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• (1630)

[English]

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

Welcome to meeting number 81 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

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

Today's meeting is taking place in a hybrid format, pursuant to the House order of Thursday, June 23, 2022. Members are attending in person and joining us using the Zoom application.

Colleagues, appearing before us for the first hour today, we have, from the Canada Border Services Agency, Graeme Hamilton, director general, traveller, commercial and trade policy; and Cathy Toxopeus, director general, transformation, planning and projects. Welcome to you both.

From the Department of Transport, we have Mr. Serge Bijimine, assistant deputy minister, policy; Lisa Setlakwe, assistant deputy minister, safety and security; Sonya Read, director general, marine policy; and Stephen Scott, director general, rail safety. Welcome.

Witnesses, welcome, on behalf of the committee.

We will dive right into it, and I will turn the floor over to Mr. Hamilton for his opening remarks.

You have five minutes.

Mr. Graeme Hamilton (Director General, Traveller, Commercial and Trade Policy, Canada Border Services Agency): Thank you very much, Mr. Chair.

Thank you for the opportunity to appear before the committee this afternoon.

As introduced, I am Graeme Hamilton, director general, traveller, commercial and trade policy, at the Canada Border Services Agency. I am here to speak specifically to the changes to the Customs Act that are included in Bill C-33.

I am joined this afternoon by my colleague, Cathy Toxopeus, who is director general of the transformation, planning and projects directorate.

I will perhaps turn it over to Mr. Bijimine, who will provide remarks on behalf of the entire panel, if that is acceptable.

The Chair: That works for us.

We'll go over to you, sir.

Mr. Serge Bijimine (Assistant Deputy Minister, Policy, Department of Transport): I would be happy to do that. I just want to make sure that folks can hear me with the microphone.

The Chair: I don't see anybody saying otherwise, so the floor is yours.

Mr. Serge Bijimine: That's perfect. Thank you.

I did hear someone from the committee say they will go easy on us, so we're looking forward to that.

[Translation]

Mr. Chair, thank you for the opportunity to appear before the Standing Committee on Transport, Infrastructure and Communities. You did a good job when you introduced the people accompanying me and who will be able to answer questions.

Today we are basically going to talk about Bill C-33, the Strengthening the Port System and Railway Safety in Canada Act.

[English]

Bill C-33 is the combination of two mode-specific reviews that were launched by Transport Canada in 2017 and 2018. The first one was the Railway Safety Act review, and the second one was the ports modernization review. With both reviews completed, and lessons learned from the past year, including the pandemic, we are positioned to modernize the tools used by government, railways and ports.

As you said, the bill contains reforms to six acts: the Customs Act, the Railway Safety Act, the Transportation of Dangerous Goods Act, the Marine Transportation Security Act, the Canada Transportation Act and the Canada Marine Act.

With respect to the proposals in this bill that are aimed at strengthening the rail safety and security regime in Canada, these proposals are meant to do a few things: first, provide Transport Canada with the explicit authority to consult with any interested party on a proposed rule; second, foster the testing of new technologies that would serve to enhance the efficiency of the rail network; third, introduce compliance tools to the regulatory regime; fourth, which is something quite minor but important, broaden the definition of safety to include security; fifth, allow for the introduction of transportation security clearances in the rail sector, which already exist in the aviation sector but we want to bring them into the rail sector; lastly, prohibit dangerous or unruly behaviour on board trains or at stations and prohibit unlawful interference with railway operations.

That's what the rail safety and security side of the bill is meant to do.

[*Translation*]

On the marine side—ports, in other words—reforms would provide enhanced tools to improve governance and operational performance, and to support a secure marine transportation environment.

In 1998, the Canada Marine Act established the current Canada Port Authorities governance structure. Bill C-33 presents the first opportunity in 25 years to reform Canada's ports system to meet the needs of Canadians today and in the future.

