount.

Explain for us, if you would, the process behind the Canada Infrastructure Bank's decision to invest in the project, as well as what it means for other public transit projects in Quebec.

**Ms. Kelly Gillis:** The Canada Infrastructure Bank prioritizes large-scale transformational projects all over the country. When the REM was initially announced, obtaining assistance from the bank was a possibility in order to explore financing options to advance and carry out the project. That's precisely why the bank was created. It considers other projects that involve transportation and trade corridors and energy.

[English]

It looks at what are the higher risk projects that you can advance, that really need an additional type of funding, that have a revenue stream, and that we can crowd in private sector investment.

It's looked at very much as a complementary tool to the other types of opportunities to help advance public infrastructure in the country.

**Mr. Angelo Iacono:** I want to come back to the bridge. We were talking about the completion and having a problem with respect to the date because of the weather, but what about the rest of the bridge? You were mentioning the asphalt and the finishing touches. What about the structure, the metal, everything else that's ongoing? What's the status of that?

**Ms. Kelly Gillis:** That is proceeding, and as Signature sur le Saint-Laurent announced at our October 25 media briefing, it will be structurally complete before the end of December.

**Mr. Angelo Iacono:** Can you repeat that, please?

**Ms. Kelly Gillis:** It will be structurally complete before the end of December. Signature sur le Saint-Laurent did a technical briefing with us and the minister on October 25 to try to be very transparent on the status of the bridge and the advancements of the construction.

I mentioned that you can walk across it, and that's because all of the major components of the bridge will be in place before the end of December, which reduces the construction risk. Then from there, as I mentioned, certain work such as asphalt, weatherproofing and waterproofing can't be done until the temperature and humidity factors are correct. But with the days that they need to complete that, they are sure they can complete it before the end of June.

• (0910)

**The Chair:** Thank you very much.

We'll go to Mr. Masse.

**Mr. Brian Masse (Windsor West, NDP):** Thank you, Madam Chair.

My questions are on bridges.

First of all, I want to publicly acknowledge your support and work to get a new border crossing in Windsor. I would be remiss if I didn't, with all the meetings we've had in Washington and other places over the years. We finally see it happening. I had my first public meeting in 1997 related to this.

Mr. Phillips, what do you think the community's number one objective was with regard to building this bridge?

**Mr. Bryce Phillips:** Are you referring to the community of Windsor?

**Mr. Brian Masse:** Yes, and also Delray.

**Mr. Bryce Phillips:** The community of Delray, in Detroit.

On both sides of the border, the way the current crossing is used is crucial to the supply chain. As I'm sure you're aware, Mr. Masse, an auto part crosses the border seven times before it's installed into a car. So I think the key element of the Gordie Howe International Bridge is to ensure that we not only have capacity, but also redundancy in terms of that supply chain.

**Mr. Brian Masse:** That's partially it, but it was also to get international trucks off city streets. There are kids who go to school at Assumption and General Brock and other places. Some of them were tested by Health Canada because of the carcinogens and the pollution. Delray now is getting a little bit more of that, because they didn't have this border crossing in their community. The Gordie Howe bridge is the great compromise amongst the community and so forth.

I did some research with regard to mitigation costs and environmental assessments. The average in the United States is around 4.42% and upwards of 11% for urban areas for community benefits. What is the percentage for community benefits that will come from your project? Is the \$5.7 billion the all-in total cost from start to finish of the Gordie Howe bridge? What percentage of that is going to community benefits?

**Mr. Bryce Phillips:** The \$5.7-billion project cost is costs all in, so it's design, construction, operation, maintenance, rehabilitation and financing.

**Mr. Brian Masse:** Is that all in from the very first time they put in a shovel and purchased the property, or is that just what's happening right now to build the bridge? Is this the accumulated costs from buying the dogpatch, as we called it, in the west end, the area where the bridge is, where we expropriated homes and other areas? Does it include that footprint, or is this just the \$5.7 billion to build it after the construction of the plazas to what we have now?

**Mr. Bryce Phillips:** The \$5.7 billion is the contract that we signed with Bridging North America to design, build, operate, maintain, rehabilitate and finance the Gordie Howe International Bridge.

**Mr. Brian Masse:** Okay, so how much is going to community benefits?

**Mr. Bryce Phillips:** Do you want a percentage?

**Mr. Brian Masse:** Well, even just how much. I can break it down later.

**Mr. Bryce Phillips:** I'll ask Heather to answer.

**Ms. Heather Grondin (Vice-President, Communications and Stakeholder Relations, Windsor-Detroit Bridge Authority):** We haven't identified a percentage that is going to be—

**Mr. Brian Masse:** I just want to know how much is going....

**Ms. Heather Grondin:** There are two components to our community benefits plan.

The first is a workforce development and participation strategy. We have not assigned a dollar amount to that. Instead, through consultation we'll identify specific goals that are to be achieved and initiatives that will be undertaken to ensure there is local workforce development and local contractor participation in the project.

The second component is a neighbourhood infrastructure strategy, which is budgeted at \$20 million.

**Mr. Brian Masse:** Okay, but neighbourhood infrastructure is one thing. Is that going to include purchasing the properties in Detroit or Windsor for hardship? There are families being impacted by new transportation routes that rest in their communities.

**Ms. Heather Grondin:** Currently, acquiring additional property is not within the definition of our community benefits plan.

**Mr. Brian Masse:** How much has been spent? You're coming for more money in the estimates. How much has been spent to date on community benefits?

**Ms. Heather Grondin:** We have not yet begun our community benefits program. That is part of the project.

**Mr. Brian Masse:** With the money you are being allocated here from the supplementary estimates (A), how much will go to community benefits?

• (0915)

**Ms. Heather Grondin:** The money identified in the supplementary estimates (A) is not part of our community benefits. We do, however, undertake a number of activities through WDB that directly and positively impact the community, such as our participation in community events, ensuring the community is knowledgeable about the project through our—

**Mr. Brian Masse:** That's public relations. That's not community benefits. That's a different thing.

When exactly can we see some community benefits? There is major disruption in Sandwich Town and Delray. You're talking about a contract you signed for \$5.7 billion. How much exactly...?

You're claiming to save half a billion with regard to the P3, but you're here today to tell us that with all these estimates, there is still no money for community benefits. Despite bulldozing two neighbourhoods and all the congestion, the traffic and the business loss, all those things, we're still not going to see a single dollar for community benefits under the agreement that's been signed in Delray and in Windsor. Is that correct?

**Mr. Bryce Phillips:** What I'd offer is that it's not business lost, it's an opportunity and business gained from this project. I don't see that what we're doing right now is going to be negative. It's going to be positive.

Pre-construction activities have begun on both sides of the border, and part of the obligations contractually with Bridging North America is to do community benefits on both sides of the border, so you'll see that as the construction—

**Mr. Brian Masse:** Well, you might see it that way, but if you have an existing business where you've lost a number of different customers, traffic has been rerouted and there are other problems, they don't see that. They can't hang on that long. As well, the kids going to General Brock school do not get anything from this. They can't hang on that long.

**The Chair:** Mr. Masse, thank you very much. I'm sorry. There is no opportunity to respond right now.

**Mr. Brian Masse:** Thank you, Madam Chair.

**The Chair:** Mr. Rogers.

**Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.):** Thank you, Madam Chair.

Welcome, guests.

I'm going to focus my questions around the infrastructure program. The bilateral agreement signed between the federal government and each of the provinces and territories clearly outlines that the federal government is willing to support small communities with even greater levels of funding. Coming from small-town Newfoundland and Labrador, I truly appreciate that.

