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Chair

The Honourable Judy A. Sgro

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• (0850)

[English]

The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)): I'm calling the meeting to order.

Pursuant to Standing Order 108(2), this is the study of the Navigation Protection Act.

The witnesses today from 8:45 on are the Ontario Federation of Anglers and Hunters and Paddle Canada. I welcome you both.

Our other witness is coming to us by teleconference from British Columbia. She would have been on this panel. I'll suggest that we'll allow the panels to roll forward if there are questions. She's getting up at six in the morning to be able to be with us by teleconference this morning as it is. We'll allow those to continue on, if we have questions on a variety of different ways.

I'll turn it over to Mr. Farrant, manager, government affairs and policy, Ontario Federation of Anglers and Hunters, and for Paddle Canada, we have Jay Morrison, director of the Quebec branch. Gentlemen, thank you very much for coming and contributing to this important study.

Mr. Greg Farrant (Manager, Government Affairs and Policy, Ontario Federation of Anglers and Hunters): Good morning, Madam Chair, and members of the committee.

On behalf of the Ontario Federation of Anglers and Hunters, our 100,000 members, and the 740 member clubs across Ontario, thank you for the courtesy of inviting us here this morning to address our concerns with the Navigation Protection Act.

Maintaining safe and navigable waters is critically important for providing access to angling and hunting opportunities. Despite Transport Canada's insistence that the impacts to these activities would be minimal when changes were made to the former legislation, the OFAH remains concerned that the reduced scope of this act as it now appears could negatively impact on accessibility.

The previous act applied much more broadly to all bodies of water capable of being navigated by any type of floating vessel for transportation, recreation, or commerce, whereas the current act only applies to 162 of Canada's waters, oceans, lakes, and rivers, that are listed under schedule 2 of the act. In essence, this means that the right of navigation on all waters not listed in schedule 2 is no longer protected under the current statute.

The Canadian public right of navigation on waters not listed under the act is only protected under common law, meaning that infringements on navigation rights, for example, a private or public

nuisance complaint, would have to be addressed through the courts, which are already backlogged.

We live in a society that is increasingly litigious, but for most individuals, using the courts to ensure navigation is cost and time prohibitive. Whether intentional or not, the common law provision in the NPA may in fact prove to be even more cumbersome and inaccessible for the majority of Canadians than the system it replaced.

Having to seek remedy through the courts will do nothing to prevent obstructions to navigation from occurring, and it put the onus on the angler, hunter, canoeist, or paddler to identify and challenge infringements on their right to navigation, which means that the infringement has already occurred. Having to resort to the common law is an adversarial, cumbersome, and ineffective means of protecting navigation rights in unlisted waters.

In the past, there was considerable discussion regarding the removal of environmental protection for unlisted waters in the NPA. In our experience, the former act was not entirely intended to be used as a primary legislative tool for environmental protection. There are other federal, provincial, and municipal statutes that are specifically designed to provide protection for aquatic ecosystems, such as the Fisheries Act, the Fish and Wildlife Conservation Act, and the Canadian Environmental Assessment Act, among others.

Another agency will have the resources to effectively deal with navigation concerns, so expecting them to address the shortfalls in the act is moot.

[Translation]

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Madam Chair, [English]

I have a point of order.

The Chair: Mr. Farrant, could you hold for a second. My apologies for interrupting your flow of thought, but a point of order has been raised.

Mr. Berthold.

Mr. Luc Berthold: It's not really a point of order, Madam Chair.

The witness is speaking too fast, and the interpretation is having some difficulty in following. If he would speak slowly, it would be easier for me to understand what he is saying.

Mr. Greg Farrant: My apologies. I'm trying to get in under the five minutes.

The Chair: Thank you, Mr. Berthold.

Mr. Farrant.

Mr. Greg Farrant: I'm sorry for that. I will certainly try and slow it down.

The Chair: You have lots of time.

Mr. Greg Farrant: As I was saying, another agency will have the resources or expertise to effectively deal with navigation concerns, so expecting them to address the shortfalls in the act is moot.

Other federal agencies, provincial agencies, and municipalities have relied on Transport Canada for their guidance and advice related to navigable waters to effectively implement their own laws and regulations. For example, some in-water obstructions to navigation, dams for example, are subject to Ontario's Lakes and Rivers Improvement Act, but we are not aware of similar legislation that prevents out-of-water obstructions or in-water obstructions that do not impede water flow or levels to navigation, such as fences, wires, zip lines, and other.

The focus on commercial navigation in the NPA largely removes consideration of most recreational activities that occur on what are now unlisted waters. In its current form, the NPA effectively separates the protection of navigation from the protection of navigable waters. For most recreational activities that occur on lakes or rivers, the waterways that Canadians use to pursue these opportunities are largely excluded from schedule 2 of the NPA and thus excluded from federal oversight.

The waters no longer listed in schedule 2 provide for a diversity of fishing, hunting, recreational boating, kayaking, canoeing, and other opportunities. If there are gaps in the legislation that allow for the obstruction of navigation in unlisted waters, access to traditional uses could be restricted. This in turn reduces the potential social, cultural, ecological, and economic benefits gained by these same opportunities. For instance, hunting, fishing, trapping, and outfitting in Canada contribute \$15.2 billion annually to the national economy, and it's fair to say that the restrictions left in place in the NPA could have a negative impact on that bottom line. Changes to the former NWPA also potentially impact public safety, given that fences, wires, and other obstructions across waters can be extremely dangerous, especially in high-flowing waters where the majority of navigation issues occur.

In closing, I want to touch briefly on one of the most puzzling aspects of the changes that were made. For the purposes of the former act, minor works and minor waters were certain classes of works and navigable waters that could already be exempted from the application process under the act. This was introduced originally to streamline the federal approval processes to save time and effort for some of the proponents. An exemption would be granted when the physical characteristics limited any realistic potential for practical navigation. Since the mechanism already existed in the NWPA to allow for an exemption to address these circumstances, surely the legislation could have been refined to respond to the concerns that had been raised and make it clearer rather than simply gutting the process entirely, leaving 99.7% of Canada's lakes and almost 100% of its rivers unprotected. Although it appears that changes made to the NWPA several years ago were not intended to restrict public access, the fact remains that we may lose access to thousands of lakes, rivers, and streams across the country.

We believe that changes are needed to the current statute to ensure that the right to navigation is fully protected, and encourage members of the committee to take another look at what was done, and seek a better way to accommodate the concerns raised in connection with the previous legislation, while restoring the right of access for all those who use waterways for economic, cultural, and social benefit.

Navigable waters not only helped to shape early Canadian commerce, but also our culture and our identity. Many Canadians continue to have a strong desire to experience this great country through the use of our navigable waters. Let's not put up legislative barriers that keep them from exercising that right.

Thank you again, Madam Chair and members of the committee, for your time and courtesy this morning.

● (0855)

The Chair: Thank you, Mr. Farrant.

Mr. Morrison, you're next.

Mr. Jay Morrison (Director, Quebec Branch, Paddle Canada): Thank you, Madam Chair.

I'd like to thank Greg for that very thorough treatment. I, on the other hand, reviewed my opening remarks many times to get them down below the five-minute barrier. That was a very thorough treatment of the legal issues and, I think, very useful.

Paddle Canada is a non-profit organization with a mission of promoting paddling instruction, safety, and environmental awareness as related to recreational canoeing and kayaking. We have over 2,000 instructor members, some of whom work in more than 200 organizations, businesses, and clubs from coast to coast.

Over 25,000 people attend Paddle Canada courses and events every year. We support federal government programs to promote safe outdoor activity through the PaddleSmart and AdventureSmart programs. We are the national voice of recreational paddling.

How many Canadians paddle canoes? Who knows? Nobody knows. The boating industry doesn't know. It's certainly in the many millions.

I'm the Quebec representative. There's not a Quebec branch. I'm actually the Quebec board member on Paddle Canada and a certified instructor in a number of canoeing disciplines. I'm also president of the chapter for west Quebec and eastern Ontario of the Canadian Parks and Wilderness Society, CPAWS, which, as some of you may know, is Canada's foremost wilderness conservation organization.

I claim no particular expertise in the environmental assessment process, which of course was an integral part of the former Navigable Waters Protection Act, but I assume and I hope that you will be hearing from people who are. I did testify on behalf of CPAWS in 2009 before the Senate subcommittee that was examining changes to the Navigable Waters Protection Act, so I'm quite familiar with the history of the legislation.

I do claim expertise in what constitutes a navigable waterway. I have paddled the over 8,000 kilometres from the Gulf of St. Lawrence to Inuvik using the traditional routes of the indigenous people and the fur traders who followed. Parts of these routes involve traversing swamps, wetlands, beaver dams, and rapids, and the definition of navigable waters that was established by the Privy Council in 1906 and affirmed by the courts quite recently is still absolutely relevant.

If it floats a canoe, it's navigable, and if it is navigable, then the public's common law right to navigate it should be protected by the government. The Navigation Protection Act fails to do that.

We have been looking forward to the work of this committee since 2009, when the previous government, through an omnibus bill and without parliamentary debate, began dismantling the provisions of the Navigable Waters Protection Act. This act had served for more than 100 years the dual purpose of helping to protect the environmental quality of Canada's waterways and the common law right of the public to safely navigate these waterways.

These changes were opposed by a broad coalition comprising many of Canada's leading environmental groups, boating associations, hunting and fishing organizations, cottage and property associations, and first nations. The primary concern was the government's removal from the NWPA of provisions automatically triggering an environmental assessment whenever a significant work was to be constructed on a navigable waterway.

