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Chair: Mr. Peter Schiefke



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• (1935)

[English]

The Chair (Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.)): I call this meeting to order.

Welcome to meeting number 92 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Pursuant to the order of reference of Tuesday, September 26, 2023, the committee is meeting to resume clause-by-clause consideration of Bill C-33, an act to amend the Customs Act, the Railway Safety Act, the Transportation of Dangerous Goods Act, 1992, the Marine Transportation Security Act, the Canada Transportation Act and the Canada Marine Act and to make a consequential amendment to another act.

Today's meeting is taking place in a hybrid format pursuant to the Standing Orders. Members are attending in person in the room and remotely using, as always, the Zoom application.

Colleagues, to help us once again this evening with the clause-by-clause consideration of Bill C-33, I would now like to welcome our witnesses, who include, from the Department of Transport, Ms. Sonya Read—welcome back—director general, marine policy; Heather Moriarty, director, ports policy—welcome again; Rachel Heft, manager and senior counsel, transport and infrastructure legal services; and, of course, Ms. Amy Kaufman, counsel.

Welcome, all of you.

I'd also like to welcome back our legislative clerks, Jean-François Pagé and Philippe Méla.

Oh, pardon me.

[Translation]

He isn't here?

[English]

Unfortunately, colleagues, we have only half the capacity of our legislative clerk department, but we have Mr. Méla joining us, and he has 23 years of experience, so we're in good hands.

(On clause 108)

The Chair: Colleagues, where we left off at our last meeting was, I believe, at BQ-4.1.

Correct me if I'm wrong, Mr. Clerk.

We had a subamendment that was proposed by Mr. Badawey, which I believe was submitted to all members.

For that, Mr. Badawey, I'll turn it back over to you to get things started.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Mr. Chairman.

You are correct. I did submit a subamendment. I just want to give some reasons.

I'm sure all members recognize that port authorities operate under letters patent that govern a lot of their allowable activities. If you look to this section in the Canada Marine Act, you'll see that paragraphs 28(2)(a) and 28(2)(b) both reference the letters patent.

Mr. Chairman, if we're proposing to create a new class of allowable port activities, like joint ventures, I think they should also be specified within the letters patent for the port authorities, as are all other activities. This would help us to be consistent and to make sure there's appropriate oversight over these entities.

I know that the member's previous related amendments all made reference to the letters patent, so I'd like to propose a subamendment here that inserts that specific language, just to be consistent. Therefore, Mr. Chairman, after adding "(1.1) Section 28 of the Act is amended by adding the following after subsection (2)", the key part is the first part:

(2.1) To the extent authorized in each participating port authority's letters patent,

It goes on:

two or more port authorities may jointly, through a corporation, partnership, joint venture, association or other entity whose shares or other ownership interests are all held by port authorities, engage in the activities referred to in subsection (2).

• (1940)

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

I want to confirm that all members did indeed receive it.

[Translation]

Mr. Savard-Tremblay, I believe you've received the amendment.

Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ): I didn't have it, but my colleague very kindly passed it on to me.

The Chair: Great. Thank you very much.

[English]

I see, Mr. Strahl, that you have your hand up.

Mr. Mark Strahl (Chilliwack—Hope, CPC): Yes. Thank you, Mr. Chair. I would ask the witnesses about this.

I don't know how many of the letters patent you're familiar with or have access to. I guess my question would be, does the subamendment proposed by Mr. Badawey render the rest...? Are there any letters patent that would authorize this in any way? Are there prohibitions?

I understand what Mr. Badawey is doing. I even think that it's probably a good idea, but does that clause negate the second part of the clause? Do any of the letters patent allow for this type of collaboration that Mr. Barsalou-Duval envisioned with his amendment, or do letters patent specifically forbid it?

I'm trying to get just an idea of what the letters patent say. Does it allow for collaboration in any of them?

Ms. Amy Kaufman (Counsel, Department of Transport): Currently, the letters patent of all the port authorities have a prohibition against engaging in certain kinds of collaboration for their 28(2)(a) activities. That's for their shipping and navigation activities. They don't speak to it for activities deemed in support of port operations.

Mr. Mark Strahl: The letters patent would forbid some of what Mr. Barsalou-Duval had perhaps envisioned but allow some of the other activities that are in the second part of the amended amendment, if you follow me.

Ms. Read.

Ms. Sonya Read (Director General, Marine Policy, Department of Transport): Going back to the other amendment that was made, which would ask that the government specify in the letters patent the types of collaborations that can be undertaken by these entities, effectively I think the two pieces will work together.

There are a number of amendments in Bill C-33—existing and potentially as amended—that would require us to go through the process of revisiting the letters patent to update them to give effect to that. That would ostensibly be one of the things we would be consulting on, or we would engage with ports, I guess, on that collaboration in the context of those discussions.

The Chair: Thank you, Mr. Strahl.

Are there any questions or comments on Mr. Badawey's subamendment?

Seeing none, we'll go to a vote.

(Subamendment agreed to: yeas 11; nays 0)

The Chair: The subamendment carried. We'll now go back to discussion on BQ-4.1.

[*Translation*]

Are there any questions or comments?

[*English*]

Seeing none, we'll go to a vote on BQ-4.1 as amended.

(Amendment as amended agreed to: yeas 11; nays 0)

(Clause 108 as amended agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

(Clause 109 agreed to on division)

(On clause 110)

The Chair: We will now go to CPC-7.

Mr. Strahl.

• (1945)

Mr. Mark Strahl: Thank you, Mr. Chair.

Again, it's trying to address the issues we heard from port authorities regarding their different capacities. I know there are some port authorities that have, for instance, only one first nation in their entire region, so setting up a separate advisory committee for that one first nation would seem not to be the best way to proceed.

This amendment attempts to give port authorities the instruction to establish at least one advisory committee, and it includes "users, port workers and representatives of Indigenous peoples and the community in which the port is located." That's our attempt to find a way to allow for a different approach or a different set of advisory committees. The onerous nature of the advisory committees won't be applied to each and every port authority in the same fashion.

That's the spirit in which the amendment is put forward. I know there are some other options we can discuss as well, through other parties' amendments, but that was our attempt to be more flexible for the port authorities in question.

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

I would just note, as we dive into discussion on this, that if amendment CPC-7 is adopted, new NDP-12 cannot be moved, due to a line conflict.

I'll turn it over to you, Mr. Bachrach.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): I think this amendment is quite similar to the new version of NDP-12, with a couple of exceptions. One difference is that the Conservative version includes port users. The other difference is that new NDP-12 also includes, by adding after line 23 on page 71, the following:

(1.1) The members of each advisory committee shall elect a chairperson from among their number.

That had to do more with the governance of the advisory committee. The essential piece here is going from the original concept of having three committees per port authority, which, as we heard in feedback, may have been too many committees to manage, to having a single committee with members representing different facets of the community.

Our version talks about including “representatives from the local community, local government and local Indigenous communities”. That reflects the original spirit of the three-committee structure that was proposed by the government in writing the bill. I do think, because labour groups and port users are now reflected in the makeup of the board of the port authority, that keeping the community advisory committees to these other groups makes more sense. Through the two we should get a pretty rounded representation.