For towns with less than 5,000 people, we have committed to covering the majority of the municipal share of costs under the rural and northern funding stream. This leaves small towns responsible for only 7% of the total cost of the project, which is significantly more affordable than 33%.

Can you elaborate on why we have taken this approach? What are the objectives for increasing the share of the cost?

Do we monitor these agreements to ensure that all partners are living up to the conditions of the agreements?

**Ms. Kelly Gillis:** Certainly when we were looking at the capacity and needs within smaller communities, we saw that there are varying opportunities. We wanted to make sure that smaller communities could avail themselves of important work that needed to be done, so the government made a decision to increase the federal share to 60% for smaller communities. It is up to 60%.

That allows smaller communities to not have as much of a burden when looking at projects needed for water treatment, roads, food security and broadband, those types of important projects that are required in our rural and remote areas.

We also have four streams within our integrated bilateral agreements. One of them is a \$2-billion stream for rural and remote communities where a lot of our smaller communities exist. So there are some dedicated funds for smaller communities to access and avail themselves of funding to support projects in their areas.

All 13 of the integrated bilateral agreements have now been signed. Projects are starting to come through to be approved. We've posted all 13 integrated bilateral agreements on our website. On the bottom of the web page, there is a barometer. You'll be able to see under phase one and phase two, because we also had integrated bilateral agreements or bilateral agreements with phase one. You can see the progress that's being made within those particular agreements as projects are getting approved.

On top of that, you can go in and look at any particular community—we have a geospatial map—and see all of the projects happening within a particular community for all of our agreements. We do monitor them, and as they're coming through the process they come to us and to Marc's team for review and then go up to the minister for approval. As soon as they are announced, we post them on our website to make sure that they are transparent to all Canadians.

● (0920)

**Mr. Churence Rogers:** Specifically, how much of the \$2 billion allocated for rural and northern communities over the 10 years has been allocated or spent so far?

**Ms. Kelly Gillis:** I'll ask Marc to look up the exact amount for the rural and remote areas on the spending, but the integrated bilateral agreements were just signed recently, and the projects are coming through now. Provinces and territories, with this particular program, because it's a 10-year program, which is different from some of our programs before, have been provided a longer time frame to make sure they can plan and prioritize their needs. We're asking communities to give us three-year rolling plans so we don't see project by project, but we understand the priorities and the intake process, and we have a longer horizon of understanding what's going on. As part of our integrated bilateral agreements, that process is under way right now.

**Mr. Churence Rogers:** In your department's view, what has been the biggest obstacle that the federal government has had in overcoming projects and getting them completed in a timely manner? Is it because of the delays in signing bilateral agreements or because the project's not shovel ready?

**Ms. Kelly Gillis:** If I look back since this government has been elected, we've had 4,400 projects across the country from phase one, phase two and from our legacy programs, so there are a number of projects under way across the country right now. Since that time, there are 763 projects that have been started and completed across the country in all provinces and territories. There is a significant amount of activity within infrastructure that is happening across the country right now.

**Mr. Churence Rogers:** I guess I'm out of time.

I just want to say thank you for that information. I know there's been a lot of suggestions as to delays and so on, but thank you for filling in that information for me. I appreciate it.

**The Chair:** Mr. Hardie.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** Thank you, Madam Chair.

Thank you all for being here this morning.

Infrastructure Canada, on the experience so far, can you give us a quick overview of what the plan was to have money out the door by this time versus what has actually happened, what we've been able to disburse?

**Ms. Kelly Gillis:** There has been a lot of talk about delays or disbursements, and when we look at infrastructure, we have, as I said, 4,400 projects that have been approved and that are under way across the country in the last three years. The economic activity starts with our approval. That's when contracts can get let. That's when people can hire. That's when projects begin and work is undertaken within the country.

The conversations that we've had about cash flow and re-profiling are more of an accounting and a lagging indicator, in my perspective, because when we have the 763 projects that I mentioned that have been completed or that are about half a billion dollars, we've only been billed for 50% of those, and those are the projects that have been completed.

**Mr. Ken Hardie:** Are we getting projects up and running as quickly as we thought we were going to?

**Ms. Kelly Gillis:** We are getting projects up and running and approvals in place, as with 4,400 projects and—

**Mr. Ken Hardie:** But is that as many as we thought we were going to have by this time? Give just a short answer, yes or no, on that. Had we expected more activity by now?

**Ms. Kelly Gillis:** We did not have an exact plan of the number of projects by year, so you cannot say how many projects would have been done.

What I can say is that provinces and territories are working on what their local priorities are with the municipalities and they're coming to us with projects on a regular basis, and we have a lot of activity under way.

**Mr. Ken Hardie:** No, that's not where I'm going with this. I'm sorry. I need to be somewhat precise, because I only have limited time.

What does our experience so far say about provincial and municipal capacity to be ready for the kind of federal investments that we're trying to make here, both financial capacity and technical capacity, to get projects shovel ready?

**Ms. Kelly Gillis:** There are a few things that are going on from that. When we look at phase two, it's a 10-year program that allows provinces and territories to plan over a longer-term horizon, taking into consideration their own fiscal realities and their own capacity. I think that's a really important component. Also, the three-year plans —

• (0925)

**Mr. Ken Hardie:** I'm sorry, ma'am. What does it say about their capacity? Are we straining their ability to respond to our investments? Are they able to keep up?

**Ms. Kelly Gillis:** We have worked very closely with the provinces and territories in ensuring we have programs in place that can meet their local priorities, and at the same time make a difference on a national basis.

**Mr. Ken Hardie:** That didn't answer the question. I'm sorry.

Are they able to keep up? Do the provinces have the money, and do the municipalities have the technical expertise, or do they need additional help to respond?

**Ms. Kelly Gillis:** We have two programs in place with the FCM to help with technical capacity. One is a \$75-million program to help build capacity in communities to understand the opportunities for climate change. That's giving them funding and technical expertise to help them ensure their assets are managed and that they are taking into consideration opportunities for climate change. We've done another \$50-million program to provide capacity to communities to do asset management. Both of those areas help with their own capacity in making sure that they're good stewards of their own assets.

**Mr. Ken Hardie:** This question is for the Windsor-Detroit Bridge Authority.

You're in a P3. Can you tell me the nature and the amount, the expanse of the risk transfer involved in your P3 arrangement? How much risk are you actually transferring? What's the dollar value on it?

**Mr. Bryce Phillips:** There were risks that were identified as we went through the procurement process. Part of those are built into both the contract and the contingency. I'm not going to go into the details about the risk and transfer. That's commercially sensitive in a public forum.

**Mr. Ken Hardie:** Fair enough.

As for the bridge itself, once it's up and running—looking forward a few years, I suppose—we've heard a lot in some of our corridor studies about the necessity to use technology as well as to recruit participants in trusted trader programs.

Are you designing your structure to provide the technology to facilitate the vehicles going back and forth through customs? Will you be participating in trying to recruit more shippers and traders into a version of the NEXUS program, again to make sure that things are flowing smoothly?

**Mr. Bryce Phillips:** Yes.

**Mr. Ken Hardie:** Excellent.

**The Chair:** Mr. Jeneroux.

**Mr. Matt Jeneroux:** Thank you, Madam Chair.

Just to answer my colleague across the way, and correct me if I'm wrong, Infrastructure Canada, according to the PBO report, the lapsed funds of \$727 million were primarily due to delayed spending on infrastructure projects. That's a significant amount of money that was lapsed by you guys because of the delays.

