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—
Chair

The Honourable Judy A. Sgro

Standing Committee on Transport, Infrastructure and Communities

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• (1535)

[English]

The Vice-Chair (Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC)): Good afternoon, everyone.

I will call the meeting to order as the vice-chair on behalf of the chair. I know that she is going to be here momentarily.

I'm calling to order meeting number 90, pursuant to the order of reference of Tuesday, December 5, 2017.

We are studying Bill C-64, an act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations.

We have a number of witnesses with us for this first hour of our meeting.

We have, from the Pan Pacific Law Corporation, John Weston.

Representing Sunshine Coast Regional District Board is Frank Mauro, who is director of Area A, Pender Harbour and Egmont. That is by video conference. We also have Ian Winn, director of Area F, West Howe Sound, also by video conference.

Joining us representing Washington State Department of Natural Resources, we have Kyle C. Murphy, assistant division manager of the aquatic resources division, by video conference. We also have Troy Wood, manager of the derelict vessel removal program, by video conference as well.

We will start this portion of the meeting with Mr. Weston.

Thank you, Mr. Weston.

Mr. John Weston (Lawyer, Pan Pacific Law Corporation): Thank you, Madam Chair.

Since there's some reference to private members' bills in our discussion today, I would be remiss if I did not draw members' attention to Bill S-211, which was passed in 2014, thus creating National Health and Fitness Day, which unleashed, among other things, ski day on the Hill, which will be held this Wednesday. At noon on that day, Nancy Greene Raine will be there, as will the Governor General. You're all invited, no matter what your level of skiing ability is.

When I first came to Parliament as a member in 2008, I thought law-making was about passing bills. I've learned through processes like today's that law-making is so much more than that. Thank you for honouring me with your invitation to testify. For four reasons, it

means much, as today's protests reflect important values and positive aspects of our democracy that often get overlooked. I'm going to cover those reasons and then touch on one or two of the refinements that could make Bill C-64 move from good to great.

First, the law you're reviewing is not only the brainchild of legislators or bureaucrats; it's also the results of earnest pleas by people of this great country, people who saw their treasured oceans desecrated by the litter of irresponsible boat owners who could abandon their boats with impunity.

Second, it reflects the influence of individual legislators in our system. With the author of the reform act on your committee—Michael Chong—you may be more mindful than other committees of the importance of the role of individual legislators. Though Bill C-64 is a government bill, it stands on the shoulders of private members' bills the House considered and passed, such as that of Ms. Malcolmson. As detailed more thoroughly in my written submission, which you should have received, two NDP members, including Ms. Malcolmson, engaged the House with their bills, as did I with my Bill C-695.

Third, the bill you consider today reflects an amalgam of cross-party views, not just those of the party in power. At a time when Canadians bemoan hyperpartisanship in Canada and the U.S., you should take pride in promoting the open-mindedness demonstrated here.

Fourth, and most important, the bill promotes responsibility. It's a key value often lost in the cut and thrust of policy-making. We speak often about freedom. I'm no exception. I spoke in these hallowed halls frequently about freedom of speech and freedom of conscience and I joined the legal profession motivated by my interest in constitutional freedoms, but as Auschwitz survivor Viktor Frankl said, freedom without responsibility is dangerous.

The book I published last year touches on stories with which many of you are familiar. Above all, it's a focus on values, including responsibility. The book exhorts political and non-political leaders to be "on". In fact, *On!* is the book's title. To be really on, we must cultivate our sense of responsibility.

The core of this bill is an emphasis on accountability. As far as I know, my bill was the first-ever legislative instrument that contemplated the imposition of jail time and fines for people who abandoned vessels. Bill C-64 expands upon that principle and increases the consequences. Thank you, Liberal Party friends, for seizing on such an important part of Conservative philosophy: personal accountability.

By now you know that I support Bill C-64. It's a happy moment when a person associated with one party supports a bill proposed by another. At the risk of tarnishing this happy moment, I have to point out that it took the Liberals 52 pages of text to accomplish what I sought to achieve with one page, a decline in efficiency of some 5,000%. I'm just saying.

Beyond my general support for the bill, I do have 16 recommendations that might improve it, which are listed on pages 5 through 7 of the written submission that you received. There are three general ones and 13 others that arose in my section-by-section review of the bill.

A couple of the key ones are that, first, it would be much easier to identify boat ownership if Canada consolidates and improves our boat registry databases and, second, that abandoned vessels are more a Transport than a Fisheries issue, and the Coast Guard is more a Transport arm of government than an aspect of Fisheries.

The Canadian Coast Guard ought to reside within the Transport Canada ministry where it used to be, not with Fisheries and Oceans. If you're unsure about this, just consider which committee is reviewing Bill C-64 as we speak today: it's your committee, Transport, not Fisheries. While a reorganization to achieve a more streamlined Coast Guard lies beyond the ambit of Bill C-64, I do recommend that such a change be considered.

I see that my time is almost up, but if this committee desires, I can, in under two minutes, later run through 14 more recommendations to help move Bill C-64 from good to great.

• (1540)

I believe that positive values have motivated those who have contributed to this bill, not partisan self-promotion. It is not in self-promotion but because I really believe what I say that I will close with a quote from my own book: "For the good of society, let's pray for leaders who model these values, for people who pursue the community's interest over their own, who seek leadership for the good of the people they serve."

In supporting this bill, you're doing just that. Thank you.

The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)): Thank you very much, Mr. Weston. I can assure you that you are very much missed in the House of Commons by all of us.

We go on to the Sunshine Coast Regional District Board, represented by Mr. Mauro and Mr. Winn.

Please go ahead. You have five minutes for opening remarks.

Mr. Frank Mauro (Director, Area A - Pender Harbour & Egmont, Sunshine Coast Regional District Board): Thank you very much for inviting us to participate in this very important discussion.

I will repeat what Mr. Weston said. This is a good bill, something we've been waiting for for a long time to address issues that we on the Sunshine Coast have been dealing with, as has the entire coast of B.C.

I'm going to get right to the introductions and speak a bit to some general items.

What we see, and as has been mentioned, is the jurisdictional issue. The major problem with current regulations is initiating action, because of the many jurisdictions involved, including federal ministries and, in some cases, several provincial ministries. It makes it difficult for the public and for local governments—and I'll speak for local governments—when, in order to get action on derelict vessels, they are shuffled from ministry to ministry and in some cases to provincial jurisdictions. This bill goes a long way toward improving that.

The bill does seem to identify Transport Canada as the lead ministry, obviously. This is initiated by Transport Canada. However, the document, in subclause 124(1) and in other places, makes reference to "may notify the minister responsible for administering that provision", or words to that effect. I think that we would like to see, in general, the burden taken off the public to interpret where reporting.... We want to make sure that they don't have to navigate an interjurisdictional maze. A major improvement would be that the lead interface ministry would do the required navigation through the jurisdictions, if the jurisdictions need to be taken care of.

In a similar way, subclause 6(1) should be clarified. It refers to "agreements and arrangements for carrying out the purposes of this Act..." and would authorize a provincial government, a local authority, a council, or a regional district to do the work.

I see this as positive. I believe these vessels end up at our front door, and the local governments have a major concern, as mentioned previously. I think, though, that there should be some commitment—and I'm not sure that it should be part of the bill—to compensate local governments for doing that. They don't have the resources to be able to undertake the work.

I want to talk about the transitional program as the introduction, too. The Transport Canada transitional program right now—and I think it's the abandoned boats program, which is part of the oceans protection plan—provides short-term funding for legacy abandoned vessels, but it doesn't meet the need in rural areas. There are many, many vessels in rural areas where that program only provides 75% of the contribution to remove the vessel. These rural areas are left to the devices of volunteer groups, and they don't have the capacity come up with the required contributions.

I'll go to Mr. Winn for some more comments.

• (1545)

Mr. Ian Winn (Director, Area F - West Howe Sound, Sunshine Coast Regional District Board): Thank you, Madam Chair. How much time do we have left here?

The Chair: You have two minutes.

Mr. Ian Winn: I'll continue.

Clause 90 is one part that is troublesome and a little concerning for us because clause 90 talks about the fine structure. I believe the fines are good and of course very appropriate, but in many cases the fines are too low. They need to really address the responsibility of the vessel owners and the problems. Really what we want is a fine that is substantial enough that it's not considered as just being a cost of doing business. We'd like to see a review of that fine structure.

Paragraph 5(2)(c) speaks to the "vessels that are on location for the purposes of engaging in the exploration, exploitation or production of mineral resources", and they are excluded. Our concern is that if they are adrift, under this act they would be considered a hazardous vessel. It should be spelled out in the act that these vessels could be excluded, except where there is a consideration that they'd be a hazardous vessel adrift.

The last item is clause 29. It speaks to the size of vessels as being 5.5 metres, and specifically it refers to them as primarily human-powered or wind-powered, such as a sailboat. That length should be considered a smaller length, such as 4.8 metres. There's a big difference in a sailboat length of 5.5 metres and 4.8 metres. Also, the other thing is that even on a small boat there are hazardous materials. They often have a small diesel engine. They'll have fuel. They'll have a lead acid battery and maybe propane tanks. There should be a consideration that even on a small vessel there are hazardous materials.

Thank you.

The Chair: Thank you very much.

We're on to the Washington State Department of Natural Resources. Mr. Murphy and Mr. Wood, please go ahead for five minutes.

Mr. Kyle Murphy (Assistant Division Manager, Aquatic Resources Division, Washington State Department of Natural Resources): Thank you for asking us to participate today.

