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Chair: Mr. Ken McDonald



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• (1545)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): Good afternoon, everyone.

Welcome to meeting number 73 of the House of Commons Standing Committee on Fisheries and Oceans. I now call this meeting to order.

This meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022.

Before we proceed, I would like to remind everyone to address all comments through the chair.

In accordance with the committee's routine motion concerning connection tests for witnesses, I am informing the committee that all witnesses have completed the required connection tests in advance of the meeting.

Before we begin witness testimony, we have one quick committee business item to get out of the way. Two supplementary study budgets were distributed to members earlier this week.

Does the committee agree to adopt a supplementary budget in the amount of \$10,000 for the study of the ecosystem impacts and management of pinniped populations?

Some hon. members: Agreed.

The Chair: Thank you. That's done.

Does the committee agree to adopt a supplementary budget in the amount of \$26,000 for the study of foreign ownership and corporate concentration?

Some hon. members: Agreed.

The Chair: We'll adopt those two budgets.

Pursuant to Standing Order 108(2) and the motion adopted on Monday, May 1, 2023, the committee is beginning its study of the allocation of resources to the Great Lakes Fishery Commission.

I would like to welcome our panel of witnesses.

Appearing as an individual, we have Debbie Dingell, member of Congress, House of Representatives of the United States, by video conference. I understand that Ms. Dingell has a prior commitment. She will give a statement to the committee and then she will be exiting, as far as I know.

Representing the Department of Fisheries and Oceans, we have Niall O'Dea, senior assistant deputy minister, strategic policy, and Richard Goodyear, assistant deputy minister and chief financial officer.

Representing the Great Lakes Fishery Commission, we have Ethan Baker, commissioner and vice-chair, by video conference; Robert Lambe, executive secretary; and Gregory McClinchey, director of policy and legislative affairs.

Thanks to all of you for taking the time to appear. You will each have up to five minutes for an opening statement.

We will start with Congresswoman Dingell for five minutes or less, please.

Ms. Debbie Dingell (Member of Congress, House of Representatives of the United States, As an Individual): Thank you, Chairman McDonald, Vice-Chairs Arnold and Desbiens and members of the committee. I appreciate the opportunity to appear before you today. I wish I could be there in person, but I will say that we're sharing your Canadian air here in the United States.

The Great Lakes are a true natural treasure and a critical binational resource that Canada and the United States must continue to prioritize and protect for future generations.

As someone from Michigan and one of the co-chairs of the congressional Great Lakes task force, I will say that the restoration and protection of the Great Lakes have been a top priority for me from the moment I came to Congress. I am pleased that a similar task force now also exists in Canada.

For those who may not know me, I grew up in St. Clair, Michigan, which sits directly across the St. Clair River from southern Ontario. I spent many summers in my inner tube going down that river. By the way, in those days, we didn't know what customs or immigration was. I was on Stag Island, which is in Canada, more than in my own country in the summer.

Those of us who grew up in a border town know innately the special bond that exists between our two nations. My district now is north of Canada, and I, too, look at Canada very frequently. We celebrate the only North American international wildlife refuge as well. The Great Lakes unite us as a region. They are both a binational and a bipartisan priority for all of us.

Since its establishment, the Great Lakes Fishery Commission, located in Ann Arbor, Michigan, in my district, has been tasked with managing and protecting this vital fishery. It has proved to be a remarkable success. Thanks to binational co-operation, our shared fishery is thriving and now accounts for more than \$8 billion in economic activity each year.

With all that said, I am deeply concerned about the state of the commission today. The Great Lakes Fishery Commission has not met in more than a year and has not had a regular program since 2021.

Part of the problem was the considerable funding gap, which I am pleased to note the Government of Canada addressed in its 2022 budget. However, the budget did not remedy the problem. Rather, it is our understanding that structural issues in Canada—which are the subject of today's hearing—have crippled the commission's ability to do its job.

The commission's U.S. section has informed me that the failure of the Department of Fisheries and Oceans to deliver the funds to the commission in a timely manner led to the cancellation of the commission's budget meeting last fall, the first time in the organization's history that this binational commission was unable to meet.

Moreover, when the funds were announced, the commissioners were informed that the department would retain millions of dollars. Essentially, the department—not the commissioners—determined the program. The 1954 treaty is clear that the commissioners—who are appointed at the highest level—determine the program.

Since 2018, the commission, members of the public and scores of members of Parliament have supported a proposal to move the commission's file from the Department of Fisheries and Oceans to Global Affairs Canada. This week, I also led a letter, with many of my bipartisan colleagues on the congressional Great Lakes task force, to Prime Minister Trudeau to express our serious concerns and to add our support to this proposal. This would mirror the governance structure in the United States.

Let me be clear: I respect Canada's sovereignty and would never do anything to harm this close relationship we all have. I'm speaking for myself and not on behalf of the U.S. government. But we need a long-term solution. We need to get the commissioners meeting again.

There is an old saying, "If you want to go fast, go alone; if you want to go far, go together." Our two nations, I sincerely believe, will always choose to go together. That includes working together to protect our shared Great Lakes fishery.

• (1550)

Again, thank you for inviting me to testify—that's the Canadian air we're experiencing; I'm sorry, but my asthma has been acting up—and for holding this hearing. I'm glad to share it with you, because [*Inaudible—Editor*] experiences, and it is in our shared collective interest that the Great Lakes Fishery Commission is able to successfully carry out its binational mission.

Thank you very much, Mr. Chair.

The Chair: Thank you for appearing and sharing that information with the committee.

We'll move on now to the Department of Fisheries and Oceans for five minutes or less.

Mr. Niall O'Dea (Senior Assistant Deputy Minister, Strategic Policy, Department of Fisheries and Oceans): Good afternoon, Mr. Chair and committee members.

I'll start by saying that our thoughts go to both Canadians and Americans affected by the extreme wildfires in several regions across the country, including, particularly, those directly affected in Nova Scotia, Quebec, Alberta and the Northwest Territories. The safety and well-being of Canadians and our employees in these regions are priorities. As the situation continues to develop, we urge everyone to follow the guidance of officials.

My name is Niall O'Dea, and I am the senior assistant deputy minister for strategic policy at Fisheries and Oceans Canada. My colleague Richard Goodyear, chief financial officer, and I appreciate the opportunity to appear before this committee on behalf of Fisheries and Oceans Canada in regard to the Great Lakes Fishery Commission.

I'll begin by acknowledging that the land on which we gather is the traditional unceded territory of the Algonquin Anishinabe people.

[*Translation*]

The Great Lakes are a valuable resource shared by Canada and the United States. More than 11 million Canadians depend on the Great Lakes for food, drinking water, employment and recreation. However, the Great Lakes fisheries are under constant threat from habitat loss, pollution, and invasive species including sea lampreys.

[*English*]

For over 60 years, Canada, in close partnership with the United States, has supported the work of the Great Lakes Fishery Commission. This includes work to combat the invasive sea lamprey, which presents an ongoing risk to the fisheries; investment in science; and binational efforts for sound fishery management, in order to maintain an abundant fishery for generations to come. In accordance with Canada's obligations under the 1954 Convention on Great Lakes Fisheries between Canada and the United States, we fully support the work of the GLFC and transboundary efforts to manage the health of the Great Lakes fisheries.

[*Translation*]

Fisheries and Oceans Canada plays a critical role across the Great Lakes in managing impacts to fish and their habitat under the habitat protection provisions of the Fisheries Act; implementing the aquatic invasive species regulations; delivering the Canadian portion of the sea lamprey control program for the commission; administering the Species at Risk Act; and managing the Asian carp program. Nearly 50 dedicated staff are involved in the sea lamprey control program alone.

[*English*]

While there have been some challenges to our relationship in the past, primarily related to Canada's financial contributions and engagement in the commission, DFO and the GLFC secretariat have worked together to make significant progress to remedy these in a short amount of time.

To address the identified gaps in Canada's contributions to the commission, funding was announced as part of budget 2022, providing \$44.9 million over five years, starting in 2022-23, and \$9 million ongoing to Fisheries and Oceans Canada to support the Great Lakes Fishery Commission. This increased funding takes Canada's annual contribution to the work of the commission to over \$19 million.

Departmental officials have addressed the second challenge by working closely with the commission's secretariat to ensure there is a mutual understanding of the necessary scope of Canadian engagement and the required implementation plans, procedures and priorities. For example, following constructive discussions between the department and the secretariat, a change in the process was agreed upon to see all budget 2022 funding received by the department for 2022-23 and 2023-24 flow directly to the secretariat.

I want to conclude by noting that collaborative efforts between Canada and the United States, led by the commission, have reduced the sea lamprey populations in the Great Lakes by 90%. This work has directly facilitated the ongoing restoration of traditional, ceremonial, commercial and recreational fisheries in the region.

• (1555)

[*Translation*]

The dedicated staff that conduct work under the umbrella of the convention—whether they are at the department, in the province of Ontario, at the commission's secretariat in Ann Arbour or across partner agencies in the United States—care deeply and work very hard to make the commission a success.

[*English*]

Fisheries and Oceans Canada is committed to working closely with the commission and our U.S. partners to advance the objectives of the GLFC, and we look forward to continuing that collaboration in the months and years ahead.

Thank you for your attention. We welcome your questions.

The Chair: Thank you, Mr. O'Dea.

We will now go to the Great Lakes Fishery Commission for five minutes or less.

I'm not sure who's giving the opening statement, but you're on.

Mr. Ethan Baker (Commissioner and Vice-Chair, Great Lakes Fishery Commission): Thank you, Mr. Chair. That will be me.

On behalf of the Great Lakes Fishery Commission, I want to thank you, Mr. Chair, and all the members of this committee for your time today. I, too, wish I could be there in person, but will settle for the virtual.

I agreed to serve as a commissioner because I believe in a strong relationship between Canada and the United States. It's the only way to ensure Great Lakes productivity.

As Ms. Dingell has noted, the GLFC has not met in more than a year. As I will explain, the commission's dysfunction is rooted in Canada's flawed governance structure.

From our first day in 1956—long before me—until 1979, the commission communicated with Canada through the Department of External Affairs. In 1979, DFO assumed a more prominent role in the administration of the commission's Canadian portfolio, at the expense of our relationship with what is now Global Affairs Canada, or GAC.

Our problem, thus, has been decades in the making, with the commissioners deciding in 2018 to embark on a course to address these problems. That journey toward solutions came to a head in November 2021, when, for the first time in the commission's history, we were unable to establish our suite of programs because of the significant impact of an \$8.8-million Canadian deficit on our binational programs.

The shortfall was exacerbated by the fact that the U.S. was no longer willing to subsidize Canada's deficit as it had for decades. The consequence was the deferral of the commission's budget for seven months, in the hopes that Parliament would provide the funds, which it finally did in April 2022. For that, we, of course, thank you.