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

Mr. Strahl, go ahead.

Mr. Mark Strahl: I would tend to agree with Mr. Bachrach. I'd be interested in hearing him parse out the “elect a chairperson” portion of that. I think our attempt to include port workers and port users was before the amendments had been made to the board selection process in earlier amendments.

After hearing that explanation about the chair part, I would be prepared to withdraw and defer to new NDP-12. I think that where there was a previous attempt to include groups, that has been captured now by the new advisory process for board appointments.

• (1950)

The Chair: Thank you, Mr. Strahl.

Do I have unanimous consent for Mr. Strahl to withdraw?

Mr. Mark Strahl: Before I do that, I would like to get his explanation of (1.1) in new NDP-12, which talks about electing a chairperson.

Mr. Taylor Bachrach: I think this follows somewhat in parallel the rationale that the committee followed in not allowing the minister to appoint the chair of the board of the port authority. It assigns that role to the committee members.

For these advisory committees to be effective in representing the community, they need to have a certain amount of independence. Electing their own chair, perhaps, can be an aspect of that.

I've seen advisory committees, not necessarily in the port environment, that are managed very carefully by the entity they're advising. They can almost become a bit of a PR exercise. What we want here is a really honest—

Mr. Angelo Iacono (Alfred—Pellan, Lib.): I have a cheque, so you'll give me your cheque. Oh, I'm sorry.

The Chair: Mr. Iacono, you're not on mute, sir.

Mr. Taylor Bachrach: You can make the cheque out to me—it's spelled t-a-y-l-o-r—and just leave the amount blank. That's good.

Anyway, I think he knows where I was going.

It's just to give the community advisory committees a bit of independence so they can provide really frank advice to the port authority. The port authority is under no obligation to take that advice, but I think the community deserves to have that voice. Electing their own chair is part of the independence that would allow them to provide honest feedback.

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

Do I have unanimous consent to withdraw amendment CPC-7?

(Amendment withdrawn)

The Chair: We will now go to new NDP-12. For that I'll turn it over to you, Mr. Bachrach.

Mr. Taylor Bachrach: I don't think I need to talk any more, as much as you want me to.

The Chair: Are there any other questions or comments on new NDP-12?

Seeing none, we will go to a vote.

(Amendment agreed to: yeas 11; nays: 0 [*See Minutes of Proceedings*])

The Chair: Shall new NDP-13 carry?

Mr. Bachrach.

Mr. Taylor Bachrach: Yes, it shall carry.

Some hon. members: Oh, oh!

Mr. Mark Strahl: With or without the cheque?

Mr. Taylor Bachrach: I'm going to regret that, aren't I?

The amended text is simply:

(4) A port authority must consult each of its advisory committees at least twice every year with respect to issues related to port activities.

This is supposed to provide some direction in terms of the frequency of consultation. If committees are consulted once per year, I don't think that's quite enough to reflect activity in the community and provide that ongoing feedback.

The Chair: Thank you, Mr. Bachrach.

Are there any questions or comments?

Seeing none, we'll go to a vote on new NDP-13.

(Amendment agreed to: yeas 11; nays: 0 [*See Minutes of Proceedings*])

The Chair: Thank you. NDP-13 has carried.

We'll go now to NDP-13.1.

I'll turn the floor back over to you, Mr. Bachrach.

• (1955)

Mr. Taylor Bachrach: It adds:

(3) A port authority must publish a summary of the consultations under subsection (2) on its website.

This is simply a transparency measure, to give the rest of the community a sense of what happened in those meetings with the advisory committee and what feedback they were providing to the port authority.

The Chair: Thank you, Mr. Bachrach.

Seeing that there are no questions or comments, we'll go to a vote on NDP-13.1.

(Amendment agreed to: yeas 11; nays 0)

The Chair: We'll now go to NDP-14.

Mr. Bachrach.

Mr. Taylor Bachrach: The proposed new section 33.2 will read, in part:

At least once every three years, a port authority must cause to be conducted an independent assessment of its governance practices

I'm fairly certain that this would be the case anyway, but it's just to be specific that when a port authority conducts an assessment of its own governance, it should be done by an independent third party. I would imagine that would be a matter of course, but it's worth being specific, in my view.

The Chair: Thank you, Mr. Bachrach.

Are there any questions or comments, colleagues?

Seeing none, we'll go to a vote on NDP-14.

(Amendment agreed to: yeas 11; nays 0)

The Chair: Shall clause 110 as amended carry, colleagues?

(Clause 110 as amended agreed to: yeas 11; nays 0)

(Clauses 111 and 112 agreed to on division)

(On clause 113)

The Chair: We will now go to BQ-4.2.

[Translation]

Mr. Savard-Tremblay, you have the floor.

Mr. Simon-Pierre Savard-Tremblay: Thank you, Mr. Chair.

In fact, as we can see, the proposed amendment is very short and very simple. As part of the study, we were asked to include small ports.

The amendment reads as follows:

(2) The report of a port authority with annual operating revenue exceeding \$20,000,000 must be prepared in accordance with the

For example, we talked about some ports, such as the one in Vancouver, for which the additional cost would be \$200,000 a year. Some small harbours could be covered by this proposal.

The Chair: Thank you very much, Mr. Savard-Tremblay.

[English]

Are there any questions or comments, colleagues?

I have Mr. Badawey.

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

This is the advantage of having a lot of the amendments proposed by different parties. They're all here before us.

With that, I look at NDP-15 and it's obviously very similar to both BQ-4.2 and CPC-8. It's more granular; I'll say it that way. With that, we won't be supporting BQ-4.2—or CPC-8, for that matter—because NDP-15 gets to that granularity.

As we discussed earlier, we think it's reasonable to give ports with less capacity and fewer resources some flexibility with this

bill, but it gets a bit deeper than that, because it actually specifies that \$20-million threshold, which seems like a very reasonable threshold. I'm going to ask the officials for their comments, perhaps, with respect to which ports would fall under that category.

At the same time, Mr. Chairman, we know that ports like Montreal, Vancouver and some of the other big ports that make well over \$20 million have the capability—and I will add that it's \$20 million per year—to produce reports on a quarterly timeline. Every 60 days is consistent with what we'd expect of private companies of a similar size, and I think it's a good idea to hold these ports to account.

We heard from witnesses and from the minister that regular financial reporting is important for ensuring our ports are responsible and well run. We have to remember that our ports are somewhat of an entity of the federal government, of Transport Canada, and therefore there can be liabilities that the department may be exposed to. With that, this accountability is very important.

This amendment, Mr. Chairman, will make sure that reports stay regular and will give smaller ports an extra 30 days over larger ports, which should be pulling their weight and reporting already. With that, we will be supporting NDP-15 and not supporting BQ-4.2, or, for that matter, I'll even skip ahead to CPC-8, because we feel that NDP-15 will suffice in terms of the intent of the direction that both of the others are taking.

● (2000)

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

Are there any thoughts or questions?

Okay, we'll pass it over to our witness here, Ms. Moriarty.

Ms. Heather Moriarty (Director, Ports Policy, Department of Transport): Hi.