Specifically, the bill proposes six changes. The first is to reposition ports as strategic gateways critical to the efficiency of national supply chains and transform them into data and analytical hubs. The second is to modernize tools to enhance the minister's ability to consider the impact of port investments on Canada's gateways. The third is to enhance port responsiveness to, and management of, local issues. The fourth is to advance the reconciliation agenda with indigenous peoples. The fifth is to buttress Canada's ambitious climate change commitments. Lastly, the sixth is to support a resilient transportation system that is safe and secure.

• (1635)

[*English*]

Over the last few years, Canadians have experienced supply chain challenges and the associated economic impacts first-hand, including from the COVID-19 pandemic, extreme climate events and changes in trade patterns. These repeated stresses have tested Canada's transportation system and have underscored the importance of supply chain resiliency going hand in hand with system resiliency.

Bill C-33 proposes to serve as a first step—almost a down payment—for a national transportation supply chain strategy.

[*Translation*]

In closing, I would like to note that, through this bill, the government is committed to improving the competitiveness and efficiency of Canada's supply chains and advancing a transportation system that is safe, secure and resilient.

Thank you.

[*English*]

I'm happy to take any questions.

[*Translation*]

The Chair: Thank you very much.

[*English*]

Thank you for your opening remarks.

We'll turn it over to questions. We'll begin our line of questioning today with Mr. Strahl.

We'll turn the floor over to you.

Mr. Mark Strahl (Chilliwack—Hope, CPC): Thank you very much, Mr. Chair.

Thank you to the witnesses for being here.

We had certainly hoped that Minister Rodriguez would be available to lead us off on this study of Bill C-33. We understand he's coming much later. Unfortunately, he's not here to lead off the discussion, but we appreciate the officials' being here.

Obviously, our concern with the bill is that it appears to—and it does—increase Ottawa's influence in the port system, specifically with the minister's appointment of the chair, which used to be done by the board of directors at the ports. That's now been taken over by the minister, so it's a bit of an “Ottawa knows best” attitude here.

Part of the concern I have heard from port users, port authorities and others impacted by this legislation has to do with the made-in-Ottawa solutions. It's a solution in search of a problem, to be quite honest. I'm sure we'll get into that more as we debate this and propose amendments and critiques over the next number of meetings.

I want to specifically get into some of the issues at the port of Vancouver. One primary issue that has been raised, or an issue that has become an increasing concern, is the lack of available anchorages for marine vessels coming into and going out of the port to safely anchor and wait for their turn to load or unload. They use anchorages and because of backups in the supply chain, they're using some anchorages that haven't been used all that often over the last number of decades.

This bill really does provide, in my view, an opportunity to shut down some of those anchorages. As we're expanding port capacity and looking to increase vessel traffic to improve economic outcomes for Canadians and to improve on the supply chain, this bill provides a mechanism to shut down anchorages. This is kind of like building a bigger shopping mall and reducing the parking lot. That's how it's been described to me.

Why does Bill C-33 provide for more gatekeepers to shut down more anchorages when, in fact, we need every anchorage that's available? Some are suggesting we need even more.

Mr. Serge Bijimine: Thank you for the question, Mr. Chair.

What I can say is that, as it is currently written, the bill does not aim to shut down anchorages. However, the bill wants to provide additional power to the port to direct traffic. We're hoping that by having power to direct traffic, the port can get to a place where—by managing traffic more efficiently, managing what goes into the port more efficiently and managing the railways that come into the port more efficiently—the need for anchorages, as we've seen, will likely go down.

The more we increase the fluidity and the efficiencies of the system, the less those anchorages will be needed, but there is no plan to shut them down.

• (1640)

Mr. Mark Strahl: One of the things that keep vessels at anchorage instead of at the port, instead of loading or unloading, is the fact that the Port of Vancouver is one of the few jurisdictions in the world that I am aware of, if not the only jurisdiction, that cannot load grain in the rain. This is a long-time problem that has come as a result of safety concerns. Other ports that have the same safety concerns on the west coast of North America have managed to come up with a way to load grain in the rain.

It rains here. It's raining here today in British Columbia. It rains about 170 days a year.

How is it that this bill doesn't provide for a solution to loading grain in the rain, when that is such a barrier to supply chain efficiency at the port of Vancouver?