My name is Kyle Murphy. I'm with the Washington State Department of Natural Resources. I oversee the derelict vessel removal program in Washington. Our program has been around for 15 years. Throughout those 15 years, the program has gone through many iterations and several legislative changes to get to the point where we are today. Again, we're happy to participate today and provide any information on our program that we can.

With that, I'll turn it over to Troy, who is going to provide a bit more detail of our program. Thank you.

Mr. Troy Wood (Manager, Derelict Vessel Removal Program, Washington State Department of Natural Resources): Hello. My name is Troy Wood. I manage the derelict vessel removal program for the Department of Natural Resources here in Washington.

The program, as Mr. Murphy said, has been around for 15 years. We've removed over 760 vessels by 50 authorized public entities throughout the state in that amount of time. We currently have a little over 160 vessels on our vessels of concern list that we're trying to get to whenever funds and availability of personnel manage that. We also help our authorized public entities in their removals because we realize that our priority threes and fours may be their priority ones, so we assist them in removing vessels and then we reimburse 90% of their costs if they follow our statutes.

Having said that, we give out \$1 million per year to deal with these vessels. It doesn't go very far, but it allows us to remove a little under 100 vessels per biennium in the derelict vessel removal program. However, we get above 100 vessels by having our vessel turn-in program, which is our prevention arm of the derelict vessel removal program. We accept vessels. We've had that program accept up to 94 vessels per biennium. We were able to get above the 100 vessels per biennium by doing that as well.

I'd like to save my time for any questions you may have, so I'd like to turn it back over to you.

● (1550)

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

We'll go on to our questioners, beginning with Ms. Block.

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

I want to welcome our witnesses here today. Thank you so much for joining us and for providing us with your testimony on this study.

I will be asking questions of my former colleague, Mr. Weston, and that might not come as any surprise. I know that there will be an opportunity to ask questions of the other witnesses who are here.

First, I want to thank you, John, for your very detailed written submission, as well as for the presentation that you made to us here today. I know that the work you have done on this issue certainly raised awareness of the problem in our own caucus, and I believe it has complemented the work and the awareness that has been raised in other caucuses, both by NDP members of Parliament and by Liberal members of Parliament.

Thank you to all of you, because I know you're all in the room today.

John, you briefly mentioned the boat registry as one of your recommendations. While a formal registry of abandoned vessels is a missing component in Canada's assessment of the issue, it is assumed that the majority of the abandoned vessels are personal pleasure craft. I would ask that maybe you speak to that. Then I want to know if you think there is an educational component that needs to be undertaken to prevent pleasure craft from being abandoned, and whether or not you have any suggestions as to where that awareness or education would be best placed.

Mr. John Weston: Thank you for your questions.

I think it was a classic aspect of being a legislator that when I embarked on the project, I knew very little about boats or abandoned vessels. It was people like Frank Mauro who educated me, people who represented constituents up and down the British Columbia coast—constituents who numbered in the thousands, if you took all the people represented who really cared about this issue.

You asked two or three things. One was the question of registry.

What I learned was that there are three or even four different registries in Canada, and none of them are comprehensive. They're inconsistent. Clearly, one of the underlying issues in this problem is identifying who the owner is. One of the witnesses has mentioned that a problem in the legislation is that the fines don't properly, perhaps, discourage the abandonment of vessels. However, you have to get right down to who owns the vessel, and predictably, the fines can only be visited upon the owner if you know who the owner is. That seems self-evident, and I did notice that it didn't seem to be in the legislation. I think that this would improve it.

The education piece, certainly, is important. I think that was something else that I learned through this process: that it's not all about passing a bill. This process educated many people about the issue. As a member of Parliament from Saskatchewan, you probably learned a lot about abandoned vessels that you didn't know beforehand. As legislators, I think we learn that educating the public, even in the unlikely event that this bill doesn't get passed, brings a new awareness about the problem that is going to lead to better consequences. Education is good, and I think it ought to be formalized.

Mrs. Kelly Block: Thank you very much.

I think I would just add my own observation. You're absolutely right. I'm from Saskatchewan. I'm from a landlocked province. For those who may think that this is a problem that I'm not terribly concerned with, I can assure them that having learned about it and understanding the impact that it has on coastal communities, I certainly do support the legislation that has been put forward.

I want to follow up with another question. It is with regard to the second recommendation that you made: a fee for registering a boat. Could you expand on that?

• (1555)

Mr. John Weston: Well, this could be a little bit controversial for some people.

Obviously, boat owners may not want to pay a fee, but the whole underlying principle of Bill C-64 is accountability. That's what has gotten the bill this far, I believe. Part of accountability would be dealing with the problem before it ever becomes one. Those who own vessels are more likely to be in the position of abandoning a vessel than those who don't own vessels. It makes sense that part of the purse from which the cost would be drawn to deal with these problems would be the vessel owners themselves. Perhaps that would be on a going-forward basis. That isn't in the bill, and that's something I would recommend to improve it.

Mrs. Kelly Block: Thank you.

Mr. John Weston: Another part of the process that was interesting was bringing it to the Conservative caucus, and what happened after the bill failed because the election was called. First, the Conservative Party made it part of its platform during the election, and then part of its national platform in terms of its policy resolution process.

I'm not speaking from a partisan perspective at all; I'm just saying that from the education side, in giving a voice to the Frank Mauros who really pleaded for this thing, our democratic process can really work. For me, this is a very heartening day.

Again, thank you all for getting the bill as far as this.

The Chair: Go ahead, Mr. Fraser, for six minutes.

Mr. Sean Fraser (Central Nova, Lib.): Thank you very much, Madam Chair, and thank you, Mr. Weston, for joining us today.

When the minister testified before us at this committee, he and his officials indicated there would need to be some kind of an inventory as a first step. Is there a reason that needs to be done through the legislation, as opposed to an internal mechanism in the department?

Mr. John Weston: I would think you would want, on a recurring basis, to make sure that such an inventory was done, so that you would know the extent of the problem. That would help you budget for the removal of the vessels and it would also assess the legal and environmental liability that the vessels pose.

It could be done through regulation. There ought to be a commitment by government to have such an inventory done. I wouldn't necessarily see that it would have to be a part of the law, but it ought to be part of the regulation, I would think.

Mr. Sean Fraser: Shifting to our guests from the Sunshine Coast, one of the things that one of the witnesses mentioned—I think it was Mr. Winn, although I stand to be corrected—was the rural/urban divide on this one.

Much of our Canadian coastline is in rural communities, including a good portion of my own. How do you think the law could best be designed, or policies implemented, to ensure that rural communities aren't left without the resources they need to actually get boats out of the water?

Mr. Frank Mauro: Thank you for the question. I think I spoke to that.

I can speak only for British Columbia. I know that other jurisdictions might be somewhat different, but rural communities in British Columbia are all part of a regional district. The regional district is a unique service in British Columbia. You have to create a service to actually carry out work, and each service has its own budget. There is no service over some areas, and the legislation prevents us from having a service over areas where we don't have jurisdiction.

We don't have jurisdiction over the water, so we can't even create a service to fund an activity. That's one of the catch-22s that we find ourselves in. Funding becomes a problem, so we're dependent on volunteer groups to come up and provide that service. We can give them very small grants in aid—we have limitations legally in doing that—to assist with the problem, but when they're paying 25% of a \$100,000 removal, it becomes a big issue. Where is that money going to come from? That's the distinction between rural and urban.

• (1600)

Mr. Sean Fraser: Would a solution be if the federal government were to partner with smaller communities by saying, "We'll partner with your volunteer group. You guys do the work, but we'll help out on the resources end"? Is that what you're perhaps suggesting?

Mr. Frank Mauro: That's exactly it. There's been a big step taken with the abandoned boats removal program, which is the one that is currently out there as part of the transition. That's the one that requires the 25%. Maybe the entire transition needs to be looked at holistically, especially for the legacy vessels. The act deals fairly reasonably with vessels going forward.

Mr. Sean Fraser: With respect to the fine structure, you alluded to section 90, suggesting that the fines are perhaps too insignificant, because they may be viewed as a cost of doing business, to use your words.

When I looked at it, if memory serves, it was \$50,000 for an individual, and for another person, presumably a corporation or some other legal entity, it was \$250,000. If I recollect correctly, department officials told us the fines would be in addition to the actual cost of removing the abandoned vessel. With this information in hand, what would be an appropriate level of fines that should be included in the legislation? How can it be approved?

Mr. Frank Mauro: I'll let Mr. Winn take that.

Mr. Ian Winn: Thank you Mr. Fraser.

One of the penalties in that clause 90 is \$5,000 for an individual. I think that could be perceived as being the cost of doing business for some individuals.

The question of who has responsibility for that vessel and who the owner is always comes up. If there's a way the owners can make it an individual owner as opposed to a corporation or a business, which would incur a larger fine, then they're going to find a way to make it a smaller fine that the individual has to pay, and in that case it would be \$5,000, which might be acceptable as the cost of business.

Mr. Frank Mauro: May I add something to that?

Mr. Sean Fraser: Certainly.

Mr. Frank Mauro: With regard to an individual fine, there are individually owned boats that are in the area of 100 feet and 120 feet. These are extremely large boats and difficult to remove, so a \$5,000 fine to an owner is a very small portion of what it would take to fill the tanks of that particular boat. It's a matter of perspective, I guess.

Mr. Sean Fraser: Thank you.

The Chair: Now we'll go on to Ms. Malcolmson.

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Thank you, Chair.