With regard to the question about which Canada port authorities would fall into the thresholds that are being proposed, based on financial information within the past 12 to 24 months we would have approximately eight of the 17 Canada port authorities having annual incomes in excess of \$20 million, with nine of the 17 falling below that threshold. Just for clarity, I'll read out the Canada port authorities that are above the \$20 million: the Vancouver Fraser Port Authority, the Prince Rupert Port Authority, the Montreal Port Authority, the Toronto Port Authority, the Québec Port Authority, the Halifax Port Authority, the Hamilton-Oshawa Port Authority and the Saint John Port Authority. Those are the eight that would have earnings over \$20 million.

The Chair: Thank you, Ms. Moriarty.

Are there any questions or comments?

(Amendment negated: nays 6; yeas 5)

The Chair: We'll now go to CPC-8.

For that, I'll turn the floor over to you, Mr. Strahl.

Mr. Mark Strahl: Thank you, Mr. Chair.

Obviously, ours is a little simpler and just gives everyone 90 days to make their filings. I can do math, and I understand how this will go, so I won't prolong the discussion. I think it was just our attempt, as well, to...without getting into operating revenues.

I would simply, for the next discussion on NDP-15, love to hear how "\$20,000,000" was chosen. Was it just an arbitrary number that was going to catch these top eight? Why not \$30 million or \$40 million? I guess I would say that a number like that will become out of date very quickly over time. I don't know how often the Canada Marine Act will be updated. Given growth, inflation and all the rest of it, a fixed number like that will eventually capture more than those eight, I would imagine.

I think ours is a simpler way to give more. I'm sure that the Vancouver Fraser Port Authority won't need 90 days to do so.

Obviously, we'll be supporting our own amendment. I understand why there's a desire to have these bigger ports file in 60 days. I would love to hear that part of the discussion and whether or not we should consider with Mr. Bachrach's amendment—which will likely be more successful than mine—a discussion about whether "\$20,000,000" should be...and how we would address the issues that I raised about that number staying stagnant while all the rest of the world does not.

We can go to a vote.

• (2005)

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

With that, we will go to a vote.

I'll turn it over to you, Madam Clerk.

Mr. Taylor Bachrach: Mr. Chair, perhaps we could discuss both of these amendments at the same time. If we vote on this one and then discuss the other one and want to go back, it's already too late.

I don't know; it's up to you. There were some questions there about why we made certain choices in writing ours. I think Mr. Strahl made some good points. I wouldn't mind just discussing the topic as a whole. Then we can see if there's any room for agreement.

The Chair: Would you be amenable to making changes to yours, when we reach yours, to, perhaps, incorporate the aspects that we like?

Mr. Taylor Bachrach: I think that if the conversation comes around to the idea that maybe all ports should have the same time requirement, then I suppose that we could subamend our amendment. However, that's a pretty laborious way to go about it.

I have a couple of questions about Mr. Strahl's amendment. I guess that's what I'm trying to say. I'm happy to speak about why we made certain decisions, and I wonder if that would be in order now.

The Chair: If you still have questions on CPC-8, we can discuss those.

Mr. Taylor Bachrach: Okay, that's awesome. Maybe these are questions for the witnesses we have here tonight.

I don't fully understand what happens within these 30, 60 or 90 days after the end of a quarter, after which the port authority has to provide its financial report to the government. Are there implications that the officials can think of if we choose 60 days or if we choose 90 days? What's the risk of a longer time period?

It is interesting. It's a quarterly report. That's every three months, and 90 days is also three months, so you're getting everything a quarter behind.

Perhaps they can just provide some general thoughts on this. This is an accountability measure. It's to give the government a line of sight on the financial management of the port authorities. Is it important that it's done in a timely way, quarter by quarter, or is it enough to have everything a quarter behind? I guess that's the question.

The Chair: Go ahead, Ms. Moriarty.

Ms. Heather Moriarty: Thank you.

In terms of the first part of your question around why 90 days or why 60, in the consultations that we have undertaken, we have had conversations with the Association of Canada Port Authorities, who were witnesses at the committee.

They articulated for us the timelines as to why 30 days would be too short for some of the Canada port authorities and how the additional timeline would provide them and their membership with the ability to respond to the request. They took us through the process by which they would need to have the statements examined and ready for publication, the French and English requirements and those sorts of things. They outlined that for us.

In terms of the second part of your question, I apologize. I seem to have forgotten it at this point.

Mr. Taylor Bachrach: It was the 60 days or 90 days. Have you heard from small ports that they need longer than 60 days?

Ms. Heather Moriarty: We've heard through the association that the additional timeline would definitely be used by the smaller port authorities and would enable them or help them to meet the requirement.

To your second question, which I now recall, around the timing of the information and the 90 days being effectively three months later, the reason and the rationale for bringing forward or requesting the quarterly financial reports were really about informing borrowing limits and making sure that Canada port authorities provided updated financial information to the Government of Canada and to Canadians in a transparent and timely manner.

It then helps us examine borrowing limits as related to ports, and the ability, then, to have a good financial picture in terms of how they manage their assets.

• (2010)

Mr. Taylor Bachrach: Thank you. That's helpful.

I guess what I'm wondering is, if it's to inform borrowing limits, I can't imagine that long-term borrowing would be based on quarter-to-quarter financial performance, like, "Oh, you had a good quarter, so we're going to loan you a bunch more money over a longer period of time." Maybe I'm off base here, but I'm wondering again what the risk of going with 90 days over 60 days would be for the large ports, for instance.

Ms. Heather Moriarty: I think there isn't a great risk in moving from 60 to 90. The information will still be relevant, as long as it continues to be provided within those time limits. I can't see any real difference between the 60 and the 90 days.

The Chair: You have one last question, Mr. Bachrach.

Mr. Taylor Bachrach: At the risk of exceeding the limits of my colleagues' patience, can you remind me of the current reporting timelines, or the frequency?

Ms. Heather Moriarty: Currently, port authorities report annually. What we're seeking to change is to ensure they report annually and post it publicly, and we're seeking for them to also report quarterly and to post that publicly, and then the timeline is what we're speaking about here today.

Mr. Taylor Bachrach: I guess what I'm saying, Mr. Chair, is that if it's every 90 days, the government is still receiving quarterly reports. They're still being posted publicly quarterly. It's just that they're three months behind. They're always three months behind.

Perhaps we could hear from some of our Liberal colleagues on whether that would meet their sense of what's required for transparency and what's required in order to assess borrowing limits and these kinds of things. I'm wondering whether 90 days might work across the board, instead of...

This comes back to this question of \$20 million. At the time, Mr. Strahl asked how we chose \$20 million. We looked at all the ports and their revenues. There's a clear break point there where the ports that are below \$20 million are quite a bit below \$20 million. It seemed like a logical place.

I take his point that it is likely to change, and perhaps quite rapidly. The legislation would then have to be updated. Maybe it's cleaner to simply have 90 days across the board.

I'm looking for some sense from our good friends across the way.

The Chair: Mr. Badawey.

Mr. Vance Badawey: I thought I was going to have time to eat.

Thanks, Taylor. Yes, we support 90 days for the smaller ports. We want to be clear on that. The 60 days for the regular ports is simply consistent.