Mr. Serge Bijimine: Separate from the bill, we've been engaging with stakeholders in Vancouver around the safety issues related to loading grain in the rain. We continue to work with the stakeholders and the port on this very specific issue to try to get to a solution that will allow some of these activities to continue, but in a safe and secure manner. The safety and security of the workforce always come first. Now it's just about looking at figuring out the right balance to reach the best solution possible. Those discussions are happening. They are taking place. Transport Canada is also right in the middle of it with the various stakeholders.

We didn't feel it was necessarily something that should be addressed in the bill. It's a safety issue that is typically addressed outside of the bill through discussions with the various stakeholders.

The Chair: Thank you very much.

Thank you, Mr. Strahl.

We'll go to our next line of questioning, from Mr. Rogers.

Mr. Rogers, the floor is yours. You have six minutes, sir.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Chair.

Welcome to our witnesses today.

First of all, this supply chain issue has been an ongoing discussion for many years, and we've heard from many different witness-

es about how to try to improve our ports and railways to create efficiencies for the future. As our country's population grows, of course, it becomes an even bigger problem because there's more demand for product.

I'll ask the officials if they can tell us a bit about the work of the supply chain task force, for the benefit of the committee and people watching this session, and maybe how it influenced the bill that we're now studying.

Mr. Serge Bijimine: Sure. Thank you for that. That is a great question.

The supply chain task force report came out last October, I believe, and had a series of recommendations, 21 recommendations in total. I think one in particular was around the ports and the role they play in the supply chain. When we received the report, we were right in the middle of writing our "What we heard" report for the port modernization review, which had started back in 2018, so what we did is that we incorporated elements of the supply chain task force report and basically came out with another report that laid out five key streams of work.

The first one was supporting the competitiveness of Canada's economy by facilitating the movement of goods, and this bill attempts to do that. The second was strengthening relationships with indigenous peoples and local communities, and this bill attempts to do that as well. The third was around promoting environmentally sustainable infrastructure and operations, and this bill attempts to do that as well. It is also enhancing port safety and security and optimizing governance and financial management.

All that is to say that the work we're doing through Bill C-33 is really a down payment on the upcoming national transportation supply chain, and the national supply chain task force report is a report that we often use to feed the policies, regulations and strategy we're hoping to develop in the coming months.

• (1645)

Mr. Churence Rogers: Is it fair to say that of these 21 recommendations from that particular report, a fair number have been incorporated into Bill C-33?

Mr. Serge Bijimine: I'd say some of them have been incorporated, and others have been incorporated in other avenues as well. We don't have the specific number, but we're happy to do a side-by-side and provide you with the information on what was implemented where and in what form.

Mr. Churence Rogers: I would appreciate that.

Bill C-33, in a few different places throughout the bill, adds reporting requirements on ports. What kind of data is the government looking for and how might it be used?

Ms. Sonya Read (Director General, Marine Policy, Department of Transport): As you noted, there are a number of provisions that implement new reporting requirements. Broadly, the proposals that establish data collection are intended to support improvements to marine traffic management and port operational efficiency, so that would be the first tranche of data requirements.

In respect of the additional reporting requirements, I would say there are, practically speaking, three broader reporting requirements. The first is around financial reporting, so requirements around the quarterly financial reports and an annual financial report for the port authorities to improve financial transparency and accountability. The second is regarding reporting around their land use planning on a regular basis to ensure that land use plans are public and updated on a regular basis for the benefit of community and local stakeholders, as well as the broader community. The third is reporting to support better transparency in respect of climate change and the port activities in respect of meeting GHG emissions targets, as well as adaptation strategies.

Mr. Churence Rogers: As a committee, we did some travel and covered some ports on the east coast of the country and on the west coast, of course—the major ports. We've been told by different groups that data collection, digitization and so on are important elements of future efficient ports, but we've heard some conflicting views on how much of that should be done from different perspectives. I guess currently the question is, how do we manage ports and how do we see things going forward if this bill is passed?

The Chair: Give a short response, please.