It's good to see some allies in the room here. I see John Weston, the only Conservative to support my predecessor Jean Crowder's version of this bill. Thank you for that.

I also see Frank Mauro; at local government, we've been lobbying the province and federal government a bunch of times over the years, when I was elected locally, so it's great to have your voice here.

Also John Weston endorsed my bill, C-352, which unfortunately was stopped in its tracks back in the fall.

It's so rich that we've got the Washington State program here, and I hope the other members will shoot as many questions their way as we can, because these guys have been doing it for all this time. I'm going to focus my questions on you. I'll just let you know that last week, when we had the Minister of Transport here, he was saying

one of the programs that the federal government here has been looking at is Washington State's, so you're coming in with some good credibility.

One of the pieces in my bill that wasn't able to advance and is missing from the government's bill is the vessel turn-in program that you described as your prevention program, so here are my questions to you. Do you wish that you'd waited to bring that in? To what extent was it an integral and vital part of your overall abandoned vessel program? Also, tell us a little bit more about the results that accrue when the government decides to legislate and fund a vessel's end of life.

•(1605)

Mr. Kyle Murphy: The vessel turn-in program was created two or three years ago in one of the many pieces of legislation that have been focused on our program in the last 15 years. I think with the success that we've seen in the program over those past years, as Troy mentioned, we get close to 100 vessels turned in voluntarily to us biennium, every two years. I think it would have been very helpful to have that as an option, as a tool, early on in the life of the program, although it's hard to say how much participation we would have had early on in the program.

Over the course of those 15 years, the program has become more widely known, and we work closely with all of our marinas, port facilities, cities, and county governments, so the message has gotten out. When they see a boat that's a problem and they have a vessel owner who's willing, they know they can bring it to us.

It would have been good to have it as part of the program early on. Over these past three years, it has become quite an integral part of our program.

Ms. Sheila Malcolmson: I'm going to ask you another question about another element of your program. You also have penalties in place for the failure to register a vessel, and we're very concerned that this program in Bill C-64 might fail if we can't actually send fines and penalties to the actual boat because the vessel registration system has kind of fallen into disrepair. That was also part of my legislation. Can you tell us a little bit more about the benefits of having fines for failing to register?

Mr. Kyle Murphy: For us, the biggest benefit is that it encourages registration. One of the witnesses earlier stated that it's important to know who owns the boat in order to determine who to go after, and that's exactly what we have found. A big part of our program isn't necessarily the fines that come from not registering; it's our ability to seek reimbursement from a vessel owner for the cost of removing the vessel. That becomes much more of a cost and, I think, more of a deterrent than a fine would be.

Some of our vessel removals cost upwards of a couple of hundred thousand dollars. Our statute allows us to seek reimbursement from the owner for that entire cost. We've gone through our court system to get things like liens put on property in order to recover some of those costs.

While the fines are important, mainly it's from the standpoint of making sure the vessels stay registered, so we know that when we find an abandoned vessel, there is a registration system we can go to in order to determine who the owner is at the time the vessel was abandoned.

Mr. Troy Wood: It's important for us to have the owner's information. When we first get a report on a vessel, we try to contact the owner to encourage responsible actions on their part.

Ms. Sheila Malcolmson: Another important part of your program in Washington State, which I tried to model in my legislation, is the dedicated fee. When people pay to register their vessel, that money goes into a pool that is available to respond. Again, it gets the cost off taxpayers.

Can you talk more about the importance of that?

Mr. Kyle Murphy: When you register your vessel in Washington, as you're required to, you pay a fee. I'm not sure what the overall fee is, but that money goes into several different pots that pay for things like building boat launches and pump-out facilities and encouraging boater education programs.

Three dollars of the annual fee that you as a boat owner pay goes directly to the Department of Natural Resources to administer the derelict vessel removal program, so it's a dedicated fee. I think it started out as a dollar originally, but it's been bumped up to three dollars for the past several years. That's extremely important for our program, because it's our funding source. That's our major funding source. We get a bit more money from a separate funding source to help defer our costs, but without that fee, I believe the three dollars

The Chair: Excuse me, sir; sorry, but our time is up. We have to move on to the next questioner.

Go ahead, Mr. Badawey.

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

Thank you, all of you, for being here this afternoon.

I hear a lot of comments being made about past bills and efforts to deal with this issue, and I appreciate those efforts. Here we are today, taking it to the next level, and in fact getting it done.

With that said, I'm very much interested in both the process and in mitigating the financial implications to the taxpayer. I want to go to those who are experienced, those who are actually in the thick of it right now in terms of adding the substance to the effort, adding the guts to ensuring that this is dealt with.

To the folks from Washington, I want to go to some of the comments you made earlier to get more specific. My question is on orphan vessels. These are vessels for which we don't have the luxury of going after somebody to pay the bill or enter into a process to deal with these vessels. I have two questions.

One, what method would you recommend to ensure that orphan vessels don't exist, and that we actually get to the folks beforehand? That way, when a vessel is abandoned, we can—whether through a VIN number that's attached to the vessel itself, as with a car, or by some other means—identify those people so we can go after them

directly and mitigate the negative financial implications to the taxpayer.

Second, with respect to some of the funding programs available to you, you have fees that are paid by recreational vessel registrations, visitor permit fees, and fees to certain commercial vessels. Which of these three fees contributes the most to the derelict vessel removal account? How was it determined that these three sources of funding should be used for the derelict vessel removal account, and how has it been accepted by the boating community?

Thank you, Madam Chair.

• (1610)

Mr. Kyle Murphy: Sure.

On the registration, when you register your vessel in Washington State, you get a registration sticker that you're required to put on the bow of your vessel or on the window of your vessel. Through that system, which is administered by the Washington State Department of Licensing, we're able to go back and look at owner history. If we do find an orphaned boat or an abandoned boat that hasn't been registered for many years, we can go back in that system to determine who was the last registered owner. Our statute allows us to go after that last registered owner. Even if the vessel hasn't been registered for five years, we can go back to the last person who registered it and try to work our way forward. We ask if that person sold it and if they have documentation of who they sold it to. It's a bit of an investigative process to determine who the owners are. It's all tied to the state-wide registration system that lets us know who the last registered owner was.

In terms of the funding, the biggest source of funding of those three sources is the \$3 recreational fee, which gives us almost \$700,000 per biennium on average. The visitor fee is a very small part of it. The fee on commercial vessels is about a quarter of a million dollars per biennium.

I believe the fee really came about as a recommendation from the boating community. Before the program was in place, there was this problem with derelict vessels—frankly, there still is—being abandoned in marinas and at port facilities, so it was an issue that was affecting the boating community. They really supported a way for that problem to be addressed. They also really supported the money that they pay into their registration going to a program that supports their community and their use of the environment. They've been very supportive all along. Even when we bumped it from a dollar up to three dollars, they were still supportive and didn't oppose that increase in the registration. The key is that they see it as a program that directly affects their boating lifestyle and their boating enjoyment.

Mr. Vance Badawey: I want to go a bit deeper on the registration of the boats.

Let's say the sticker has been removed or the identification of the registration has been removed from the vessel itself, and it might be sitting there, perhaps half-burned. What would identify that vessel's owner 10 or 15 years after it was abandoned?

•(1615)

Mr. Troy Wood: In the United States when a vessel is imported to or created in the United States, it has to have a hull ID number. That hull ID number is stamped somewhere on the hull once or twice, in a couple of different places. That allows us to identify the history of that vessel and find that vessel. The hull ID number is also used by our coast guard to register and document documented vessels as well, so we can go from one state to another and still use that hull ID number to identify not only the owners but the history of the vessel itself.

Mr. Vance Badawey: It would be similar to a VIN number.

Mr. Troy Wood: Yes.

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

We'll move on to Mr. Hardie.

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

One issue that came up when we were looking at the challenge of dealing with the boats that are being cleaned up was what to do with them once they've been taken away from wherever they're parked. Is there any kind of recycling program in Washington State, especially for things like fibreglass?

Mr. Kyle Murphy: Over the past year we've worked with a company that is interested in pursuing that type of approach. They recycle fibreglass and many things. We're continuing to work with them to try to find a feasible solution for them to recycle fibreglass vessels.

We try to salvage any usable parts off the vessels and then sell them through our state surplus system. These are things like cleats and brass and things like that. A large portion of the boats are just ground up, broken up, and put into a landfill, unfortunately.

Mr. Troy Wood: The hardest part is finding a use for the materials in post-consumer use form. Once you create a demand for it, you'll be able to create an industry. One company was creating new products from grinding up old wooden vessels as well as fibreglass vessels. It's a small start-up, and they haven't quite made the pipeline all the way to the consumer yet. There isn't quite the demand.

Mr. Ken Hardie: Maybe we'll just go back to future. Mr. Weston, when you were working on your legislation, did you examine the difficulties of doing something with whatever it was you've taken out of the spot?

Mr. John Weston: The closest thing to that was to look to the very witnesses you're speaking to. I think you have excellent witnesses from Olympia with hardened experience in actually removing the vessels.

If I could respond to your colleague's earlier question about identification, there are several sections in the bill that I think could be improved with just a bit of refinement. May I just touch upon those quickly?

Mr. Ken Hardie: No, actually, because I have some other questions. However, are they in your written submission?

Mr. John Weston: They are, yes.

Mr. Ken Hardie: Good. Perfect.

Mr. Mauro and Mr. Winn, is there a lot of crossed-arm finger-pointing going on with respect to who has jurisdiction over the wrecks you're finding in the Gulf Islands and up and down the coasts?