On that basis, the Canadian and U.S. sections felt confident in setting our belated 2022 programs in June 2022. However, we were dismayed to learn the following November that not only had Parliament's 2022 funding not been provided, but the full Canadian appropriation for 2023 was not available either, some eight months following Parliament's commitment to fully fund the commission.

Worse, DFO then communicated its intent to withhold from Parliament's allocation \$15 million, and more than \$3 million each year thereafter, contrary to the program negotiated by the commissioners. Is this what Parliament intended?

U.S. commissioners enter into discussions with their Canadian counterparts trusting that decisions made between the sections representing the parties to the convention will be implemented as promised. Nowhere does the convention give anyone other than the commissioners the authority to set the commission's programs, yet the portfolio manager, by withholding funds, did just that.

DFO's actions, frankly, shattered the collaborative approach between the two commission sections and further demonstrated what we had been reporting for years, which is that the current governance arrangement is irreparably broken. While this was not the first time this had happened, it was, indeed, the final straw.

These problems are rooted in the very structure of how Canada supports the commission.

For the information of members, I have provided documents to the clerk, including our legal opinion detailing the history and the mechanisms of the commission, the role of DFO and the resulting conflict of interest and duties innate with the current interface between the commission and Canada as a party to the convention.

DFO will rightly tell you that they have now paid most of the current year's allocation, but so long as the governance issues remain, the fiscal issues cannot be resolved. If there is one message I want to leave you with today, it is this: Money alone is not the problem. Money is, however, a symptom of the greater governance issue. The commission has the obligation under the treaty to determine its programming and allocate its budget. This may not be how the portfolio manager would prefer it to be, but that does not change the will of Parliament as expressed in the convention.

It is germane to note that years ago, the commission suggested several solutions, prior to advocating for a machinery of government change to GAC. However, we could never get traction with DFO to explore these alternatives. This intransigence brought us to where we are today.

We are asking for your help to ensure an adherence to the convention and to the high ethical expectations set out by statute and by Canada's own rules.

First, we ask that the commission's portfolio management duties be moved from DFO to GAC to mirror the successful and proven U.S. structure. Our commission belongs at GAC, and no one has given compelling reasons to the contrary.

Second, we ask that Canada accept the proposed memorandum of agreement, the MOA, as the commission has drafted it and shared it with DFO as the current portfolio manager. This MOA will clarify several fundamental convention expectations and provide better fiscal transparency and adherence to the provisions of the convention.

The commission is simply asking that it be allowed to implement the treaty as our governments intended.

• (1600)

Our concerns are not personality-based. In fact, my staff tell me that DFO CFO Mr. Goodyear is working to help remedy many of these problems. However, change is difficult because of a deep-seated culture, which includes a deep misunderstanding within

DFO of the commission's full mandate, a misunderstanding of the department's role as the commission's portfolio manager, and a misunderstanding of the context within which the department delivers sea lamprey control on behalf of the commission, rather than as a domestic program under the authority of the Fisheries Act.

We were also cautiously reassured when Minister Murray attended the 2023 Great Lakes day on Parliament Hill, where she expressed her personal regret for the animosity that has taken root in our relationship.

Mr. Chair, our commissioners, U.S. and Canadian, are eager to get back to work. We are volunteers who are committed to the Great Lakes, but we can no longer allow these problems to fester.

Thank you, Mr. Chair. My staff and I are pleased to take your questions.

The Chair: Thank you for that.

We will move right into questions.

We'll now go to Mr. Epp, for six minutes or less, please.

Mr. Dave Epp (Chatham-Kent—Leamington, CPC): Thank you, Mr. Chair.

Before I get too far under way here, I want to conduct a quick poll of the witnesses. Given that this has clear binational implications, and given that the congresswoman had to leave, I'd like to do a quick poll, with just a yes or no for now, please.

Is there anything in Representative Debbie Dingell's statement that you wish to challenge?

I'd like to begin with Mr. Baker—just a yes or no, please.

Mr. Ethan Baker: Sorry, but to clarify, the question is whether or not I'd like to challenge anything that Ms. Dingle stated.

Mr. Dave Epp: That's correct.

Mr. Ethan Baker: No.

Mr. Robert Lambe (Executive Secretary, Great Lakes Fishery Commission): No, sir.

Mr. Gregory McClinchey (Director, Policy and Legislative Affairs, Great Lakes Fishery Commission): No, sir.

Mr. Richard Goodyear (Assistant Deputy Minister and Chief Financial Officer, Department of Fisheries and Oceans): No, sir.

Mr. Niall O'Dea: No, sir.

Mr. Dave Epp: Thank you. I appreciate that.

I don't have a lot of time because of the time limits on our questions.

There's a lot of evidence that has been presented to us, over 60 pages, by the commission. I'm not going to rehash all of that.

However, the Great Lakes Fishery Commission, along with many others—43 members of the Liberal Party, 30 congressional members, industry experts on both sides of the border, including the Ontario fishers and hunters, the Canadian Wildlife Federation, state representatives, the commission's Canadian and U.S. committees of advisers.... Everyone is on the record, as we've heard from the testimony, that the machinery-of-government function needs to be moved, that the structure is presently broken.

Again, I won't go through all of the evidence that is outlined here.

To the DFO, Mr. Goodyear, why has the commission not solved this issue?

Mr. Richard Goodyear: Mr. Chair, I can't speak on behalf of the commission. I can merely speak on behalf of my role as the CFO of the Department of Fisheries and Oceans.

I offer that you may wish to speak to the commission.

Mr. Dave Epp: I misspoke. I'm sorry. Why has the department not solved it?

Mr. Richard Goodyear: Mr. Chair, in terms of the funding required in support of GLFC, we provided the full slate of funding in the last fiscal year and in fiscal year 2023-24, and we have established a stable and predictable funding amount for the commission going forward.

Mr. Dave Epp: The commission has put forward the clear request, as have many others, for a change in the machinery-of-government function because of the structural conflict of interest. They've provided a legal opinion here.

Can you provide a legal opinion to table with the committee? Do you disagree with the legal opinion provided in the package?

• (1605)

Mr. Niall O'Dea: I can take that question.

Sir, with respect to the machinery-of-government decision, there is active analysis and support for that decision ongoing within government. I would just articulate that it is not solely a decision, and not actually a decision, of the Department of Fisheries and Oceans.

Mr. Dave Epp: My question is about your opinion on the legal opinion provided to you by the commission, the Fasken opinion. Do you agree with the opinion?

Mr. Niall O'Dea: The interests of the GLFC are aligned with the interests of the Government of Canada. It is a binational commission designed to deliver on the reduction of sea lampreys within the Great Lakes.

Mr. Dave Epp: That's correct.

The opinion states that the DFO commissioners are in a structural conflict of interest. Do you agree?

Mr. Niall O'Dea: We do not agree.

Mr. Dave Epp: You do not agree.

Given the importance of this issue, may I ask why the deputy minister isn't here?

Mr. Niall O'Dea: The deputies have been engaged at the senior-most levels on this question, working actively with the commission

and its secretariat to resolve the challenges associated with the management of this commission.

Mr. Dave Epp: The breakdown over this past year, which was many years in the making, comes about because of the frustration of our American partners. The question they're asking, one of the preconditions for coming back to the table, deals with who speaks for Canada. That's what that legal opinion refers to.

You said that you do not agree with it. Can you table a legal opinion to this committee that counters that?

Mr. Niall O'Dea: Canada is the contracting party to the commission, and DFO represents the contracting party.

Mr. Dave Epp: So you are disputing the legal opinion that comes to the structural conflict of interest that the commissioners are in when the DFO appoints them.

Mr. Niall O'Dea: That's correct, because, as the contracting party, Canada identifies its commissioners, and those commissioners are appointed by Canada, so there is inherently no conflict within the structure—

Mr. Dave Epp: Can you table a legal opinion that counters the Fasken report to this committee?

Mr. Niall O'Dea: We can look into that.

Mr. Dave Epp: Thank you.

Who speaks for Canada at the commission?

Mr. Niall O'Dea: Canada is represented by DFO as the contracting party. Canada appoints commissioners who are Canadian to the commission to work in co-operation with U.S. partners. Those, as you know, are two identified by the Government of Ontario and two identified by the Government of Canada.

Mr. Dave Epp: Are you stating that the commissioners, the Canadian commissioners, speak for Canada or that DFO speaks for Canada?

Mr. Niall O'Dea: The commissioners are appointed by Canada to serve the interests of the binational commission.

Mr. Dave Epp: Who speaks for Canada?

That's what the Americans are asking as a precondition to come back to the table: Who speaks for Canada?

Mr. Niall O'Dea: Canada as contracting party is represented by DFO.

Mr. Dave Epp: So the DFO speaks for the commission.

Mr. Niall O'Dea: In State Department-to-Government of Canada dealings, that is a long-standing relationship between DFO and State Department counterparts.

Mr. Dave Epp: This is at the heart of the dispute. Minister Murray has characterized the relationship of the department with the commissioners as being a parent-child relationship. That's at the heart of the crux.

Do you agree with the statement that the DFO is in a parent-child relationship with the commissioners?

Mr. Niall O'Dea: I do not recall the minister making that statement. No, it would not be a parent-child relationship. It's a commission like any other commission of the Government of Canada, a number of which DFO supports and many of which are supported by other departments, including Global Affairs Canada.

Mr. Dave Epp: Thank you, Mr. Chair. I'll come back.

The Chair: Thank you, Mr. Epp. You're dead on time. Thank you for that.

We'll now go to Mr. Badawey for six minutes or less, please.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Mr. Chairman. It's a pleasure to be here.

For the members, as you are well aware, I'm not a member of this committee, but I am obviously a Great Lakes advocate, not only within our caucus but within all of Parliament, including for all the parties that we work with on this issue and many other issues relative to the Great Lakes.

My riding is a Great Lakes hub. It straddles two lakes and relies on those lakes for economic development, for transportation and for tourism. From the Welland Canal to the restaurants and our main streets, the families in my riding rely on this \$6-trillion Great Lakes economy for part of their livelihood. I know that the GLFC is central to maintaining these advantages, which is why I'm so bothered by what I'm hearing.

I have been bothered by it for the past two years, if not three, as we've been trying to rectify this situation. We've heard not just from the witnesses but from members of Congress, members of the commission, members of the public and members of Parliament, as well as documents that I've received that the commission has submitted, including the ones we have here, over 60 pages that chronicle, quite frankly, a bothersome chain of events that tracks back to a broken interface.