Ms. Sonya Read: We see ports as kind of key hubs in terms of the intermodal connectivity of our transportation system and global supply chain. As a result, they are integral in respect of the data that they are in a position to collect regarding traffic coming in and out from vessels, but also from other elements of the supply chain and other elements of the transportation system. So—

The Chair: Thank you, Ms. Read. Unfortunately, I'm going to have to cut you off there, but we can hopefully continue in the next round of questioning.

Thank you very much, Mr. Rogers.

• (1650)

[*Translation*]

Mr. Barsalou-Duval, you have the floor for six minutes.

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Thank you, Mr. Chair.

I'd like to thank the witnesses for being with us.

Mr. Bijimine, earlier, in your opening remarks, you mentioned that you were concerned about safety, but also about the fluidity of the supply chain. You also said that Bill C-33 was intended to improve things, in particular by giving the minister more powers to intervene in this area.

Has the Department of Transport, the Department of Justice or any other department done an analysis to determine whether the additional powers that the provisions would confer on the minister could have consequences or have an impact on the workers' right to strike or their right to free association?

Mr. Serge Bijimine: I would say no. The bill doesn't affect collective agreements, unions or bargaining rights.

The powers given to the minister really concern health issues. Take the example of the pandemic, during the pandemic, the minister might want to issue a temporary order. These powers would enable him to tell ships to prioritize N95 or other masks.

He has to have the power to do that, but it has nothing to do with labour or unions, which are not the focus here.

Mr. Xavier Barsalou-Duval: Is there a legal opinion to back this up?

I ask because I consulted the documentation. It seems to me that there was an analysis of the effects of Bill C-33 on charters, but that aspect wasn't mentioned anywhere. So I was wondering why not.

Mr. Serge Bijimine: I'm not sure we have one. That said, if we don't, we'll request one.

Mr. Xavier Barsalou-Duval: Okay.

My next question is about infrastructure. If I remember correctly, there is a provision somewhere that talks about blockading infrastructure, specifically blockading rail lines. If I'm not mistaken, this also affects ports. It's mentioned somewhere that it is forbidden to block infrastructures in a way that jeopardizes safety.

What is the practical effect of this provision? Why did you feel the need to add this to the act?

Ms. Lisa Setlakwe (Assistant Deputy Minister, Safety and Security, Department of Transport): There have been cases where blockades have had an impact on the supply chain and people's safety.

We work closely with law enforcement agencies to ensure that transportation routes, especially railroads, operate efficiently and safely.

We have been made aware of situations involving dangerous and worrying behaviour.

Mr. Xavier Barsalou-Duval: When you talk about situations, are you referring specifically to the blockades by indigenous protesters in 2020 and 2021?

Ms. Lisa Setlakwe: That's one example, yes. There have been others where people have intentionally done certain things, which were dangerous, including for those in charge of operations. These situations can sometimes occur on passenger trains and it is—

Mr. Xavier Barsalou-Duval: I know that the idea is to strongly discourage people who want to block the tracks from doing so. Since injunction proceedings already exist, however, I question the need for such a provision, but you may have some strong arguments to convince me.

I also want to talk about appointing chairs of the port boards of directors. Why did you feel the need to change how chairs are appointed? Do you feel that there are shortcomings in the way boards currently choose their chairs?

• (1655)

Mr. Serge Bijimine: We believe that ports are responsible for their day-to-day operations. They're also responsible for having a strategic plan. The minister is responsible for providing strategic direction to ports.

So we made that suggestion for the following reason. If the minister, who is responsible for the board of director's strategic vision, could appoint the chair, it would give him a little more assurance that the implementation of the strategic plan is in line with expectations.

As for day-to-day operations—

The Chair: Thank you very much, Mr. Bijimine. Unfortunately, there isn't any time left.

Thank you, Mr. Barsalou-Duval.

[*English*]

Next, we have Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have six minutes.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

Thank you to our witnesses for appearing today to answer our questions and to help us understand in greater detail the bill before us.

I want to start with the work of this committee. As you're aware, this committee conducted a study early last year on the topic of railway safety in Canada. It's something that's of urgent concern to a lot of communities, particularly on the 10th anniversary of the disaster in Lac-Mégantic.

