



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Environment and Sustainable Development

EVIDENCE

NUMBER 064

PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Thursday, May 11, 2023

Chair: Mr. Francis Scarpaleggia



Standing Committee on Environment and Sustainable Development

Thursday, May 11, 2023

• (1705)

[English]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): We're back in business—out of camera.

Madame Pauzé has a motion she would like to table.

[Translation]

Ms. Monique Pauzé (Repentigny, BQ): That's right, Mr. Chair.

My motion concerns the toxic tailings pond leak investigation. We've had three meetings about this. We just discussed how important it is that we go to Alberta to see the mine and also meet with the first nations involved.

The witnesses who have come—

[English]

Hon. Mike Lake (Edmonton—Wetaskiwin, CPC): I have a point of order, Mr. Chair.

Obviously, the meeting we just had before this one was in camera. Not that it matters, but—

[Translation]

The Chair: When a meeting goes out of camera, we mustn't mention anything that occurred or was said in camera.

Thank you for raising that point of order, Mr. Lake.

Ms. Monique Pauzé: He's absolutely right, I am sorry.

All witnesses who appeared before this committee were required to submit their documents, and they had until Monday of this week to do so. That deadline has now come and gone. The documents have been placed in the digital binder. My motion aims to have those documents in the digital binder posted on the public portal. I will read it out:

That the Clerk of the Committee publish on the House of Commons website, under the Standing Committee on Environment and Sustainable Development, all correspondence, briefing notes and briefs received by the Committee from invited witnesses in the Toxic Tailings Pond Link Investigation and that these documents be made available as soon as their translation is completed.

The motion has been sent to all members' personal email addresses. We haven't received a ton of documents, but the ones we do have include graphs and numbers.

I believe it's worthwhile to make the documents available to the public.

The Chair: I'd like to make a slight clarification.

In the French version, we're clearly talking about briefing notes received from witnesses, not the briefing notes the Library of Parliament prepares for us.

Ms. Monique Pauzé: Exactly. The motion says “*notes d'informations et mémoires reçus par le Comité de la part des témoins*”. So it's very clear.

The Chair: I wanted to make that clear because in English it could be understood in a different way. It could be taken to mean the briefing notes prepared by the library. We are talking about the briefing notes sent by the committee's witnesses.

I want to raise a second point. We discussed it briefly during the rounds of questions, Ms. Pauzé.

One of the documents is 1,250 pages long. That would be a massive translation. I haven't seen the document, but from what I understand, it's graphs and tables. It includes an executive summary that we could easily have translated. I don't know how long it will take to translate the entire document, including the tables and graphs.

We may come across other documents that we find we don't need fully translated once we look at them. The committee will have to decide that, but I guarantee you that if we get that entire 1,250-page document translated, it won't be posted on the committee's website for quite some time.

Ms. Monique Pauzé: Let me be clear, Mr. Chair. I don't need all 1,200 pages translated. The executive summary would be quite sufficient.

The Chair: In that case, that's agreed upon. If any other documents fall into that category—

I'm sorry, Mr. Longfield. I've been so busy with the opposition that I've forgotten my colleagues from the Liberal Party.

[English]

Go ahead, Mr. Longfield.

Mr. Lloyd Longfield (Guelph, Lib.): Thank you. You were doing well. I wanted to let you keep going.

I think it's a good idea to be as transparent as we can. During the witness testimony, we heard over and over that transparency is an issue here. I think whatever we have that we can share with the public would be worthwhile. I agree there is Google Translate, or other ways people can translate without having to go through the resources of the House. If we can avoid that, it would be an easier way for us to get it out.

The Chair: I just want to be clear here, because we're talking about a particular document.

Mr. Lloyd Longfield: I understand. Yes, 1,200 pages to go through the House translation versus—

The Chair: There is technical data.

Mr. Lloyd Longfield: Yes.

The Chair: Mr. Lake has a point of order.