The sums of \$100,000 per day, \$400,000 per day after the first week, \$150 million maximum are agreed to in the contract with the Champlain Bridge. Are we going to be recovering that money?

**Ms. Kelly Gillis:** The negotiations on the contract are under way and as soon as they are completed, once we know what the date is, then we will be transparent, as we've been in the past.

**Mr. Matt Jeneroux:** Is that a yes, that you'll be getting that money?

**Ms. Kelly Gillis:** We will be transparent when we have an agreement. There are different things that have happened, such as the strikes, that bear different risks on different parties. These are commercial discussions that are under way. As in the past, when those are concluded, we will be transparent.

**Mr. Matt Jeneroux:** Let me quote Minister Champagne when asked the same question:

There's no wiggle room whatsoever. Like I said the contract is clear. We're going to be reviewing the terms and conditions of the contract and trust me we're going to apply it fairly, equitably because we're the government of Canada, but like I said there will be consequences both in terms of timing and financially.

Which one of you is offside in their comments?

• (0930)

**Ms. Kelly Gillis:** We are saying the same thing.

**Mr. Matt Jeneroux:** He's saying there will be penalties applied. You're saying you'll be—

**Ms. Kelly Gillis:** I'm not saying that we're not. I'm saying we're in confidential conversations right now, and there are different parties at fault depending on what happens, such as strikes. When those negotiations are under way, we do not speak about them in public and negotiate them in public, but once we actually conclude them, we are very transparent, as we've been in the past.

**Mr. Matt Jeneroux:** It appears the minister can speak about these things, Deputy Minister.

Has your department been advised to find ways to ensure the budget is balanced by 2019?

**Ms. Kelly Gillis:** I would think that would be a question for the Department of Finance.

**Mr. Matt Jeneroux:** You have a significant stake. You spend over \$180 billion in infrastructure. Have you been asked for ways to ensure that the budget is balanced in 2019?

**Ms. Kelly Gillis:** We are given a particular appropriation with a mandate, and we serve that particular mandate. Thank you.

**Mr. Matt Jeneroux:** Have you been asked by the minister to find ways to balance the budget in 2019?

**Ms. Kelly Gillis:** We are allocated our appropriations. We are given a particular mandate and we are spending according to that mandate.

**Mr. Matt Jeneroux:** You're here asking for even more money. As the official opposition we're here to hold the government to account on their promises. The promise made was to balance the budget in 2019. I'm asking you, as somebody who is here asking for more money and who already has over \$180 billion in infrastructure spending planned over the next 12 years, if you have been asked by your minister to find ways to keep that promise to balance the budget in 2019.

**Ms. Kelly Gillis:** As I've said, we have a particular budget. We are being asked to deliver on an investing in Canada infrastructure plan, and we are delivering on that plan.

**Mr. Matt Jeneroux:** But you're here asking for more money—

**The Chair:** I hate to interrupt—

**Mr. Matt Jeneroux:** It's a simple question. Has he asked you or not?

**The Chair:** —but if it's a repetitive question, it can be ruled out of order, and I don't want to take up anybody's time.

**Mr. Matt Jeneroux:** Have you spoken with the minister recently?

**The Chair:** That's the same question.

We'll go to Mr. Badawey.

**Mr. Vance Badawey (Niagara Centre, Lib.):** Thank you, Madam Chair.

First off, I just want to preface my comments by stating that I'm very happy that you are encouraging a disciplined asset management culture with your partners as you are making these investments primarily with the municipalities, because it does add more strategic investments and also alleviates the pressure on the property taxpayers. I appreciate that you are going in that direction.

I have a couple of questions. I'll ask them first, and then I'll give all of you a chance to answer.

The first one is for you, Mr. Phillips. It is with respect to working not only on the construction of the bridge but also with your partners for future integration of logistics, trade corridors and things of that nature. Is that happening now, or is the expectation for that to happen after the bridge is constructed? That's my first question.

My second question is with respect to Mr. Masse's comments on community benefits. Is there a plan for immediate community relief with respect to the impacts of the construction? We all know that it does impact on the community with respect to the business community as well as those residents who are in the direct area.

Last, Ms. Gillis, with respect to the PBO, they were here at committee recently and there was some talk about the pace at which infrastructure funding is in fact flowing from the federal government. Can you comment on how and when reimbursements are made?

The PBO also mentioned things like labour shortages in some jurisdictions or the lack of shovel-ready projects in others. In your department's view, what is the biggest obstacle the federal government has to overcome to get projects completed in a timely manner?

Perhaps we could start off with Mr. Phillips.

**Mr. Bryce Phillips:** Thank you for the questions.

On your first question, we have begun discussions with various partners on both sides of the border around the bridge build port of entry and how that will shape up.

As part of the procurement process, you get about 20% of the design completed as part of a bid to put into the procurement, so designs naturally are not complete. That's part of the work that Bridging North America is now doing. They are consulting with various stakeholders. We're assisting in those discussions around things like the technology to be used for a border crossing to make it a seamless crossing where, if you put your manifest in early, for instance, you have straightway access to it.

**Mr. Vance Badawey:** Is that all towards seamless fluidity?

• (0935)

**Mr. Bryce Phillips:** That is correct.

On your second question on community benefits, I'll give you my brief overview and I'll then turn to Heather to see if she has anything to add.

We have been working with our community partners on both sides of the border. One of the things Bridging North America will be doing is bringing in 3,000 constructors to participate in the bridge build. We're working on where those 3,000 people are going to be located. There will be opportunities for the community to participate in the benefits of this bridge by getting involved in some of the business.

That being said, we're also working at developing the community benefit plan and working with Bridging North America to get the exact plans in place on both sides of the border so that they can execute their obligations in the contract. I know Heather and her team are working closely with Bridging North America on those community benefits.

Is there anything at all you want to add to that, Heather?

**Ms. Heather Grondin:** We are well aware that a construction project of this size and scope has the potential to impact the communities on both sides of the border. We have identified a number of measures that need to be implemented by our constructor to mitigate those impacts. They are beginning to coincide with the same timeline as construction.

**Mr. Vance Badawey:** Is it possible for us to get a written update on how the specifics are progressing? I'm concerned, as I'm sure Mr. Masse is, that those businesses especially, as well as the residents, are negatively impacted with respect to construction.

Can we get something in the next few weeks with respect to a mitigation plan as well as specifics on what you're doing?

Ms. Gillis.

**Ms. Kelly Gillis:** We've been working very closely with the PBO. Their modelling does work on cash flow. As I mentioned before, because that often comes after the fact, as we're evolving we're changing the model of reimbursement with provinces and territories. We're looking at what we're calling progress billing during the year to try to match more closely what's happening in the ground to the economic reality to be able to flow funds to align with that economic reality. We would do that twice during the year and once at year end. We wouldn't wait until after the projects are completed because that is not a great demonstration of what is happening in the ground.

We've started a pilot project. We've made our first payments with Alberta, based on progress billing under phase two. We've got Saskatchewan and Nova Scotia as part of the pilots. This involves changing accounting systems with municipalities as well so it will come into a phased-in approach over the next couple of years. We are moving forward to try to have a closer reality of the cash flow with the economic activity.

The biggest obstacle with provinces and territories is a large demand, and they have intake process with prioritization. We have to work closely with them to make sure their local realities and needs

are served as we're looking at the national outcomes we're trying to achieve.

**Mr. Vance Badawey:** Thank you.

**The Chair:** Thank you very much.

Next is Mr. Jeneroux for two minutes.