I may say that it was not until one of the very last hearings at the Senate subcommittee that the senators began to realize what the implications of that were. They did not realize that not only would there be no duplication of environmental assessments between provinces and the federal government, as was claimed by the government and which was not occurring, but there would be no environmental assessments when these major works were contemplated over navigable waterways.

While not succeeding in getting the changes to the bill, the exercise was not a complete failure. An opposition MP promised to look into the changes to the NWPA should his party form government. His name, of course, is Justin Trudeau. The Navigation Protection Act, which superseded the NWPA in 2014, further eroded the public right to navigation by establishing that only for two lists of 100 oceans and lakes and parts of 64 rivers would the government continue to fulfill its duty to protect the public right of navigation, leaving to individual citizens the nearly impossible task of suing those who had interfered with that right on the tens of thousands of large lakes and rivers in Canada.

It is interesting that the schedules of favoured waterways include lakes and rivers in the cottage playgrounds of the rich and famous, while excluding those that are the lifeblood of first nations and small

communities that might oppose large projects threatening their way of life.

● (0900)

In all of Quebec, for example, only three lakes are listed, and the Gatineau River, on the doorstep of Parliament, is excluded, the citizens of its communities left to fend for themselves.

This is just a summary of the shortcomings of the NPA. While the paddling community might be expected to be concerned about maintaining its right to navigate Canada's waterways, we are equally concerned about the impact of works on the environmental quality of those waterways and the people who live there. For a more thorough treatment of the legal aspects of this subject, I recommend that the committee reference the Ecojustice background paper of 2012.

As a former senior manager in the public service, I understand that processes need to be streamlined and taxpayers' dollars used wisely, but this can be done without abdicating the government's responsibility to protect the environment and the public right of navigation. In my view, the current government should repeal the NPA in its approach of selective application of rights, restore the protections of the pre-2009 NWPA, and properly resource the transportation ministry based on a more efficient application and enforcement regime. We can protect all our waterways and provide timely approval of sustainable projects.

Thank you.

The Chair: Thank you very much, Mr. Morrison.

We will now shift to our respective members. Mr. Berthold, you have six minutes.

● (0905)

[*Translation*]

Mr. Luc Berthold: Thank you, Madam Chair.

Mr. Farrant and Mr. Morrison, thank you kindly for being with us today.

We would have much preferred to meet with you with draft legislation to amend the Navigation Protection Act in hand, legislation the government could have introduced. Unfortunately, however, the government chose to do the opposite in its review of the Navigation Protection Act.

We, the committee members, received a letter from the Minister of Transport and the Minister of Fisheries and Oceans compelling the committee to undertake consultations even before learning what the Minister of Transport's intentions were with respect to the proposed amendments to the Navigation Protection Act.

I'd really like you to understand the position we, on this side, are in at this stage in the committee's study and to tell you about the mandate given by the Prime Minister. At the time, Mr. Trudeau made quite clear, or just about, that he wanted to restore lost protections. In fact, you talked about that in your presentation, Mr. Morrison. I'd like to read an excerpt from the document you sent to us:

While not succeeding in getting changes to the bill, the exercise was not a complete failure; an opposition MP promised to look into the changes to the NWPA should his party form government. His name of course, was Justin Trudeau.

That resulted in the letter that the two ministers wrote and sent to the committee. The letter contains the following statement:

As part of our mandate from the Prime Minister [the very same Mr. Trudeau you mentioned], we have been asked to work together to review the previous government's changes to the Fisheries Act and to the Navigable Waters Protection Act to restore lost protections and incorporate modern safeguards.

You said the message had been received, coming in loud and clear. Unfortunately, we still don't know what those amendments will entail. We don't know which protections exactly the people in the Liberal Party want restored. We don't know what the government's intentions are. As I see it, it's premature to think that you will get back all the rights you had previously because we don't know what the government is going to propose.

There is another point I absolutely want to mention. The ministers, on their end, committed to consulting the various stakeholder groups to ascertain their interests and plans. Unfortunately, we found out from the Minister of Transport, himself, and the parliamentary secretary that he would not be undertaking any consultations apart from the general consultations a minister engages in when meeting with groups on specific issues in the usual course of their mandate.

Our preference would have been to have the proposed amendments before engaging in this exercise with the various groups who were in agreement on the amendments put forward and adopted in the previous act. It is a shame, but the government's approach sheds absolutely no light on its reasons or motivation or, more importantly, the proposed amendments.

I just wanted to give you a bit of context. We don't object to studying the amendments. What we object to is the process being followed. We object to the way the government is using the committee to justify a position that is hardly justifiable.

Now, I have some questions for you, Mr. Farrant.

In the wake of the changes to the rules under the Navigation Protection Act, what problems have the hunters and anglers you represent encountered?

[*English*]

Mr. Greg Farrant: Sure. Thank you, sir, for the question. I appreciate that.

I'll give you a couple of examples, if I may. For instance, a zip line has been erected across the Thames River in London, Ontario, and it poses a threat to anybody who is using those waters for recreational fishing, canoeing, and paddling. There is no protection against that kind of thing. Also, in many cases on smaller rivers and streams, especially in the spring when the waters are high and flowing quickly, there are farm fences erected right through the water, from both banks right through the middle of the water. Whether you are on those rivers trout fishing, duck hunting, whatever it may be, you can appreciate, if you're coming down the river and you come around the bend and there's a fence suddenly in the middle of the river, not only is it a bit of a public safety issue, but what do you do then? Where do you go?

Those are examples of the types of thing that have been occurring.

● (0910)

[*Translation*]

Mr. Luc Berthold: Mr. Farrant, how would the previous legislation have made it possible for you to intervene? We didn't receive any complaints on the matter. Transport Canada told us that none of the cases you mention were reported. No complaints made their way to the appropriate authorities. In the absence of complaints, there is no real problem, is there?

I can appreciate that a fence in the middle of the river can certainly be quite dangerous for those using the river. It's similar for snowmobilers. If someone decides to block a trail with a wire rope, it can pose a tremendous danger. We've seen very serious snowmobile accidents, but in—

[*English*]

The Chair: Your question, sir.

[*Translation*]

Mr. Luc Berthold: Pardon me?

[*English*]

The Chair: What is your specific question? Your time is up.

Mr. Luc Berthold: Oh, I did not know that.

The Chair: I was giving you a little bit of extra time to get to your question.

Mr. Luc Berthold: Okay. Sorry.

[*Translation*]

What were you able to do under the previous legislation that you can't do under the current legislation? I don't see the difference. The barriers you're talking about don't constitute major works on waterways. Instead, they would be considered equipment for recreational use.

[*English*]

Mr. Greg Farrant: As I stated during my comments, other levels of government look to this legislation in order to enforce it in their own jurisdictions. Under the previous legislation, the provincial or municipal levels of government would have been able to act to stop barriers like that, to stop that kind of intrusion on the waterways which, under this act, is not allowed except on those that are listed. It's now up to individuals, as opposed to previously when it was not up to individuals under the common law, to try and effect change themselves as individual people. You saw other levels of government stepping in to effect change and to stop obstructions from occurring.

The Chair: Thank you very much, Mr. Farrant.

Maybe if you want to get additional comments, you'll have to do it in the subsequent time.

On to Mr. Hardie.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Mr. Farrant and Mr. Morrison, as Yogi Berra would say, this is déjà vu all over again. It would appear that the government of the day, back in 2009, was pretty reluctant to hear from folks, and we're still experiencing that in this room. Were you consulted in advance of the changes to the Navigation Protection Act?

Mr. Jay Morrison: No.

Mr. Ken Hardie: Were you asked to come and present?

Mr. Jay Morrison: Before the changes were formulated?

Mr. Ken Hardie: Yes.

Mr. Jay Morrison: Not at all.

Mr. Ken Hardie: In fact, I have something here. You may recognize it:

...the committee heard witnesses from just one environmental group, heard from no paddling, hunting and fishing groups; from no outfitters; from no tourism operators or outdoor retail businesses; and, shockingly these days, from not a single Aboriginal peoples' organization.

Mr. Jay Morrison: That sounds like something I wrote, but I don't think it is.

Mr. Ken Hardie: It is actually.

Mr. Jay Morrison: Is it?

Mr. Ken Hardie: Well done.

We weren't consulted either. As you know, this came through in a huge omnibus bill and there was no debate. So just like the outcome of the NPA, we're forced to deal with something after the fact instead of having a shot at it before the fact.

In terms of the reasons for the NPA, I am very pleased to see that you have an awareness of the issues that were trying to be addressed in that move by the previous government. The question we have now is what do we keep that was good, but what do we have to improve that represents something that basically has not been working properly? Can you identify what's missing in the current legislation that needs to be restored? I'll give each of you a short time to answer.

• (0915)

Mr. Jay Morrison: The previous questioner, the member, referred to the environmental protections of the act, which are no longer present. Previously, if a major work—a bridge, a dam, a boom, a causeway—were to be proposed to be constructed over a navigable waterway, it automatically triggered an environmental assessment. That's gone.

I think it would be fair to say that if navigable waterways were to be protected under other pieces of legislation such as the Canadian Environmental Assessment Act and so forth, possibly they would not have to be restored to a navigable waters act. That's debatable, but failing these automatic environmental assessments and failing the fact that a pipeline, for example, would automatically attract an environmental assessment over navigable waters, I think those provisions absolutely need to be restored in some form, or we should ensure that they do exist, possibly, in other complementary pieces of legislation.

Two rivers were added to the list of 164 oceans, lakes, and rivers. Only on those bodies of water does the government exercise its full responsibility to protect that public right.