As Ms. Moriarty alluded to, the fact is that it's very fluid when it comes to the ports, especially with respect to their borrowing limits. In meeting with the port authorities, even beyond this process of Bill C-33 and especially over the last couple of days, this was a topic of discussion.

What I mean by "fluid" is that their balance sheets move around quite a bit and quite quickly. If it's a debenture that might be paid out or maturing, they then open up the ability to borrow more and

to put more capital into their facility. This, in my view, would only benefit them at 60 days.

Again, it's consistent with business practice, but it will also benefit them with respect to having the ability, if need be, to fulfill their capital needs by having that borrowing limit expanded because of those debentures that might mature at that time, or other reasons, of course, that would open up some room for them to do more capital work for which they would have to borrow.

The Chair: Thank you, Mr. Badawey.

Mr. Muys.

Mr. Dan Muys (Flamborough—Glanbrook, CPC): There's some consistency of 90 days across all ports. It's 60 to 90 days. We're not talking about a big difference. I don't think it's out of step with the private sector.

I spoke with the CFO of a large port. They indicated that they can hire more people on their team to do the preparation of the reports, but ultimately they're the CFO and they have to review them. There would still be that bottleneck.

I think giving that additional flexibility, even for large ports, is not unreasonable.

• (2015)

The Chair: Thank you, Mr. Muys.

Mr. Bachrach.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

To Mr. Badawey's point, would there be anything preventing the larger ports from reporting two weeks after the quarter, or more promptly in the event that they wanted to get the information to the government so they could have their borrowing limits reassessed? The maximum is 90 days. The ports have told us they could do it in 60 days or less. I imagine if there was some change that opened up higher borrowing limits, they'd be quite motivated to deliver those reports to the government.

Would there be anything in this bill to stop them from meeting a tighter timeline if there was a reason to?

Ms. Sonya Read: Do you mean prevent them from publishing earlier if they wanted to?

Mr. Taylor Bachrach: What we heard is that part of the reason the government is requiring ports to provide these quarterly financial reports is to inform the assessment of their borrowing limits. What Mr. Badawey was saying was that their financials might be quite fluid; there might be changes and something might happen that they think will open up their ability to borrow.

In such an instance, couldn't they complete the quarterly report more quickly than the 60-day timeline, get it off to the government and ask if it can assess it based on this?

Ms. Sonya Read: Certainly, there would be nothing in the legislation that would prevent them from doing so, as far as I'm aware. They can do it faster if they can do it faster.

Mr. Taylor Bachrach: I guess what 90 days does is provide flexibility for ports that are stretched for capacity or, for whatever reason, need those 90 days—especially the smaller ports. For larger ports, it's only to their benefit to get the report in early, because the government is using those reports in order to assess their borrowing limits.

Maybe I'm missing something here. I think finding a way to get around the \$20-million threshold could be a useful thing, because then we don't have to go back into the legislation and change it again.

I'm looking to Mr. Badawey to see whether that's something he can come around to, or he's...

Mr. Vance Badawey: I can. Yes.

Mr. Taylor Bachrach: Okay.

The Chair: I've received word that Mr. Iacono lost power; therefore, he's no longer online. If it's okay with colleagues, we'll suspend until such time as we can get Mr. Iacono back. The meeting is suspended.

- (2015) _____ (Pause) _____
- (2020)

The Chair: I call this meeting back to order.

Mr. Bachrach, I will turn it over to you and see where we're going to go with CPC-8 and NDP-15. Do you have any thoughts on that?

Mr. Taylor Bachrach: I'm happy to vote on our amendment. We can try to amend it to the point where we come together around some sort of solution. One idea was indexing the \$20 million to inflation. There was some talk about that.

- (2025)

The Chair: I will turn it over to you, Mr. Strahl.

Mr. Mark Strahl: I think there was some talk when we were off-line. We heard there was nothing preventing these eight large ports from filing in a shorter time period, and that it may be advantageous for them to do so. Perhaps they could reach the 30 days the department originally envisioned when they were doing the consultations. Having up to 90 days for all ports makes it uniform. You don't have to worry about a financial threshold that will be stagnant.

I don't know how easy it is to tag something to inflation in a piece of legislation. Do you have to get very specific? Are you talking about the CPI? I think you get further away from the clarity we are seeking here.

Our amendment is very clean. It will cover all port authorities and allow them the flexibility to file within 30, 60 or 90 days—whatever they are capable of doing, and whatever is to their advantage. I don't quite see how the upcoming NDP amendment can be subamended to achieve that same level of simplicity, if I can put it that way.

We would like a vote on ours, at this point. Whether or not it will pass... We've talked about it. It makes sense. It covers all ports and allows for flexibility. We still think it is a good option.

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

I see we have Mr. Iacono joining us on his cellphone, but I've been given the indication that it's not clear enough to identify whether he's voting in favour or against.

Mr. Angelo Iacono: Hello.

I'm looking for candles. I'll be able to vote or whatever, but I'm in the dark.

Voices: Oh, oh!

The Chair: Thank you, Mr. Iacono. For the time being, though, we'll have to rely on Ms. Bennett, who has been kind enough to come and join us here while you look for candles, sir.

Mr. Angelo Iacono: Okay, I'll be [*Inaudible—Editor*]

The Chair: We'll let you do that.

We will now go to a vote on CPC—

[*Translation*]

Excuse me, Mr. Savard-Tremblay, the floor is yours.

Mr. Simon-Pierre Savard-Tremblay: I want to jump in, if you don't mind.

I'd like to check one thing with our witnesses. My colleague Mr. Barsalou-Duval is an accountant under normal circumstances. He sent us the information to the effect that the 60-day period is in line with international accounting standards.

Could we have that confirmed?

[*English*]

Ms. Sonya Read: I can't speak about international accounting norms, but I believe that is the case. I know that, under the Financial Administration Act, departments, agencies and Crown corporations are required to publish their quarterly reports within a 60-day period. That would be consistent with other practices across the federal government, including agencies and Crown corporations.

Now, Canada's port authorities are a bit removed from that, but it would be consistent with other practice.

[*Translation*]

The Chair: Do you have any further questions, Mr. Savard-Tremblay?

Mr. Simon-Pierre Savard-Tremblay: No. In fact, with the information confirmed, I'm going to prefer the New Democrats' proposal over the Conservatives' proposal.

The Chair: Thank you very much, Mr. Savard-Tremblay.

We're going to proceed with the vote, Madam Clerk.

[*English*]

Mr. Badawey.

Mr. Vance Badawey: I want to be clear here.

We're voting on CPC-8 right now. Is it the intent of the NDP to withdraw NDP-15?

Are you still going to move forward with NDP-15?

Mr. Taylor Bachrach: It will depend on the outcome of this vote.

Mr. Vance Badawey: That's the answer.

Mr. Taylor Bachrach: If this is carried, we will go to our amendment and talk about it for a while—hopefully not for too long.

Mr. Vance Badawey: More than likely, it will be redundant, so it's going to be turned down.

Mr. Taylor Bachrach: No, it won't be redundant.

Mr. Vance Badawey: Thank you, Mr. Chair. I got my answer.

The Chair: Thank you, Mr. Badawey.

We have one last thought that Ms. Murray would like to share.