Mr. Frank Mauro: There is. I can say that Transport Canada in some instances has been helpful in issuing orders to remove—more so with derelict structures than with vessels—and the RCMP has also been helpful, but when it comes time to actually enforce and remove, people tend to back away. That's one of the issues.

Mr. Ian Winn: We haven't talked about the role of the first nations. There is a boat ashore on the Squamish first nation's land in my rural area right now. That's yet another jurisdiction we haven't even started to talk about yet: what do first nations do with vessels?

Mr. Frank Mauro: Under provincial jurisdiction, the province controls the land in the harbours—the land under the water—and this gives rise to the issue of trespass. People point to the enforcement officers of Forests, Lands, Natural Resources Operations, which is the B.C. land lessor. They have the ability to give permits.

Yes, there is finger-pointing, and there is also the actual enforcement. The Coast Guard will contain any spill, but when it comes to removing a vessel, it's a problem. As an example, we had a vessel sink in the harbour. The result was that it was marked on the charts as a hazard to navigation, so again we're not dealing with the problem.

That's the kind of finger-pointing I mean. I know I'm just describing problems, but I think this bill goes a long way towards providing solutions. Perhaps it could be improved in the areas we discussed.

•(1620)

Mr. Ken Hardie: By the way, to Mr. Weston's earlier point, we value your input; I just needed time to ask some more questions. Thanks, John.

Mr. John Weston: No, I've been there, done that.

Mr. Ken Hardie: Okay, no worries.

Mr. Murphy and Mr. Wood, you mentioned that your program has gone through a number of transitions since it was created. From a high level, can you take us through some of those transitions and tell us the reason you had to shift gears?

Mr. Kyle Murphy: Most of the transitions were done to improve the efficiency and effectiveness of the program.

We went through things like providing additional authority for us and other agencies to board vessels, refining the custody process so that it would adhere to the due process requirements we have in the United States, and raising the fee, which started off at \$1 and is going up to \$3. The most recent changes we went through were to try to encourage vessel owner responsibility, including requiring marinas and the vessels that have long-term moorage agreements in marinas to have insurance. We now have in place a secondary liability structure whereby we can go after previous owners who didn't follow the legal steps when selling their vessels. For example, we are trying to discourage people with a boat that's becoming a problem from just selling it for a dollar to a guy they met in a bar.

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

Mr. Chong is next.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Madam Chair.

I'd like to ask the witnesses their opinion on clause 24 of the bill. Clause 24 requires a vessel of 300 gross tonnage and above to carry a certificate of insurance if entering or leaving a port in Canadian waters. The reason I want to ask about this is that some people have suggested that the cut-off of 300 tonnes may be too high, and the committee may want to look at amending the bill to reduce the tonnage from 300 down to another number.

I was just doing some very basic research here, and 300 tonnes is a big boat. For example, the old Mill Bay ferry that went across the Saanich Peninsula to Mill Bay was only half of 300 tonnes. Half of New Brunswick's and Newfoundland and Labrador's ferry fleets are under 300 tonnes. The Glenora ferry that takes people and cars from Prince Edward County to the mainland, to an Ontario provincial highway, is only 200 tonnes. The Toronto Island ferry is only 180 gross registered tonnes.

It seems to me that we're missing a lot of boats that wouldn't be required to carry insurance to fund the removal of these derelict and abandoned vessels if we're setting 300 gross tonnes for the requirement to carry insurance. I'm interested to hear what members of the witness panel have to say about that 300-tonne limit.

The Chair: Mr. Weston, would you like to start the conversation?

Mr. John Weston: Well, we heard from Washington that they have a convention, I think, or are trying to impose a convention, that all marinas and vessel owners have some form of identification and maybe insurance. It would be worth knowing what level of expense and inconvenience is imposed upon a boat owner to get such a thing.

The other part about the clause you refer to is that it refers, I believe, to the international convention. Part of my comments are that there isn't enough coordination between the international convention and this law. Nowhere in the law does it say what prevails in the event of a conflict between the international convention and this law.

Furthermore, a lot of the definition clauses could be tightened up. With "owner", for instance, in clause 15, it's not clear whether the consequences of the act have to be imposed against corporate owners in clause 12, as the act intends. The whole notion of abandonment for a period of less than two years is not clearly

defined in subclauses 32(2) and 32(3). I think there are areas that could be tightened up overall to achieve the stated goals of the act.

Again, I think it would be worth hearing from Washington on how they deal with this matter of insurance.

• (1625)

Mr. Kyle Murphy: First, our program isn't restricted by the tonnage of a vessel, but by the size of a vessel. The funding we get can't be used for any vessels over 200 feet, so approximately 60 metres to 70 metres in length.

In terms of the insurance, we found that most of the large commercial vessels currently in operation, or even smaller commercial fishing vessels in operation, were already insured or had insurance. Mostly what we were running into was smaller recreational vessels that were uninsured that were being abandoned in marinas or becoming derelict in marinas. That was the big piece of the pie that we were trying to address when we thought about insurance.

Mr. Frank Mauro: Can I speak to that?

Hon. Michael Chong: I have just a quick question for the witness from Washington.

Do all vessels under 200 feet require insurance in the state of Washington?

Mr. Kyle Murphy: Only if a vessel has a long-term moorage agreement or contract with a private or public moorage operator—a marina—are they required to have insurance. If a vessel is on an authorized mooring buoy, for example, that they own, they don't have to have insurance. I guess you could say there are some loopholes in that insurance piece of it.

Hon. Michael Chong: Just to clarify, if I have a 60-foot Beneteau moored at a yacht club in Seattle, would I require insurance?

Mr. Kyle Murphy: Yes. The stick-and-carrot analogy, or the way it works, is that if you have your vessel moored in that marina and you don't have insurance and the vessel sinks, the marina or the public entity wouldn't have access to the derelict vessel funds to remove that boat.

Hon. Michael Chong: Thank you very much.

The Chair: Thank you, Mr. Murphy.

Go ahead, Ms. Jordan.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you, Chair, and thank you to the witnesses for being here today.

When I introduced M-40, which was the motion that was the framework for the legislation, I actually followed Mr. Weston's bill and had a good chance to look at your bill that was put forward, as well as Jean Crowder's, and of course what was happening in Washington. Congratulations on all of the good work that you're doing there

From the east coast perspective, it's a bit different, because the abandoned vessels that we're dealing with on the east coast are not necessarily pleasure craft. There are maybe some, but for the most part they're large navy vessels, old Coast Guard vessels, industrial fishing vessels, so it's a bit different in terms of removal. Do you know of any place, other coastal states—I'm talking to the people in Washington right now—that have programs similar to yours that deal with larger vessels?

Mr. Kyle Murphy: We do deal with larger vessels ourselves in Washington State. Just a couple of years ago we removed a 170-footer that was previously a military tug. We've done old scientific research vessels. We've actually done a couple of old Canadian Coast Guard vessels that were purchased by someone in Washington several years ago. We do have a lot of experience with larger vessels.

In terms of the numbers, they make up fewer of the vessels we deal with, but in terms of the costs, it's much more the cost of our program. It's much more costly to deal with vessels of that size.

• (1630)

Mrs. Bernadette Jordan: You said you have about a million-dollar budget to remove vessels. I know, for example, in the area that I serve, just removing one of them was close to that. How does it compare when you were removing these large vessels? Did you pay for it out of this fund you have with the \$3 fee?

Mr. Kyle Murphy: We've done some of the less complex, larger vessels with the \$3 fee, with the \$2-million biennium money that we get, but we did receive, I think about four or five years ago, a large \$5-million appropriation from our state legislature to specifically focus on larger previously commercial vessels. Because of our funding, we hadn't been able to address a lot of those, and it was becoming that more and more of them needed to be dealt with. That was a special allotment that we received. I think it lasted about three or four years, and we were able to remove a dozen or so vessels.

Mrs. Bernadette Jordan: Thank you.

The Chair: Your time is up.

Thank you so much to all our witnesses. Mr. Weston, it's always wonderful to see you back with us.

We're going to suspend momentarily for the other witnesses to come to the table. Thank you.

• (1630)

_____ (Pause) _____

• (1630)

The Chair: From the Atlantic Policy Congress of First Nations Chiefs Secretariat, we have with us Ken Paul, the director of fisheries and integrated resources, and Chief Terrance Paul, Membertou First Nation, who are with us by video conference from Sydney, Nova Scotia. As well, we have Peter Luckham, chair, Islands Trust Council, and Anna Johnston, staff counsel, West Coast Environmental Law Association.

Welcome to you all. We're very pleased to have you here.

Mr. Paul, would you like to start first for five minutes, please?

• (1635)

Chief Terrance Paul (Membertou First Nation, Atlantic Policy Congress of First Nations Chiefs Secretariat): Which Mr. Paul, Ken Paul or Chief Paul?

The Chair: Chief Paul.

Chief Terrance Paul: Thank you for inviting me to take part in today's discussion. I am pleased to be here on behalf of both the Atlantic Policy Congress and my community of Membertou to speak to Bill C-64.

As the original caretakers of our lands and waters, we, the Mi'kmaq, know that we have both rights and expertise to share that take into account the appropriate methods and the impacts that decommissioning and removal have on our environment.

For your information, according to our treaties, the Mi'kmaq have first rights to salvage operations. However, over time that has not been the process that has taken place in many cases.