The report that we issued—I believe it was last May—included 33 recommendations. Some of them reflected things that communities and concerned citizens have been asking for, for a long time, yet the legislation in front of us reflects none of those recommendations. I'm wondering why that is.

Mr. Stephen Scott (Director General, Rail Safety, Department of Transport): Thank you for the question, Chair.

Yes, I do want to acknowledge that the May 2022 railway safety report by this committee, from our perspective, was a very helpful report. That report, along with reports from the Transportation Safety Board and the Office of the Auditor General, has fed into our continuous cycle of policy and regulatory modernization.

The legislative powers we currently have under the Railway Safety Act are quite broad. It gives us quite a lot of powers already.

We are moving forward with most of the recommendations in that report. There are about 30 of them that either have been completed or have actions under way to complete them. We're able to do that within existing legislative authorities.

Mr. Taylor Bachrach: My next question stems from the first one. One of the big concerns is around the reliance on safety management systems as the primary tool for ensuring the safety of our railroads. I think most Canadians who are concerned about railway safety would be surprised that the primary regulatory system for ensuring safety is a proprietary document that they're not allowed to read. There's very little transparency in terms of how these giant rail corporations are creating a culture and a system of safety in their operations.

The legislation before us envisions security management systems. I think most people would understand why having a company's security system be transparent and public might not be the best idea, but safety management systems seem like something that the public should have some line of sight on. Has the department considered making safety management systems public, as has been requested by advocates, communities and citizens concerned about rail safety?

Mr. Stephen Scott: With regard to the legislative framework, in our framework we have the umbrella legislation of the Railway Safety Act. Beneath that, we have 35 different regulations and rules. Beneath that are 25 engineering standards and guidelines. In the aggregate, this provides a fairly complex layer of authorities and a regulatory framework that guides safety in the rail industry.

Safety management systems are one set of those regulations. As the member noted, it's an important part of that overall layer of rules and requirements.

I will concede that we need to do a better job at effectiveness in safety management systems. That's something this committee has told us to do. That's something the Transportation Safety Board has told us to do. It's something that the Office of the Auditor General has told us to do, so we're doing it.

• (1700)

Mr. Taylor Bachrach: Mr. Scott, I don't think you answered the primary question: Why aren't they public?

Mr. Stephen Scott: As part of the work of our regulatory refresh, we began effectiveness audits in April of last year. The next step is to refresh the regulation because, to your point, it's a little dated. It's from 2015. As part of that work, we want to lock in some of that effectiveness approach that we've now started to do. Part of that will be looking at what other changes we need to make, including around issues that you're raising now around transparency.

Mr. Taylor Bachrach: My next question is about the changes to the Marine Act. Proposed subsection 107.1(1) includes this language, which I believe my colleague has already cited:

If the Minister is of the opinion that there is a risk of imminent harm to national security, national economic security or competition that constitutes a significant threat to the safety and security of persons, goods, ships or port facilities or the security of supply chains,—

It's very broad wording.

—the Minister may, by order, require a port authority or a person in charge of a port facility to take any measure, including corrective measures, or stop any activity

In your earlier comments, you clarified that this was not intended to cover labour disruptions or labour action. Did the department consider specific wording that would exclude those cases from the scope of this legislation?

Mr. Serge Bijimine: We can definitely take it back and see if we can provide further clarification to make sure labour action is excluded. I can tell you it's not the spirit and it's not the intent. We can definitely clarify.

Mr. Taylor Bachrach: It's one of the concerns.

I know I have 30 seconds; I'll try to fit in one more question.

One concern we've heard from port authorities is the slowness of Transport Canada and the minister in appointing board members to the boards of port authorities. I think the record among transport boards is one of the slowest across all of government. It seems like this act puts more of the responsibility for that process in the hands of the minister.

How is the department going to address the issue of timelines when it comes to appointing board directors?