Hon. Joyce Murray (Vancouver Quadra, Lib.): Thank you.

I found it a bit confusing to talk about quarterly reports, which assumes every 90 days...within a 60-day period. I guess each of those reports has to be submitted within two months, but there are four of them throughout the year. That's what we just heard is the international norm: quarterly reports within a 60-day period.

Then I'll have another comment.

• (2030)

The Chair: I'll turn that over to Ms. Read.

Ms. Sonya Read: Currently, the standard is, generally, that there is a quarterly report. It's produced three times a year. The fourth report is actually the annual financial report, which would summarize the entirety of the year.

The Chair: I'm sorry, Ms. Read. I apologize for cutting you off, but we have a problem with interpretation. I think the English and the French are inverted. We want to rectify that before we continue.

Okay. You can now proceed, Ms. Read. I apologize.

Ms. Sonya Read: Thank you.

That is the standard. Every quarter within a 60-day period, there is a quarterly report. There are three quarterly reports. The fourth report is the annual report, which summarizes the entirety of the financial year.

Hon. Joyce Murray: I'm just wondering if we're conflating the quarterly report, which is every 90 days or three times a year, with the 60-day period within which it has to be submitted. I'm not sure if that's true, but my comment would be to keep things simple. Doing more reports when we're not absolutely clear that it's necessary just costs money and keeps people busy.

I don't see that having a report every 60 days will improve the performance of the port, necessarily, so I'm supportive of the 90-day approach.

The Chair: Thank you, Ms. Murray.

I just want to inform colleagues that we will have to use Ms. Bennett's vote. We do not have the approval to have Mr. Iacono vote. I want to apologize to Mr. Iacono, but it's not getting the thumbs-up from the team here.

My apologies, Mr. Iacono. Until you get power back, we're unfortunately not going to be able to count your vote. You are lucky,

though, because our colleague, Ms. Bennett, has joined us. She will be replacing you for the purposes of this meeting, until the power comes back.

Thank you, Mr. Iacono.

With that, I'll turn it over to Mr. Strahl.

Mr. Mark Strahl: I think if we're going to wish to align with the international standard or the governmental standard, then everyone needs to do it within 60 days. I just don't know; if this standard is suddenly now the new thing that we are primarily concerned about, then everyone else will just have to buckle up and get it done in 60 days. If we're allowing flexibility or if we're...

The standard should apply to everyone, or we should allow everyone to go outside the standard. I don't know how we have it as our logic for going.... The big ports can comply and the smaller ports can't, but it's still an international standard or still a government standard. I'm not sure how we can say that it's a very important standard, but here are the criteria for which it is no longer very important. It's either important or it's not. We can adjust around it, as has been said, so that the port authorities do not have to and they have more flexibility, but again, I think what we're getting down into is that the need for the two classes of reporting kind of evaporates if we're able to do it this way.

I think we should either abandon this collectively.... We can say about the international standard that the department was right and the legislation is correct: It must be 60 days; we've all heard from the ports, but they need to just deal with it. I think we need to either abandon all these attempts to give flexibility and stick to the international standard—or whatever standard we're saying is 60 days—or go to 90 days to allow simplicity and allow everyone the flexibility to report within 90 days.

That is my opinion.

The Chair: Thank you, Mr. Strahl.

I don't see any further questions or comments.

• (2035)

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: I'd like to add to that.

A 90-day period would reduce expenses at small harbours.

The representative from the Port of Vancouver told us that there was an additional cost of \$200,000 per year to produce the quarterly reports within 60 days.

That's the accounting standard, but it could be adapted to small harbours. I think that's the purpose of the NDP amendment.

The Chair: Thank you, Mr. Savard-Tremblay.

We'll go to the vote on CPC-8.

(Amendment as amended negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

[*English*]

The Chair: We will now go to NDP-15. We've had a robust discussion. We will go to a vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: New NDP-15 carries. We will now go to new NDP-15.1.

Mr. Iacono, I know that you have signs with yes and no on them. Just to give you a heads-up without wasting any of your time, until you get your power back we won't be able to count your vote. Ms. Bennett is voting as a replacement on this committee.

Mr. Angelo Iacono: Thank you, Ms. Bennett.

The Chair: Colleagues, we will now go to new NDP-15.1. For that, I will turn the floor over to Mr. Bachrach.

Mr. Taylor Bachrach: Let's do this efficiently. I move that clause 113 be amended by adding after line 3 on page 73 the following:

(4) Despite subsection (3), a port authority may publish on the port authority's website the reports for each of the first three quarters of its first financial year after its letters patent are issued within one year after the day on which its letters patent are issued.

Essentially, this gives new ports with new letters patent a one-year deadline to publish their first quarterly report. It's just a little more flexibility for new port authorities.

The Chair: Thank you, Mr. Bachrach.

Are there any questions, comments or concerns?

Mr. Badawey.

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

I think we're all on the same page about Mr. Bachrach's intent with this amendment. We do want to give the ports a bit more time before these provisions come into force. I think it's a great idea and it's completely in line with the amendment we just passed.

For the sake of clarity and once again to get a bit more granular, we would like to propose a subamendment to make the timelines extremely clear for everyone. Our subamendment would make these base compliance timelines a year after this section comes into force. It will also give ports the ability to submit based on the date of their letters patent. Here we are with the letters patent again. That will give extra flexibility.

Mr. Chairman, I propose, as proposed subsection 37.1(4):

In the case of a port authority specified in subsection 37.3(a), the quarterly financial report must be prepared within a year after the day on which this section comes into force.

As well, Mr. Chair, as proposed subsection 37.1(4.1), we propose:

Despite subsection (3), a port authority must publish on the port authority's website the reports for each of the first three quarters of its first financial year after its letters patent are issued within one year after the day on which its letters patent are issued.

• (2040)

The Chair: Are you prepared to have that distributed to members in both official languages?

Mr. Vance Badawey: Absolutely.

The Chair: Yes, go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: Could I ask, through you to Mr. Badawey, whether this lines up almost identically with NDP-16.1?

Mr. Vance Badawey: I still can't get over your last amendment, which was 25 pages.

Mr. Taylor Bachrach: I'm going to read it, which is why we need to move these other ones swiftly.

Mr. Vance Badawey: I will say it's close, Mr. Bachrach, but I don't think it's identical.

Mr. Taylor Bachrach: It's close, but no. Really?

Mr. Vance Badawey: Let's keep it separate.

Mr. Taylor Bachrach: Okay.

We'll wait for it to get circulated.

The Chair: We will suspend until it's been circulated to all members in both official languages.

The meeting is now suspended.

• (2040)

(Pause)

• (2050)

The Chair: I call this meeting back to order now that the subamendment has been distributed.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: We haven't received it, Mr. Chair.

The Chair: Has the text of the subamendment not been distributed?

[*English*]

We will wait another minute until it's distributed.

[*Translation*]

I'm sorry, Mr. Savard-Tremblay. I thought it had been distributed to all members of the committee.

Mr. Simon-Pierre Savard-Tremblay: As I understand it, suspensions in this committee are rather multimodal.

The Chair: I can now confirm that the text has been sent to you in both official languages.