Mr. Ken Hardie: If I could, Mr. Morrison, I'd ask you to keep it a little bit shorter. I'd like to give Mr. Farrant a chance, too.

Mr. Jay Morrison: To be very blunt, I think those are intellectually and morally bankrupt concepts. If it's a right, it's a right that the government should ensure on behalf of all Canadians.

Mr. Ken Hardie: I would note that it's been commented a few times that somehow the parliamentary secretary was quoted as saying that there wouldn't be public consultation as we reviewed this. Well, that's what this is. This is why we are here, to basically extract now, after the fact, what has happened that hasn't worked and needs to be fixed.

Mr. Farrant, do you have anything to add to this?

Mr. Greg Farrant: The only thing I would add to that, perhaps, is to agree with your comment that, at any time we have an opportunity to come before a committee such as this, although the previous member referred to the fact that there is nothing before the committee in terms of a piece of legislation or something to that effect, it is an opportunity for public consultation. It is an opportunity to speak to these issues. We appreciate the fact that the committee would be having these hearings, which at the very least is a start of, perhaps, a broader consultation on this.

I'm not sure that I would necessarily agree with my colleague here that the Navigation Protection Act is intended to be environmental legislation. There are other pieces of legislation in this country and in this province that deal with environmental protection, like the Canadian Environmental Assessment Act and certainly the Fisheries Act. I think it's more a case of ensuring the right of access to those waters that has been lost, that needs to be restored, as opposed to looking at it in terms of restoring environmental protection.

Mr. Ken Hardie: They're definitely not mutually exclusive between navigable waters and environmental protection. In the old days, one would trigger the other. I can tell you that the fisheries committee, on which I also sit, will be looking at the environmental aspects of this. Hopefully, before we're finished today, we can get your thoughts as to what does constitute a fair process that doesn't unduly add cost and time to public works, but at the same time offers the level of protection that used to exist, that obviously is still valued.

As I say, I think my time is just about up here. In time I hope you have an opportunity to comment on that. Thank you.

Mr. Greg Farrant: Thank you.

The Chair: Thank you.

Monsieur Aubin.

[Translation]

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

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

I have some fairly specific questions in the same vein as Mr. Hardie's. I'd like to know what could be done to improve the legislation, assuming that's even possible.

Mr. Morrison, you brought up something that strikes me as incredibly important, the link between the construction of potential works and environmental assessments. Under the former government, the Navigation Protection Act and environmental legislation were watered down, let's just say.

In the case of major projects like the Energy East pipeline, which crosses countless unprotected rivers, do your members perceive some disregard for the fundamental environmental assessment process? In your view, would it be more appropriate to put that responsibility back in the hands of Transport Canada, or are you satisfied with the assessment being done by the National Energy Board?

• (0920)

[English]

Mr. Jay Morrison: I would say some of our members are definitely concerned about issues such as the energy east pipeline and going through waters that are not on the schedules and therefore not subject to environmental review. There's no question about that. A couple of weeks ago, I was up at the Friends of Temagami, at a meeting of the board of directors, on which I sit. That is a big issue, but it's an issue that's reflected all across the country.

Perhaps I didn't express myself clearly. Prior to 2009, I don't think there's any question that environmental protection of waterways was a clear intention of the Navigable Waters Protection Act. It is not now. What I said was I don't think that necessarily the environmental protection aspect has to be restored to a revised Navigation Protection Act, but it must be reflected somewhere. It could be in other legislation, such as environmental assessment legislation, and so forth.

[Translation]

Mr. Robert Aubin: We obviously understand the difference between various types of projects, be they pipelines or culverts.

Have you had a chance to take a look at the legislation introduced by the Quebec government, Bill 102?

Under the bill, the environmental assessment process is based on the project's level of risk. Rather than do away with all environmental assessments for projects involving unlisted waterways in the legislation, the government could choose to conduct varying degrees of environmental assessments.

Are you familiar with the bill, and if so, what are your thoughts on it?

[English]

Mr. Jay Morrison: I'm not at all familiar with that legislation. As I said, I'm not an expert in environmental assessment—I'm a volunteer on the board—but that sounds like a reasonable approach to me.

When I recommended that Transport Canada could develop a streamlined regime of approving applications and enforcing or monitoring projects, that's precisely the kind of regime you're describing, which I believe, based on risk, would seem to make sense.

[Translation]

Mr. Robert Aubin: Thank you.

My next question is for Mr. Farrant.

During your presentation, you talked about how hard it is for ordinary citizens to seek remedy through the courts in order to

express their concerns about projects affecting a river or lake they care about.

First, I'd like to know whether any of your members have taken their complaints to court and gone through the process. If so, I want to hear a bit about it. If not, I'd like to know whether individuals are waiving a right they feel they cannot exercise because, in reality, the process is just too complicated and costly.

Would it not be preferable to go back to a complaint process through Transport Canada, rather than require people to go through the courts?

[English]

Mr. Greg Farrant: That's an interesting concept.

To answer the first part of your question, no, I can't give you an example of a court case that has occurred under that circumstance.

To answer the second part of your question, I do believe that in large part it is probably because it is costly. It is burdensome for an individual to get these issues before the courts. Again, I stress the fact that in going to court on an issue like this, you're going to court on something that has already occurred as opposed to trying to have something that might occur be stopped or reviewed or looked at again. The issue has already happened, so you're going to court to try to get something reversed, which may be much more difficult than having an opportunity, through the government or through review, to have it stopped before it happens or at least to have a consultation process or some mechanism triggered that stops it before it happens, so that people don't have to resort to that as their final resort and their final way to deal with it.

The Chair: Thank you, Mr. Aubin.

Mr. Fraser.

[Translation]

Mr. Sean Fraser (Central Nova, Lib.): Thank you, Mr. Chair.

• (0925)

[English]

On the complaints process, since that's where we dropped off, I was a litigator previously, and I think maybe the phenomenon you discussed would be good for people in that profession but bad for virtually everyone else. In my experience, litigation is rarely resolved short of a couple of years and short of a couple of hundred thousand dollars.

Mr. Farrant, if you could perhaps express the difficulty a user of a waterway for recreational purposes might have in prosecuting that kind of a complaint through the courts, I think that would be helpful.

Mr. Greg Farrant: Again, I'm not a litigator. Unlike you, I'm not a lawyer, but for instance, I'll use the Skootamatta River, or the Black River, or any of the rivers in Ontario that people frequently use for both recreational fishing and also for recreational canoeing and paddling. If a farmer—and I don't want to be pejorative to the agricultural community, because we work very closely with them, and they are our friends and our colleagues—on his own land decides he needs to fence in his cattle and puts up a fence, and there's a smaller river, or a stream, or whatever that crosses through that acreage, you're then forced into a very adversarial position.

It could be with a neighbour or it could be with somebody in the local community whom you know, but it becomes very much an us-against-them situation, an individual against an individual. Obviously, on one hand you have a farmer who's trying to engage in a business, a commerce, and protect his livelihood. On the other hand, he has basically stopped the use of that particular waterway.

Individuals then have to file a private complaint and go to court, which not only is expensive, but it's also time consuming. As you have noted, given the backlogs we have in court, especially at the lower levels of court, it could take two years before anything is remedied.

Mr. Sean Fraser: It seems to me that, if we have a public right to navigation under the common law, this is an issue of access to justice, as much as anything, for the users of the waterway.

I like the suggestion Monsieur Aubin made with regard to a different complaints process. Would you agree? It seemed as if your mindset was more on an ounce of prevention being worth a pound of cure, if we can implement some kind of a mandatory consultation or discussion between the proponent of a project and the users of a waterway.

Do you think that belongs in the statute?

Mr. Greg Farrant: I'm not sure if this particular act is where it belongs, but I do think that federal oversight is lacking here because of the changes that were made. I think it's important not just because of the jurisdictional issues, but also because of the lead the federal government provides to other levels of government in terms of their decision-making processes. It's very much a trickle-down.

What the federal statute says is what the province looks at is what the municipalities look at, and so I think that oversight needs to be restored somehow. It's probably left to greater minds than mine about whether this is the appropriate legislation, but it certainly could be, given that oversight was previously there. But I do recognize that, in all that, you as legislators always have to try to strike a balance to ensure that the smallest of projects is not being held up unduly on that side by obstreperousness, or court challenges, or regulatory hoops they have to jump through while still at the same time protecting people's right to navigate on those waters.

Mr. Sean Fraser: I have just a couple of minutes remaining, so I'll shift gears to the recreational economic impact. I know, Mr. Farrant, you mentioned it was a \$15.2-billion industry. What strikes me as odd, Mr. Morrison, is your comment that we don't know even in the boating industry how many paddlers there are. This is step for step with what we heard from the witnesses from Transport Canada, who said they tried to examine the major waterways in terms of their commercial and recreational use, but when questioned about how they got there on recreational use, they said they don't really have data.

Would it be a useful exercise, before we say we're not dealing with 99% of these waterways, to get that data about the economic impact on the recreational industry?

Mr. Jay Morrison: Before I cut down the length of my speech, I put in a little joke about maybe adding to the long-form census a question about how many people own or paddle canoes or kayaks.

I did have an estimate from the executive director of Paddle Canada that it might be 15 million. I think that's high. I know Mountain Equipment Co-op, for example, a few years ago had two million or three million members, of which more than a million paddle canoes. It's certainly many millions of people who paddle canoes recreationally.

• (0930)

Mr. Sean Fraser: I like to get out in the kayak once in a while as well.

Could you make a recommendation to us, or give us something for a point of discussion later on, as to how we can better protect the recreational industry, which has a big economic impact in Nova Scotia, my home province, when it comes to these waterways? Could you suggest something this committee might recommend to the government to ensure we provide adequate protection to the recreational industry?