Hon. Mike Lake: I don't think it's okay to say that people can use Google Translate in place of official translation from the House. I represent a municipality in my riding that is officially bilingual. I don't think the francophones in that constituency would say that using Google Translate is the answer.

• (1710)

The Chair: I don't think it would work for this particular report. It's very dense.

Hon. Mike Lake: We put the documents forward in both languages, don't we? We definitely don't put any one document in only one language and expect people to Google Translate it.

The Chair: No, no; I don't think that's what Mr. Longfield was saying.

Mr. Lloyd Longfield: That's not what I was saying. I was saying that the executive summary is a good thing to get translated for us, but if there are additional things, then that's beyond our resources.

The Chair: I want to make it clear, though—because it's not mentioned specifically in this motion—that with regard to this particular document, Madame Pauzé is fine with translating just the executive summary and the recommendations, as opposed to technical tables.

So that it's understood, with this motion, the totality of that particular document will not be sent to translation, just the executive summary and the recommendations.

I mean, we could send it to translation, but it would take a translator a year to do, unless they do it in portions. However, Madame Pauzé has no problem with it being just the executive summary and the recommendations.

I have Mr. Deltell and then Mr. Kurek.

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Thank you, Mr. Chair.

I have no problem with transparency, obviously, but I have some concern when we will be publishing something that has been sent to us without the sender knowing that it will be public.

[*Translation*]

So I'm putting myself in the shoes of those who are writing to us. Do they know that the communications they send us will be made public?

I'm in no position to judge whether the information they provide is confidential or whether it comes from a business or community group. However, I do believe these individuals are telling us about their condition, perhaps not their “emotional” state, but they are nonetheless providing their take on the situation. They're sharing

that information with us, but do they know it will be made public? That's what concerns me.

Perhaps we should check each document. The people sending us information certainly know that MPs are not doctors or bank managers. Perhaps they should expect that it will be made public. However, I feel it's best to make sure, because once the information is in the public realm, it's hard to walk it back.

That said, I'd like to warn you about discussions between various groups, like email that we send to each other. Sometimes we cut corners. I wouldn't want any information sent that way to end up in a newspaper headline.

Mr. Chair, you're an experienced MP. You can assess whether it's better if certain items that might be contentious or personal, among other things, did not end up on the front page of *Le Journal de Montréal* or *Le Journal de Québec*.

That's always my barometer when I'm about to hit Send: Would it be okay with me if my message ended up on the front page of those newspapers? You have to think about it.

The Chair: Correspondence we receive from outside, not what we send to each other or we send outside, but what is sent to us, often includes briefs. Would you agree, Ms. Pauzé?

Ms. Monique Pauzé: In this case, it's a public study, so the documents sent to us are public. I believe there are eight of them. We don't have that many and they come from the Northwest Territories department of environment. It's press releases and graphs. So there's nothing contentious.

Therefore, you won't likely see it on the front page of *Le Journal de Montréal* or *Le Journal de Québec*.

The Chair: We're going to be careful about this, for everyone's sake. We need to use our judgment.

Mr. Kurek, the floor is yours.

[*English*]

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thanks.

I think we all want transparency. Certainly, there are concerns. I think that Imperial, some of our indigenous witnesses and the AER stated that more information would be forthcoming as investigations were under way and being worked on and what not.

I share the concern about the integrity of our committee process here in the House. I don't know what the expectations were for those who come with commercially sensitive information and that sort of thing. Certainly, they wanted us to see that. That's good. I'm very glad that happened.

I would note some concern around that, if we're going to set a precedent for things that were tabled possibly in some level of confidence because we are a committee of parliamentarians that is doing work on behalf of Canadians. We have to be mindful of that. I would make that point.

The second point I would make is a question, Mr. Chair. I know that the public-facing page of our committee website includes briefs that have been submitted. Could the clerk outline what is public or what will be public as soon as translation is complete without this motion, and then where things stand without the motion versus where things would stand with the motion? It's just so we understand exactly what we're passing.

• (1715)

The Chair: Do you want to address that?