**Mr. Matt Jeneroux:** Thank you, Madam Chair.

Reflecting on some of the questions that were asked today, it's very clear, quite frankly, that the witness hasn't been able to answer any of the questions. The only question that she has been able to answer was the ability to get back to us on the \$477 million for the Canada Infrastructure Bank.

It again goes back to my original point that the minister is ultimately accountable for these estimates and the minister isn't here today. The one witness, the deputy minister, has indicated over and over again that she intends to be transparent and I think this is showing anything but. I've been asking a simple question: Has she had a conversation with the minister about balancing the budget? She can't even answer that question.

At future meetings when we have the supplementary estimates, if the deputy minister isn't able to answer the questions, we should focus on bringing the minister in here. Even if we had the Champlain Bridge group in here as well it would be more helpful.

I think at the end of the day, we've had nothing but non-answers given by this particular witness.

Thank you.

**The Chair:** Thank you, Mr. Jeneroux.

Mr. Masse, you have two minutes.

**Mr. Brian Masse:** Thank you.

I'll go back to a question we had originally on the Windsor-Detroit Bridge Authority. It started having meetings with the Ambassador Bridge.

Are any meetings currently taking place with the Ambassador Bridge since the last ones that Dwight Duncan held? Have there been ongoing meetings with them?

• (0940)

**Mr. Bryce Phillips:** My mandate is the Gordie Howe International Bridge, so I'm not dealing with the Ambassador Bridge.

**Mr. Brian Masse:** So there have been no meetings by you or the Windsor-Detroit Bridge Authority with regard to the Ambassador Bridge. There's a lot of public concern about the connection.

**Mr. Bryce Phillips:** Yes, that's not me.

**Mr. Brian Masse:** Thank you. I just wanted to be clear because I get that quite a bit.

With regard to the three work plans that Mr. Badawey has asked for, will they be available for the public as well so they will see the results? Will they be published on your website?

**Ms. Heather Grondin:** Yes, we already do have some information related to our mitigation measures on our website. We will continue to present that information to the public.

**Mr. Brian Masse:** Will you have specific elements, such as mitigation of air pollution and so forth? Will it be broken down to those different concerns? Air quality is one concern; construction and business are others.

Will it be broken down, or has that not been decided yet?

**Ms. Heather Grondin:** We'll take that into consideration when we go back and look at the information that we have to present.

**Mr. Brian Masse:** Thank you very much.

**The Chair:** Thank you.

I have to read out the following:

Pursuant to Standing Order 81(5), the committee will now dispose of the supplementary estimates (A) for the fiscal year ending March 31, 2019, under Infrastructure Canada, namely votes 1a, 5a and 10a under the Office of Infrastructure of Canada, and vote 1a under Windsor-Detroit Bridge Authority.

Do I have unanimous consent to deal with all of the votes in one motion?

**Mr. Matt Jeneroux:** Madam Chair, do you mind if each gets a recorded vote?

**The Chair:** Yes, that's fine.

Can I deal with all of the votes in one motion?

**Mr. Brian Masse:** We'd like separate votes.

**The Chair:** You want them done in separate votes.

**Mr. Brian Masse:** Or we can do them on division, if that's fine.

**Mr. Vance Badawey:** We can do them separately.

**The Chair:** We'll do individual votes.

**Mr. Brian Masse:** We can do them all. I would just prefer they be on division.

Sorry. You've asked for a recorded vote.

**The Chair:** We'll have a recorded vote.

Do I have unanimous consent to deal with all the votes in one motion as a recorded vote?

**Mr. Brian Masse:** We'll do them separately.

**The Chair:** You want to do them separately. Okay, that's fine. No problem.

OFFICE OF INFRASTRUCTURE OF CANADA

Vote 1a—Operating expenditures.....\$34,484,247

(Vote 1a agreed to on division: yeas 6; nays 3)

OFFICE OF INFRASTRUCTURE OF CANADA

Vote 5a—Capital expenditures.....\$257,522,708

(Vote 5a agreed to on division: yeas 6; nays 3)

OFFICE OF INFRASTRUCTURE OF CANADA

Vote 10a—Grants and contributions.....\$256,150,700

(Vote 10a agreed to on division: yeas 6; nays 3)

WINDSOR-DETROIT BRIDGE AUTHORITY

Vote 1a—Payments to the Authority.....\$283,605,894

(Vote 1a agreed to: yeas 9; nays 0)

**The Chair:** Shall I report the votes under the Office of Infrastructure of Canada to the House?

**Some hon. members:** Agreed.

**The Chair:** Thank you very much.

Before we suspend for the next portion of the meeting, you have a small budget request in front of you for the video conferencing that we've been doing on the subject matter of Bill C-86.

(Motion agreed to)

**The Chair:** Thank you.

I'll suspend for a few moments while we set up for a video conference for the next part of the meeting.

Thank you to all our departmental officials for being here.

● (0945) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (0950)

**The Chair:** [*Technical difficulty—Editor*] Mr. Lantin.

**Mr. Peter Lantin (President, Council of the Haida Nation):** Can you hear me? Is the video okay?

**The Chair:** Try that again. Could you introduce yourself to see if our systems are working, please?

**Mr. Peter Lantin:** Good morning, everyone, and greetings from Haida Gwaii. Thank you for the opportunity to—

**The Chair:** I'm sorry, Mr. Lantin. Just hold on. Something is not working correctly.

Can we try Ms. Slett?

Marilyn, could you start?

**Chief Councillor Marilyn Slett (Chief Councillor, Heiltsuk Tribal Council):** Hello. Can you hear me?

● (0955)

**The Chair:** Yes, we can hear you clearly. Would you like to start?

**Chief Councillor Marilyn Slett:** Sure. Are you ready?

**The Chair:** We're ready. We're just hoping that our systems will all work as well.

Go ahead for five minutes maximum, please.

**Chief Councillor Marilyn Slett:** Good morning.

My name is Káwázil, Marilyn Slett. I am the chief councillor of the Heiltsuk Tribal Council, which is the elected leadership for the Heiltsuk First Nation.

We support Canada's building of world-class marine corridors that are safe and competitive while protecting the coastal environment. We have managed our traditional marine territory for thousands of years. Safe and healthy marine corridors are vitally important to us. This committee has heard much about the need for marine transport to be financially competitive, which implies low-cost approaches. Heiltsuk believes that world-class marine corridors are worth paying for with the creation of safe, ecologically viable systems where industry pays its fair share for modern-day risks, which is what the public demands.

We have three key points.

First, a system of world-class marine corridors means that government must be able to control traffic in sensitive ecological areas and harvesting areas. Heiltsuk raised this issue on Bill C-48, the oil tanker moratorium act, but it did not find its way into the final version. This committee has the opportunity when addressing other legislation, such as the Pilotage Act, to include a power to decide where vessels, especially oil carriers, may or may not travel in sensitive areas.

Spills in sensitive areas are better avoided through the regulation of marine corridors. Heiltsuk's experience with the *Nathan E. Stewart* oil spill in 2016 illustrates that oil spills are costly for everyone: for governments, for indigenous communities and for shipowners. Millions of dollars were spent on raising the vessel and responding to other aspects of the spill. Heiltsuk spent significant amounts on its own response to the spill and on its attempts to negotiate a robust environmental impact assessment. The cost of our environmental impact assessment and remediation is currently unknown, but will be significant. The incident is subject to current litigation, which is expected to be lengthy and expensive.