I'll end with that.

Mr. Jay Morrison: I'd certainly like to undertake that rather than try to fulfill that at the moment, if I could respond.

Mr. Sean Fraser: I'd be happy to have your thoughts at a later time.

Mr. Farrant, do you have any suggestions?

Mr. Greg Farrant: Like my colleague here, I think I'd prefer to reflect on that, and certainly I would be happy to get back to you with any suggestions. I would say, going back to Mr. Hardie's statements earlier and those of the first questioner as well, it's interesting that there's nothing before the committee as a piece of legislation to comment on or a regulation to comment on. If you have that sitting before you, it's much easier to make suggestions about what would work, wouldn't work, might work, etc. We'd be more than happy to make some suggestions in a little more concrete fashion.

Mr. Sean Fraser: I appreciate that.

I know I'm out of time, but I'd like to say that I relish the opportunity to take part in this process before the legislation comes before us. I find it's helpful to parliamentarians and useful for the public, as well.

The Chair: Thank you, Mr. Fraser.

Mr. Jay Morrison: I would add that, in 2009, it was obvious that Transport Canada had a huge backlog of applications and complaints, enforcement actions, and so forth. At the time, when I was at the Treasury Board and we used to do these things, I estimated that they would need somewhere between six and 10 full-time equivalents in order to take care of that. Whether that's true or relevant today, I have no idea, but I would assume that you could speak to Transport Canada officials about what it would take to undertake those.

The Chair: Thank you, Mr. Morrison.

I'm sure the committee and the witnesses are aware that there are three other standing committees that are doing a similar review at the same time. We will hear a lot about all of these various issues as we proceed.

Mr. Sikand.

Mr. Gagan Sikand (Mississauga—Streetsville, Lib.): Madam Chair, I'll be sharing my time with my colleague.

Mr. Morrison, you'll be happy to know I have a great J-stroke.

My question is for Mr. Farrant.

I've been asking a lot of the witnesses about the opting in mechanism, which allows a project proponent on an unlisted waterway to request Transport Canada's approval, even though they don't need it. I believe that's because it highlights that we're recognizing the uncertainties around deregulation. I heard in your opening statement that you and your members have concerns with unlisted waterways, but also with public safety.

Could you please elaborate a bit on that? I know you were talking about the zip lines, but I would like to know if you have any other specific examples of concerns around unlisted waterways and public safety.

Mr. Greg Farrant: The only other pertinent example that I could cite for you, and it is one that is.... Zip lines are an occasional thing that pop up. What we do find quite often on smaller waterways—and there are two or three that I passed driving between our head office in Peterborough and here—is where cables have been strung across the rivers. Going back to the fencing issue, fences are built right through the waterway. If you don't know they're there, they can be a public safety hazard if you're on that particular waterway.

It also goes to the restricted access and the public's right to access. The riparian rights of that particular waterway are not owned by that particular land owner, but they seek to cordon off that particular waterway. They may own the land on both sides of the river, but they don't own the bed of the river, the water itself, or the navigation rights on it. When putting up those fences, which is a very common occurrence in some places more than others, but it happens quite frequently, not only is it a public safety issue, but it's an access issue. That would be the most common example I could cite for you.

• (0935)

Mr. Gagan Sikand: Okay.

Do you want to...?

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Mr. Farrant, thank you for mentioning your positive remark before with respect to conducting these consultations that are being undertaken by this government.

You mentioned that legislative gaps exist in the NPA. Gaps are precisely why we are conducting this consultation. Can you offer some additional examples of gaps that need to be addressed? If possible, please elaborate on the statement you made with respect to the economic implications of failing to address these problems properly.

Mr. Greg Farrant: In terms of the economic implications, I'll speak to our members' immediate concerns, which are hunting and fishing. Obviously, recreational fishing quite clearly requires waterways for the most part, unless you're shore fishing. There's also a huge number of duck hunters in this country.

We see a trickle-down effect here. For instance, we see it every time there are changes at the provincial level when the licences and tag allocations are changed. We see it when people feel that it's not worth going out anymore because they can't access a waterway, and when they are concerned that they can no longer get to where they used to get. There's a problem there in terms of people saying that they're just not going to do that anymore.

For instance, in Ontario for people who fish and hunt, the revenues from licences and the tags they buy provide the funding through the special purpose account for two-thirds of all the funding for fish and wildlife management for all Ontarians, not just for people who fish and hunt. When you see changes that restrict people's ability to engage in those activities, they stop buying licences. They stop buying boats. They stop buying gas. They don't use hotels. They don't use restaurants. They don't go on trips.

You can look at something like the Canadian Tourism Commission's 2012 study on the economic impacts of fishing and hunting for Canada, and the billions of dollars just from U.S. visitors alone that come into this country for those two particular activities. If you cannot be guaranteed access to the lakes or the rivers that you normally use or that you traditionally used, why bother coming? Why bother taking those trips? Why bother going to the hunt camp? Why bother going on the fishing trip, etc?

All of that has an economic spillover effect that means people are going to spend less and not engage in those activities. Economically, it affects the bottom line.

Mr. Angelo Iacono: Thank you.

I have one question for Mr. Morrison.

[*Translation*]

You said that only three rivers in Quebec were listed.

Don't you find it surprising that only three are listed considering how many rivers are in Quebec?

[*English*]

Mr. Jay Morrison: Yes, of course it's surprising. I think there are three lakes: Lac Memphrémagog, Lac Saint-Jean, and Lac des Deux-Montagnes. There are only a few rivers: the Richelieu, the Saint-Maurice, the Ottawa, and of course, the St. Lawrence. Yes, it's surprising.

Did you want to know why I think that is? Frankly, it seemed that if you were to overlay a map of the protected waters and a political map of Canada, you would get your answer, which is that at the time there were not very many MPs to stand up and fight for their constituents.

Mr. Angelo Iacono: Well, we're going to do our best, sir.

The Chair: Thank you very much.

Mr. Rayes.

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Thank you, Madam Chair.

Thank you to our two witnesses for being with us today.

I have no doubt that, like us, you are very busy. It will probably seem as though I am asking the same questions you have already been asked, but I am really trying to get confirmation of certain facts.

Transport Canada's navigation program no longer accepts complaints about works that impede navigation on unlisted waterways. Individuals who believe that a work on an unlisted waterway has an impact on the public right to navigation need to seek a court order to resolve the issue.

Witnesses who are having problems have talked a lot about the environment and fishing. I believe a department or another authority is responsible for that part of the problem. For the moment, I would prefer that we stick to navigation.

Within your respective organizations, have any legal complaints been filed since 2002, the year the legislation was amended?

Mr. Farrant, please go ahead.

• (0940)

[English]

Mr. Greg Farrant: For our part, I'm not aware of any litigation that has occurred because of that. I can't speak to that. I'm sorry.

Mr. Jay Morrison: I wouldn't think that any paddlers would look to Paddle Canada to make complaints or to provide information on that. That's not our mission. The answer is no, I'm not aware personally of any complaints or litigation from paddlers.

Anecdotally, I know that paddlers talk about dams or weirs that appear across rivers and can be quite dangerous. There's no signage and it can present what is technically a "hydraulic", which does not look like a very threatening body of water but can in fact trap boats and swimmers, and people do drown in them. There are problems, but we don't receive complaints.

[Translation]

Mr. Alain Rayes: Thank you.

I haven't been on the committee long, but I can say that all the organizations have been unable to state how many complaints had been filed in the past four years, be it two, three or more. I would say to my fellow member who is a lawyer that that isn't very good news for lawyers, since this issue isn't generating much business for them right now. If you want to know what I think, the Liberals will have to find another way to create jobs for themselves.

Some hon. members: Oh, oh!

[English]

Mr. Jay Morrison: Could I add—

[Translation]

Mr. Alain Rayes: I'm going to go even further.

Earlier you mentioned aboriginal communities. On Tuesday, a witness told us that they were relatively satisfied with the consultations held prior to 2012, and that the same was true for aboriginal communities. I can't recall the witness's name, but the analysts no doubt have it in their files.

Regardless, the legislation isn't perfect. When a government introduces a bill and adopts measures—and the same applies to the

Liberal government—it's a step forward. Then, efforts are made over the years to improve it.

Even though I believe that the government has already decided what it is going to do, what measures would you suggest the government take? The government really doesn't want to tell us what we are allowed to work on, and that's truly unfortunate. If you were to make a recommendation, however, please take this opportunity to tell us what it would be.

Mr. Jay Morrison: What was your question, Mr. Rayes?

Mr. Alain Rayes: If you were to trade places with the minister and you were going to amend the Navigation Protection Act because you weren't pleased with it, what steps would you take tomorrow? What would you recommend the government do?

[English]

Mr. Jay Morrison: As I said in my opening remarks, I would do away with the schedules and have the provisions of the act apply to all bodies of water in Canada, and resource the Department of Transport accordingly to undertake those responsibilities.

[Translation]

Mr. Alain Rayes: I can tell you that the witnesses who appeared previously didn't say that.

Mr. Farrant, what would you recommend?

[English]

Mr. Greg Farrant: What would be the one thing? Certainly restoration of the protection of the water bodies that were covered in the previous legislation would be a good step forward, but again I must stress, I know some of the motivation behind the changes, and have to concede that in some cases there were difficulties. For instance, my colleagues in Saskatchewan, farmers or ranchers who have a drainage ditch that quite clearly is not navigable water should not have to jump through hoops or wait for somebody from Fisheries and Oceans Canada—the nearest office may be in Regina and they're 200 miles away—to show up and say to go ahead and put a fence in that drainage ditch.