I want to thank the members of the committee for taking up this study. This is not a partisan issue. It is in fact a Canadian issue. These problems have developed and existed under several governments. Let's be clear on that: not just under this government, but several governments going back decades. I hope this is the last government to deal with this issue once and for all, and that together, this being a non-partisan issue, we can all come to the table, whether it be from the public, the governing side or the administering side.

We need to fix this, and we need to fix it now. It's too important. It can't be ignored any longer. It's too important because of the economic, ecological and social implications of the Great Lakes for thousands of communities like mine in Niagara. It's too important because ignoring this problem for so long has been a matter of negligence, quite frankly, in the Canada-U.S. relationship.

I'm going to start off with a very simple question. Mr. O'Dea or Mr. Goodyear, you can jump in and answer it as you choose.

I gather from the testimony I've heard today, and from a lot of the discussions we've been having throughout the past few years, that the commissioners and DFO had good negotiations over the budget and the creation of the MOA. Given that the treaty was approved by Congress and Parliament, I'm concerned about the fact that

you—or anyone, for that matter—believe you have the right to negotiate how the treaty is implemented.

What gives the GLFC—or the DFO, for that matter—the right to negotiate what in fact Parliament and Congress have established under a treaty organization? Speaking of budgets, Parliament has directed through the appropriations of the budget, accordingly through Treasury, a flow-through to the DFO and to the GLFC. Of course, it being the contractor, the invoice is received by the GLFC and paid for by the GLFC for the contracts submitted by the DFO.

• (1610)

Mr. Niall O'Dea: Thank you for the question, Mr. Chair.

Negotiation would not be the right way to characterize the discussions that are ongoing. Treaties, as this table will appreciate, particularly those written in the 1950s, have only a certain amount of detail in them. They articulate a desire for two countries to collaborate in the management of an issue of shared interest in this instance. It is for the contracting parties and for the commission itself to give life to those commitments in the actual ongoing work of the commission and of the agencies that support it.

In this instance, there have been ongoing discussions about how to move towards effective implementation. That effective implementation is intended to be in full compliance with the letter and the spirit of the convention.

Mr. Vance Badawey: Thank you, Mr. O'Dea.

Mr. McClinchey, if you could, answer the same question.

Mr. Gregory McClinchey: Thank you, Mr. Chair.

It's true that this can't be viewed as a negotiation. From the commission's standpoint, we see the efforts that we're engaging in as being a clarification of where we need to be, of where the commission needs to be, in terms of delivering its treaty mandate.

We've also expressed a number of solutions, as you've pointed out—the move to GAC, the machinery-of-government change, as well as the MOA—because there's a need to future-proof what we're doing. This has been a serious distraction and a serious take-away from the work of the commission over the last number of years. Opportunities are being missed in terms of partnerships that might be there, and in terms of advancements and protections of the Great Lakes, and so on. We want to make sure that, when we're no longer in these roles, and when the folks at DFO are no longer in these roles and there are new people in those seats, we are future-proof and the will of Parliament and the will of Congress will be adhered to.

Mr. Vance Badawey: Thank you.

I guess my next question has to do with the money.

DFO seems to be suggesting by its actions that it has every right to decide how the commission's dollars are spent because of the perception, for lack of a better word, of it being the portfolio manager. Is it accountable for the commission? Would you agree that you would be the portfolio manager?

With the way the money is flowing, or has flowed in the past, would you agree that's the way it should flow, or, moving forward, as per direction from the appropriations of Parliament, would it simply be, under the MOA, a flow-through, through DFO to the GLFC—five years with \$19 million? Then, as I said earlier, it would go back through the invoice, which DFO would actually provide for the services provided to GLFC, and GLFC would simply be expected to pay the invoice with respect to the \$19 million they will receive through the appropriations.

• (1615)

Mr. Niall O'Dea: Perhaps I can commence answering that question, and then I'll turn to my CFO colleague.

I would say the question of flow of funds.... If we look at the convention and its article VI, the commission is to make best use of the contracting parties to the commission and their agencies as those to deliver the sea lamprey control program. Historically, since the 1950s onward, and in fact even before the establishment of the convention, those activities were undertaken by the Department of Fisheries and Oceans, and the funding to do those activities was retained by the department in order to do so.

In the current day, there is opportunity for discussion and for clarification around how that funding should flow. My CFO colleague can speak in more detail to the way in which we're approaching that conversation in the immediate term.

Mr. Richard Goodyear: Thank you, Mr. Chair—

The Chair: I'm sorry, but we've gone a little bit over time. If the answer doesn't come out in a subsequent question or with an opportunity to present it, we would appreciate it if you would submit any comments in writing to the committee, please.

We'll now go to Madame Desbiens for six minutes or less, please.

[*Translation*]

Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ): Thank you, Mr. Chair.

I want to also thank our witnesses for being here with us today.

I'm most interested in the relationship between the waters of the Great Lakes and the waters of the St. Lawrence, since I represent Quebec at this table. Indeed, we too have problems with invasive species in the St. Lawrence, and we always wonder who has the power to take concrete action to restore balance to the ecosystem. We know that problems in the Great Lakes inevitably spill into the St. Lawrence.

We also have a problem with striped bass in the river, from Trois-Rivières down toward the estuary. This species eats little fish, and we're losing our smelts, our capelin and all the little fish we love. All we're catching is striped bass, which we don't have the right to fish.

We're all here together thinking about who has the authority to spend how much and why. With regard to Quebec, is Fisheries and Oceans able to keep data on what's in the St. Lawrence up to date? Does the department have the means and tools needed to assess the current lamprey situation? Does it have the tools required to pre-

serve the ecosystem in our shared waters in the Great Lakes and the St. Lawrence?

Mr. Niall O'Dea: I can try to respond to various parts of that question.

With regard to the tools, we have agreements, namely through the commission. The Canada-Quebec Agreement on the St. Lawrence provides us with a collaborative framework for scientific activities and environmental protection, as well as a plan for the research and management of essential activities, namely, to address the challenge posed by invasive species.

Can we do more? No doubt, because there are always issues that remain. We're working with the Quebec government on various files, and we will be able to provide you with more details on some of the activities to deal with invasive species in the St. Lawrence. I know, too, that investments were made recently under the Canadian action plan to address the threat of aquatic invasive species in the St. Lawrence, and more broadly, throughout Quebec.

Mrs. Caroline Desbiens: For various reasons, there seems to be tension between the United States and Canada, particularly when Canada closed the mackerel and herring fisheries, but the United States didn't follow suit, or when Canada adopted major and exemplary provisions to protect right whales, but the United States continues to criticize us. Does the tension extend to the Great Lakes Fishery Commission? Do you think we're paying the price of that tension?

• (1620)

Mr. Niall O'Dea: I don't see tension bleeding into other forums where we collaborate with the United States.

There are certainly other challenges that we're facing together. I know that our minister updated her American counterparts about mackerel management, specifically, as well as about our efforts to protect right whales. As you know, we're doing a lot to protect them. I believe that those efforts respond reasonably well to the requirements set out in U.S. legislation on marine mammal protection. I think that we have a very strong and positive relationship with our U.S. counterparts, and we deal with those issues as they arise, I'd say.

Mrs. Caroline Desbiens: Okay. Earlier, I was talking about tools, namely to advance our scientific expertise and initiatives. Many of the challenges we've faced, particularly in Quebec, gave the impression that we didn't always have the tools needed to properly quantify the resource.

Are the Great Lakes in the same boat? Do you lack scientific resources, tools or funding to ensure that the data is fully and efficiently updated?

Mr. Niall O'Dea: I would say that's not the case right now. There were some very good and rather recent investments in the Great Lakes, including an investment of \$44.9 million over five years for the commission. Additionally, during the president's visit, a major investment of \$420 million, I believe, was announced for the Great Lakes for activities jointly carried out by the two governments. Those are substantial investments. Now, it's up to us to invest this money collaboratively and to identify what are truly the top priorities.

Mrs. Caroline Desbiens: Thank you.

Mr. Niall O'Dea: Thank you.

[*English*]

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron for six minutes or less.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Mr. Chair.

Thank you to the witnesses for being here. I'm happy to have an opportunity to get everybody together to talk about the next best steps.

I have with me today, Mr. Chair, my colleague from Windsor West, MP Masse. I would like to share my time with MP Masse and have him start off with the questions today.

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

Thank you to my colleague.

I represent Windsor West, on the border. In 1997, I was the founding chair of the Detroit River Canadian Cleanup committee and the conservation authority vice-chair. For 21 years, I've been vice-chair of the Canada-U.S. interparliamentary association, which actively lobbies Congress and the Senate.

I want to thank DFO. You've done an exceptional job here. You're the only ones who've united Congress and the Senate against Canada.

Voices: Oh, oh!

Mr. Brian Masse: I can tell you this issue is serious. When we were in the halls of the Cannon building, the Rayburn building and the Longworth building, we heard from American colleagues. In fact, another letter to the Prime Minister went out on June 6.

You don't contest what Member Dingell said. I've known her for a long period of time. What do you have to say to me when I have this issue raised to me repeatedly in those meetings, as we're dealing with foreign affairs, the environment and transborder issues related to policy? Forty per cent of my riding has trade. We have to deal with softwood lumber and everything else, and this issue continually comes up. Do you think it does not poison our other relationships?

Mr. Niall O'Dea: I would say we have, as you note, countless relationships with the U.S. across a broad variety of files. DFO manages a significant number of those across a wide variety of issues outside of this particular issue.

We recognize that there is an irritant here and that there have been challenges associated with this particular commission. That's why we are working actively, at the most senior levels in the department, with the commission to seek to address those issues and put aside—

• (1625)

Mr. Brian Masse: My question, though, is what you think happens in those meetings when this comes up as an irritant. You don't contest what Member Dingell said, so why did it take so long for you to get to this?

In fact, Mr. Chair, I would say this would never happen at the industry committee. Deputy ministers would not show up for such an issue. That says something in and of itself. That's not your fault. I understand that. This ongoing relationship we have here is from a treaty that is not being respected. This is a treaty. That's a big difference.

Would you not agree that a treaty is different from other types of working relationships we have with the United States?

Mr. Niall O'Dea: Mr. Chair, I would say the treaty is being respected. We are meeting our obligations under the treaty. We recognize there are challenges in the implementation of that treaty and in getting to a common understanding with our colleagues in the secretariat to help put that on a better path.

Mr. Brian Masse: This will be my last question in terms of the process here.

How is it possible, in the organization or culture...? Do you think there is a cultural issue? Again, I have 21 years in Parliament here. The Liberal members just got another letter to the Prime Minister with 25 signatures—again, bipartisan—about this issue. We're in front of the world here, now. What's the disconnect? In our area, we actually think the DFO is one of the most elusive species in the Great Lakes.

What, in your opinion, has to change culturally for your organization to bring this around? Our species are at risk because of this ineptitude.