All of the existing regulations were not able to prevent the spill from the Nathan E. Stewart in a key harvesting area. One officer was on watch, whereas two were required. He lacked pilotage qualifications. He fell asleep. The navigation alarms were off and spill responders did not arrive and deploy booms in time to confine the spill. The existing compensation regime does not compensate [*Technical difficulty—Editor*] or cultural losses. In the long run, regulation of marine corridors is in everyone's best interests, including industry and government, because it will help avoid spills in the most harmful areas.

Second, a system of world-class marine corridors must include indigenous pilots, and where the west coast lacks indigenous pilots, local pilots and seafarers know the coast intimately. They will put the safety and protection of the coastal environment first because that is the foundation of their traditional practices.

Third, Heiltsuk recognizes that even with the best safeguards, there may be accidents. There must be a world-class spill response centre. Heiltsuk had proposed the building of an indigenous marine response centre in Bella Bella that would provide a maximum five-hour response time, and our IMRC would always make emergency response vessels available instead of the current tug of opportunity system, indigenous leadership, [*Technical difficulty—Editor*], the weather, and the specific areas that would be in danger.

The work of the standing committee is a real opportunity for Canada to directly consult with Heiltsuk and other indigenous peoples. We are pleased to see the progress on pieces of legislation that provide for some indigenous engagement. However, there needs to be a full embrace of UNDRIP and indigenous engagement. It is only when Canada recognizes our self-determination in our territories that there is true reconciliation.

*Gayaxsixa*. Thank you.

**The Chair:** Thanks very much, Ms. Slett.

Let's try Mr. Lantin again.

Okay, let's try Mr. Helin.

• (1000)

**Mr. John Helin (Mayor, Lax Kw'alaams Band):** Thank you. I'm John Helin, the mayor of Lax Kw'alaams. It's normally the chief councillor but in my community I'm called the mayor.

We're a band of approximately 4,000 members on the north coast of B.C. We have lived from the sea for thousands of years like other first nations in the country. We value our environment whether it's water, sea or air. We have the biggest gillnet fishing fleet on the coast that can't make a living anymore, so we have to look at other opportunities that present themselves.

We disagree with the tanker moratorium that's going through the process now. We were not consulted. What they are using as guidelines to impose that on us is the Great Bear Rainforest. It's another piece of legislation in B.C. that we were not consulted on. At the end of it all, we'll probably end up in court fighting it. It's not the place we want to be. We want to be able to make a decent living in our traditional territories as some of court cases that have been won by first nations groups say we should.

When the Prime Minister talks about consultation, reconciliation, self-reliance, something like the tanker ban closes doors for us. I think it's incumbent upon me as a leader in my community to go to my membership and ask them what they want. It shouldn't be imposed on us by the government in Ottawa.

It's important that we do look at other opportunities. I met with the Province of B.C. recently. We will meet again soon on a northern energy strategy in B.C. For those of you who don't know, there was a study done a few years ago by the federal government on ports in B. C. around oil. The safest ports, there were two of them, one right across from my community, Grassy Point, and the other one in the Prince Rupert area of Ridley Island. The worst port is Burnaby. That study pointed this out very clearly.

Again, it should be the people in the area. We're not all going to agree as first nations people or the general public on what we want to deal with in our traditional territories, but we shouldn't let NGOs come into our territories and divide us. That was very clearly done on the PNW project. I had members from my community who were on Lelu Island and saying that they were hereditary leaders. We know our community. We know our membership. Clearly there was money parachuted into that project and it divided people. It's very real. What I would like to do as an elected leader of my community is get valid information on whatever project is going to be proposed, get that out to our membership and let them decide in a referendum. We treated that PNW project exactly like a regular election for my position where everybody got the same information. It was independent information that went to all community members, and that changed the vote from just 100% no to over two-thirds supporting that project. That's how we would like to handle anything that's being proposed in our traditional territory.

**The Chair:** We'll move to our second Mr. Helin, from Eagle Spirit Energy Holding Ltd.

Welcome.

**Mr. Calvin Helin (Chairman and President, Eagle Spirit Energy Holding Ltd.):** *[Witness speaks in Sm'algayax]*

Thank you very kindly for the invitation to be here today.

I'm speaking on behalf of Eagle Spirit and the chiefs council. The chiefs council consists of about 35 communities, from Lax Kw'alaams up to Fort McMurray. I'll be speaking specifically in relation to Bill C-48, but I will have some comments on Bill C-69.

A meeting of all of our chiefs was held in Vancouver a couple of weeks ago. The chiefs council is completely opposed to Bill C-48. The general tenor of their concern is that they have constitutional rights over their traditional territory. They don't think anybody, particularly what they call "latte-slurping elitist environmentalists", should be coming into their territory and trying to ram stuff down their throats. They look at that as being wholly inappropriate. There wasn't any consultation whatsoever.

You heard from John relating to the Lax Kw'alaams community. All of the communities along the route feel that their right to be able to determine what happens in their traditional territory is being infringed upon by this proposed legislation.

The chiefs council passed a resolution to quash Bill C-48 by legal and other means, so that will be proceeding forward. It may be unknown to this committee that there's now a National Coalition of Chiefs. It's a group of the chiefs across Saskatchewan, Alberta and B.C., and will probably include the two northern territories. They are essentially fed up with this environmentalist agenda being rammed down their throats. They feel it's being done by American-financed environmental groups. There's plenty of evidence to support that.

They passed a similar resolution. There will probably be about 200 first nations opposed to both Bill C-48 and Bill C-69, and I'll explain that a little further. These resolutions have been included, and I have some other information for you.

The other thing our chiefs wonder about is how come this is being proposed, essentially to cut off half of B.C.'s coast to important

commercial traffic, when tanker shipping of oil and petroleum fuels is happening everywhere else in Canada. There are about 4,000 inbound oil tankers each year to the east coast, 82 million tonnes of petroleum and fuel products, and 25 million tonnes of crude oil and petroleum products in and out of 39 ports. There is 89% of the shipments that go into Quebec City and Montreal. The question they ask is whether the federal government would consider imposing such a ban in Quebec or anywhere else.

We are from the north, and environmental concerns are at the top of the list of our concerns. That is why we got involved in this project. We feel that we have probably the highest, most robust environmental model in the world for the oceans protection plan that's been proposed by the federal government. We feel that's minimal. We will voluntarily comply with a much higher standard. The government keeps talking about \$1.5 billion, I believe, for ocean protection, but what they don't explain is that is being applied to 14,000 kilometres of shoreline along the entire Canadian coast when you need that kind of money focused in one area.

• (1005)

We respect the rights of other indigenous people in their traditional territory to disagree with this position, and that's the position of our chiefs. At the same time, the protocol amongst first nations and the law is that you can have an opinion on somebody else's territory, but you don't have any rights to determine what happens in their territory.

• (1010)

**The Chair:** Mr. Helin, would you go to your closing remarks.

**Mr. Calvin Helin:** The bills, both C-48 and C-69, are inconsistent with articles 23 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples. The council chiefs and likely the National Coalition of Chiefs will file human rights violations with the United Nations for breach of UNDRIP, treaty and aboriginal rights infringement, unacceptable colonialist social engineering policy, blocking the poorest people in Canada from exercising their inherent right to be able to raise their own revenue for their own purposes.

**The Chair:** Thank you very much, Mr. Helin. I'm sorry I have to cut you off.

**Mr. Calvin Helin:** I have just one last thing.

We've been working with the three western provinces, and we will be engaging with the two northern territories. We're looking to have an energy corridor accord signed and supported by the three western provinces and the two northern territories.

**The Chair:** Thank you very much.

Unfortunately, we're going to have to have Mr. Lantin by phone.