Again, I stress that while the protection for navigation needs to be there, and you can't separate commerce and navigable waters for individuals, a balance needs to be struck to ensure that we're also not engaging in so much minutiae that the average landowner or individual is frustrated in their ability to manage their own properties in circumstances like that. It's a fine line. I think what we've seen is it's gone from perhaps overprotection to no protection, and we need to bring the pendulum back to the middle somewhere and bring it back.

• (0945)

[Translation]

Mr. Alain Rayes: Mr. Farrant, do—

[English]

The Chair: Mr. Rayes, your time is up.

I'm going to welcome Emma Lui, water campaigner, from the Council of Canadians. We realize that it's six o'clock in the morning in British Columbia, and so we appreciate the fact that you are joining us here today. Thank you very much. Please go ahead with your opening remarks.

Ms. Emma Lui (Water Campaigner, Council of Canadians): Thank you very much.

Good morning, everyone. It is early here, but I am happy to be heard. I want to thank the standing committee for inviting the Council of Canadians to present today.

The Council of Canadians is a social action organization, and we advocate for clean water, fair trade, green energy, public health care, and a vibrant democracy. We have roughly 60 chapters and 100,000 supporters across Canada, many of whom have lakes and rivers in their communities that are unprotected under the current Navigation Protection Act. Many have expressed concerns about the projects that are threatening navigable waters in their communities. Industrial projects, such as pipelines, dams, mines, and fish farms are moving forward with little or no scrutiny of their impacts on navigable waters.

Many of these projects are also happening on the traditional territory of indigenous peoples and will have impacts on their cultures, ways of life, and economies.

Yesterday we launched a report called "Every Lake, Every River: Restoring the Navigable Waters Protection Act", which looks at four key studies: the energy east pipeline that runs from Alberta to New Brunswick; the Keeyask dam and the Bipole III transmission line in Manitoba, and the Ajax mine in British Columbia. These case studies show that these projects are putting navigable waters and navigation at risk. For example, the energy east pipeline would cross nearly 3,000 waterways, many of which communities rely on for fishing, transportation, tourism, and recreation.

Oil spills like the one that happened on the Kalamazoo River impacted navigation. For example, parts of the river and a nearby lake were closed for two to three years because of the spill. In 2012, Mountain Equipment Co-op presented a list of 40 recreationally important waterways that are no longer protected. They pointed out that the recreation industry creates at least six million jobs in Canada. In comparison, there are roughly only 250,000 jobs in mining, oil and gas, and logging combined, which makes up only 1.6% of the jobs in Canada.

There's a big push for jobs in the extractive industry, but according to Statistics Canada, most of the jobs are actually in non-extractive industries. For example, 12% are in retail trade; 12% are in health care and social assistance; another 12% are in manufacturing; 8% are in accommodation and food services; and 8% are in educational services.

As the Trudeau government reviews the Navigation Protection Act and other water and environmental legislation, it's crucial that it no longer puts our waterways at risk, and modernizes water legislation so that it's a bigger part of a long-term plan to transition away from fossil fuels and other extractive industries, and creates green and sustainable jobs.

Specifically, we're looking for the federal government to restore and enhance the Navigable Waters Protection Act so that all lakes, rivers, and waterways are fully protected. We ask that the schedule of the Navigation Protection Act be eliminated so that the act applies to all lakes, rivers, and navigable waters. We are asking for the federal government to reinstate and strengthen federal scrutiny of large pipelines and powerlines under the act, and assessment of waterways under the Canadian Environmental Assessment Act. We're also asking that a clause be included in the act so that potential spills or discharges of harmful substances are assessed for their impacts on all navigable waters.

We're also asking for public consultations and an independent expert panel, and feedback to be incorporated to strengthen the Navigable Waters Protection Act. We recognize that the standing committee is inviting written comments from the public. I met with Transport Canada last week when I was in Ottawa. I know they're holding some meetings, but we believe that consultations must also be held with the public, in-person meetings, that is.

We also want the federal government to ensure that a consultation process is established in the act that fosters true collaboration between communities and governments, so that regulatory agencies or federal departments implement community recommendations on an ongoing basis. The government must develop a mechanism that establishes a community's right to say no to projects that threaten waterways, and empowers communities to create low-carbon, sustainable jobs that safeguard navigable waters in the long term.

We are also asking that they consult with indigenous peoples and incorporate the obligation to obtain free, prior and informed consent into the navigable waters protection act so that indigenous treaty and water rights are respected, and a nation-to-nation relationship is truly established.

Finally, we're asking for the implementation of strict safeguards for waterways within the framework of the United Nations recognized human right to water and sanitation.

Again, I thank you for your time. I urge you to make recommendations that will protect every lake and every river for now and in the future.

● (0950)

The Chair: Thank you very much, Ms. Lui, for your comments.

We will turn the floor over to Mr. Hardie.

Mr. Ken Hardie: Thank you for joining us from Vancouver. I think my clock is still on Pacific time, because I'm the member of Parliament for Fleetwood–Port Kells in Surrey.

I want to ask you the same question I asked our earlier witnesses, but then I want to work on furthering some of the discussions that we have had this morning so far.

Was the Council of Canadians invited to comment on the change to the Navigation Protection Act that was first advanced in 2009?

Ms. Emma Lui: I don't believe so. It was actually before my time. I only started with the council in 2010. I can ask about that, but I don't believe so.

Mr. Ken Hardie: In the discussions that we've had so far, there has been a great appreciation for some of the reasons the legislation was changed, particularly to enable municipal works to go ahead without undue red tape and delay. You can correct me if I'm wrong, but what we look at when we talk in terms of modernizing the act and restoring protections is really all about the process for determining proactively whether there's potential harm. It would involve proper public notice that something's going to happen, and then an opportunity for people to speak up if they see a problem. What I see as essential elements to a new process would be to somehow maintain a streamlined, efficient, and timely process so that public works or the private landowners aren't unduly lengthened or made more expensive, and then a fair process, one that hears all sides and explains the situation or explains the decision when it comes down, so that everybody understands how their input was reflected in the deliberation. Is there anything else that you can think of, off the top?

To the Council of Canadians, do you have any first-blush reaction to that?

Ms. Emma Lui: I would agree with a lot of what you are saying. I think what we're also looking for is the public or communities to be able to give input to projects that are happening in their community. As you know, with the changes in 2012, that opportunity was taken out of the legislation. That's a really big concern for us, and our chapters and our supporters.

I know there has been some concern with some municipalities having to pay and the cost of having to expand bridges, for example, or when they're trying to build culverts and the impact this legislation has had on them. I think there's a distinction that needs to be made with that, that it's not our concern, and we certainly don't want to be causing an impact on municipalities and creating greater costs for them. The way the former Harper government made these changes, it has a huge impact on other projects. The ones that I mentioned in my opening remarks, just in terms of the large dams and pipelines, you know that pipelines are exempted from the act, and certain parts of mine projects are as well. Fish farms that do have an impact on navigable waterways are a really big concern.

• (0955)

Mr. Ken Hardie: I would ask you to hold that there as I would like to give Mr. Farrant and Mr. Morrison an opportunity to respond.

If we were to look at a reasonable, fair process for dealing with the issues obviously as they're coming up as opposed to after the fact, which is what the current legislation does, what would you say are the essential elements in what would represent a good process?

Mr. Greg Farrant: Thank you, Mr. Hardie, for the question.

I'm not a legislator. It's easy for us to sit here and say that all of this stuff should be included, but it's not always necessarily the easiest thing to put into effect.

I go back to the balancing issue again. I agree that without a doubt there needs to be an ability for comment before projects occur, before obstructions occur.

The Lakes and Rivers Improvement Act in Ontario deals only with barriers that obstruct the flow of water, so dams per se. If somebody sticks a dam in the middle of a river—and it happens that private landowners build a dam in the middle of a river—that act kicks in and forces them to remove that particular dam.

In this case there is no ability for anybody beforehand to make comment, and there are certain things that have just been raised that are exempt from the act that need to be looked at very carefully in terms of whether they should be included, because they will have an impact on navigation and they will have an impact on navigability of any waterway.

There was a very small list of waterways that were protected, and while you may not want to open the act to cover every waterway in Canada, certainly, as the young lady who was just speaking in reference to Mountain Equipment Co-op's report from a few years ago mentioned, 40 in particular that are no longer protected are extremely important waterways, and there might be consideration. The balance comes into play when we are considering changing or amending the act to include those 40 specific ones as maybe a middle ground, if you will.

I do think that a consultation process, as we're seeing here today, is above all else the most important component of going forward with whatever changes are made.

The Chair: Thank you very much. You're out of time.

Mr. Rayes.

[Translation]

Mr. Alain Rayes: Thank you, Madam Chair.

I'd like to finish my list of questions.

I have a question for you, Mr. Farrant. I don't think it's something I need to ask the other two witnesses because they both expressed the desire to extend protection to all waterways during their remarks.

I'm curious as to whether your organization suggested to the minister that a waterway be added to the list, after the amended legislation was enacted in 2012?

Under the legislation, the minister has the authority to add waterways to the list. There is nothing preventing the minister from extending protection to other waterways. Has your organization made such a request since 2012?

[English]

Mr. Greg Farrant: We have not, but I think that's a very interesting suggestion. As a follow-up to the discussions here today, I will certainly go back to the office and talk to our fish and wildlife management team. We could probably come up with a list of waterways that we would suggest be added back into that list. We would be happy to provide documentation to you as a follow-up. I think that's a very interesting concept.