Mr. Niall O'Dea: I would say that our department is focused very squarely on work in the Great Lakes. Our collaboration in the Great Lakes Fishery Commission has lasted for 60 years. The active and effective work of that commission has reduced the sea lamprey in the Great Lakes by 90% in that period, which has allowed the restoration of many populations of fish that did not previously exist in the Great Lakes area.

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

My colleague is giving me some extra time now.

If this is solved now, why do you think you're seeing people like Member of Congress Dingell still wanting a change? Isn't that enough to tell you that the relationship is broken enough that Congress wants this structurally changed? How much more would you have to hear? How do you perceive the next number of years going forward, when you have a partner who does not want to be in this relationship at this level anymore?

What am I supposed to say to them? What are my speaking points? When I go back to Congresswoman Dingell's room in Congress and they say that they still want this to change, what am I supposed to say?

Mr. Niall O'Dea: Mr. Chair, as I've noted, we recognize the challenges in the relationship. That's why we're working very actively at the senior-most levels to come to a better place and make sure that we have a mutual understanding of our respective obligations within the context of the implementation of the treaty, which we are supporting.

Mr. Brian Masse: The DFO does some really amazing work. I don't want to be....

Again, the deputy ministers aren't here, but do you not think that at some point, in the interest of the DFO and your objectives, the broken relationship you've helped create, predominantly, needs to be fixed by another party at this point, and stepping back might be good for the environment and good for DFO at this point in time? Has that discussion taken place?

Mr. Niall O'Dea: We are very actively engaged in solving the challenges that are within our current mandate to solve, and we are actively committed to seeing that happen in the very short coming period.

Mr. Brian Masse: Thank you, Mr. Chair. I know my time is running out.

I want to thank my colleague for giving up her valuable time here in the committee.

I find it odd that we would keep insisting on a broken model that the other partner wants to fix, in different way than us, and we still don't have a solution.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Masse.

We'll now go on to Mr. Perkins for five minutes or less, please.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Mr. Chair.

Thank you, witnesses.

Mr. McClinchey, in the last five years, has the commission received the full allotment that Parliament has allocated to the Great Lakes commission in any year?

Mr. Gregory McClinchey: In the last two years, Mr. Chair, DFO has transferred.... I believe for the current fiscal year, it's \$11 million. It was approximately the same amount, off the top of my head, in the last year, which means there was about \$8.5 million withheld that covers the amount allocated to sea lamprey control. There has been that withholding.

• (1630)

Mr. Rick Perkins: That's in the last two years, but I asked about the last five years.

Is it the same, pretty much, every year prior to that?

Mr. Gregory McClinchey: Prior to that, we were given.... The amount for sea lamprey control is always withheld, as the other witnesses have noted. That's not something we are entirely comfort-

able with, but we want to have some discussions. Prior to the last two fiscal years, the amount was less than what the formula—set as required by the treaty—would have suggested we should receive.

Mr. Rick Perkins: Thank you.

Mr. O'Dea, the U.S. section of the Great Lakes Fishery Commission—and our Canadian section understands this—has been extremely vocal and upset about the fact that Canada has, for years, contravened the will of the commission.

Between 2001 and budget 2022, for instance, your department failed to advance the commission's budget requests. In 2021, the Canadian commissioners told the other commissioners that Canada is living up to its treaty obligation, all while the U.S. was quietly paying Canada's bills, mainly in the area of the sea lamprey.

It's like the bank teller skimming a bit off every time there's a deposit made. Can you tell me why DFO was skimming that money?

Mr. Niall O'Dea: Sir, I will turn to my CFO colleague to speak in more detail.

DFO is skimming no money from the GLFC. All funding invested in DFO for the purposes of supporting the activities of the GLFC is invested in supporting the activities of the GLFC.

Mr. Rick Perkins: Okay.

I'm sorry. I have limited time. I will follow up on that.

I will say Parliament allocates this money to the GLFC. It's not allocated to DFO. It allocates it to GLFC.

Can you tell me what statutory authority DFO has to usurp Parliament's votes on the budget to send this money to the Great Lakes commission?

Mr. Niall O'Dea: The appropriation from Parliament is allocated to the budget of Fisheries and Oceans Canada.

Mr. Rick Perkins: That's for the purpose of going to the Great Lakes Fishery Commission, not the DFO. You're just a transfer agent. You're not under Parliament's voting authority. It's not budgeted to you to take a piece of it. It's budgeted to go to the commission. That's what we vote on every year, so what's the statutory authority that gives you the right to take money away from what Parliament has actually allocated to the commission?

Mr. Richard Goodyear: Mr. Chair, just to reiterate the relationship, and going back to the convention as a foundational piece, first of all, the requirements, as the member has set out, are set by the Great Lakes Fishery Commission, but the budget is actually then approved by the contracting parties, so it will come to Canada and it will come to the U.S. to approve the budget.

In terms of the Canadian parliamentary system, as you know, funding is appropriated to the Department of Fisheries and Oceans to manage the Great Lakes fishery relationship from a Canadian funding perspective.

Mr. Rick Perkins: It says in the budget that it is for the commission; it doesn't say it's for DFO. You're just a funding vehicle.

Mr. Baker, what, from your perspective, is the result of the U.S. feeling as though it has to pay Canada's bills?

Mr. Ethan Baker: It's been very frustrating. I appreciate the question.

The irony is that we're pretty much in lockstep with the Canadian commissioners. We're floored by the fact that the U.S. and Canadian commissioners agree on what needs to happen and agree on the funding, and yet it's actually DFO that makes those changes. The reality is that we had a discussion a year or two ago about all of those monies that haven't been paid by Canada over the years and whether or not we should be trying to go back to Canada for those monies as well. We made the decision out of goodwill to just stick to that current fiscal year, so it's been extremely frustrating to us.

Obviously, our relationship with Canada is very important, and it seems almost ridiculous to some that we're here, having these discussions. If the United States and Canada can't get along at a national level on this, that doesn't make sense.

Mr. Rick Perkins: Mr. Baker, can you table with the committee how much money it is that you think you've covered over the years? If you did go back and ask for it, what would it be?

Mr. Ethan Baker: Sure. I'd have to specifically ask Mr. Lambe or Mr. McClinchey if they have that figure in front of them.

Mr. Rick Perkins: Or they could just table it with the committee.

Mr. Ethan Baker: Sure thing.

Mr. Robert Lambe: If we were to go back to the last time Canada funded according to the formula, it would be the year 2000, so the cumulative deficit from that period to 2022, when it was funded, would be about \$70 million.

● (1635)

Mr. Rick Perkins: Wow. Thank you.

I think my time is up.

The Chair: It's pretty close, sir, yes.

We'll go to Mr. Kelloway for five minutes or less.

Go ahead, please.

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Thank you, Mr. Chair.

It's great to see the witnesses here.

I also want to say that it's great to have Vance Badawey here. One of the first conversations I had as parliamentary secretary was on the Great Lakes, and he provided me a great deal of information and background and knowledge. Of course, I've had conversations with members opposite, as well, on this very topic.

My questions will be for DFO.

What other fishery commissions and binational organizations does DFO manage?

Mr. Niall O'Dea: Thank you for the question, Mr. Chair.

The department is mandated to lead Canada's participation and engagement in a number of international and bilateral fishery bodies, including seven regional fisheries management organizations such as NAFO, NASCO, ICCAT, and IATTC, two of which we're hosting the international meetings for this year, and several bilateral fisheries commissions directly with the United States, including the Pacific albacore tuna treaty, the Pacific hake treaty, the Pacific Salmon Commission, and the Georges Bank transboundary fish stocks.

Mr. Mike Kelloway: Okay. Thanks for that.

In discussions so far today and in discussions I've had in a variety of places here in Ottawa, there's a reference that DFO unilaterally withholds funds from the GLFC. My understanding is that the funding being referred to is going directly to the DFO's sea lamprey control program to deliver sea lamprey programs on behalf of the GLFC.

It's also clear that this process has led to friction, to say the least. I think that would be safe to say. With that in mind, my understanding is that DFO and GLFC are discussing ways to codify predictable and stable mechanisms for the flow of funds.

We've had a history of challenges. I want you to speak to the last couple of months in terms of the developments that have taken place, because there is the "what was" and "what may be", and then there are those in this room who have the right to say what should be. I want you to talk a little about what is right now, in terms of the efforts that are being made to strengthen the relationship and to create predictability, fluidity and adaptability in terms of the relationship we have with the commission, which is so important, not just to the Great Lakes and to Ontario but also to both countries.

Mr. Richard Goodyear: Mr. Chair, thank you for the question.

Certainly, at the senior official level, we have spent considerable time with the GLFC team to codify, as you pointed out, and future-proof—to steal one of my colleague's comments—the relationship, so that the tenets of the convention are respected and the irritants that have arisen over the last number of years are addressed, in terms of our relationship with the GLFC on how we provide funding and when we provide funding, so that the great work of the commission can carry on and they have the stable and predictable funding to allow for planning and so on, so they can continue to do that work with their American counterparts.

We have codified the sea lamprey control component in terms of an MOA. We're in the process of codifying the remainder of the relationship to provide that future-proofing. We have a means to address areas of conflict in the future without having to bring together a group like this to discuss it. We can deal with it at our level.

By and large, the conversations have been very successful. We expect that the second part of the codification of the relationship will be finalized within the next couple of weeks.

Mr. Mike Kelloway: That's fantastic.

I'm wondering if the folks from the Great Lakes commission would like to make a comment on my question, to elaborate or differ on it in any way.

Mr. Robert Lambe: Thank you, Mr. Chair.

Certainly, I would agree with Mr. Goodyear that a lot of effort has gone into the codification over the past couple of months. We have made good progress.

"Future-proofing" is an interesting word to use. We got to this point because of a deep-seated culture that exists within the department, which we think is largely due to.... I think the common word is "misunderstanding". There's a misunderstanding of the department's role in terms of it being portfolio manager. There's a really deep misunderstanding of the commission's full mandate. The commission is not just about managing a binational sea lamprey program. There are many other aspects to the commission's mandate, as identified within the convention.

There's a really deep misunderstanding of the context within which DFO delivers the sea lamprey control program. It's done on behalf of the commission rather than as an extension of the department's domestic program under the authority of the Fisheries Act. We heard a little bit about that in one of the responses.

We're encouraged by the recent discussions, but the culture is very deep-seated. While we're encouraged by the current leadership's engagement, it takes a long time to change a culture, so—

• (1640)

The Chair: I have to cut you off there, Mr. Lambe. We've gone a little bit over on Mr. Kelloway's time.

We'll now go to Madame Desbiens, for two and a half minutes, please.