This is why meeting with you today is so important for us and the Mi'kmaq population of more than 22,000 people across Nova Scotia and the indigenous people across Canada. We recognize the great opportunity in economic development for first nations regarding the decommissioned, abandoned, and hazardous vessels in our waters. Because the Nova Scotia Mi'kmaq have extensive experience and history in the fisheries, we see working with you, our government, as an open and ongoing dialogue about the advancement of Bill C-64 and an opportunity to learn how we can be instrumental in gaining this opportunity.

The economic and employment opportunities that it would and could provide for us would be incredibly beneficial.

I would recommend a serious consideration of the tendering process itself. While I am not suggesting that we would always have the capacity to take on these large-scale projects all on our own, I do ask that you put forth requirements for indigenous participation and partnerships. Here in Cape Breton, for example, the Nova Scotia Mi'kmaq and Membertou have land on the Sydney waterfront. Recently we've seen organizations come in under massive contracts to facilitate these operations, and we haven't even been consulted, let alone been a part of the project. This cannot continue.

I ask today that you take away from our conversations the consideration of creating an inclusive procurement process and of ensuring that indigenous people are involved in the tendering process through Bill C-64. We recognize the importance of this bill, which will further provide guidance and protection for the future.

We want to make recommendations to you to move this bill forward. We would welcome the opportunity to be a part of your further discussions, but also to play a pivotal role in helping to achieve the goals of the bill in a safe and efficient manner, all while being included from the beginning.

Our people have long since used these waters for survival and to make a living for our families. I encourage you to consider having us at the table for further discussions, and when the time comes to properly take care of these operations, I hope you will consider having indigenous people working to protect our waters as we've done since time immemorial.

Thank you.

The Chair: Thank you very much, Chief Paul.

Mr. Ken Paul is next.

● (1640)

Mr. Ken Paul (Director, Fisheries and Integrated Resources, Atlantic Policy Congress of First Nations Chiefs Secretariat): First, I'd like to acknowledge that we are on Algonquin traditional lands, and that we want to respect their sovereignty.

I also want to mention that I'm replacing Chief Bob Gloade, who had a medical emergency yesterday. He was supposed to appear on our behalf as one of our co-chairs, and I hope that we can send prayers for a speedy recovery to him and his family.

Chief Terry mentioned our treaties. I would like to read an excerpt from the treaty of 1752, the Peace and Friendship Treaty, between His Majesty the King and Jean Baptiste Cope. Article 7 specifically says:

That the Indians shall use their best Endeavours to save the lives and goods of any People Shipwrecked on this Coast, where they resort, and shall Conduct the People saved to Halifax with their Goods, & a Reward adequate to the Salvadge shall be given them.

This actual treaty and this passage itself can be found on the Indigenous and Northern Affairs website.

We understand that with Bill C-64, an act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations, the Government of Canada seeks to strengthen liabilities of owners, prohibit abandonment, enhance federal powers to undertake assessments, introduce compliance and enforcement regimes, and clarify the roles of Transport Canada, the Department of Fisheries and Oceans, and the Coast Guard.

The Standing Committee on Transport, Infrastructure and Communities must consider the points that follow.

The Mi'kmaq and Maliseet are signatories of the treaties of peace and friendship with the crown. The treaties are pre-Confederation nation-to-nation agreements, and Canada has officially recognized the treaties of 1752 and 1760-1761 through court cases.

The Mi'kmaq and Maliseet have never ceded any territorial lands or waters to the crown or Canada. As original inhabitants of territory spanning Nova Scotia, New Brunswick, P.E.I., Newfoundland, and Quebec, Mi'kmaq and Maliseet enjoy aboriginal treaty rights that originate from our inherent rights.

According to Canadian law, the crown has the fiduciary duty to consult with first nations chiefs on any legislation that may impact aboriginal and treaty rights, and this includes Bill C-64.

The treaty of 1752 identifies and acknowledges a critical role of Mi'kmaq people in rescue and salvage operations of shipwrecks on the Atlantic coast.

Bill C-64 proposes new authorities to the Minister of Fisheries and Oceans and the Canadian Coast Guard with respect to wrecks and abandoned vessels for salvage and environmental damage. This includes fees and penalties. These authorities and the roles of first nations must be discussed in full consultation with Mi'kmaq and Maliseet.

Bill C-64 proposes new registries for vessel owners, along with associated fees. Any new regulations, policies, administration, or costs must be discussed in full consultation with Mi'kmaq and Maliseet.

Economic opportunities to perform vessel deconstruction, recovery, salvage, and transport must give special consideration and preference to Mi'kmaq and Maliseet enterprises.

Environmental and economic impacts of shipwrecks and abandoned vessels in unceded traditional territories must also take into consideration the social and cultural impacts to Mi'kmaq and Maliseet people. This must include, but not be limited to, indigenous traditional knowledge, which has been expressed in Canada's proposed Bill C-69, the impact assessment act.

Thank you for your consideration.

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

We'll move on to Mr. Luckham from the Islands Trust.

You have five minutes, sir.

Mr. Peter Luckham (Chair, Islands Trust Council, Islands Trust): Thank you, Madam Chair and committee members, for the important work you are doing for Canada.

I would like to acknowledge our meeting on Algonquin Anishinabe territory, and also recognize the Coast Salish territory where I live and which I am mandated by the Province of British Columbia to preserve and protect.

I represent the 26 elected trustees of the Islands Trust, who represent 35,000 residents and property owners of British Columbia's Gulf Islands. The Islands Trust is a federation of 13 special-purpose local government bodies, established in 1974 by the Province of British Columbia through the Islands Trust Act.

Through the act, we are mandated to preserve and protect the trust area and its unique amenities and environment, in co-operation with others, for all British Columbians.

The Gulf Islands are an ecologically rich and internationally renowned tourism destination. As a professional scuba diver and a mariner, I have seen many a sunken or scuttled boat, as well as numerous derelict or abandoned vessels along our shores.

I would like to acknowledge member of Parliament Sheila Malcolmson for her years of tireless work on this issue, and would like to thank this government for creating Bill C-64.

Three and a half million people live in the area surrounding the Islands Trust. There are hundreds of thousands of pleasure craft in the region. Many of them are lovingly maintained older vessels, but others are beyond hope.

A 2014 Transport Canada study identified our region as a hot spot in Canada for abandoned vessels. We are very concerned about small fibreglass and concrete boats that are reaching the end of their service life.

What is the underlying cause for abandoned and derelict vessels? I would suggest the lure of the sea. This powerful attraction for adventure and exploration draws the bold and the foolhardy. All too often, many of those drawn to the siren's song seem to not have the awareness, the skills, the experience, and the resources to properly care for an old boat. A lack of clear regulation does not help.

It is a regular occurrence in the bays and harbours of our islands to witness a known at-risk vessel sink at its moorings after the winter storms, leaking fuel and oil and taking batteries, garbage, paint, and other toxins to the nurseries of our sensitive marine environment.

One of the 450 islands within the Islands Trust federation, the municipality of Bowen Island, has dedicated 400 hours of staff time and more than \$75,000 since 2014 to removing more than four tonnes of debris related to boats, wrecks, and mooring buoys. This is a significant and unsustainable cost to a small local government.

These vessels have little or no value and are readily transferred to those drawn to the sea. Circumstances force these vessels to go to a mooring or to set anchor. Ultimately, they are abandoned or blown onto a beach in a storm, or worse, scuttled in the dead of night.

The lack of vessel registration and mooring buoy management promotes abandonment. We need to put an end to this lack of accountability of irresponsible boat owners.

The Islands Trust has been advocating for long-term solutions to abandoned vessels since 2010. We and others have suggested the following strategies: create a funding mechanism, such as a fee on vessel registration; enhance licensing and registration for all vessels and validate the existing data; create a vessel turn-in program; establish public education programs and vessel product stewardship programs; and confirm the responsibilities of the agencies having authority over derelict and abandoned vessels.

I ask you to strengthen Bill C-64 with actions that focus on preventing abandonment. For example, establish a program of review and approval under the Navigable Waters Protection Act for private mooring buoy registration, and actively conduct enforcement; perform regular mooring buoy sweeps with other agencies; inventory and monitor vessels at risk; provide opportunities for appropriate disposal of old boats; and establish a permanent program beyond the 2017-2022 funding.

We appreciate the intent of the work behind Bill C-64. This is a big step in the right direction and responds to many of our concerns. We're glad to see that charges have been laid recently in British Columbia against offenders who deliberately scuttled their vessels. Successfully getting the message out that the government is serious about penalizing offenders and helping those who ask for help will, I believe, reduce the occurrence of abandonment.

Transport Canada's plans for improving pleasure boat registration and developing an ongoing revenue stream for removals is crucial to long-term success in preventing abandonment, just as the Washing-

ton State derelict vessel removal program has greatly assisted San Juan County in managing abandoned boats.

• (1645)

Thank you for your leadership on this issue, and thank you for inviting me here today.

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

We'll go on to Ms. Johnston, staff counsel for West Coast Environmental Law.

Ms. Anna Johnston (Staff Counsel, West Coast Environmental Law Association): Thank you very much, and thank you for this invitation to appear before you on unceded Algonquin territory.

My name is Anna Johnston. I'm a staff lawyer at West Coast Environmental Law.

West Coast has been a non-profit for 40 years now, helping British Columbians protect their environment through law. We work with coastal communities, local governments, and first nations to strengthen environmental laws protecting their lands and waters, and I am truly honoured to be before you today.

I'd like to commend this government for taking action on the issue of wrecked, abandoned, dilapidated vessels, and for all of you, it's really been great to see the parties come together to move this bill forward and strengthen it together.