Have all committee members received Mr. Badawey's subamendment?

Mr. Simon-Pierre Savard-Tremblay: Where would we have received it, Mr. Chair?

The Clerk of the Committee (Ms. Carine Grand-Jean): I sent it.

The Chair: Did you also send it to Mr. Savard-Tremblay?

The Clerk: Yes.

The Chair: Okay.

I'll give everyone time to—

The Clerk: Can you make sure that Ms. Bennett has received it?

[*English*]

The Chair: Ms. Bennett, can you confirm that you received it as well?

Mr. Mark Strahl: I didn't have a chance to review it.

The Chair: Thank you, Mr. Strahl. That's very important.

I just want to make sure that all members who are replacing sitting members of the committee have received it. Okay, that's great. Now that we've all received the amendment of Mr. Badawey, seeing no questions or comments, we will go to a vote on the subamendment.

(Subamendment agreed to: yeas 11; nays 0)

(Amendment as amended agreed to: yeas 11; nays 0)

(Clause 113 as amended agreed to [*See Minutes of Proceedings*])

The Chair: Colleagues, we can group clauses 114 to 119 if there's unanimous consent.

(Clauses 114 to 119 inclusive agreed to on division)

(On clause 120)

The Chair: Now we are on clause 120 and amendment CPC-9. For that, I'll turn it over to Mr. Strahl.

• (2055)

Mr. Mark Strahl: Thank you, Mr. Chair.

I'm looking at several amendments for this clause, from many parties. I'll just give our explanation for this amendment.

Bill C-33's language on the management of marine traffic presupposes that a centrally controlled government system is required to address anchorage and mooring issues. Not only is it highly unlikely that a regulated traffic management system will be required or the best approach in every marine port across the country, but we believe that it's an obligation of the government to consider the least trade-restrictive or commercially restrictive approach that still achieves the desired social or environmental outcome. This requirement recognizes that the government will consider alternative approaches.

Regarding the strikeout on fees, port-related fees are already applied and within the mandate of the port authorities. The addition of user fees in this section is duplicative with existing authorities and would inevitably cause confusion.

The Chair: Thank you, Mr. Strahl.

Are there any questions or comments, colleagues?

Mr. Badawey.

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

This amendment is quite frankly completely against the spirit of this bill and what I think we're trying to accomplish on anchorages at port. We've heard that lengthy anchorages are posing challenges to the supply chain and challenges for communities. I think it's in everyone's best interest for vessels to move as quickly as possible in and out of ports. I want to make that very clear. That does require management, and we want to be clear on our expectations of the ports to some extent even managing those expectations.

We know that management will take a combination of measures to accomplish. That means we need to have the tools in the tool box. This amendment is trying to get rid of an important one, which is the ability to impose fees. For example, this removes the notion of fees, which means fees couldn't be imposed through regulation. I think we can see how this would be an extremely important tool when it comes to making traffic at ports more efficient. Fees can provide an incentive for all port users to move more efficiently.

Also, Mr. Chair, if we are requiring ports to do more to better manage traffic, it's reasonable that they be able to charge fees to do so. Ultimately, this amendment goes against the intent of better supply chain efficiency within this bill, and that's why we will be voting against it.

The Chair: Thank you, Mr. Badawey.

Seeing no other questions or comments, we will go to a vote on CPC-9. I just want to confirm with colleagues that if CPC-9 is adopted, PV-2 cannot be moved, due to a line conflict.

I will turn it over to you, Madam Clerk.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: We will now go to PV-2, and for that I will turn the floor over to Ms. May.

Ms. May, the floor is yours.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

I'm very grateful to have the floor. Thank you, colleagues. I'll be efficient with time.

As you've heard, the Port of Vancouver has massive inefficiencies, particularly in relation to the loading of bulk goods. This of course leads to the anchorages backing up. We heard from witnesses such as my constituent Bruce McConchie, from the South Coast Ship Watch Alliance, on how little information is actually collected and available to the port to make decisions. This amendment is to ensure that there is information collected by the Port of Vancouver and provided to the minister on such things as how long ships are waiting to come into the Port of Vancouver or other ports, or how long they wait adjacent to a port until they can come back in. This is essential information to efficient running and to improving supply chains, which is something that I think we all want to see.

I hope this amendment meets with the approval of the majority of committee members—even unanimity would be lovely.

Thank you very much.

● (2100)

The Chair: Thank you, Ms. May.

We have Mr. Badawey, followed by Mr. Bachrach.

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

Mr. Chair, this information is already available through multiple channels. It's adding another reporting channel. It would be somewhat burdensome for all if this passes. I'll just go a bit deeper to give more information to the members. When I say it's already readily available through various means, I mean the automatic identification system—the AIS—the coastal vessel traffic management information system, the Pacific Pilotage Authority.

As I said, Mr. Chairman, requiring the vessels to provide it through additional reporting would be unnecessary and would unnecessarily increase the regulatory burden. Once again, it would just be burdensome for all of those having to abide by this, as well as somewhat redundant, because, again, it's already available within those channels.

The Chair: Thank you, Mr. Badawey.

Mr. Bachrach.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I would just note that this does support the spirit of the amendment that we brought forward and the committee carried previously. That would limit the anchorage of vessels in certain locations to 14 days, of course, after which time the minister would direct them out of those areas. In my view, to do that you would need information on how long the vessel had been there—when it parked there and how many days it had been anchored. I support the spirit of this.

I can see only the amendment in front of me right now. Is this requiring the port authorities to report that information, or does it require the vessels to report that information?

The Chair: Ms. May, I'll turn the floor over to you.

Ms. Elizabeth May: Thank you.

It would be for port authorities to collect the information and turn it over to the minister.

To the parliamentary secretary's point, currently the way that information is available is under a voluntary interim protocol. In law, as soon as the interim protocol is no longer in effect, there isn't a requirement for this information to be collected, and certainly it isn't that easy to collect.

We have very good management, just to clarify, on container ships. We know where they are, and we know what they're carrying. They move in and out, and they're tracked with bar codes on the side of the vessel. The bulk carriers are in a different category, and the extent to which we know what they're doing and how long they're hanging around for is based on the voluntary interim protocol.

I know I've overstepped my bounds to speak for this long.

Thank you very much.

The Chair: Thank you, Ms. May.

Seeing no other questions or comments, we will go to a vote on amendment PV-2.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: We'll now go to amendment PV-3, and I'll once again turn the floor over to Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

This amendment is, again, to strengthen the act in relation to the regulations made by the minister that relate to the management of anchorages by port authorities, to ensure that the regulations made by the minister emphasize the protection of the marine environment.

As you heard in testimony before the committee, the ships are literally dropping anchor and scraping the ocean floor as they move in and out of areas that are otherwise not industrial zones; they're pristine marine environmental areas within the Gulf Islands in the case of the Port of Vancouver. My riding and the ridings of Cowichan—Malahat—Langford and Nanaimo—Ladysmith are absolutely blanketed with anchorages that, by their very definition, are not respectful of the marine environment. This is to emphasize that aspect of decisions around anchorages.

Thank you. I hope you can support this.

The Chair: Thank you, Ms. May.

Are there questions or comments?