[*Translation*]

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

Some of you will certainly say that I'm straying from today's topic. I think that the reason we're all here today is that Fisheries and Oceans Canada finds it difficult to anchor—to use a nautical term—its work to the various tools, organizations and commissions, whatever they may be. From the various studies undertaken by the committee, it seems that sometimes the stakeholders don't understand one another. The committee has often heard that the department doesn't consider what's happening on the ground, where the stakeholders feel ignored, and that the department isn't sufficiently decentralized.

The minister's mandate letter is, however, abundantly clear, since it asks the minister to take into account local perspectives, buy local initiatives, resource preservation, and better access by Canadians and Quebecers to their own resources.

Some people will say that I'm straying, but I'm not that off topic. I think we have a department that works only with boards. Howev-

er, I'm meeting people on the ground who are concerned because the situation is changing faster than the department can react, and the result is that we'll be left high and dry—to make another pun—and miss the target: the lamprey will spread and we'll still be arguing.

A solution needs to be found in rather short order, because this situation is urgent: when there's an invasive species involved, the invasion always happens faster than you think. What to do in the short term? It was said that some things have been re-established and mechanisms have been implemented to prevent a repeat of those tensions. In the short term, what can be done rapidly to prevent the lamprey from spreading everywhere?

[*English*]

Mr. Gregory McClinchey: Mr. Chair, if I might weigh in on that—

The Chair: Could I ask you to supply an answer in writing? The two and a half minutes have expired, unfortunately.

We will move on to Ms. Barron for two and a half minutes or less.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

My first question is to clarify. Mr. Baker, you said in your opening statement that the change in governance from DFO to Global Affairs would "mirror the successful and proven U.S. structure." Can you expand a little bit on that, please?

Mr. Ethan Baker: Sure. I'm happy to do so. Of course, I'll defer to Mr. Lambe or Mr. McClinchey if I need some help.

Our funds are filtered through the United States Department of State, which has no interest in actually doing any of the programming itself. It's really that simple for us. Because DFO, in Canada, actually does the work with the lamprey itself, there is an interest in the money that flows to its office. The Department of State is completely neutral, much like GAC. That's where we see the comparisons and why it's such a successful and proven model.

• (1645)

Ms. Lisa Marie Barron: Thank you. Perhaps I can loop back if needed.

I want to ask the same question of Mr. O'Dea—his thoughts on the success of the program we're seeing in the U.S., how what we currently have set up differs, and why we aren't moving in that direction.

Mr. Niall O'Dea: As I mentioned previously, the machinery-of-government decisions rest beyond the Department of Fisheries and Oceans.

I would say that since 1954, the existing structure of relationships, despite recent tensions, has allowed for very strong collaboration on a binational basis. DFO has the program mandate, as does its counterpart agency, the U.S. Fish and Wildlife Service in the U.S. In this context, though, as contracting parties, in our role representing Canada in its work with the commission, we do that same activity, as I mentioned, in a number of other binational commissions to great effect. We have direct relationships with the U.S. State Department in managing that, and it has worked effectively elsewhere.

We recognize that there is a tension in the relationship here, which is why we're working through that process of clarification. It is quite particular to this particular commission, despite being quite similar in structure to many other commissions in which we work.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

I forgot to put my timer on. How much time do I have? It's probably all gone.

The Chair: You have eight seconds right now.

Ms. Lisa Marie Barron: Thank you.

The Chair: I'm sorry about that.

We'll now go on to Mr. Arnold for five minutes or less.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair.

It's not very often that this committee deals with an international issue. It's concerning to me that Canada is being viewed, on the international stage, as not upholding our end of the deal.

As members of this committee and successive fisheries ministers in Canada know, I've been a strong advocate for the federal government taking serious action on aquatic invasive species. It's also important to note that invasive species have an impact on every system in the Great Lakes and cost more than \$200 million annually in lost revenue and prevention strategies.

Mr. Baker, if our American partners are managing invasive carp and we are not, what impacts does Canada's non-management of invasive carp render on the Great Lakes fisheries?

Mr. Ethan Baker: I'm going to defer to either Mr. Lambe or Mr. McClinchey for a response, if that's okay.

Mr. Robert Lambe: I think that's a question for DFO—what's happening in terms of invasive carp management in Canada. It's not our function.

I would say there are missed opportunities, in terms of what's happening now, because of the distractions from this problem we're talking about. In the U.S., for example, even though it's outside of the convention, we have worked collaboratively, at the request of Congress, on invasive carp in areas such as Lake Champlain and Lake Memphrémagog. I think there are opportunities for us to collaborate more in Canada, not just on invasive species but also in the area around habitat, which, as our colleagues at DFO said earlier, is a mandate area.

I think we're missing opportunities to collaborate because we're distracted by this.

Mr. Mel Arnold: Thank you.

I'd like to go back to Mr. Baker.

Mr. Baker, what will happen to the Great Lakes fisheries if the commission folds because of the current breakdown in the situation?

Mr. Ethan Baker: I think that would be catastrophic, obviously.

I can't speak to the day-to-day, but certainly the commission's mandate for the past 70 years has been properly handled and it has done very well in bringing down the sea lamprey threat. Therefore, the risk of not having a program in place to do that... We know how quickly those invasive species can repopulate, take over and decimate our fisheries once again. We can't let that happen.

Our goal, obviously, is to come together to make sure that doesn't happen. We just need to find the proper way to do it.

Mr. Mel Arnold: Thank you.

I believe it was Mr. O'Dea who stated they are meeting the obligations of the treaty.

Mr. McClinchey, Mr. Lambe or Mr. Baker, would you agree with that statement?

• (1650)

Mr. Robert Lambe: The quick answer is no.

Mr. Mel Arnold: Why not?

Mr. Robert Lambe: Well, if you look at the treaty, article VIII says the commissioners are to determine the “form and proportion” of the budget from the two parties. In 1956, at the first meeting, the commissioners took that to heart and developed a formula to determine how the budget should be set. That's never been contested.

Up until 2022, that formula was not being met. Until we had political pressure that solved that problem, we were out of compliance. It's certainly linked back to the treaty.

Mr. Mel Arnold: Thank you.

Mr. O'Dea, you stated that you're working at the highest level to resolve this issue. What level would that be? Would that be at the minister's level, at the Prime Minister's level or within the department? At what level are you working to resolve this issue?

Mr. Niall O'Dea: There is engagement up to the very highest levels in government to consider this issue, in terms of direct dealings with our counterparts at the secretariat, around this table, at the deputy minister—

Mr. Mel Arnold: Is the very highest level the PMO?

Mr. Niall O'Dea: In terms of the department, for which I can speak, our officials are engaged at the deputy level with the secretariat to resolve this issue, and our minister has addressed the issue directly at this committee, as you know.

Mr. Mel Arnold: You don't know if it's been taken to the PM's level yet.

Mr. Niall O'Dea: My understanding is that there have been discussions with the Prime Minister's Office by members represented around this table, but that's to the best of my understanding.

Mr. Mel Arnold: Thank you.

I believe my time is up.

The Chair: Thank you, Mr. Arnold. You're right on time.

We'll now go to Mr. Hardie for five minutes or less, please.

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

I'll start with one question and then cede the rest of the time to Mr. Badawey on this round.

We're pushing 70 years, and I'm just curious as to why, after 70 years, we have to sit down and codify something. When did it go off the rails?

Mr. Lambe, maybe you could comment.

Mr. Robert Lambe: Well, the problems have been around for decades, and there's a long history of how the role has not really been understood by the department, I would argue, but in 2018 it reached the point where it really needed to be addressed.

The U.S. was already indicating that it was no longer willing to top up, so to speak, and there were other issues that we really needed to deal with because of how hamstrung the commission had become by the lack of recognition of what its role was. It has been a long-standing problem. It's just been amplified since 2018.

Mr. Ken Hardie: I appreciate that. It's worth noting that between 2000 and 2015 the Government of Canada did not increase any allocation, whereas I imagine the American government did so, and therein lies the gap that we relied on Washington to fill.

I'll turn it over to Mr. Badawey now.

Mr. Vance Badawey: Thank you, Mr. Hardie.

Thank you, Mr. Chairman.

I have to say that this is a frustrating conversation. As I said earlier, this is something that we inherited post-2015 from many governments of the past, going back to 2000. Mr. Lambe's comment with respect to the retroactivity of this around the \$70-million mark is also quite alarming.

That said, I guess my intent today, as frustrating as it is and has been for the last few years, is to turn that page and to come to some resolve, and I'm hearing that has happened. I'm hearing that from the department. I'm hearing that from the GLFC and others that are involved, including, as Mr. Masse said, in our discussions with members of Congress when we go to Washington, which can also be sometimes embarrassing, quite frankly, when they bring this up with respect to the current condition of the relationship.

With that, the MOA has been mentioned a few times, so let's turn the page and let's come to that solution, which I'm assuming this study is intended to do. It's to come to that resolve. Moving towards that solution, we're talking about a memorandum of agreement.

We're looking at the administration of the program. I understand that the GLFC administers the program, and the contractor is the DFO with respect to components of that program and, of course, as I said earlier, the invoicing to the GLFC. The GLFC then takes the appropriation from the treasury and pays the bill. With that, and that expectation—because that expectation has been articulated through the budget, \$19 million times five, over the next five years—that relationship can continue in that realm. I'm assuming that would be part of the MOA.

The governance, I understand, is an issue as well: the transfer from DFO to GAC or other options that may present themselves, such as the board makeup with a member from GAC versus DFO, and a civilian member, which would actually make up any other shortfall in governance.

I guess I'm going to ask both the DFO and the GLFC what ideas they're going to have moving forward with establishing that MOA. I'll start with the GLFC.

• (1655)

Mr. Gregory McClinchey: Thank you, Mr. Chair. Mr. Badawey raised a really important question.

One of the most important tools and keys to the success of the commission over the years has been the independence of the commission, the ability of the commission, as Madame Desbiens mentioned earlier, to be nimble and respond on the ground. That's really what this is. The title of this study is “Allocation of Resources to the Great Lakes Fishery Commission”, but at the heart, it's not really about money. It's about independence and the ability to reach across the borders.

There are eight Great Lakes states and the province of Ontario at play here, and countless partners. What's happened is that the GLFC's ability to make decisions independently of the portfolio manager has come under stress. That's the critical bit.

We put forward an MOA that would help. Mr. Hardie asked why we need to codify this. It's because, over time, those independent abilities to set our programming have been eroded. That needs to be re-established in accordance with the treaty.

I would note that this committee did a study. I believe it was the eighth report, the science report. In that, it made some specific suggestions. On page 39 of the report, there was some commentary that talked about “good policy...being incorrectly implemented.” There was testimony given that relates to recommendation 4 and recommendation 19 in that study, which talk about the structural problems within DFO that are hindering science.