Abandoned vessels cause significant environmental, safety, economic, and aesthetic concern to coastal communities in British Columbia. I believe the same 2014 inventory that my friend here just referred to identified 245 vessels of concern in British Columbia, and those are only the ones that were reported by local governments. Of these, 165 were pleasure craft or sailboats, so the majority of the problem that is faced in British Columbia is not from large commercial vessels. They tend to be smaller pleasure craft spilling fuel and decaying in local harbours and waters.

Bill C-64 is a good start toward helping with this issue. I have a few suggestions that, if implemented, I believe will help strengthen the bill and allow it to fulfill the government's goal of more effectively dealing with derelict, abandoned, and wrecked vessels.

My first suggestion is to better ensure that the goal of dealing with these vessels is met by strengthening the discretionary nature of the act and actually requiring ministers and receivers of wreck to take action.

The second recommendation I have is related to the first. To the degree that discretion remains under the act, in my experience, when the government doesn't take action on an issue, the public wants to see why. Therefore, I would recommend that there be an amendment to explicitly enable the public to request ministers or receivers of wreck to deal with, or authorize them to deal with, abandoned, derelict, and wrecked vessels, and to combine that ability to request with a mandatory response that is made publicly available within a prescribed period of time.

My third recommendation is to better enable the tracking down of vessel owners, as has been mentioned here before, by requiring registration of pleasure craft.

Do I have a couple of minutes? Can I elaborate on those points?

• (1650)

The Chair: Yes, you do. You have two more minutes, Ms. Johnston.

Ms. Anna Johnston: With regard to the discretionary nature of the act, most of the powers of the minister and receivers of wreck under the act to deal with wrecked, abandoned, and dilapidated vessels are discretionary in nature, calling into question whether or not these decision-makers will actually take the necessary actions to address the backlog of wrecked, abandoned, and dilapidated vessels in Canadian waters.

For example, subclause 30(3) states that if an owner of a dilapidated vessel leaves it stranded, grounded, anchored, or moored for at least 60 days contrary to subclause 30(1), the minister may take measures or monitor the situation or order that measures be taken. I would recommend that these kinds of provisions be strengthened to require the minister and also the receivers of wreck to take action within a prescribed period of time or else to justify why action is not being taken.

Combined with this, my second recommendation is that, to the degree the discretion remains in the act, the bill include specific provisions that would allow any person to request ministers or a receiver of wreck to deal with abandoned, derelict, or wrecked vessels, or to authorize them to do so.

Some provisions to this degree do exist in the bill. For example, there's a requirement in subclause 58(1) to report a wreck. However, when I looked through the bill, I didn't see, with regard to many of the other provisions enabling ministers to take action with regard to these vessels, an ability for the public to explicitly request that it happen.

Of course, the public would always be able to make this request, but the reason you want to put it in legislation is that you want to pair it with the requirement that the minister or the receiver of wreck provide a public response to that request in order to retain a little public accountability.

I was going to talk about the registration of pleasure craft, but I think that topic has been amply covered.

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

We'll go on to Ms. Block for six minutes.

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

I'd like to welcome all of our witnesses here. Thank you so much for joining us.

It is interesting to note that this is not the first bill tabled in the House and then referred to this committee on which first nations witnesses have indicated that they have not been consulted.

I guess I would pose my first question to you, Mr. Ken Paul, and I only say Ken Paul because we have Chief Paul sitting at the table as well.

In other bills, there are provisions that require that when making a decision under an act, the minister must consider "any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada". Can you tell me if you are aware of any such provision in Bill C-64? If not, what might be your recommendation with regard to this bill, and what might be any amendments that need to be made to this bill in order to satisfy some of the concerns that you raised in your testimony?

Mr. Ken Paul: I'm not really aware of any of the provisions that you mentioned, but in general, if there's going to be any act of law that may have an impact on aboriginal treaty rights, that really triggers a duty to consult. It's just part of Canadian law, out of the Haida court case of 2004, I believe.

We have processes in Atlantic Canada. Our first nation chiefs are our legislative leaders, and they can delegate. However, full consultation hasn't actually happened in the past little while. It seems that things go to the gazetting process, and then we're asked whether or not we want to consult, while the process has already begun. The clock has already been ticking once it goes to the gazetting process. Full engagement needs to be done at the beginning to avoid any particular problems.

• (1655)

Mrs. Kelly Block: In follow-up to that, do you have any amendments that you would like to see considered for this bill?

Mr. Ken Paul: I don't have the authority to recommend amendments. That has to go back to our consultation tables that are delegated by our chiefs.

Mrs. Kelly Block: Okay. Thank you very much.

I will ask a question of Chief Paul. Can you tell me how many abandoned vessels are currently in your harbour?

Chief Terrance Paul: I don't know the exact number, but I'm aware that there are quite a few. I don't have that number, but I know that there are almost 700 decommissioned ships, abandoned ships, nationally.

On the other side of it, with regard to the ships that are decommissioned, the usual practice has been, I guess, to go to the point of the cheapest labour, and that is to go overseas, which I feel is not right at all, even for those people who are doing the work, because of the protections that are required.

A lot of those ships have asbestos, and from what I've seen, there's absolutely no protection on that side. It may cost more here, but... Here we are in Cape Breton. We've seen a lot of these decommissioned ships here in the harbour, waiting for the contractor to take them overseas. We're asked to look after those through our security measures, and that's about it. There's really no discussion, no consultation, which is very... I mean, it's the law. That's required, even if we think, even if we feel, that it's affecting us, and we certainly feel that.

It's not just a check-off in a box that you consulted us, that you just spoke to us. It has to be meaningful consultation, and there has to be meaningful accommodation to that.

I know that's a long answer to your question about how many abandoned ships, but I needed to put that in.

Mrs. Kelly Block: Yes. That's okay. I just noted that you did recommend that a serious tendering process needs to be put in place to address the removal of abandoned vessels.

Currently, what is the process for removing an abandoned vessel? You may have already said something about it happening from other countries, but can you tell me how they are dealt with right now?

Chief Terrance Paul: As I said, the tendering process has only recently taken place. I know that for a fact because of what we experienced here in Cape Breton with respect to where the ships were going. They weren't staying in Canada. Since that time, a policy has been put into effect requiring that ships no longer be taken out of the country to be dismantled, which is a good thing. Before that, what we did in Cape Breton, along with a partner who's into ship repair and dismantling, is that we went to Ottawa and provided what they call an unsolicited proposal to dismantle a ship here in Cape Breton.

The Chair: Thank you, Chief Paul. Sorry to interrupt, but I have to move on. You can maybe tie the rest of that answer onto our next questioner.

Go ahead, Mr. Fraser.

Mr. Sean Fraser: Chief Paul, you're in luck. I'm going to pick up more or less where you left off. Before I do, though, I want to publicly congratulate you on your appointment to the Order of Canada. It was well deserved, and we are all very happy for you in Nova Scotia.

Mr. Ken Paul, please pass on to Chief Bob Gloade that we're thinking of him and wish him well.

Chief Paul, on the tendering process, there's an opportunity here. We're at the front of a wave, so to speak, in dealing with an historical backlog of abandoned vessels. How can we best engage first nations communities to ensure that they have an opportunity to continue to protect our waters and to participate in the economic benefits those waters provide? After the fascinating history lesson we just received, I understand this is part of the treaty rights guaranteed under the treaty of 1752. Can you finish outlining a process of engagement that ensures you have fair access to the benefits?

• (1700)

Chief Terrance Paul: In my presentation, although I didn't specify it, what I really meant was having set-asides as well as giving more weight to submissions that include a partnership with indigenous people.

I'll give you an example of a successful set-aside in cleanup—the infamous tar ponds here in Sydney. We started off with a \$20-million set-aside in a \$400-million project. That process was successful. I know a local deputy minister in the province stuck his neck out for us, and I'll always be grateful for people who have the guts to take a stand. The government was so pleased with the work we did that they expanded our contract to about \$80 million. We've proven that we can do the work. As long as we have the expertise to partner and gain capacity in the field covered by the contract, I believe the indigenous involvement in these bids should be encoded in the tender.

Mr. Sean Fraser: Do you think that's best done on a project-by-project basis, or do you think it would be worthwhile to establish

some sort of guideline that could apply across the board for all projects that might impact a first nations right?

Chief Terrance Paul: I don't want to answer that because I don't want to put us in a situation where we're not able to fulfill a contract. I think it should go on those merits. Even if we don't have the contract, we should at least have the opportunity to participate in the employment under that contract. There should be a general set-aside for Mi'kmaq employment or indigenous employment, depending on the area, for that particular project.

Mr. Sean Fraser: Chief Paul, thank you very much.

Ms. Johnston, you mentioned some of the efforts to establish an inventory, and I'll build on the testimony given by Mr. Weston, who is still in the room, about the need to create a database to properly deal with the problem.

In smaller communities, one of the issues we face on this piece of legislation and across the board is the capacity to understand the process required to get something on the radar. How can we ensure that we're building an inventory the right way so that all communities that have a problem with abandoned vessels can get their project on the priority list?

Ms. Anna Johnston: There have been recommendations before that there be a single agency as the go-to agency. I think that would go a long way so that communities don't have to try to figure out whether it's DFO or Transport Canada that is responsible, or perhaps a port or a harbour. It's a little bit confusing under the legislation now. Having what in B.C. we call the “one-window agency” just to direct you to the right people to talk to can be very helpful. There's education, of course, and literature.

I suspect that a lot of communities in British Columbia are well aware of this issue and already know some of the runaround that they have to do.

Mr. Sean Fraser: That is my time. Thank you very much.