•(1000)

[Translation]

Mr. Alain Rayes: Very good.

[English]

The Chair: Mr. Farrant, would you supply that list to the clerk so that all of the committee members would have access to it?

[Translation]

Mr. Alain Rayes: Yes, absolutely.

[English]

Mr. Greg Farrant: Any follow-up comments will go to all members of the committee, quite clearly, through the clerk.

The Chair: Thank you.

[Translation]

Mr. Alain Rayes: Mr. Farrant, thank you kindly for your intelligent comments throughout this meeting. I think this is an issue that can be dealt with in a measured way. Despite what some have claimed, I don't think the legislation enacted in 2012 was all that detrimental. That is the conclusion I have come to after listening to all the witnesses who have appeared prior and spoken about the advantages the legislation affords them in their respective spheres of activity.

I will now turn the floor over to Mr. Berthold.

Mr. Luc Berthold: Thank you very much, Mr. Rayes.

I thank the witnesses who are here with us today.

Madam Chair, I think it would be time to talk about the motion I mentioned at the last meeting. I want to ask for your opinion to ensure that I can at this time discuss the content of my motion and table it officially.

Also, I know my colleague, Mr. Vance Badawey, asked for an opinion from the clerk concerning the adjournment motion. I would simply like to have the chair's point of view on that.

[English]

The Chair: If I could make the suggestion, we have three important witnesses giving us valuable testimony. Would you agree to leave your motion until 10:30 and we'll deal with it at the end of the meeting?

[Translation]

Mr. Luc Berthold: No, Madam Chair. I would like it to be discussed immediately.

[English]

The Chair: Then are you calling for a vote on your motion?

[Translation]

Mr. Luc Berthold: I would first like to talk about the content of my motion to inform my colleagues correctly about its nature and about the reason why I want to table it. That is all.

[English]

The Chair: It is rightfully before us.

Mr. Fraser.

Mr. Sean Fraser: Madam Chair, I echo your concerns. We have witnesses who have taken the trouble to be here. I'm finding their testimony very valuable and helpful to inform the process.

It seems there's an attitude that we're afraid to embrace the opinions of Canadians on this, as I think is the same opinion that we sensed when the amendments went through several years ago. I move that the debate on this motion be adjourned.

[Translation]

Mr. Luc Berthold: Madam Chair, first I have to have the opportunity to talk about the motion.

[English]

The Chair: As sympathetic as I may be to your request, a motion to adjourn the debate has been moved by Mr. Fraser, and we had clarification with the clerk following the last meeting that when a motion has been moved to end the debate, that is to be voted on.

Excuse me for one second.

Mr. Sean Fraser: On a point of order then, Madam Chair. I won't seek to move the adjournment improperly.

I know the committee has dedicated six meetings of witnesses, or up to six meetings. In view of the level of obstructionism that we continue to see throughout the process, I will contemplate moving that we extend the scope of the study and invite further witnesses, and potentially invite the same witnesses back because quite frankly, I'm very frustrated with the lack of willingness to hear people who may have an opinion on this important issue.

Thank you.

The Chair: Thank you, Mr. Fraser.

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): On a point of order, Madam Chair, I would like some clarification. When we have a process where each member is given a certain amount of time to speak, members are allowed to use their minutes as they so choose.

The Chair: Yes.

Mrs. Kelly Block: Mr. Berthold was not taking up anybody's speaking time. He had been given the floor. It was his time to speak. Can he not then use his time to move the motion that was duly put on the agenda during that time?

The Chair: Yes, he can.

You have the floor, Mr. Berthold.

[Translation]

Mr. Luc Berthold: Thank you very much, Madam Chair.

I know that my colleagues across the way are a little bothered by the way we table motions simply for the purpose of having a clear process. My motion says, "That the committee invite no further witnesses to appear as part of this study, and that it wait for the upcoming amendments from the Minister of Transport before continuing its work."

I think that is a very reasonable motion. When we have the amendments from the minister, we can decide whether to hold six, seven, eight or nine meetings on this topic. I think it would be quite legitimate for our committee to do this, because then we will have something on which to base our work. We will know the intentions of the Minister of Transport with regard to the Navigation Protection Act. That is what concerns me. And that is why we have in the course of this study regularly tabled motions to ask that we have the details of the amendments to be proposed by the minister on the Navigation Protection Act.

Our colleagues seem to believe that the Minister of Transport is only going to propose minor amendments. It is true that from the beginning all of the witnesses have expressed their satisfaction regarding the amendments that could be made to the Navigation Protection Act, with the exception of those we are hearing this morning. I feel that the minister's amendments are absolutely necessary to the conduct of a proper study. At that point, the Council of Canadians and your organizations, Mr. Morrison and Mr. Farrant, would have ample information to be able to formulate a clear proposal and assess what the government intends to do.

My colleagues on the government side have on several occasions mentioned that relevant changes have been made to the act. Several of them feel that we should not throw out the baby with the bathwater. Some amendments will stay, and in light of what we have heard in the past from your organizations, you will surely have things to say about them.

So, we would have to begin this study again in the course of the normal legislative process. That is why I consider that these amendments should be submitted to the committee before we do our work. Tuesday, we adopted a budget of more than \$10,000 for this study, to hear witnesses and to pay for their travel costs. That sum of money will have to be spent again when we have to study the amendments submitted by the Minister of Transport. I think that repeating this exercise twice is a poor use of taxpayers' money.

I think it is important that Canadians listening to us know that we are not against studying an act again if it can be improved. We deplore the fact that the minister has already decided that the act is not adequate and that we have to start all over from the beginning. I will read the expressed intention again, and it is even included in the minister's mandate letter, "... restore lost protections and introduce modern safeguards."

If that is what the minister intends to do, why does he not submit the amendments to our committee to give us a chance to debate them. You may come back before us. I am convinced that if the government submits amendments to the Navigation Protection Act, both the Council of Canadians and your organizations will ask to be heard again.

Mr. Farrant, you said that you take every possible opportunity to put forward your organization's point of view when it concerns the interests of your hunters and fishers. So you will have to come back to see us and once again we will have to grant an additional budget to the committee to conduct a new study. Basically, the work we are doing today is almost—and I did say "almost"—useless, because we are going to have to start all over again from the beginning.

●(1005)

In previous testimony, we received a lot of information from people who, as opposed to today's witnesses, were of the opinion that the changes to the Navigation Protection Act had had beneficial effects.

The president of the Alberta Association of Municipal Districts and Counties, in fact, Mr. Al Kemmere, made the following statement:

●(1010)

[English]

The previous legislation did not utilize local knowledge on how water bodies were being used, and therefore increased the cost to municipalities and to the Government of Canada.

The new legislation balances federal oversight with municipal autonomy. The new legislation allows the minister to add more water bodies to the schedule as they see fit and allows owners of works...subject to the NPA, even if it's not on a scheduled water body, by opting into the process.

[Translation]

According to the comments made in the beginning, it is possible to act within the context of the existing law. No witness came to tell us that this process had been used. No one has asked the minister to add bodies of water to the list, although this is possible under the act.

So, once again, I wonder what the problem is with the Navigation Protection Act? Why do we absolutely want to throw the baby out with the bathwater and restore prior safeguards, when the current act specifically makes interventions possible?

The president of the Rural Forum of the Canadian Federation of Municipalities, Mr. Ray Orb, also had this to say:

[English]

The FCM welcomed changes to the Navigation Protection Act brought about in 2012, which eliminated unnecessary requirements to accommodate non-existent public water travel. The amendments allowed the existing legislation to be brought up to date and into line with the country's current transportation routes.

By reducing project delays and higher building costs to municipalities, while at the same time providing protection to these important waterways, the changes to the Navigation Protection Act directly related to municipal concerns aimed at improving the capacity of local governments to build infrastructure and to deliver essential services. To make environmental planning easier, the federal government also recognized the limited capacity of rural municipalities and ensured that these communities have access to rural-specific resources, including tools, expertise, and financial capacity.

[Translation]

When the government wants to keep its election promises and amend a bill, it seems to me it is only fair to put its intentions on the table. At this time the government does not intend to listen to witnesses' recommendations, nor hear what people have to say about the bill. The government's intentions, as expressly set out in the letter sent to us by the two ministers, are to restore lost protections and introduce modern safeguards.

This morning my colleague Mr. Hardie made a few suggestions concerning improvements that could be made to the Navigation Protection Act. Would there be anything in Mr. Hardie's suggestions that the minister could study to make amendments to the act? If that were the case, we could discuss something specific. We could discuss concrete cases and the concrete effects of changes to the legislation on navigable waters for paddlers, for pipeline projects, and for hunters and fishers. Unfortunately, once again, we are in the dark. Society evolves, Madam Chair.

Let's get back to Mr. Farrant's comments concerning hunters and fishers. Personally, as the former mayor of Thetford Mines, I can tell you that hunting and fishing have changed over the past years. These days, in order to get to hunting and fishing grounds, you need four-wheel drive vehicles and snowmobiles. Since hunters and fishers have to cross rivers or streams, structures have to be built over them, and those structures need to be regulated.

If we want hunters to have access to resources, we have to be able to intervene on certain bodies of water, but should we prevent paddlers from using all rivers? Certainly not!

You raised an extremely valid point, Mr. Morrison. You said that there is a lot of activity on rivers and lakes and that Canada is known for its vast bodies of water. I think we need protective measures, but that is not the role of the Navigation Protection Act. There are other laws and other departments that do that work. Some of the comments you made this morning could be addressed to other ministers, departments and committees. You presented arguments that were relevant and concrete enough to back up your viewpoint.

Let me get back to two other statements we heard, to support the motion I am submitting today.