Of course, the GLFC is more than just about sea lamprey. We administer sea lamprey control. We're responsible for Great Lakes science. We're primarily responsible for reaching across the borders and working independently on a strategic plan with U.S. partners. All of those things combined require independence, not least because the federal government doesn't have jurisdiction over fish in the Great Lakes.

The parliamentary secretary mentioned earlier the other fishery commissions that DFO is responsible for. The reason this is unique is that we're unique. We work with the states and we work with the Province of Ontario because they are the governments of primary jurisdiction for fisheries management.

Frankly, before the commission came along, there was a lot of work being done in all of the jurisdictions separately, and it failed. It was only once we began doing things seamlessly and reaching across borders in this border-blind way that we got successful. It's incredibly important for us and for our programming that we continue to have that independence. It's enshrined in the convention, and that's why.

Sea lampreys don't have pockets. They don't carry passports. We need to be able to reach across those borders, which is of critical importance for us in executing a nimble program that's responsive. I always say that we don't manage the fish; we manage the people who manage the fish. That's why it's of critical importance that we have this clarity on independence and governance.

The Chair: Thank you, McClinchey, Mr. Hardie and Mr. Badawey.

We'll now move on to Mr. Small for five minutes or less, please.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Chair, I'm going to let Mr. Lawrence take my first two and a half minutes.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): Thank you very much.

It's my first opportunity to be at this committee, so thank you for having me here.

I'm still shocked at the hubris that the DFO officials have. Mr. O'Dea and Mr. Goodyear, do you guys not realize how badly you've mismanaged this? An hour ago, I was up yelling at the Liberals. Now I'm hearing them and they're saying everything absolutely right. You brought us together, so I appreciate that, but this has been completely bungled.

The budget was clear. It said that you had to take the money and give it to GLFC. You couldn't do that. I hope that you're approaching the negotiations and the MOA a lot better than that. I hope you're realizing that you're an equal partner and you are not their parent.

Could you please give me 30 seconds on explaining your absolutely disastrous management of this?

• (1700)

Mr. Niall O'Dea: I would simply say that we are working very actively, as we noted, towards an improvement of our relationship with GLFC, including working in a number of areas to address concerns that have been outstanding. That includes ensuring that there are clear processes for receipt and responsible spending of the commission's funding and ensuring that there's good governance of the organization, including the appointment of strong commissioners.

We have a close collaboration with our partners.

Mr. Philip Lawrence: Thank you very much.

I'm still troubled. You are not in charge here. There are legal agreements, which are the formation of this, that are governing the commission. Your job is to take money from Parliament, which we've given you, and to get it to these gentlemen. Stop bungling this. You've hurt the relationship. They won't even sit down with us.

Mr. Baker, I want to ask you a couple of questions. If in fact the memoranda of agreement are put in place in accordance with what you've heard today, will that be enough to reconvene the commission and get the commission working again?

Mr. Ethan Baker: Listen, my number one goal is obviously getting the commission working together and making sure that we're doing what we need to do to make sure our fisheries are kept intact. I share your concerns with a lot of the issues you've just stated.

In terms of my primary objective personally, as one member of this commission, I'm not 100% sure the MOA will be the end-all and be-all that makes the difference in this relationship, but if members of the commission themselves, Mr. Lambe and Mr. McClinchey, feel reasonably confident that we can move forward in a productive way to do that, I of course will support that as a U.S. commissioner. I want nothing more than to get back to the table with our Canadian counterparts and work for the good of the Great Lakes and the fisheries as a whole.

I'm doing everything I can, but I really need to be assured that this relationship isn't irreparably broken and that it will move forward in a way that—

Mr. Philip Lawrence: I share your sentiments 100%. I'm just short on time.

I'm giving the rest of my time to my colleague Mr. Small.

Mr. Clifford Small: Thank you.

Mr. Chair, my question is for Mr. Lambe.

You referenced \$70 million in accumulated debt, basically, on the Canadian side, if they were to catch up in payments. At about 3% interest, we'd be looking at \$140 million owed by Canada right now over 22 years. What's the economic impact of that to Great Lakes fisheries in terms of lampreys that weren't destroyed?

Mr. Robert Lambe: As Commissioner Baker said, we're looking to the future. There's been a conscious decision not to pursue that deficit. In actual fact, we were able to use the U.S. contributions to keep the lights on, so to speak. We're looking to the future.

We're actually encouraged by the discussions that are going on, but there's been a lot of damage done here. As I said before, it's a deep-seated culture that we're dealing with. We need to see results before we can be satisfied that what we're doing now is the solution to the future.

Mr. Clifford Small: Mr. McClinchey, how are you finding it working with DFO now? How are the relations? Do you think we can attain some of our goals in bringing this relationship back to where it needs to be? Do you feel it's possible, or is the relationship too damaged?

Mr. Gregory McClinchey: I think it's fair to say that there has been a lot of damage. As Mr. Lambe has already alluded to and as Vice-Chair Baker mentioned, we do have in Mr. Goodyear someone who has come to the table in an attempt to make things better, but I think it's important to bring it to the attention of the committee that a lot of the progress that's been made has been made because of intense political pressure, because people are watching.

The concern we have is that, one, we haven't crossed the finish line yet. We still haven't addressed the machinery issues that have been raised. They still haven't addressed the MOA in its finality. Most important of all, if at some point the political pressure goes away, then the progress has the potential, when Mr. Goodyear or I or anybody else retires or moves on, to reverse itself. We want to make sure that these things are addressed in a meaningful way.

I think it's incredibly important to note that a number of models are available. Whether it's the IJC or the Roosevelt Campobello commission, these are commissions that are structured very closely to the way we are. They have been successfully nested in Global Affairs. They are functioning successfully. We would like to see a similar level of success.

Again, this is not about money. This is about the governance, the independence and the ability of the commission to execute its mandate in a meaningful and fulsome way.

• (1705)

The Chair: Thank you, Mr. Small.

We'll go on now to Mr. Morrissey for five minutes or less, please.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, Chair.

This is a most interesting dilemma.

Mr. O'Dea, are there advantages for the Great Lakes commission to be in DFO versus GAC?

Mr. Niall O'Dea: The advantage, I suppose, of the commission being attached to the Department of Fisheries and Oceans is that many people within the department have an intense and localized understanding of the issues at play and the particular challenges of the management of the Great Lakes fishery and invasive species. At all levels of the department, they understand the kinds of opportunities that exist to address those challenges in a more robust way.

For instance, we have a national aquatic invasive species program. Our ability to bring our understanding of that work into our conversations with the Great Lakes Fishery Commission and in support of our work in the control of sea lampreys helps ensure that we're taking advantage of best practices.

Mr. Robert Morrissey: Thank you.

You feel it's best positioned within DFO, although there are different opinions. Am I correct? DFO doesn't have jurisdiction over fishing in the Great Lakes. Somebody made that comment. Is that correct, Mr. O'Dea?

Mr. Niall O'Dea: The federal government has jurisdiction over all fisheries, both inland and marine. However, in many instances, those responsibilities under the Fisheries Act are delegated to the provinces. In the instance of Ontario, they're delegated to the

province and there is a particular role for the commission in the bi-national management of the Great Lakes.

Mr. Robert Morrissey: DFO does not directly administer fishery policy or regulation in the Great Lakes.

Mr. Niall O'Dea: That's correct.

Mr. Robert Morrissey: It's handed to the provinces.

Mr. Niall O'Dea: It's been with the provinces, yes.

Mr. Robert Morrissey: Thank you.

My question, then, would be.... There's only one province here, I think. It's primarily Ontario and a number of states. Is there anything complicating the management of the agreement at the state level and the provincial level?

Mr. Niall O'Dea: To my understanding, the commission—they may be able to speak to this, as well—provides quite an effective nexus for collaboration between governments on either side.

Mr. Robert Morrissey: Okay, that's fine. It was curiosity.

I want to go to Mr. Lambe.

You referenced 2000 as the last year that was fully funded. Since 2000, up until when has the commission not been fully funded? Is that correct? Did I interpret that correctly?

Mr. Robert Lambe: That's correct. It was up until 2022.

Mr. Robert Morrissey: From 2000 to 2022, all governments in there underfunded it.

Mr. Robert Lambe: Canada, as a party to the agreement, was underfunding for that period, yes.

Mr. Robert Morrissey: Therefore, there were the same irritants in place over that period that came to a head over the last number of years.

Mr. Robert Lambe: Yes. As we were saying, we've been trying to resolve this problem for a long time. This is not new.

Mr. Robert Morrissey: Nothing happened, from what I understand. From some of your conversations in the last short period of time, there has been some meaningful discussion on getting towards a more acceptable understanding of how to move forward.

Did I interpret you correctly?

Mr. Robert Lambe: That's correct. We've done a lot of political outreach since 2018.

From 2018 to about 2019 or early 2020, I would characterize it as being about five false starts with the department when trying to resolve this internally.

Mr. Robert Morrissey: At least you had starts.

Mr. Robert Lambe: Well, they had no value, because we lost time, essentially.

We did a lot of political outreach going forward from about 2019, and that's when things started to change.

Mr. Robert Morrissey: Okay.

Mr. Chair, how's my time?

The Chair: You have 35 seconds.

Mr. Robert Morrissey: I have one last question.

You stated—I believe it was Mr. Lambe—that there is a deep misunderstanding within DFO. Now, you're not the first one to say that with respect to DFO. I hear it on the east coast from some of my fishers. I certainly hear it on the west coast.

In my last bit of time, elaborate a little more. What's the misunderstanding?

• (1710)

Mr. Robert Lambe: I can only restate what I said.

The commission is about more than just sea lamprey control. The convention is very clear on what the role of the fishery commission is. Coordination of the binational sea lamprey control program is definitely one of the three pillars of the mandate. Part of the problem with the funding, the way it flows in DFO, is that DFO holds the funding for sea lamprey control, because it delivers sea lamprey control on the commission's behalf, but—

Mr. Robert Morrissey: Can you do it better than DFO?

Mr. Robert Lambe: No, the convention says that we are to use agencies of government or individuals on the street corner to deliver our programs, if we can. One of the articles is pretty clear. We're actually—

The Chair: Thank you.

We're going to have to move on. We've gone over time.

I'll now go to Madame Desbiens for two and a half minutes.

[*Translation*]

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

Mr. McClinchey, I'm very pleased to hear you talk about independence, if you'll pardon the joke. Indeed, it states quite clearly what Quebec wants. I'd say it's almost the same thing: people get up in the morning, go to work, and then, at the end of the week, part of their salary goes to the federal government, never to return. It's almost the same principle: we'd like to have more latitude to make decisions.