Mr. Bachrach, go ahead, followed by Mr. Badawey.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Further to Ms. May's comments, I do note that this is very much consistent with the wording of amendment NDP-6, which modified the purpose of the Marine Act to add language around managing traffic, including mooring and anchorage, in order to promote the efficiency of supply chains, the protection of the environment and the well-being of communities in proximity to which vessels are regularly anchored.

I think this speaks specifically to regulations that the government creates, but it is consistent with one of the amendments that we've already passed as a committee.

● (2105)

The Chair: Thank you, Mr. Bachrach.

Mr. Badawey, go ahead.

Mr. Vance Badawey: Not to belabour the point, but I agree with Mr. Bachrach.

We already provided for increased protection under amendment NDP-6, so, once again, this would be redundant.

The Chair: Thank you, colleagues.

Seeing no other questions or comments, we'll go to a vote on amendment PV-3.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: We'll go back to you once again, Ms. May, for amendment PV-4.

Ms. Elizabeth May: Thank you, Mr. Chair.

This is a rather shocking situation in terms of indigenous governance in the areas that are used in anchorages by the Port of Vancouver. There has been—and we heard this in evidence—a lack of consultation and certainly a lack of free, prior and informed consent in relation to indigenous governments.

This amendment is to ensure that the minister, in directing ships to anchorages in these waters, ensures that where the waters are under the governance of an indigenous government, any decisions or regulations are made only in ways that are consistent with respect for that indigenous governance through consultation and engagement of indigenous governments in the vicinity of the anchorages.

It's an amendment that is really critical and important for the environment, but also, of course, in terms of respecting UNDRIP.

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

Are there any questions or comments?

Mr. Badawey.

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

This one really concerns me. The committee passed a number of amendments that would limit anchorages in this area to a reasonable time period. I know that we will soon be debating an amendment that, as Mr. Bachrach alluded to earlier, is very deliberate in terms of the longitude and latitude of areas that are going to be identified as anchorage areas. It is going to set clear, as I've just mentioned, geographic parameters. The NDP do that in a schedule, which makes sense to me. However, what we heard during that debate and from witnesses is that anchorages are an important and normal part of shipping. We all understand that—we get that—especially as it relates to fluidity, and of course, supply chain vessels need to have the ability to anchor when it's appropriate.

I think the language of this amendment goes too far in limiting a ship's ability to anchor, and this could come with safety consequences.

Now, I would like the witnesses to comment on what some of those consequences could very well be when it comes to safety. While I appreciate, Mr. Chair, what this amendment is trying to do—I understand what Ms. May is trying to do, and I can appreciate that—we're comfortable with where we have landed on anchorages thus far, and we see no need to make things more difficult or, once again, more burdensome.

I want to go back to my latter point when I speak about the language of the amendment going too far and limiting a ship's ability to anchor, and about how this may come with safety consequences. I would like to ask our witness whether it would. That's number one.

Number two is this: What would some of those safety consequences, in fact, be?

The Chair: Thank you, Mr. Badawey.

I will turn it over to our witnesses.

Ms. Sonya Read: With respect to ensuring that ships have just generally safe anchorage spots, it's important for ships to be able to have those in the event that they have issues on board: navigation issues or equipment issues, or if there is bad or extreme weather that would prevent them from being able to conduct safe navigation. In the context of an amendment where we're restricted from passing regulations in the context of ships' anchoring in certain areas.... In this case, the intent of the broader regulatory authority is to provide provisions that would support ports in the management of anchorages in ways that are supportive of community environmental well-being, as well as broader supply chain efficiency. If ports aren't able to.... If the VFPA, for example, is not able to allow ships those anchorages or to direct ships to those anchorages, it would actually have very limited control over the activities of the ships while they are at anchor. The potential effect of having the limit under the MTSA say that ships can anchor here for only 14 days, without the effective control over their activities while at anchor through the VFPA, could lead to other negative consequences, in that their activities while they are at anchor would not have the same level of oversight and control.

There are a couple of considerations that come to bear in the context of the joint impact of the provisions, the amendments that have been made thus far with respect to the southern Gulf Islands anchorages.

● (2110)

Mr. Vance Badawey: Thank you, Ms. Read.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Badawey.

I will turn it over to Ms. Murray.

Hon. Joyce Murray: Thank you, Mr. Chair.

I want to appreciate MP May's comments here. I think what's important to understand is that the discussion around the business case and whether this makes it more difficult for the vessels is an important one.

I think another important discussion is to what degree we are respecting the emerging norm, which is that first nations who are marine nations and have historically been out on the water on their craft have a sense of custodianship or ownership of territories that are marine territories and not just land. A railway or a pipeline in British Columbia would not willy-nilly start constructing through the traditional territory of a nation without consulting them at a minimum and seeking to reach agreement with them.

In British Columbia—perhaps it's not the same in the Great Lakes or on the east coast—I think it is considered the norm that respect be shown to the nations with respect to the marine terrain that they have historically been the key governors of. Sometimes there are several overlapping. There was a whole pattern of who's in charge of harvesting but also conservation in a defined territory.

I would respectfully suggest that we consider if there's something that would reflect that UNDRIP-based emerging norm in British Columbia at least, but perhaps not go as far as giving the nation 100% say. I suggest that we discuss some subamendment that would have something to do with being notified, consulted or invited—I guess the word would be “consulted”—in terms of anchorages in the waters that have historically been under the governance of that nation.

The Chair: Thank you, Ms. Murray.

I'll turn it over to the officials to see if they have any thoughts on this.

Ms. Sonya Read: With respect to indigenous consultation and involvement in terms of the process around anchorages, I think there are a few considerations.

The first is that we have, through Bill C-33, amended the CMA in a couple of ways to ensure that there's a recognition of the nature of indigenous groups. They're not just a stakeholder; they have a special status within the context of the CMA, and that's recognized through changes in the purpose of the act.

In addition, some of the changes involve adding indigenous groups as an advisory committee to broader port activities. That is another mechanism whereby indigenous groups can feed into the processes and the decision-making by the ports over time.

I would note that in the context of the southern Gulf Islands anchorages, we have begun a process respecting indigenous consultation that began in February of this year. In terms of the governance of anchorages and the potential management of those anchorages by the VFPA, that process is still ongoing. It is meant to be a very robust process that reflects the nature and the traditional activities of indigenous groups in those waters. It includes discussions in terms of their involvement and how those anchorages are to be managed into the future.

We are very cognizant of our obligations under UNDA and of the respective indigenous groups in the southern Gulf Islands.

• (2115)

The Chair: I'm going to turn it over to Ms. May, who's been very patient. Then I'll turn it back over to you, Ms. Murray.

Go ahead, Ms. May.

Ms. Elizabeth May: Thanks, Mr. Chair.

I just want to thank Joyce Murray so much for her comments.

I remember clearly being so shocked to discover that there had been no consultation. There are four first nations within my riding and numerous first nations throughout this territory, and none of them had ever been consulted by Vancouver Fraser Port Authority about the use of the waters in a way that interrupted the traditional

activities of these indigenous nations, which are generally in a group called the Coast Salish nations.