Are you there, Mr. Lantin?

**Mr. Peter Lantin:** Yes, I'm here. Can you hear me okay?

**The Chair:** Yes, we can. Please, you have five minutes.

**Mr. Peter Lantin:** Greetings from Haida Gwaii.

Can you hear me okay?

**The Chair:** Keep talking. We'll stop you if we have a problem.

**Mr. Peter Lantin:** My name is *kil tlaats 'ga*a Peter Lantin and I'm the elected president and official spokesperson on behalf of the Haida Nation. I'll begin with some context for our submission.

The Haida Nation's territory is vast. It includes the entirety of Haida Gwaii and its surrounding waters. It includes the entire Dixon Entrance, half of Hecate Strait, Queen Charlotte Sound halfway to Vancouver Island and westward beyond the 200 nautical mile limit. Haida Gwaii has supported our people and culture since time immemorial. The land, ocean and living creatures are essential for the health and well-being of Haida culture and citizens, as well as the citizens of Canada.

Haida Gwaii must be managed to a higher standard of care with a lower threshold of risk for two reasons. First, we collaboratively manage much of Haida Gwaii with both the federal and provincial governments. Second, Haida Gwaii is not subject to a treaty and we are in active litigation with the Government of Canada and British Columbia, in respect of Haida Gwaii.

Our submission will focus on two areas. The first is the burden of risk posed by marine shipping and the second with regard to the recommendations to prevent this risk.

The Haida nation bears an unacceptable burden of risk posed by marine shipping under Canada's current regulatory framework. For those who don't know where Haida Gwaii is located, we are located in a very unique, specific place in Canada. Haida Gwaii lies along major shipping routes from the ports of Prince Rupert, Kitimat and Stewart. We're close to the great circle route between North America and Asia and the shipping route between the southern U.S. and Alaska. Proposed liquefied natural gas terminals and other trade expansions, including the proposed Kinder Morgan pipeline, would result in increased shipping traffic through Haida territorial waters.

Our concerns about the unacceptable burden of risk are not unfounded. Several large cargo ships and vessels have come dangerously close to grounding and causing a major spill. These include the *Simushir* in 2014, the *North Star* in 2015 and the *Prestige* earlier this year. Since the *Simushir* near miss in 2014, the priority for the Haida Nation has remained the same. Prevention is the priority.

While the Haida Nation is collaborating with the Canadian Coast Guard to establish a Haida Gwaii response plan, the recent *Nathan E. Stewart* incident in Heiltsuk territory demonstrates that any response plan will be ineffective at cleaning up or preventing oil products from reaching the coastline. The very real possibility that our people might not be able to continue to rely upon our oceans is what drives us to ensure that these catastrophes do not occur.

We provide four preventative strategies. First, Canada must implement a permanent moratorium on shipping oil products through Haida Gwaii and north coast waters. The Haida citizens have mandated through the Haida Nation's legislative assemblies a permanent moratorium on the transport of large quantities of all

petroleum products through Haida Gwaii waters. We urge Canada to do the same. Canada must not only implement the oil tanker moratorium act, but it also must expand the moratorium to include export of all fossil fuels and persistent and non-persistent oil products through Haida Gwaii and north coast waters.

Our second preventative strategy is that Canada must introduce measures to establish a safe distance offshore for existing shipping traffic. Since 2015, the Haida Nation has advocated for a risk mitigation zone of 50 to 100 nautical miles off the west coast of Haida Gwaii. A similar objective was also adopted by Parks Canada and DFO in the Gwaii Haanas land-sea-people plan, which was just approved recently by both Canadian and Haida Nation governments.

The third preventative strategy is that Canada must commit to dedicating ocean-going rescue towing vessels. Recent studies have shown that a towing vessel in northern locations will dramatically improve response times and success rates. This was done in a study by the Clear Seas Centre for Responsible Marine Shipping, yet Canada has only committed to leasing two rescue tugs over a three-year trial period. It has not made any commitments for permanent vessels. Canada must implement longer-term solutions, with at least two vessels in the north coast and one permanently stationed on Haida Gwaii.

The fourth and final preventative strategy is that Canada must respect international obligations. We remind Canada that the collaborative management bodies established under the Haida-Canada agreement are available to begin implementing the United Nations Declaration on the Rights of Indigenous Peoples in a way that respects and implements reconciliation.

●(1015)

In summary, Canada's current regulatory framework for maritime trade does not address our concerns. We recommend that Canada expand the oil tanker moratorium to include refined oil products, introduce measures to ensure that vessels transit a safe distance offshore from Haida Gwaii, and finally, commit to a permanently stationed rescue tow vessel on Haida Gwaii.

Thank you.

**The Chair:** We'll go to Ms. Anderson, please, for five minutes.

**Ms. Natalie Anderson (Referrals Coordinator, Cowichan Tribes):** Thank you.

*'Uy' skweyul.* Good morning.

I am here on behalf of Cowichan Tribes, a modern day Indian Act band, descended from the historic Cowichan nation, comprised also of Lyackson First Nation, Halalt First Nation, Penelakut Tribe, and St'zuminus First Nation. With the broad scope of this committee and our community's concerns in mind, my statement today will focus on impacts of the trade supply chain to and from the western ports, more specifically the cumulative effects of marine shipping and associated anchorages.

As a coastal community, Cowichan Tribes has endured the ever-increasing impacts of marine activities and the associated shipping and anchorages for decades. When concerns have been communicated to legislators and regulators in the past, the best-case scenario has been assurances that the health of the Canadian economy benefits all citizens or that wide-reaching initiatives such as the oceans protection plan will mitigate, nullify or reverse impacts. The worst-case scenario is that we are outright ignored or told that any impacts are inevitable for the sake of progress.

Across all coastal communities, the supposed benefits of marine activities that contribute to the overall Canadian economy are hardly, if ever, actually realized and certainly not to an extent that would offset the impacts. The pressure on the coast to accept and shoulder the burden of increasing activity for economic progress is not only unbalanced, but reckless. It is a direct contributor to the ongoing alienation of first nations in particular—as rights holders, not just stakeholders—from their traditional lands, waters and ways of life.

Furthermore, the contribution to climate change and other detrimental environmental impacts, such as the dwindling and distressed southern resident killer whale population, cannot be discounted. The reality of climate change should, along with the United Nations Declaration on the Rights of Indigenous Peoples, be obviously, meaningfully and urgently used to guide any future policy, legislation or regulation.

The oceans protection plan, or OPP, is often touted at the political level as a panacea for any and all concerns being raised by Cowichan Tribes. However, at the technical and therefore practical level, the OPP is underfunded, confusing and yet another example of the paternalistic approach this government employs when making plans and decisions that compound the impacts to and restraints on our rights and title. There is no doubt that federal employees are working as hard as they can and those efforts are appreciated. However, it isn't appropriate to be explaining away concerns related to marine impacts with the OPP on one hand while on the other hand underfunding and ineffectively rolling out this convoluted aggregation of disparate coastal initiatives.

The historical reality of increasing and cumulative impacts is also not meaningfully addressed or incorporated into the OPP. While there is a cumulative effects team pertaining to OPP, this appears to be restricted to marine vessel activity, which does not accurately represent all increased and cumulative impacts on the west coast. Furthermore, consultation and engagement efforts are inherently stunted when baseline data isn't capturing the extent to which first nations have been alienated from their traditional territories and ways of life.