Mr. Lambe, you talked about funding you should be getting and the freedom to act, which the funding would allow you to do. A gap has existed for 20 years for you, but over 50 or 60 years for Quebec. Indeed, you're saying that it's not always about money, but rather the freedom to act. However, both are, in fact, essential. Are they not? It's essential to have some means to take action if we want it to be effective.

[*English*]

Mr. Gregory McClinchey: That's true. Certainly, it's one of the reasons the folks who drafted the convention very specifically provided for some immunities and for some independence in the way the commission could operate.

It's important to note—and Madame Desbiens spoke earlier about this—the need to be nimble, to move quickly and to have the tools. Certainly before the commission was in place, a lot of these sources—the Province of Ontario and the eight states—were doing things independently within silos, trying to control sea lamprey, try-

ing to foster cross-border collaboration and trying to advance freshwater science. To be very blunt, it failed miserably.

It wasn't until we were able to look across borders and to work collectively.... The commission was in place to serve as a facilitator to help bring those parties together to come up with constructive and useful solutions that look after the Great Lakes and that help to look after the Great Lakes fishery on an ecosystem-wide basis.

That's why we're asserting it. It's expressed in some of the documentation provided. It's expressed in the legal opinion that the loss of that ability—the ability to be nimble and to be seen as an independent broker of solutions—is striking to the heart of the commission's ability to do the job that we've been asked to do.

The Chair: Thank you, Madame Desbiens.

We'll go on to Ms. Barron now for two and a half minutes, please.

Ms. Lisa Marie Barron: Thank you, Chair.

My question is for Mr. Lambe or Mr. McClinchey.

We were talking earlier about the sea lamprey control. If this change were to happen, moving from DFO to Global Affairs, what would that look like, the continued work around that?

Mr. Robert Lambe: Mr. Chair, that's a great question. It gives us an opportunity to clarify that.

When we talk about a change in machinery of government, we never talked about using anybody other than DFO as the sea lamprey control agent.

To finish off the question that I was trying to answer earlier, we're quite pleased with the work that our partners in DFO have done on sea lamprey control. That's not the issue. The issue with the department is not with sea lamprey control.

We'd be happy if we were able to continue with the department delivering sea lamprey control. We just have to address this conflict of interest that we have where they're delivering the funding on behalf of Canada and also delivering sea lamprey control at the same time.

• (1715)

Ms. Lisa Marie Barron: Thank you.

I saw first-hand how invasive those sea lampreys are when they were brought to my office and they suctioned onto my hand. I want to make sure that doesn't get lost in this.

The final question I'm going to ask is around whether there is an alternative to changing the governing structure from DFO to Global Affairs. Is there another option that could be looked at?

Mr. Robert Lambe: We're basically dealing with two issues. We're dealing with, obviously, the lack of codification as to how this should function. Whoever is the portfolio manager, there needs to be a codification of that, because that's part of the problem. It's failed miserably, and there have been too many assumptions by the portfolio manager about its role. That's number one.

Number two is that we have a legal opinion on the conflict of interest. That legal opinion stands on its own. I won't try to explain that, but we also have manifestation that the conflict exists. What we've heard about in terms of the funding in November 2021, I think, is manifestation of that.

We have many more examples going back over the years about how the conflict exists. We actually had a DFO commissioner come to a commission meeting back in the late 1990s and announce to the commission that Canada was defunding the commission without any consultation with the rest of the Canadian commissioners or with the U.S. This problem goes back decades.

We're really trying to deal with two problems here: a lack of codification and a conflict of interest.

The Chair: Thank you, Ms. Barron.

We'll now go to Mr. Epp for five minutes or less, please.

Mr. Dave Epp: Thank you, Mr. Chair.

Global Affairs is our voice internationally. It has been mentioned earlier that they are the administrative caretakers, the machinery-of-government "functioners"—if that's a word—for the International Joint Commission and the Roosevelt Campobello commission, both of which are similar in structure to the GLFC. I am still dumbfounded as to why the DFO continues to take the position that the GLFC should remain with the DFO.

I'm going to direct this to Mr. Goodyear: Why is GAC the right place for the other commissions and DFO the right place for the GLFC?

Mr. Niall O'Dea: Perhaps I can address the question, sir.

DFO is pragmatic about where the commission's contracting party relationship is situated. We are making our best efforts while in the role of the contracting party to ensure we have an effective and clear relationship with the commission and are able to work through any issues that arise in that context.

Mr. Dave Epp: You are ambivalent as to the machinery-of-government change to Global Affairs.

Mr. Niall O'Dea: That decision rests outside our purview. We provide analysis on the benefits of having that role rest with the Department of Fisheries and Oceans but recognize that the decision rests elsewhere.

Mr. Dave Epp: Right. Would you table it in writing to this committee, for this report, that you're ambivalent?

Mr. Niall O'Dea: "Ambivalent" is not the correct term. I would say that we are open to retaining that role and we are working effectively—

Mr. Dave Epp: Is "agnostic" a better term, perhaps?

Mr. Niall O'Dea: We're pragmatic about where that role rests.

Mr. Dave Epp: My concerns arise around transparency in the present function. The IJC nests within Global Affairs. When I look at the main estimates from this past year, there is one line item where the funds are transferred from the Treasury Board for \$9,271,693. Basically, they are appropriated dollars. That is the entire.... That's transparent. I can follow that.

I had an Order Paper question on the transfer of funds for the GLFC function that would run through DFO, and I have 11 pages of spreadsheets. I can't follow it. Would you consider this transparent for the people of Canada?

Mr. Richard Goodyear: Mr. Chair, the member brings up one of the issues that have been part of the conversation we've been having with GLFC: ensuring we have the presence of the GLFC in our public accounts of Canada. We're happy to note that going forward they will have a line item in the public accounts of Canada, and you will see the full appropriation in the public accounts of Canada.

Mr. Dave Epp: Just to be clear, are you saying that the entire appropriation from the Treasury Board to the GLFC will appear in one line item as per the two-year commitment you articulated earlier?

• (1720)

Mr. Richard Goodyear: The entire appropriation will be present in the public accounts of Canada.

Mr. Dave Epp: Is it for two years?

Mr. Richard Goodyear: It's for the period in question, two years, yes.

Mr. Dave Epp: The budget commitment from the 2022 budget was for five years. Why are you committing only to two?

Mr. Richard Goodyear: We are still working through that in terms of.... The amount will be in the public accounts. The total amount will be in the public accounts, but going forward in terms of what that looks like, if there is additional sea lamprey control and so on, then of course that's subject to change. However, for the commitment that was made to GLFC, the amount will be in the public accounts.

Mr. Dave Epp: Mr. Lambe, just a few minutes ago, referenced November 2021. I think he meant November 2022.

Quite frankly, your statement to the commission of withholding \$15 million.... You have basically stated that was a mistake. You've rescinded that. Were both of those decisions done in consultation with the commission?

Mr. Richard Goodyear: Mr. Chair, all the work I have done since arriving as a CFO inside the department has been done in consultation with my GLFC colleagues.

Mr. Dave Epp: So your November 29 directive to the commission on the funding—withholding \$15 million of the allocated \$44.9 million the day before the budgets were to be set—was done with the prior knowledge and the full knowledge of the commission. Is that what you're stating, or am I misunderstanding?

Mr. Richard Goodyear: The member's question was whether I had consulted.

Mr. Dave Epp: Right.

Mr. Richard Goodyear: On that note, no, I had not. It was simply a clarification of the Treasury Board submission. Going forward from that point on, everything was done in collaboration and coordination with the GLFC.

Mr. Dave Epp: So we are to understand that the codification process will—

The Chair: Thank you, Mr. Epp.

We'll move on now to Mr. Badawey for five minutes or less, please.

Mr. Vance Badawey: Thank you, Mr. Chair.

I have a couple of points. I think we have a huge opportunity here, especially with the creation of the Canada water agency.

There is no doubt that all is relevant when it comes to, in this case, the Great Lakes and other efforts, whether those be economic, environmental or social, but I guess the point I want to make is this. The appropriation made in that particular budget was for \$45 million for five years. The expectation is that the appropriation times five—not two—would be flowed through to the GLFC, period. I'm not sure where the two to five years come in. You're working through it, and I get that, but ultimately the expectation is that the full appropriation of the \$45 million will be flowed through from Treasury right to the GLFC.

The third point goes to Mr. O'Dea's point about the DFO's involvement. This is where I get a bit concerned or confused. I understand why you, DFO, want to satisfy yourself that you are involved on this file with respect to the Great Lakes. The point is that you are; you're the contractor. I guess it begs the question of why there is such an interest in having the money flow through DFO versus just through GAC. That's the confusion. I understand your interest when it comes to fisheries, because although you don't have it as part of your mandate—it's provincial—for the most part it's delegated to the GLFC when it comes to that invasive species or any invasive species, including sea lamprey.

My question is.... I will repeat myself, and I apologize for that. You have an interest in being a part of that—and you are, as the contractor—so why do you have an interest in having the flow-through from Treasury through DFO to GLFC, which then contracts back to you the practical part, as you put it, and then you invoice the GLFC for that contracting service and they pay you. From the \$45 million that's appropriated to the GLFC over the course of time, they pay you for that service.

What is the interest there versus having it go from GAC to the GLFC? They would still contract you; they would still pay you, but the money would go through GAC versus through DFO. I don't understand the interest there.

Mr. Richard Goodyear: Mr. Chair, perhaps I can just clarify with respect to the way the funding flows.

The funding for the delivery of sea lamprey control does not go to the GLFC and then get billed back to DFO—

Mr. Vance Badawey: If I may, that's my point. That's the whole crux of the problem here, as you are arbitrarily taking that money before.... What contractor do you know who sets their own rates and takes money before...? Who even gets the money?

That's the point of this. What interest, what right do you have? Again, the crux of the problem is that, instead of having it go to GAC and back to the GLFC and then to you, it's going to DFO, which, again, as Mr. Lambe mentioned, creates a conflict of interest.

• (1725)

Mr. Richard Goodyear: Mr. Chair, I still feel there's a requirement for clarification.

The amount of funding that is held by DFO to provide sea lamprey control is subject to negotiation with GLFC. It's not simply arbitrary. There is no arbitrary component to the way that funding is decided—

Mr. Vance Badawey: Hold on. This is the mistake here. I'm sorry, but I have only so much time.

This is the mistake. The appropriation from the budget is very clear. It's to go to the GLFC for the sea lamprey program, period. It doesn't say to go to DFO and then you're going to negotiate. As I said earlier, there is no negotiation. There is no right for negotiation. This is a treaty organization that since 1950 has had its own rights. As Mr. McClinchey rightly noted, those rights include having the autonomy to provide these programs delegated to you.