Wela'liog, Chief Paul, and please pass on our regards to Chief Gloade.

The Chair: Okay. We'll go on to Ms. Malcolmson.

Ms. Sheila Malcolmson: Thank you, Chair.

Thank you to all the witnesses.

I want to pick up on the West Coast Environmental Law Association's questions around ministerial discretion.

What kind of wording would you like to see as an amendment that turns the “might” or “should” into a “must”? If you have anything particular in mind, would you be able to send that on to the committee?

• (1705)

Ms. Anna Johnston: Sure, I'd be pleased to. It's pretty simple. In most of those, such as subclause 30(3), where it says “Minister may”, change it to “shall” or “must”. It's the drafters' preference, really. It's the same thing. Then for “within a prescribed period of time”, 90 days, for example, might be adequate.

Paragraph 36(a) says the Minister of Fisheries and Oceans “may”, and then paragraph 58(4)(c) says a receiver of wreck “may”:

take, or authorize any other person to take, the measures with respect to the wreck — other than selling, dismantling, destroying or otherwise disposing of it — that the receiver considers appropriate.

Again, I would just say “shall”, within a prescribed period of time.

Ms. Sheila Malcolmson: Okay. Thank you very much.

I will go on to Islands Trust Council chair Peter Luckham, whom I worked with as vice-chair for six years, and now he's in the chair seat, the position I used to occupy.

We did a lot of work on this issue, and honestly, Islands Trust Council was one of the first local governments that brought the Union of British Columbia Municipalities and the Association of Vancouver Island and Coastal Communities repeated resolutions every year, which we are still pushing for. The government has said it is going to do some of these things, but they are not embedded in the legislation. They're on the website and part of its programming, but a lot of us have such an appetite for action on this that we would be more comforted if it were embedded in legislation.

Some of those pieces would be fixing the vessel registry, creating a fee to help cover the cost of vessel disposal, and especially addressing the backlog of what we hear from Transport Canada are thousands of abandoned vessels across the country.

I'm seeing you nod. Those are the elements of a lot of those local government resolutions.

Can you talk in more detail about the imperative of dealing with the backlog and also some of the concerns that I think you heard the Sunshine Coast Regional District Board talk about on the previous panel? Although there is a program in the interim to work with local governments to remove some of the existing backlog of abandoned vessels, we heard from the minister last week that there have only been seven applications across the whole country so far.

What are the barriers to local governments participating in that program? Did Islands Trust Council make any applications for removal?

Mr. Peter Luckham: Thank you for the question, Chair Malcolmson—that's an old mistake.

Ms. Sheila Malcolmson: I have a whole bunch of questions.

Mr. Peter Luckham: I think the backlog is a very serious concern. You can't go to any harbour, really, on any of the major islands, cast your eye about, and not see an abandoned or derelict vessel washed up on the beaches. They are in the playgrounds for our children. They are where we swim. They affect the nurseries and the eelgrass. These vessels must be removed. They just continue to deteriorate. The longer we leave them there, the most costly they will become.

With respect to the take-up on the removal program, I think there are some significant problems with the assumption of ownership, for instance, and with the application for funding.

There are too many questions about how the process will unfold for those parties to take on some significant responsibilities. I think 200 vessels were identified in the Vancouver Island and coastal

British Columbia area. There is no doubt that there are vessels out there, but there are definitely concerns with taking on that responsibility. I am concerned about asking volunteer organizations to take on vessels that are essentially hazardous materials. Honestly, I don't think we should be encouraging private citizens to take on the cleanup of toxic chemicals, hydrocarbons, lead, asbestos, and all sorts of things that are contained in those vessels.

I think there is a necessity to have a point agency responsible for identifying these vessels and assessing the risks associated with them. Certainly if it's just a small boat with no toxins, we could probably do something there, but I am worried about the toxicity of the vessels that are there.

I'm also worried, quite honestly, about regional districts accepting these vessels into their landfill sites. We don't accept drywall and gypsum into our landfill sites, for obvious reasons. If these vessels are hazardous waste sites, which I would suggest they are, I think there needs to be serious consideration given to how we're going to handle these things, and it needs to be done professionally and efficiently.

• (1710)

The Chair: You can have a very short question, Ms. Malcolmson.

Ms. Sheila Malcolmson: I'll just add that we had Washington State come up a number of years ago to the Union of BC Municipalities, and that's been the model for a lot of the advocacy that I've seen local government do. Would you urge this committee to look strongly at the results they've had over 15 years?

Mr. Peter Luckham: That is a shining example of a success story. They are addressing the issue. The public and those who own boats are seeing avenues to get themselves out from underneath vessels that they've gotten themselves trapped with, honestly, and it is definitely an avenue that this committee should be recommending and that we should be pursuing in Canada.

The Chair: Thank you, Mr. Luckham.

Ms. Jordan is next.

Mrs. Bernadette Jordan: Thank you, Chair, and thanks to the witnesses for being here today.

My first question is for you, Ms. Johnston.

You talked about the clarification of roles and responsibilities. I thought I had a copy of the former flow chart showing what you were supposed to do if you found a derelict vessel. It was all different. It was call this person if the answer is yes, or this person if the answer is no, but this new legislation seems to break it down to be a lot simpler.

Can you comment on that in terms of who is responsible, where the responsibility lies, and how they go about making sure things are looked after?

Ms. Anna Johnston: If I understand the legislation correctly, if a vessel is in a port, DFO is responsible, and if it's in a harbour, Transport Canada is responsible. If it's on crown property owned by DFO, DFO is responsible, and if it's on crown property not owned by DFO, Transport is responsible. Generally, then, there's the receiver of wreck, I think, for vessels outside of those areas.

Mrs. Bernadette Jordan: Do you see this, though, as simpler than it was previously if you found an abandoned vessel? The way it was worded, it was “if you find it here, then you have to call this person” or “if the answer is yes to this question, do this.” Ultimately what you had to do was find out who owned it.

Ms. Anna Johnston: I think my concern is for the average layperson. Nobody but a subset of geeky environmental lawyers reads legislation. My worry would be that if a local government or a member of the public found an abandoned or wrecked vessel, they wouldn't look to the legislation to figure out what to do with it. They might not understand that it's a harbour, or a port, or property owned by....

Mrs. Bernadette Jordan: Do you think it would be prudent, then, to have an education component to deal with how we go forward? One of the reasons I'm asking is that, as we've heard from Mr. Luckham, we've had abandoned vessels punted from municipal governments to provincial and territorial governments, and then to the federal government. We need to make sure that people recognize and realize where they're supposed to go with their concerns. Would an education component to this legislation be beneficial?

Ms. Anna Johnston: Yes, I think so, absolutely. In addition to that, I think the idea of a single go-to agency need not be a legislative matter. You can keep the division of responsibilities in the act as is, and then just maybe have.... If somebody phones Transport Canada with an issue that is the fisheries minister's responsibility to deal with, then they could probably be easily herded over to the responsible authority on that one.

But yes, education would be beneficial, of course, especially with respect to what was said about issues of toxicity on these vessels, and maybe the average person shouldn't be handling.... You want to have a lot of education out there about what people should be doing, how quickly, and who they should be getting in touch with.

Mrs. Bernadette Jordan: As I mentioned, from previous testimony the east coast seems to be a little different from the west coast in terms of the vessels we're dealing with. On the west coast, it's mostly pleasure craft and there's a lot of fibreglass, whereas on the east coast we're dealing with larger former naval ships like the MV *Miner* off Cape Breton. I'm sure that Chief Paul remembers the environmental disaster that this ship was.

When we look at the difference between the two coasts, how do we make sure, when there's such a big difference, that the legislation addresses both?

Ms. Anna Johnston: I think that there's some nimbleness already built into the legislation—the fines scheme, for example. You can have violations that begin at \$5,000 or offences that begin, I think, at \$100,000, depending on whether it's a summary proceeding or an indictment.

I would again just recommend requiring registration for pleasure craft so that you're capturing the smaller vessels. It does appear a little bit as though the legislation is intended more for the larger craft, although Mr. Chong's statement about the 300-tonne threshold, I think, is quite valid. That appears to me to tie it in with the Nairobi convention, and probably for the sake of domestic law it could be quite a bit lower and just require some sort of insurance or security for mid-size craft.

●(1715)

Mrs. Bernadette Jordan: You mentioned registration for smaller recreational vessels, but what about registration for the larger ones?

Ms. Anna Johnston: It's my understanding that the legislation, the Canada Shipping Act of 2001, requires registration of commercial vessels. It's only non-commercial—

Mrs. Bernadette Jordan: It's finding them.

Ms. Anna Johnston: Sorry?

Mrs. Bernadette Jordan: It's finding them.

Ms. Anna Johnston: It's finding them, and again, this might be a legislative measure. I know that in Bill C-68, the amendments to the Fisheries Act, and Bill C-69, the proposed impact assessment act, there are provisions requiring consolidated databases of information, and also under the Navigation Protection Act.

It could be quite easy for an amendment to be made to this legislation to similarly require a consolidated registration database of all registered vessels, which would probably clear up a lot of the issues.

The Chair: Mr. Badawey is next.

Mr. Vance Badawey: Thank you, Madam Chair.

I want to go a bit deeper into the process of what we've learned from past consultations, particularly with the indigenous community and with the Minister himself, who has participated in many discussions on this, and then come forward with some of the contents of the bill.

Correct me if I'm wrong. I'm looking at now ensuring that we do not have orphaned vessels, that vessels have a hull number attached to them so that we can locate them and therefore attribute a vessel to someone. That's point number one.