For example, the anchorages issue has been gaining a lot of attention as of late and an interim anchorages protocol has been established to address it. However, this issue cannot be restricted to current anchorage use or how to accommodate increases. Cowichan Tribes has never been—and has yet to be—meaningfully consulted on anchorage placement and use. This has resulted in impacts from the poor regulation of vessels at anchor, which includes issues such as illegal fishing, invasive species introduction, noise and light pollution, and so on. More generally, it simply isn't enough for any initiative to be looking at the status quo and how to accommodate increases in trade and shipping. Instead, a fulsome analysis of

cumulative effects over the course of colonial history and how to incorporate the principles of reconciliation, reclamation and decolonization into policy, regulation and legislation is absolutely necessary.

Cowichan Tribes needs this committee and the federal government to understand that the effects of trade structures and activities have been impacting and continue to impact our already marginalized community and inherent aboriginal rights and title.

*Huy tseep q'u.* Thank you. *Merci.*

• (1020)

**The Chair:** Thank you very much, Ms. Anderson.

We'll move to our committee members.

Go ahead, Ms. Block.

**Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC):** Thank you very much, Madam Chair.

I want to thank all of our witnesses for joining us today. It is good to hear from all of you.

As you are aware, we have undertaken this study. It has been in the works for quite some time and now we are actually getting down to holding some meetings on it. There has been some travel done and I believe we're doing this to understand both the challenges and the opportunities that face our transportation system, with a view to trying to address them through a logistics study.

However, we continually find ourselves dealing with legislation that seems to be working contrary to the very study that we are undertaking, when we look at legislation like Bill C-48 and Bill C-69. Some witnesses have mentioned measures in the BIA 2 that affect the marine industry, as well as our shipping stakeholders. You've mentioned the Great Bear Rainforest, which is 6.4 million hectares that has now been turned into a national park. This appears to catch communities and industry stakeholders by surprise many times.

I'll ask this of both Mr. Helin and Chief Helin. Could you advise this committee about what impacts Bill C-69 will have on your organization, your communities and whether or not you believe that pipelines should be an integral part of Canada's transportation corridor strategy?

**Mr. John Helin:** Thank you for the question and for realizing that one of the worst ways to ship oil is by rail, but that it is increasingly happening right now. We know what happens when trains derail and if that product gets into the water.

Pipelines are the safest way to ship or send product to the coast. It just makes sense that you put a pipeline to the safest port on the coast, so that everything we're talking about here—prevention is key and the environment is key, but how do you do that without having the proper policies and procedures in place? Having somebody ram something down your throat that just cuts everything off won't work.

•(1025)

**Mr. Calvin Helin:** I don't know if people in Ottawa have a real sense of the strength of feeling, both of the chiefs and, I think, of the people in the western provinces and the northern provinces. We're losing \$100 million a day, by some estimates, in having no access to pipelines.

Just as a practical matter, where do people think our tax revenues come from? Just on that lower amount per year—they call it “air barrels”—the tax coffers of Canada and Alberta are losing about \$20 billion a year. That includes the first nations groups in Alberta and Saskatchewan that have their own oil reserves. Instead of getting, at one time, \$80 a barrel, they're getting \$15 a barrel. It's absurd.

We deal with various national oil companies. They look at Canada and cannot believe we would be doing this, particularly when we've been able to develop.... Our mandate from our chiefs when we started this was to develop the greenest project on the face of the planet, and we've done that. We have technology that will, on shipping two million barrels a day, reduce over 100 megatonnes of CO2 out of the atmosphere. It will not create tailings ponds. Instead of using 45 million cubic metres of water per year, this technology recirculates the water. So you're not using the water.

We can produce Alberta oil on a greener basis than just about any other oil on the planet. We will utilize the Site C dam and renewable energy.

Most important, Maclean's magazine came out with an article a few months ago referring to first nations communities as having the same social statistics as Nigeria, Sudan and other countries like that. Most of these communities have 90% unemployment. We have a government that claims to be supporting UNDRIP, and it's pushing this down their throats, and there are no other alternatives for a lot of these communities.

**The Chair:** Thank you very much, Mr. Helin.

We'll move to Mr. Hardie, for five minutes.

**Mr. Ken Hardie:** Thank you, Madam Chair.

Thank you, witnesses, for being here.

Being from the coast, having the chance to travel with both this committee and the fisheries committee, and going out on the boats out of Prince Rupert years ago, I know the lay of the land.

To both Mr. Helins, the project that you have in mind, as I understand it, is to transport and ship bitumen. Is that correct?

**Mr. Calvin Helin:** No.

**Mr. Ken Hardie:** What are you going to transport?

**Mr. Calvin Helin:** The chiefs would not allow that.

We will ship upgraded bitumen, which is lighter, so it floats on water.

**Mr. Ken Hardie:** Is it classified as a non-persistent petroleum?

**Mr. Calvin Helin:** Yes.

**Mr. Ken Hardie:** Okay. As I understand it, and you can correct me if I'm wrong, the moratorium does not apply to non-persistent...

**Mr. Calvin Helin:** The moratorium applies to just about everything. It applies to upgraded bitumen, synthetic crude and various kinds of oils. It's pretty much a ban.

•(1030)

**Mr. Ken Hardie:** There are, obviously, provisions in there for some products to be shipped. In your business model, going forward, have you looked at the option of producing and shipping something that isn't covered by the moratorium?

**Mr. Calvin Helin:** It would be so commercially ridiculous to consider doing something like that when we can take an upgraded product right out of the ground, ship that to the coast, and get Brent Crude pricing for it, so that we wouldn't be losing a \$100 million a day.

We've specifically tried to design what our proposed project would do to meet the highest environmental standards in the world. There's also some issue, according to the B.C. Chamber of Shipping, of this ban being contrary to federal maritime law. If this ban goes into effect, it's going to be challenged by all of the first nations along the route. There's a writ already—

**Mr. Ken Hardie:** I need to call time here because I have some other questions I need to ask.

Thanks.

Ms. Slett and Ms. Anderson, in your broader view of the whole landscape along the west coast.... I mean we have a couple of international boundaries, one up towards Alaska and the other towards Washington state, but the water and, indeed, even the shipping really don't know any boundaries per se.

What kind of dialogue have you had with the first nations in Alaska and in Washington state? I would note especially that Washington state is where a lot of tanker traffic not only from Alaska but, I hear, even from Russia will go into Cherry Point and the other refineries there.

What kind of synergies do you see in your concerns versus or along with the concerns you're seeing in Alaska and Washington state?

Ms. Slett, we'll start with you.

**Chief Councillor Marilyn Slett:** We have had discussions with Washington state's communities and nations. We share a lot of the same concerns around the safety of our marine territories.

We've had members go out and visit with different Washington state senators and talk about, in particular, the safety of marine traffic, and also how, at the end of the day, the synergies are similar. They have supported the Heiltsuk nation, in terms of protecting and ultimately supporting what we're doing here around supporting the tanker ban.

They also don't support the use of articulated barges.

**Mr. Ken Hardie:** Thank you.

Ms. Anderson, is that your experience as well?

**Ms. Natalie Anderson:** For my part, it's been Washington state... as well as the Department of Ecology that we've been discussing spill response with, primarily. I know the Makah nation in particular has quite an impressive spill response facility at Neah Bay.

We have talked to them and we've coordinated with them to learn more about the processes they use. I think it's something we can learn from here in Canada in terms of bolstering spill response led by indigenous nations on the west coast.

**The Chair:** Mr. Aubin, go ahead for five minutes.

[*Translation*]

**Mr. Robert Aubin (Trois-Rivières, NDP):** Thank you, Madam Chair.

I'd like to thank each of the witnesses for joining us this morning.