The Clerk of the Committee (Ms. Natalie Jeanneault): The usual practice is to just have briefs on the web without this motion. They automatically go onto the web.

Mr. Damien Kurek: Chair, to follow up regarding the Kearl study...I go to the digital binder, so I haven't gone to the public site other than to look at the notice of meeting.

Are any Kearl briefs there currently? The follow-up to that would be to ask whether there are any that will be posted either as they are received or maybe as they're working through the process.

The Clerk: There's one currently from Fort Chip. That's all we have received for now for briefs.

The Chair: Even Imperial didn't send in a brief. They just appeared and spoke.

This is an interesting point. Before I go to Madame Pauzé and Mr. Lake, is there not an assumption that whatever you send to the committee is public? Often, when there is a sensitive issue, the committee agrees to go in camera and see a witness in camera.

I don't know if there's a natural presumption.

We will go to Madame Pauzé and Mr. Lake and then back to Mr. Kurek.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Mr. Chair, I have my hand up. I know I'm way down here at the end.

The Chair: I'm sorry. Before Mr. Kurek, it will be Mr. Bachrach.

Madame Pauzé.

[*Translation*]

Ms. Monique Pauzé: Mr. Chair, I've said what I had to say. I will come back later, maybe to answer a question. As you said, this was a public study. If it was confidential, that should have been made clear.

The Chair: I'd be surprised if the people, including the people at Imperial Oil Resources Limited, who submitted a 1,250-page document, would expect it not to be released to the public. That would surprise me. That said, some less experienced individuals might take it for granted that it wouldn't be released.

[*English*]

Mr. Lake.

Hon. Mike Lake: I have been here a long time. I fully admit that I would have thought it was all public already, to be honest.

I'm curious. I would like some clarification and just an understanding. If we're doing something that is unusual—and this committee, in the last couple of weeks, has done unusual things; it has

done things that are different from the norm—I want to get an understanding as to why things aren't made public normally. Is there a reason specifically that they are not? What differentiates what's public from what's not and why something that's not isn't normally made public?

The Chair: Basically as I understand it, we're not talking about briefs. We're not really talking about correspondence.

I think anyone who sends correspondence to the committee expects it to be public. We're talking about the material that comes in after a member requested it at the meeting, asking if they could send us additional information about this. I don't think we have been posting that in the past.

Ultimately, I think this is what we're talking about. Madame Pauzé wants to make sure that when we ask for this additional information—at least in this case, because it relates to this particular study—it's made public. That's what we're talking about.

Are there many documents that we have asked for, other than the 1,250-page document?

• (1720)

The Clerk: Was it from Imperial Oil?

The Chair: It was from anybody. I don't know if we asked for anything else from anybody. I remember Madame Pauzé, or somebody, asking for that document, but were there many others?

The Clerk: Do you mean other documents from other organizations?

The Chair: Yes, where we would have said, "Please send this additional information."

The Clerk: I'm not sure of that.

The Chair: I don't know if anyone remembers, but I doubt it.

Mr. Lake.

Hon. Mike Lake: I'm curious. Are we still receiving information?

The Chair: I don't think so.

Hon. Mike Lake: This motion would theoretically cover any new information we get, as well, would it?

The Chair: I don't think we are. The main thing was this document from Imperial Oil.

Mr. Damien Kurek: There was AER.

The Chair: AER, yes. We didn't receive it.

Mr. Damien Kurek: AER said the investigations were ongoing, and that it would send it after the investigation.

The Chair: I guess AER is not sending it right now.

Hon. Mike Lake: Are we exempting the 1,200-some-page document? I think we need to be fairly explicit. If AER sends us a 1,250-page document, are we not translating and distributing 1,250-page documents, or are we specifically exempting this one 1,250-page document?

The Chair: We're specifically exempting this one, because it's full of technical information. AER's document will probably deal with communication protocols. It's going to be prose as opposed to statistical tables and what have you. This one is very hard to decipher.

I don't expect the regulators to be as technically dense; let's put it that way. Who knows? Anything is possible.