We had the pleasure of receiving Mr. Michael Atkinson, president of the Canadian Construction Association. He said he was satisfied with the changes made in 2012.

• (1015)

[English]

He said, "It has been said that the 2012 changes to the Navigable Waters Protection Act reduced environmental protections across the country."

[Translation]

This is what Mr. Atkinson had to say:

[English]

We couldn't disagree more.

To begin with, the amended act was no longer a trigger for the environmental assessment under the Canadian Environmental Assessment Act. Any change to that would have to be taken into consideration with the changes that were made to CEAA. To do that unilaterally with respect to this act without taking into consideration the changes—

The Chair: Excuse me, Mr. Berthold, may I interrupt for just a moment?

Given the fact that we have three important witnesses here, if it's your intention to go to the end of the meeting with the floor, then we should at least allow our witnesses to leave.

[Translation]

Mr. Luc Berthold: Madam Chair, this morning I referred extensively to testimony the committee has heard. I think it is important that the witnesses, only if they wish to, be able to hear the rest of the comments I have to make about the motion.

[English]

Mr. Ken Hardie: Point of order.

[Translation]

Mr. Luc Berthold: I don't think all of my colleagues here want me to take another 30 minutes to talk about the motion. I don't think I will use all my time, but if you let me get to my conclusion, we could finish up.

[English]

The Chair: Thank you.

[Translation]

Mr. Luc Berthold: I wanted to make this 10-minute presentation at the previous meeting. I gave notice that I wanted to use 10 minutes to make this presentation.

[English]

Mr. Ken Hardie: I have a point of order, Madam Chair.

The Chair: Go ahead, Mr. Hardie.

Mr. Ken Hardie: I believe Ms. Block justified giving Mr. Berthold his time to make his statement on the basis that he had his six minutes. Has his six minutes expired?

The Chair: Oh, it has more than expired. But Mr. Berthold had two and a half minutes left from Mr. Rayes, and in that two and a half minutes he reintroduced his motion and started speaking directly to his motion. When a member is speaking to a motion that is before us, he has the right to speak to it, and if he chooses to speak to it for 35 minutes or 40 minutes, or two minutes, he has the right to do that.

My apologies to the witnesses, but Mr. Berthold has indicated that he will not be too much longer. I thank you for your patience.

[Translation]

Mr. Luc Berthold: Madam Chair, I am a bit upset that you apologized to the witnesses. This is part of the current consultation process. I find your apology to the witnesses on behalf of the committee lacks respect for the comments I am making. Honestly, I would like you to withdraw that apology. It is part of the normal democratic process in committee to be able to discuss a motion.

[English]

The Chair: I will not withdraw my apologies, because I do think that we have valuable witness time. We could have held off with Mr. Berthold until closer to the end, and as the chair I have that obligation to apologize to you when there's an interruption.

Mr. Berthold, the floor is yours.

• (1020)

[Translation]

Mr. Luc Berthold: Thank you very much, Madam Chair.

Out of respect for my colleagues and the witnesses, I will try to get to the heart of the issue, with these two brief remarks.

Mr. Chris Bloomer made the following statement before this committee:

[English]

I think that provision can be enacted if, in adding water bodies, it's deemed necessary, and there's a process and principles that apply to that. I think it's on a case-by-case basis, and I think that's probably the best way to deal with it.

[Translation]

We hear from witnesses who would like to see amendments and would like to go back to the way things were, but for having been mayor and for having heard what many associations had to say about this, I can tell you that the old process caused a lot of problems in municipalities regarding the development of our regions and the development of access to those regions. Something needed to be done.

I heard it said today that Canada has been protecting its navigable waters since 1906. But today's Canada is not the Canada of 1906. Technology, and the use made of bodies of water, have changed a great deal. In the past, rivers were used everywhere for trade, but that has almost disappeared now.

I think that the changes made to the Navigation Protection Act were appropriate and needed to be made. That is why, in the interest of transparency, since we are talking here about the government of transparency—

Mr. Robert Aubin: Point of order, Madam Chair.

[English]

The Chair: Do you have a point of order, Mr. Aubin?

[Translation]

Mr. Robert Aubin: Thank you, Madam Chair.

Since I want to respect my colleague's speaking time as well as the witnesses who are here with us this morning, I move the following motion:

That we hear the witnesses at an additional meeting once the committee has made a decision on Mr. Berthold's motion.

Mr. Luc Berthold: Point of order, Madam Chair.

Mr. Aubin was not entitled to speak.

[English]

The Chair: Thank you very much.

Mr. Berthold has the floor.

Please complete your presentation.

[Translation]

Mr. Luc Berthold: Thank you, Madam Chair.

As I mentioned, the transparency of this government at this time is rather opaque, since it is refusing to submit the amendments it wants to make to the Navigation Protection Act.

I think it is absolutely essential that it do so. I will continue to insist that we not spend taxpayers' money uselessly and that we put an end to our current study until the government's amendments are

available. Afterwards, we can discuss all of the points the witnesses raised.

Madam Chair, in closing, I would like to read the following paragraph, which supports the reason why I believe the Minister of Transport has used our committee for government ends, whereas that is not the normal role for committees.

The minister's mandate letter, which he received from the prime minister himself, clearly discusses his responsibility to work with the Minister of Fisheries and Oceans and the Canadian Coast Guard. I will quote what it says in this regard:

Work with the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the previous government's changes to the Fisheries Act and the Navigable Waters Protection Act, restore lost protections, and incorporate modern safeguards.

Madam Chair, I am asking the Minister of Transport—if he really wants the committee to do its work properly—to tell us what he means by “restore lost protections”, and what it is that is not working in the act that required the inclusion of such a clear mission in the minister's mandate letter, one that directly sets out the conclusions this committee should come to?

I see that you are anxious, Madam Chair, for me to conclude my intervention. I am going to stop here because I don't want to use all of the time we have left, since there are probably still questions people want to put to the witnesses.

However, and it is good to remind my colleagues of this, at the previous meeting I mentioned my intention to present my arguments over a ten-minute period before we heard the witnesses. I had referred to that possibility. Unfortunately, I was interrupted at the time. And so I was forced to use the time I had when I could, that is to say while the witnesses were here before us. It is important to point that out. For this reason, I will invite any colleagues who would like to speak to the motion to do so. I remind you that it reads as follows:

That the committee invite no further witnesses to appear as part of this study, and that it wait for the upcoming amendments from the Minister of Transport before continuing its work.

●(1025)

[English]

The Chair: All right.

Mr. Fraser.

Mr. Sean Fraser: Madam Chair, thank you for your apology. It was appropriate. I'd like to call this motion to question.

The Chair: We've heard Mr. Berthold's motion. It has been duly tabled before us.

(Motion negated)

The Chair: Mr. Aubin has introduced another motion of respect for the witnesses. Do we have unanimous consent to deal with Mr. Aubin's motion to give the witnesses an opportunity to come back to another meeting?

Mr. Luc Berthold: No.

The Chair: We do not have unanimous consent.

Mr. Aubin, we will deal with that motion at Tuesday's meeting.

We'll get back to the work.

Again, my apologies to the witnesses, and thank you for your patience.

Monsieur Aubin, the floor is yours.

[*Translation*]

Mr. Robert Aubin: Thank you, Madam Chair.

My question is for Ms. Lui. I thank you for being here with us and I am sorry about this interruption.

I had the opportunity of hearing your preliminary remarks and of reading the document *Every Lake, Every River: Restoring the Navigable Waters Protection Act*. I have many questions for you. I will go to the most pressing ones, those that seem most important to me.

In the context of your study, do you think the National Energy Board is the appropriate organization to evaluate the impact of pipelines on navigable waters? Otherwise, should that process be returned to the Department of Transport?

[*English*]

Ms. Emma Lui: Thank you for that question.

How many minutes do I have?

Mr. Robert Aubin: You have three minutes, but two now.

Ms. Emma Lui: Okay.

I am a bit disappointed about what just happened and what this means to be able to voice the concerns of our chapters and our supporters, and the time taken up by Mr. Berthold, so I just want to note that.

But I'll address your question now, Mr. Aubin.

We, including our chapters and many of our supporters, do have concerns about the ability of the National Energy Board to make these reviews. We do feel it is the federal government's responsibility to be looking at impacts on navigable waters. We understand there are staff who have been with the department for a long time who have the expertise to look at this, and really, it is the federal government's responsibility.

I mentioned there are many navigable waters that would be impacted by projects like the energy east pipeline. Kinder Morgan is a really big issue here in British Columbia as well, and crosses over 1,000 waterways from where it starts in Alberta to where it arrives in the Vancouver area.

There are some big concerns about the National Energy Board. There have been concerns raised about the legitimacy of the board. I know the Trudeau government has committed to reviewing the National Energy Board Act and revamping it and so forth, but it needs a huge and major overhaul to regain the trust of people in Canada, and of indigenous communities, as well.

The federal government must take responsibility to protect waterways. We're looking at very specific pieces of legislation, but I think it's particularly important to be thinking about the broader vision for Canada and indigenous communities.

During the election campaign, Justin Trudeau made some really big promises that the people really liked and really wanted to see implemented. I do have concerns about whether those promises are going to be implemented, and this remains to be seen. Part of the changes to this piece of legislation and also other pieces of legislation, whether the Trudeau government will fulfill those promises remains to be seen.

● (1030)

[*Translation*]

Mr. Robert Aubin: Thank you.

Unfortunately, I have no more time.

I have a few seconds left to say that I still had a few dozen questions to ask you. I will do everything in my power so that we can have another meeting where we would have time to speak with you again.