In addition, I want to thank my fellow committee members for agreeing to hold an additional meeting so that we could hear from a number of indigenous communities. The witnesses here today represent those communities. So far, we have heard people talk about you, but hearing from you is far better.

With this study on trade corridors, we are clearly looking for a solution to the spiral of consumption. What's the best way to ship more goods and get them to the communities who need them? I get the feeling that the environmental part of the equation is all too often seen as secondary to development, when the two should actually go hand in hand.

Ms. Anderson, I heard you say in your opening remarks something to the effect that you were being ignored for the sake of progress. Would you mind elaborating on the sense you have of being left out of the process? Are you being ignored during the consultation process? Is it collaboration-wise, when it comes time to carry out the project? Why do you say that you're being ignored for the sake of progress?

•(1035)

[*English*]

**Ms. Natalie Anderson:** That's a great question.

It just seems to be a general process that we get a lot of people, in terms of consultation, coming in and it seems as though they're just note-takers. They come in and they list our concerns, but nothing meaningful is ever done about our concerns, whether they're environmental—and we have our own economic concerns as well, but typically those aren't put in the same light as, say, pushing forward the Trans Mountain pipeline, which is for the benefit for all Canadians. As far as we as a coastal community are concerned, it's nothing but impacts and it's nothing but an infringement on our rights and title.

I brought up the southern resident killer whales because that's a very obvious example, so I'll use it again, but there are others. There are simply these extreme environmental risks that aren't being acted upon sufficiently.

I know there was a recommendation from ministers to enact emergency measures to protect the orcas, which didn't go ahead, which is really unfortunate, but there has to be some other way to

have these kinds of concerns addressed meaningfully and really urgently.

I, for one, am quite terrified about the climate report that came out recently. It's frustrating for me to hear that we just need to get our resources out of the ground. Just because they're there doesn't mean they need to be exploited. We need to find something more sustainable and something that really considers longevity of the environment and reclamation of rights and title.

[*Translation*]

**Mr. Robert Aubin:** Thank you.

I fully understand the environmental issues and the protection of orcas, but could you give some examples of how the increase in marine traffic directly affects your community? I imagine more and more ships are moving through the Strait of Georgia. What are the day-to-day consequences you have to deal with because of that increase in traffic?

[*English*]

**Ms. Natalie Anderson:** Primarily it's an issue with harvesting for our communities. Over the course of history and industrial progress, our community has been pushed out of areas where they can harvest traditional foods such as shellfish, waterfowl and anadromous fish like salmon. That's the primary one that's consistently being further impacted.

There's light and noise pollution. There was an outbreak of cholera in the water just this past year. We're not entirely sure what that's tied to yet, but I have to imagine it's somewhat tied to climate change and increasing temperatures.

I would say it's primarily our right to harvest and consume traditional foods. Our main area for harvesting was historically Cowichan Bay, and due to increased marine activity there, it's simply impossible. We had goals of reclaiming the ability to harvest there by 2020, and it's just not going to happen. There's maybe one decent shellfish beach near our territory, and even then it's not enough to enable the largest first nation in B.C. to sustain its community.

[*Translation*]

**Mr. Robert Aubin:** Thank you very much.

Chief Councillor Slett, you said in your opening remarks that you'd like to see a robust environmental impact assessment. What would need to be added to the current environmental impact assessment in order to satisfy you?

[*English*]

**Chief Councillor Marilyn Slett:** There hasn't been an EIA where we've come to an agreement on the terms. We're running out of time. That EIA needs to happen right away. The spill happened about two years ago.

Initially, these discussions were happening with B.C. and the polluter independently. There hasn't been a nation-to-nation consultation. EIAs need to be done immediately after impacts such as a diesel spill on communities. They need to happen as soon as is practical for the impacted first nations.

•(1040)

**The Chair:** Mr. Liepert.

**Mr. Ron Liepert (Calgary Signal Hill, CPC):** I have a question for the three on video and audio conference. I would appreciate a very quick answer, because I have some questions for our guests in the studio here.

Recognizing that you are effectively under oath, can each one of you categorically say, yes or no, whether you are currently or have in the past received funding from environmental groups based out of the United States to oppose pipelines?

**Ms. Natalie Anderson:** No.

**Chief Councillor Marilyn Slett:** Our nation's position on pipelines goes back many years—

**Mr. Ron Liepert:** Excuse me. I would like a yes or no answer, please, because I have other questions.

Are you currently or have you been receiving funding from environmental groups out of the United States?

**Chief Councillor Marilyn Slett:** We work with the Alliance of Coastal First Nations.

**Mr. Ron Liepert:** Answer yes or no to my question, please, because if you don't answer it now, I will take it as a yes.

**Chief Councillor Marilyn Slett:** No.

**Mr. Ron Liepert:** Thank you.

Mr. Lantin.

**Mr. Peter Lantin:** No, we have not received money for those purposes.

**Mr. Ron Liepert:** Thank you.

Calvin, I would like to ask you a couple of questions. I'm going to address you as Calvin to differentiate you from John.

I would like you to talk a bit more about the funding that we consistently hear about that's coming to first nations in our country out of the United States. You touched on it briefly. I would like you to actually expand on it a little here today.

**Mr. Calvin Helin:** Most of this work has been done by a lady out of Vancouver named Vivian Krause. Basically, the only way she was able to get the information was to go into the tax returns of the various organizations, so her information is pretty accurate.

The way the whole system works is there's the Consultative Group on Biological Diversity which was originally set up by the U.S. state department to actually meet the aims of the state department. It's managed by USAID, another arm of government. It takes 70 and maybe 100 large foundations under one umbrella organization, and

the purpose is supposed to foster biological diversity, which is a really good goal for any organization. In actual fact, it gives away \$3 billion a year.

According to Vivian, about \$600 million has come into Canada. The way it comes into Canada is it comes to environmental groups and NGOs and is distributed from there.

**Mr. Ron Liepert:** The fact that particular first nations groups are not receiving direct funding from the United States doesn't mean to say there isn't funding happening that is diverted through Canadian environmental groups and going to first nations. Is that correct?

**Mr. Calvin Helin:** There's no question about it. There are a variety of organizations that have to make declarations on their income tax returns.

**Mr. Ron Liepert:** What does that do for job creation for first nations? Obviously, some people benefit from it significantly when these funds are going to first nations. Does it do anything to create jobs for first nations who you say could have as high as a 90% unemployment rate, which may soon be the unemployment rate in Alberta if we continue to have this Liberal government?

**Mr. Calvin Helin:** What you continually hear from environmentalists is that we should have a green economy, but first nations are asking, where is it? There's virtually no business from that. There is some tourism, and there are some other things. That's a good goal to aspire to, but it's not helping people in the communities.

**Mr. Ron Liepert:** I have one more quick question. You touched on it briefly, and I'd like you to expand on it.

Mr. Aubin represents an area that's very close to the St. Lawrence Seaway. Do you know of any reason why this particular government would think that the St. Lawrence Seaway, and the east coast, is any less pristine than the west coast?

●(1045)

**Mr. Calvin Helin:** I have no reason to think that. The Salish Sea is being considered as a World Heritage Site, and yet this government is proposing to ship bitumen out of that place, which is considered on the exhaustive federal government study that was referred to by John. That had a risk profile, because of some 27 to 28 navigation impediments; whereas the best place on the coast, according to this exhaustive federal government study to ship oil out of was Stumon Bay where Grassy Point is located in the north.

**The Chair:** Thank you very much to our witnesses for joining us today. It was very informative.

The meeting is adjourned.





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