I want to take the floor only to say that we would be very grateful if anyone wants to amend it in the direction that Ms. Murray has suggested, if not saying what my amendment does—that anchorages can't occur without the consent of a first nation—that at least there be a verification that they have been properly consulted prior to the anchorages being established.

It's a very significant issue and one that generates, as you can imagine, a lot of anger in local first nations that they haven't been consulted ever and that....

I am grateful for the change in the purpose of the act—that's true—but this would give it some more efficacy.

Thank you.

The Chair: Thank you, Ms. May.

Is it okay with you, Ms. Murray, if I turn it over to Mr. Strahl, just to make sure that everybody has a chance?

Mr. Strahl.

Mr. Mark Strahl: I think talking about indigenous consultation or even talking about indigenous agreement for the use of an anchorage is much different from talking about the establishment of new anchorages.

Ms. May just said “establishment”, but her amendment notes “the use of”.

I would like to know from the witnesses, specifically in the southern Gulf Islands, for how many years the anchorages that are there now have been in place. You can even give me a ballpark.... These have not just been created in the last number of years. Am I correct in that assumption?

Ms. Sonya Read: I would say that most of the anchorages were not officially created. Under the common law right of navigation, basically, ships can anchor in safe places.

The anchorages, as I understand, have been established through common law practice and rights over many years, in some cases probably since the 1600s or 1700s—basically, since ships have been coming to the southern Gulf Islands. Some of those anchorages have been in use for a very prolonged period of time, in my understanding.

Mr. Mark Strahl: As a British Columbian, I understand the importance of working with indigenous nations to find a way to work together, and consultation is very important. There is a duty to consult, and we all agree with that. However, I think this has the potential to be very confusing and cause uncertainty in the marine environment.

The entire area is now referred to as the Salish Sea. It is unclear to me what it means when this amendment says, “in waters under the governance of an Indigenous government”. There would be, in many cases, claims or overlapping claims, or perhaps.... This would, I think, cause more uncertainty than anything else that has been contemplated regarding anchorages, and that would not bring about supply chain reliability and efficiency.

I think everyone on this committee has a commitment to indigenous reconciliation and consultation, but this, I think, is too broad and would cause too much uncertainty in the way it is written.

● (2120)

The Chair: Thank you, Mr. Strahl.

Ms. Murray.

Hon. Joyce Murray: I think this is a great conversation that we're having here. I heard Ms. Read talk about the things that are already being done. This is about making it explicit that those things need to be done.

I am wondering whether there is a way to have a subamendment that does not create a whole new set of potential barriers to the effective and efficient use of the port and the supply chain, and that explicitly lays out the obligation to do what we're doing and be consistent with it.

The Chair: I'll turn it over to any one of our witnesses who wants to take a stab at that.

Ms. Sonya Read: I think we would have to look at the proposed amendment and give it some consideration. I couldn't speak to that right away.

The Chair: Thank you, Ms. Read.

Colleagues, are we ready to go to a vote on PV-4?

(Amendment negated: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: We'll go to PV-5.

Ms. Elizabeth May: Thank you, Mr. Chair.

This is a very significant amendment and very close.... I'm not sure if there's advice about BQ-5 and if there's a conflict—whether, if this one carries, you can still consider BQ-5.

I'm not sure if that's worth reviewing at this point or if I should speak to my amendment. I look for guidance on that point, Mr. Chair or the clerk.

The Chair: I'm conferring with the clerk, Ms. May.

We're going to let the committee move forward on this and take care of it.

Do you want me to turn the floor over to you, Ms. May?

Ms. Elizabeth May: Thank you.

I'll speak to PV-5 and then to whatever the committee is doing.

By the way, it's almost unbelievable, so I can't resist telling all of you as friends around the table that I'm at the Air Canada departure lounge for the flight to Dubai for COP28. I wouldn't still be here

except that the flight was delayed. I'm very relieved, because Mr. Morrice is in his riding tonight, that he could rush here.

Anyway, again, this amendment is that, because we're looking at the minister having the ability to make regulations in relation to aspects of marine traffic management in the port, it seeks for the minister to ensure that those regulations move to “prohibit the loading and unloading of coal” that is used for the purpose of generating electricity “to and from ships in a port”. In previous commitments the government has made, this is referred to as prohibiting the shipment of thermal coal out of this port.

It's a great irony, which I'll just mention parenthetically, that the shipments of coal from the Port of Vancouver are shipments of coal from the United States, because up and down the U.S. west coast the shipment of thermal coal has been prohibited by state governments concerned about climate change, and U.S. coal is diverted to Canadian ports.

This is an extremely important amendment for management of anchorages, because it will vastly reduce the pressure on bulk shipment of products. It'll make it easier to ship prairie grain more efficiently in and out of the Port of Vancouver if we eliminate one of the two largest.... Well, there are two kinds of bulk products that create the anchorages problem and that create backlogs and inefficiencies in supply chains. One is the poor management of the shipment of grain, which hurts, as I've mentioned before, prairie farmers, who are disadvantaged by inefficiencies in loading and unloading grain in the Port of Vancouver.

This would help prairie farmers, the climate and the environment in the marine areas of the southern Gulf Islands and up through the coast of British Columbia and will fulfill an election promise previously made.

I hope you will carry PV-5 to eliminate this export product.

Thank you.

● (2125)

The Chair: Thank you, Ms. May.

I'll turn it over to Mr. Badawey for his first thoughts.

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

I will comment by saying—and Ms. May alluded to it earlier—that we support the intent of this. It's not something that we dislike, but we prefer BQ-5, which is more specific.

You asked the question earlier of whether it was either-or. In our case, yes, it would be either-or, and we would support BQ-5 simply because it's in the mandate letter. Environment Minister Guilbeault's mandate letter identifies what BQ-5 speaks about. The messages under that are, of course, that our government believes that climate change is in fact real, and we need to address the climate crisis by making the transition to cleaner and greener energy sources. The amendment that the Bloc proposes under BQ-5 aligns with our government's commitment to phase out exports of thermal coal and move to cleaner and greener energy, while further protecting the environment that we love from coast to coast to coast for a healthier and safer future.

Once again, just to be clear, Mr. Chairman, we support the intent by Ms. May, but we think BQ-5 goes a bit further with that intent and aligns with the direction this government is taking.

The Chair: Thank you, Mr. Badawey.

[*Translation*]

Are there any other questions or comments?

[*English*]

I see none, so we will go to a vote on PV-5.

(Amendment negated: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Thank you, Madam Clerk.

Colleagues, that was a good day's work.

[*Translation*]

Thank you very much for your work tonight.

[*English*]

I want to thank our witnesses once again for being here. You have the joy, witnesses, of coming back—

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: Mr. Chair, there's one minute left. Would we have time to vote on BQ-5?

The Chair: We could start, but I think this discussion would take quite a bit more than a minute. At least, that's what I understood.

Mr. Simon-Pierre Savard-Tremblay: Okay.

[*English*]

The Chair: It's going to be a much longer discussion than one minute, colleagues, and possibly much longer than 10 or 15 minutes for BQ-5. Do I have agreement to adjourn the meeting, colleagues?

Some hon. members: Agreed.

The Chair: This meeting stands adjourned.

[*Translation*]

Thank you, everyone. Have a good evening.

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