Point number two is to then—and this is a point that the gentleman on video conference made—enter into a tendering process, because not every situation is the same. It's not a cookie-cutter process. There are not only different methods, but also different circumstances attached to those methods that we can embark on, and therefore we can mitigate the cost as well as mitigate the impact to the environment in the surrounding area.

Lastly, there's the future with respect to ensuring that the processes are abided by. It's built into legislation, and therefore we won't find ourselves in the position that we're in now, with 600-plus vessels that are abandoned.

Would that be accurate, in the opinions of the delegations that are here today, with some of the comments that you made? Would it be accurate in terms of that process as we move forward?

I open that up for all of you.

Mr. Peter Luckham: It's not an unreasonable assumption that if there's a process in place that's comprehensive, we can clean up the vessels that are out there, and that if we create mechanisms that don't promote abandonment, we will see a reduction in the number of vessels out there.

There is definitely an opportunity for progress in the future. We can make this as simple or as complex as we want. I know that if we want to report a wildfire, we phone a 1-800 number, or if we want to prevent an oil spill, we phone a 1-800 number. Why can't we phone a 1-800 number for someone to receive a wreck?

We need to make this simple without getting it terribly complex. We just need to create the funding opportunities and the relationship with agencies and salvage people to make this effective.

Mr. Vance Badawey: Madam Chair, if I may, I'm going to pass some of my time over to my colleague, Ms. Goldsmith-Jones.

Ms. Pam Goldsmith-Jones (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you very much, and thank you for allowing me to be a guest here.

I want to comment before I ask Peter Luckham on the consultation with indigenous peoples, because that is so important.

The minister did meet on August 30 and 31 with the Nanwakolas, the Maritime Aboriginal People's Council, and the Mi'kmaq federation. Of course, there's always more we can do, and certainly the oceans protection plan reflects our deep commitment to working with indigenous peoples with regard to everything to do with marine safety and protection.

Mr. Luckham, I thought what you said about the opportunity to help those that ask for help was interesting. Could expand on that a little bit more? No doubt this is going to be a community partnership endeavour.

• (1720)

Mr. Peter Luckham: Thank you for that opportunity.

Certainly we need some kind of a vessel turn-in program and some opportunities for education and stewardship. Many of these people don't enter into this abandonment process on purpose. They take on a vessel expecting to realize some dream; it turns out to be a much bigger situation than they had intended, and they end up with no alternatives. The regulation was not clear when they got involved in the vessel, and it would help them make a decision early on if the information were there about what their responsibilities are and that the vessel should be registered and licensed.

I would like just for a moment to compare. If you don't properly transfer an automobile into another person's name by filling out the proper paperwork, it's a \$10,000 fine in British Columbia. That same mechanism doesn't exist with a vessel. We can help them help themselves by helping them not get caught in the situation in the first place, and then provide them with some alternatives for proper disposal of the vessel once they have it.

As well, of course, preventing an undocumented sale by an original owner who actually knows how much it's going to cost to fix that boat means that this person is not going to have an opportunity to pass it on to an innocent victim. I think there are many innocent victims. I know of a barge that was pushed up onto the Penelakut beach that was sold to somebody for a dollar. It sounded like a great idea until it started to sink in Ladysmith Harbour.

We can help them by not allowing them to get caught in this horrible situation that they don't see a way out of.

Mr. Ken Paul: I would like to respond regarding consultation.

First of all, indigenous people are going to support any kind of cleanup of the environment. That's without question. With respect to consultation, the minister met with a number of aboriginal groups, such as the Aboriginal Peoples Council, for example. It is not a legislatively recognized authority for first nations. It is a service organization, much like a friendship centre. It serves a critical role, but the only ones that have the authority to speak on behalf of first nations are first nations chiefs, through the Constitution Act and the Indian Act.

For example, in the lead-up to the environmental review that is going on right now with respect to the SIA, the NEB, the Fisheries Act, and the Navigation Protection Act, there is a two-year engagement session that has been going on, which has actually been really great, but now that they are drafting the bills, that will trigger an official duty to consult.

Everything they've done beforehand is great, because we're learning from each other and learning about ways to make things better, but now that they have drafted the bills, now it is the duty to consult, and organizations like mine will then take a step back and allow the treaty tables to consult.

The Chair: Mr. Chong is next.

Hon. Michael Chong: Thank you, Madam Chair.

Ms. Johnston, you mentioned that about 160 out of the 240 vessels that were identified were recreational vessels—in other words, pleasure craft, sailboats, or powerboats. They make up about two-thirds.

Mr. Luckham, do you share the view that most of the abandoned or wrecked vessels in the Salish Sea are recreational vessels, pleasure craft, powerboats, or sailboats?

Mr. Peter Luckham: I can't say specifically for sure on the numbers, because I don't know that, but what I would suggest is that certainly the big vessels are a big problem, and we've had quite a number of them. The cumulative impact of the smaller vessels is as big as or worse than that of the large vessels.

Hon. Michael Chong: When you say “big vessels”, are you referring to vessels like the *Viki Lyne II* that was in Ladysmith Harbour?

Mr. Peter Luckham: Exactly.

Hon. Michael Chong: I think this is a good point to illustrate this. The *Viki Lyne II* is—when I looked it up—only 224 gross tonnes, so it wouldn't even be covered by clause 24 of the bill. It requires vessels 300 tonnes or more to have insurance.

• (1725)

Mr. Peter Luckham: Thank you.

Hon. Michael Chong: This vessel cost the federal government over \$1 million to remove, several years ago, so I guess the big question is who's going to pay for all of the cleanup, as Ms. Malcolmson has pointed out, of these thousands of abandoned and wrecked vessels, many of them recreational vessels. The big question I'm thinking about as we review this bill, Madam Chair, is who's going to pay for all this.

We heard from Washington State that it requires all vessels under 200 feet in length to have insurance to cover the cost of removal. Barring that, it defaults to the marina in question. Denmark, I understand, has recently introduced legislation requiring vessels under 20 gross tonnes to have adequate insurance to cover the removal of a wrecked or abandoned vessel. However, here in Canada this bill doesn't seem to cover vessels under 300 tonnes.

The government has announced an abandoned boats program, but that only has \$6.85 million allocated to it over five years, or roughly \$1.3 million a year, which would barely cover the cost of removing just one ship like the *Viki Lyne II*.

I guess I'm looking for your comments or suggestions on how we can cover the cost of cleaning up these abandoned and wrecked vessels along our coasts. Perhaps it's amending paragraph 24(1)(b) that relates only to Canadian vessels. In other words, keep paragraph 24(1)(a), which says that any foreign vessel of 300 tonnes or more that is entering or leaving a Canadian port must have insurance, but set a different threshold for Canadian vessels that's much lower than that, so that we can deal with people who have abandoned or wrecked their vessels here on Canadian shores. I'm looking for comment on that threshold.

Mr. Peter Luckham: If I might respond, I thank you for asking some very good questions that I might ask of the same legislation.

With respect, I would like to ask who is going to clean up the environmental damage and restore the destroyed habitat, and at what cost. We see that the herring roe fishery is diminished, and salmon are diminished, and orca, and the list goes on. It's a balance. There are significant environmental costs that are not being factored in.

With a proper program in place, I would like to suggest that the owners of these vessels will be the ones to pay, if there's a system in place that can identify who that owner is.

They're great questions. I don't have all the answers. Colleagues?

Ms. Anna Johnston: On the issue of cleanup, I am a little bit concerned that the provisions around the minister's responsibilities and authority to require owners to deal with abandoned, etc., vessels seem to go only so far as their removal and not to the cleanup of any

environmental costs, not the remediation costs, so I would encourage the committee to think about amending those provisions to include requiring owners of these vessels to ensure the cleanup of environmental damages, and if the owners do not, to then hold them liable for the costs of environmental cleanup as well.

The Chair: You have 40 seconds left.

Hon. Michael Chong: I don't have any further questions.

Thank you.

The Chair: We will go over to Mr. Hardie for one minute.

Mr. Ken Hardie: What I've heard is a regime that would make life potentially more difficult and more expensive for people who own boats. You would be asking everybody to contribute to a fund that would be there for scofflaws to take advantage of, particularly when you can't really identify who owns these boats. The problem is that you're dealing with a hundred or so years of history, with a boat being abandoned for every mile of shoreline in British Columbia.

The other thing—and it happens in the auto insurance industry, where I have had some experience—is that the tougher the sanctions, the more people will try to get around them and fight them. Perhaps what we're thinking of here, and what we've heard from you, Ms. Johnston, especially, is that you're creating a situation that will have unintended consequences simply because people will try even harder to abandon their boats under cover of darkness, rather than face the kinds of sanctions you're thinking of.

• (1730)

The Chair: Would someone like to give a short response?

Ms. Anna Johnston: I think the kinds of prohibitions and the penalties that are set out in this legislation ought to go hand in hand with the kinds of recommendations that Ms. Malcolmson is making in regard to encouraging and facilitating vessel turn-in and recycling. This is the stick, and then outside of the legislative scheme, through programs, you have the carrot. With that two-handed approach, I think you would be able to better deal with this issue without having the clandestine sinking of vessels overnight.

The Chair: Thank you very much to all our witnesses. It was very informative.

For the information of committee, any amendments that anyone is considering for Bill C-64 should be in by February 22. We have one more meeting on Wednesday on Bill C-64, and when we come back after the constituency week, we will be dealing with it on Monday, February 26.

Thank you all very much. The meeting is adjourned.

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