What if, in fact, they didn't delegate that contracting to you? What if, in fact, they delegated it to somebody else? Would you still have the right to hold that money back? No. That's the crux of this problem.

What I'm trying to do here is put that aside so we can come to a resolution. I will take the final seconds I have to establish a take-away. That take-away is simple. It's to hopefully come to this resolution on an MOA to start the ball rolling and then re-establish that positive relationship. Then, of course, the expectation of all of us is to possibly see the transfer from DFO to GAC. But at least let's get an MOA we can agree with so that, as Mr. Baker said, we can get people back to the table.

The Chair: Thank you, Mr. Badawey.

We'll go to Mr. Arnold for five minutes or less, please.

Mr. Mel Arnold: Thank you, Mr. Chair.

I'll start with Mr. O'Dea, if I could.

Mr. O'Dea, I believe you acknowledged earlier that this issue has been taken to the highest level. You also said that, to your knowledge, it's been taken up to the Prime Minister's Office level. Is that correct?

Mr. Niall O'Dea: That's correct.

Mr. Mel Arnold: Could you provide at what date that was taken to the PMO, approximately?

Mr. Niall O'Dea: I'm sorry. That wouldn't have been done by our department. I don't have that information myself.

Mr. Mel Arnold: Could you provide that to us eventually, in writing?

Mr. Niall O'Dea: We can take that back, indeed.

Mr. Mel Arnold: Okay. Thank you.

If it's been taken all the way up to the PMO, where is the roadblock on this? Earlier, you mentioned that the decision rests outside your department's purview. I believe that's what you implied, that it's beyond the department's purview. Is that correct?

Mr. Niall O'Dea: That's correct.

Mr. Mel Arnold: So it would be now to the PMO. Is that correct?

Mr. Niall O'Dea: Yes. Those decisions are taken outside, at a whole-of-government level.

Mr. Mel Arnold: Okay.

Earlier this year, in testimony, Ms. Telford, the Prime Minister's adviser, said that "everything the Prime Minister receives, he spends a lot of time with and most definitely reads." Can you confirm where the documents are and if he even received them?

Mr. Niall O'Dea: That's a question that you would need to pose to the Privy Council Office itself.

Mr. Mel Arnold: It appears that the roadblock is at the PMO or cabinet, if it's not with your department. Is that correct?

Mr. Niall O'Dea: I wouldn't be able to speak to that. You'd have to speak to others.

Mr. Mel Arnold: But it's gone past your department up to the cabinet level. Is it at the minister's level?

Mr. Niall O'Dea: Just to be clear, Chair, it's not a matter of it going past our department. It's not a decision that we make. We provide information and others produce advice to make those decisions.

Mr. Mel Arnold: Everything here indicates that the roadblock is at the PMO.

I'll move on to Mr. O'Dea.

The Department of Fisheries and Oceans is currently serving as a fiduciary for the Great Lakes Fishery Commission and as a hired contract agent for the delivery of sea lamprey control. How can you not see this as a conflict of interest?

I'll ask the same question of Mr. McClinchey or Mr. Lambe once you've finished.

• (1730)

Mr. Niall O'Dea: Certainly, I recognize that the advice that the commission has received is different. The advice that we've received is that there is no conflict of interest between the duties of the commission and those of the Government of Canada or the department, as those duties and interests are one and the same, which is the mandate of the sea lamprey control program and the broader activities of the commission, which are done to serve the binational interests of Canada and the U.S.

Mr. Mel Arnold: Mr. McClinchey or Mr. Lambe, would you agree?

Mr. Robert Lambe: Well, we have a legal decision, a legal opinion, on a conflict of interest. That's now in the package for you to read.

I do want to clarify that DFO doesn't receive money from Parliament just for sea lamprey control. It receives money for the entire

suite of programs that the commission delivers. We're about a lot more than sea lamprey control. We're about fisheries management coordination. We're about research and coordination of research.

The money that the department receives is for more than just sea lamprey control. The conflict is around the delivery of sea lamprey control, but it's a bigger picture than that.

Mr. Mel Arnold: Thank you.

Mr. O'Dea, has the department done an analysis of the potential flow of the funds to GAC or another department, instead of going through DFO?

Just a yes or no would be fine.

Mr. Richard Goodyear: We've been asked to look at the possibilities and the potential pros and cons, and we've provided that advice.

Mr. Mel Arnold: Have you done that analysis? Could you provide it to the committee?

Mr. Richard Goodyear: We've provided advice in terms of what it might look like if it were delivered via another government department.

Mr. Mel Arnold: Could you provide the committee with the advice you've provided?

Mr. Richard Goodyear: We can provide that information, yes.

Mr. Mel Arnold: Thank you very much.

I think I'll pass my time, if there's any left, to Mr. Epp.

The Chair: Actually, you have two seconds left.

Voices: Oh, oh!

Mr. Dave Epp: I'll take it, Mr. Chair.

The Chair: You can't talk that fast, let me tell you.

We'll now move on to Mr. Kelloway for five minutes or less, please.

Mr. Mike Kelloway: I will share my time with MP Hardie. It will be a little more than two seconds.

I think it's important to note that budget 2022 states, "Budget 2022 proposes to provide \$44.9 million over five years, starting in 2022-23, and \$9.0 million ongoing to Fisheries and Oceans Canada to support the Great Lakes Fishery Commission." Likewise, supplementary estimates (C) provide funding to DFO as "Funding to support the work of the Great Lakes Fishery Commission (Budget 2022)".

I've heard today that money is being withheld. I think that was referenced once or twice. I'm wondering, to DFO, could you clarify how this money is being used?

Mr. Richard Goodyear: Mr. Chair, the funding is appropriated to the Department of Fisheries and Oceans. Then, with that funding, DFO funds the sea lamprey control program. The remainder of the funding that's been appropriated to DFO will flow through to the GLFC, as Mr. Lambe has indicated, for the remainder of their programs.

In terms of the sea lamprey control program costs, we validate at the end of each fiscal year how much was spent. At the beginning of the year, we have an estimate of what it's going to cost to deliver that program. Then we provide whatever funding remains at the end of the year from the sea lamprey control program to the GLFC. The only funding that remains inside the department related to GLFC activities is what is specifically required for the delivery of the sea lamprey control program.

Mr. Mike Kelloway: I have another very quick question.

In terms of priorities and work plans in relation to the sea lamprey, is that a dual effort? Who sets the priorities? I just want to verify. Maybe this is for GLFC. Is it a collaboration? Is it more one side than the other? Who sets those priorities in terms of timelines, work plans and things of that nature?

Mr. Robert Lambe: That's only been clarified this year.

As Mr. Goodyear pointed out, we now have a memorandum of understanding that's much clearer than what we've ever had in the past. We do have much more accountability in how the sea lamprey control program funding will be spent going forward.

• (1735)

Mr. Mike Kelloway: Thank you.

I will hand it off to Mr. Hardie.

I think we've clearly articulated challenges that are decades old, but I've also heard today that there are efforts being made. I've heard that there's a cultural issue at play here. I also know that there are multiple cultures when there's partnership and collaboration. Culture drives the strategy. It's my hope that DFO and the Great Lakes commission can continue to work on the right path that sees some initial progress. Hopefully, we can make more progress together.

It's over to Mr. Hardie.

Mr. Ken Hardie: Thank you, Mr. Kelloway.

The GLFC obviously has working arrangements with states. Now, are the states acting as contractors, or do they treat the programs as state initiatives, as the DFO has been tagged with doing as far as the sea lamprey is concerned?

Mr. Robert Lambe: No, we don't have any contracts with the states. The states' responsibilities are the same as those of the Province of Ontario. They have fishery management jurisdiction responsibilities. They perform that function through the lake committees process, which we established in 1965.

Mr. Ken Hardie: You don't provide any funding to the states, and they don't provide any funding to you.

Mr. Robert Lambe: That's correct.

Mr. Ken Hardie: All right.

Let me play dad for a second. It seems that the DFO is acting as though the sea lamprey program is a domestic program, a program by the Government of Canada. The GLFC believes that it's a program that should be done on behalf of the GLFC. Do we agree, on DFO's side, that this should be a program done on behalf of the GLFC, or are you still under the impression that this is a Govern-

ment of Canada program that lands in your lap and it's up to you to do it?

Mr. Niall O'Dea: Mr. Chair, in line with article VI of the convention, this is very much a program that DFO delivers on behalf of the GLFC. Article VI of the convention notes that GLFC is to make best use of the agents of the contracting parties, which, in our case, is DFO. In the case of the U.S., it's the Fish and Wildlife Service.

Mr. Ken Hardie: Okay. It doesn't add up that you run the sea lamprey program and then whatever is left over goes to the GLFC. That just seems to be counter to the description here.

Are we, in fact, on a track where the money will flow through you to the GLFC and then you will be allocated money through the GLFC for the sea lamprey program? Is that the way it's going to work?

Mr. Niall O'Dea: That's a decision to be made.

As an agent of the Government of Canada per article VI, DFO's contributions over the past 60-plus years have been done through appropriation directly to the department, as we have been discussing today. There's obviously a decision to be made about the flow of those funds for the future. That's part of the discussions that are ongoing.

Mr. Ken Hardie: Who's accountable for the Canadian—

The Chair: I'm sorry, Mr. Hardie. You've gone a little bit over your time.

I want to have a chance to close out the meeting and say a huge thank you to the witnesses today for appearing—Mr. O'Dea, Mr. Goodyear, Mr. Baker, Mr. Lambe, Mr. McClinchey and of course Congresswoman Dingell, who shared her knowledge as well, with her opening remarks.

I will remind members that on Monday the first hour will be on the study of the Great Lakes Fishery Commission, with witnesses. The second hour will be drafting instructions for the report on foreign ownership and corporate concentration and instructions for the drafting of the letter following the DFO briefing on report 21, "West Coast Fisheries".

Just to give an indication of how much interest there was in this particular study, we had five members actually sub in today. I want to thank Mr. Epp, Mr. Badawey, Mr. Masse, Mr. Rogers and Mr. Lawrence. There is obviously quite a lot of interest in this and a lot of people have a lot at stake. Anyway, everybody is included.

Have a good evening, everybody. A big thank you to our clerk, our analysts and our translation team for another great job for a successful meeting.

Mr. Clifford Small: Excuse me, Mr. Chair.

All of us here would like to wish you a happy birthday. It slipped out. It got leaked out there, Mr. Chair.

I request that Madame Desbiens lead in singing *Happy Birthday*.

• (1740)

[*English*]

[*Translation*]

Mrs. Caroline Desbiens: Dear Chair, today is your birthday. I want to raise my voice and tell you what everyone is secretly thinking. You radiate happiness. Happy birthday, Mr. Chair.

The Chair: Thank you.

The meeting is adjourned.

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