[*English*]

The Chair: Thank you very much.

Madam Block.

Mrs. Kelly Block: Thank you very much, Madam Chair.

I think, for our witnesses, it's important to understand perhaps why we, on this side of the table, continue to push back on our colleagues when it comes to the purpose of this study. What needs to be noted is that there is a mandate letter from the Minister of Transport to this committee asking us to review this act with a view to restoring what was removed from the Navigable Waters Protection Act. It was also made clear by the minister himself when he said that there will be definite changes made to this act.

In order to provide the context to you, typically if the minister has a desire to change the act, that would happen prior to the study coming to committee. He would indicate what areas of the act he would like to see amended. It would be debated in the House, and then referred to committee if the bill passed at second reading, at which time the committee would then launch into a study.

My concern is that we are doing this without knowing what changes the minister wants to see made to this act. Therefore, your being here, while it is important for us to hear the testimony, may become moot depending on what the minister chooses to do with the act anyway. You may be called back. Your time, I believe, is valuable. This is why we have actually continued to push back on our colleagues across the way, and the minister, who has chosen to ask us to do a study knowing full well what he already wants to change in the act. It's putting the cart before the horse, quite frankly.

With that, Madam Chair, I'd just like to give the rest of my time to my colleague.

[*Translation*]

Mr. Luc Berthold: Thank you very much, Madam Chair.

[*English*]

The Chair: You have two and a half minutes.

[Translation]

Mr. Luc Berthold: Much to the surprise of my colleagues across the way, I am going to give the rest of my speaking time to my colleague Mr. Aubin. He had a lot of questions to ask. I would like to give him the opportunity to ask them since I used a lot a time before. I want to give him the opportunity to ask one last question.

And so I yield the floor to Mr. Aubin.

Mr. Robert Aubin: I thank you for your generosity Mr. Berthold, but it won't change anything in the motion I tabled.

I want to take the opportunity to speak with all of the witnesses about the right communities have to say "no". I will begin with Ms. Lui, since she has had less speaking time than the others.

Does it seem normal to you that citizens have to go to court to put forward their points of view with regard to works or the construction of works on a body of water that is not on the list of designated waters?

[English]

Ms. Emma Lui: Thank you for the question. I heard that being asked in the earlier session before I joined about whether there were any legal challenges, and I was a little bit puzzled by that because legal challenges are costly and so not all community members, citizens, residents or indigenous communities have access to funds to bring forward legal challenges, and so it does seem strange that it would be the only avenue by which people are able to raise concerns.

Definitely what I was saying earlier about giving people the opportunity to raise concerns about the project...and it's not just to raise concerns. I and other people I have worked with in communities have been through consultation processes with projects and they're often one-sided. That raises concerns about this process and what's been happening today and the ability to have a discussion about the concerns that I've raised.

It's not just about consultation. It's about actually listening to what people say and the concerns they have raised and actually seeing that reflected in the final decision.

•(1035)

[Translation]

Mr. Robert Aubin: Ms. Lui, you spoke about Mountain Equipment Co-op, which published a list of 40 navigable waterways that are important for leisure activities but are not protected anymore. I am trying to understand why.

Of course it is always possible to add a river to the current list, but it seems that no one has done so. And so I am putting the question to all the witnesses. Why has this never happened since 2012? Is it because of the complexity of the process or because of the realities of life?

Is it because, if people are not facing a construction project involving a navigable waterway, they do not necessarily feel the need to have that lake or river added immediately to the list? However, they think of it when a problem arises.

Do you know anyone who went through the necessary process to have a lake or a river added to the list? Otherwise, what do you propose to improve the system?

[English]

Ms. Emma Lui: That would be clarity in what the process is, because actually, I'm not even clear myself what the process is with regard to adding a lake or a river. I would just want to know more about that. If it's to contact their members of Parliament, we've had chapter members and supporters contact their members of Parliament and haven't seen lakes and rivers added again.

There's also just raising the concerns about protection of waterways. I know this act deals with navigation specifically, but again, it goes back to the broader vision of protecting waterways. We know that lakes and rivers and water in general are really under threat in Canada and in indigenous communities, and really we want to have good legislation that protects waterways not just for people. Maybe it's under different pieces of legislation, but I also just want to raise the point as well that waterways need to be protected whether or not they're being used by people, just because they are part of the water cycle and it impacts on climate change and the availability of water in general.

The Chair: Thank you very much, Ms. Lui.

Ms. Emma Lui: If I could clarify that the process—

The Chair: Sorry, Ms. Lui, but maybe you could add your comment in response to Mr. Iacono's question.

[Translation]

Mr. Angelo Iacono: Thank you, Madam Chair.

On behalf on the government and myself, I want to apologize to the witnesses, because your right to express yourself was curtailed by what occurred in committee this morning.

I would like to begin my remarks by deploring the tactics of my Conservative colleague. They show a great lack of respect toward the witnesses who are before us, one of whom had to get up at 6 a.m. to be here with us.

We want to consult Canadians so that the amendments we are going to propose meet their needs and assuage their concerns. I want Canadians to know that our government wants a transparent process, contrary to what the former government did with its omnibus bill. I want all Canadians to know that the Conservatives are doing everything they can to prevent them from having a say on this issue.

[English]

What do you fear?

•(1040)

[Translation]

Thank you, Madam Chair.

I am going to share my time with my colleague Mr. Ken Hardie.

Mr. Luc Berthold: Did you want me to answer that?

[English]

The Chair: Mr. Hardie.

Mr. Ken Hardie: I have a quick question for our witnesses.

The time that you had to speak to us today, do you consider it to have been wasted?

Mr. Jay Morrison: No. My assumption is that there are Ministry of Transport officials in the room, and even though it might be the normal process to propose legislation first and then hear from the public, I assume they're taking input from this process.

Mr. Ken Hardie: Okay.

Can I have a quick show of hands from the others? Mr. Farrant and Ms. Lui, are you okay with the opportunity today?

I appreciate Mr. Aubin's motion that we get you back, because it does give us an opportunity to hear more from you. We all know now that we are entitled to the Conservative view on things, which we've received, and now, with that out of the way, maybe we can coax a little more out of the people we actually need to hear from, who weren't heard from when this all happened.

I would ask that, in advance of coming back, you think about the following things. If you can bring material back with you, that would be perfect.

Again, what would be the essential element of a process to protect rights, the rights of people who use the waters, plus the rights of people who need to build things? What would be good in that mix?

There have been a few references to "modernizing" the act, but what does that look like? That suggests that, as it was, the old act was deficient in certain ways. Rather than throw out the baby with the bathwater, to quote my friend across the way, what do we do to elevate this whole thing to something that's really going to work?

What does "restore protection" look like? Mr. Farrant, I appreciated your point that a ditch that might have water in it for six days a year isn't necessarily something that needs to receive the same attention as a major waterway.

Finally, one thing that hasn't come up is that the Navigation Protection Act gave a lot of discretion to the minister to make decisions, particularly on adding waterways, rivers, or lakes to the list of protected rivers. Is there a different mechanism that you might propose in the interests of, again, having a streamlined, fair, and transparent process to ensure that the right thing is being done in the right way?

That's really my ask of you. Again, I look forward to the opportunity to have you back, and hopefully we'll have the time to actually hear from you on those issues.

Thank you very much.

The Chair: Who would like to go first to try to respond to Mr. Hardie's comments?

Mr. Greg Farrant: I'll be happy to do so.

Thank you, Mr. Hardie, for your comments.

I'll put aside the political gymnastics in my response.

Look, there are always two sides to every equation, as there are in this case. Are we here suggesting that the entire NPA be thrown out?

Absolutely not. There are probably measures within the legislation that should be retained. Are there measures that need to be changed? Most definitely.

Do I think this is a waste of time coming here today? Absolutely not. Any time that the public, an organization, a stakeholder, or an NGO has an opportunity to come before a committee—and I've had the good fortune to do this numerous times over the last 16 years where I work—I think it's an exercise in democracy and I think it's an exercise in usefulness. I can quite unequivocally say that if indeed I have the privilege to be invited back to testify before this committee again, I'll be happy to do so.

I appreciate your questions. I also appreciate Mr. Berthold's suggestion that if there is something to comment upon more substantially, that would be useful, but you've also posed to us some very interesting questions. I have promised to follow up on some of those already today and will be happy to respond to those questions, whether in written form or before this committee again. I thank you for that.

Mr. Ken Hardie: Written form would be absolutely ideal.

I'll cede the rest of my time to Mr. Fraser.

The Chair: You don't have any extra time to give to anybody. We have 15 seconds.

Maybe Ms. Lui would like to comment briefly on Mr. Hardie's comments.

Ms. Emma Lui: Sure. Thank you for that. I don't feel that this was a waste of time. I am very grateful to be invited here. I would love to come back and talk more, though I do raise concerns about being able to talk freely, and not just me but other Canadians, other organizations, first nations as well. If there is debate or saying that this is part of the process, if there are disagreements among committee members that are going to take up people's time, and not just ours but in the future, then I think that's important to work out before the speakers come.

I'd just say that I appreciate the time but would definitely like more time to raise other concerns.

• (1045)

The Chair: Thank you very much. That now draws our meeting to a close.

Mr. Morrison, you want to add something. Go ahead.

Mr. Jay Morrison: I didn't really have an opportunity to say whether I'd come back or not. I was just agreeing with Mr. Hardie.

I'd certainly come back, and it won't cost the taxpayers tens of thousands of dollars. I live in Wakefield, and I'm not even charging for parking.

The Chair: Thank you very much to all our witnesses and to the committee members.

I will move adjournment. Thank you.

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