Mr. Bachrach.

Mr. Taylor Bachrach: Mr. Chair, if I can get inside the mind of entities that provide the committee with documents and briefs at the committee's request, I have a hard time imagining they would envision those remaining confidential.

I would note that when witnesses provide briefs, either to accompany their testimonies, or separately, when they're not able to testify, because perhaps they weren't invited, those briefs, to my knowledge, can be quoted as part of our public reports. We don't ask the people who sent them if they mind if we quote them. They're considered part of the public record.

This is entirely within bounds. I would have a hard time imagining any of the authors having issue with their work becoming public.

The Chair: If they did, we could deal with that separately in camera.

Next, we have Mr. Kurek and Madame Pauzé.

Mr. Damien Kurek: Thanks, Chair.

It's been mentioned a few times that the expectation.... Generally, that is certainly the case when witnesses come here. They will sometimes complement their testimonies or provide additional information, whatever the case may be. That information will often end up in a report. Certainly, the standard expectation is that if you're appearing publicly in a committee, that would be public, or at least publicly available.

I would, however, note....Because this greatly contrasts with some of the other studies I've been part of in other committees, particular members of the government have gone to great lengths to ensure that commercially sensitive or family information, or whatever the case may be, is reviewed in a locked room, with no cell-phones and the whole deal. There is a wide variety, and often, I would suggest, there are political reasons that drive some of those which could be called "precautions".

It's certainly something we need to be mindful of, how we approach the different issues to ensure that as we continue to....Whether it's the water study, or whatever else comes along, we were supposed to be.... Originally, we would have been moving to clean tech today. However, I'll just note to this committee that the people who come here have to be able to trust us. As we approach all these things, transparency is absolutely and fundamentally important. I know we've all been on the same page in ensuring that is, in fact, the case. Often, circumstances dictate very different responses.

• (1725)

[*Translation*]

The Chair: You have the floor, Ms. Pauzé.

Ms. Monique Pauzé: This is the last time I will speak about this, Mr. Chair.

I have amended my initial version to include "as soon as their translation is completed". So there is no rush or pressure. That way, the motion is clear, and I would ask that we take it to a vote.

Given that the committee won't reconvene before Monday, I would ask that we take it to a vote now.

[*English*]

The Chair: There's a request for a vote, so we have to vote. That's dilatory. Is that right?

Hon. Mike Lake: It's not dilatory. You can't call for a vote.

An hon. member: You can't call for a vote. It's only when the speaker....

The Chair: Go ahead, Mr. Lake.

Hon. Mike Lake: You can ask for a vote.

I have to be gone by 5:30.

I'm looking at this and I'm fine with it. It's going to pass. My expectation is...as Taylor said, I assume that anybody who's spoken would expect their documents to be public.

I think, since we're doing something unusual, rather than just publishing them as soon as translation is completed—which I assume for some of them could be already—it seems to make sense, out of courtesy, to give them notice that it's going to be made public.

I haven't looked at all the documents. If someone had some commercially sensitive reason, they should at least have the opportunity to say to us, "Hey," so we can have a quick meeting.

Does that make sense?

The Chair: We'll tell Imperial that this is what we're doing.

As a matter of practice, when other witnesses are before us and we ask if they can send us additional details, we'll try to make it clear that this is going to be public information.

Hon. Mike Lake: That's on this issue.

The Chair: That's on anything, actually. It's anything that could be made public.

Is there anyone else on the speaker's list on this side? Are we good.

We'll go to the vote.

Mr. Damien Kurek: Is there a request for a recorded vote, or can it pass with consensus?

[*Translation*]

The Chair: Do we require a recorded division?

I don't think so. It seems that everyone agrees to the motion.

Yes, we're unanimous on that.

(Motion agreed to)

Can someone move for adjournment? Yes? All right.

• (1730)

The Chair: It's nearly 5:30 p.m. I understand that some members must leave the meeting, even though we have the room until 6 p.m.

[*English*]

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>