Mr. Serge Bijimine: It is a multipronged approach. There's the minister, the PCO and the PMO. There are a whole bunch of actors. I can tell you that we have gotten together and we are all on board in lowering the 50%—or whatever that number was—to something much more manageable.

We're all in and do agree on getting people nominated for these positions as quickly as possible.

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

Next we have Mr. Muys opening up our second round of questioning.

The floor is yours. You have five minutes.

Mr. Dan Muys (Flamborough—Glanbrook, CPC): Thank you.

Let me pick up on the discussion of supply chains. We all know the importance of the fluidity of supply chains to our economy. We saw that particularly during the pandemic and following the pandemic. That has an impact on prices for consumers. It's lost opportunities for our economy and lost opportunities for our farmers.

My friend and colleague mentioned 21 recommendations of the national supply chain task force. By the way, 13 of those were immediate. That was 21 months ago. I know you've indicated that some of those are included within Bill C-33.

Maybe you could explain exactly how new advisory panels, new regulations and new powers for the minister actually benefit supply chains and not just Ottawa bureaucrats.

Mr. Serge Bijimine: I'll mention a few things in the bill that benefit the supply chain, and then I'll talk about the advisory committees.

One key element of Bill C-33 is around data. There are two parts to it. One part is data for operational efficiency, so, for the first

time, ports will now have access to data for operational efficiency. The second part is data for visibility. Having that data will allow the ports to better plan and manage traffic and ensure the fluidity of the port operations. That is a very crucial part of it, combined with other measures that we're hoping pass through this bill to give those ports additional access and power to help traffic beyond their current waters. I would say those are really key things that will be helpful.

On the advisory committees, we also think that, at the same time that ports are focused on supply chain efficiency and fluidity, the input of the community should be taken into account. The current bill proposes that three committees be established: a local committee, a stakeholder committee and an indigenous committee. We really think having those three committees at the table, along with a focus on supply chain efficiency and fluidity, is the right approach to take. The port has numerous stakeholders, numerous shareholders—small-s shareholders—and making sure that all those folks are on board as these activities start taking place will be the right way to ensure that it's done successfully.

• (1705)

Mr. Dan Muys: I'm glad you mentioned data and reporting requirements, because that burden disproportionately impacts smaller ports versus larger ports in going through all those processes and reporting that back to Transport Canada, and other requirements.

Has there been any analysis done of the costs to ports of these new requirements and how they would differ?

Mr. Serge Bijimine: Those are regulatory-making powers and, during the regulatory phase, there will be a reassessment of the regulatory impact. It's done through the regulatory impact assessment stage.

Mr. Dan Muys: We're going to look at a piece of legislation that imposes requirements for which no cost analysis has been done.

Mr. Serge Bijimine: I'm sorry; can you repeat your question?

Mr. Dan Muys: No cost analysis has been done as to how much it is going to cost a port, whether it's a small or a large port.

Ms. Sonya Read: No, we haven't done an independent cost analysis of the financial reporting requirements for ports.

Was that your question?

Mr. Dan Muys: Has any analysis been done of any of these new requirements, whether it's the reporting requirements or the advisory committees? Are we just sort of flying blind here in trust that this isn't going to impact small ports adversely?

Ms. Sonya Read: In the context of the proposed changes, we understand that and we are working right now on how we can ensure that we aren't unduly burdening smaller ports in terms of their ability to respond to those new requirements. That includes consideration of whether or not there should be modifications to some of the requirements under the legislation.

Mr. Serge Bijimine: Just to pick up on what she's saying, there could be openness to looking at how many committees these small ports may end up having or the number of members. What I will say, as well, is that a lot of those amendments are meant to address the issue of transparency across all CPAs and usher in this new era of transparency and openness.

The Chair: Thank you very much.

Thank you, Mr. Muys.

Next we have Ms. Murray.

Ms. Murray, the floor is yours. You have five minutes.

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

Thank you for being here with us today.

I'm interested in the comment on introducing this bill, Bill C-33. You talked about the core of this being efficient, safe, secure, resilient supply chains and transportation, but you also mentioned the port contributions to climate objectives. I would love to hear what form that would take.

Has there been any discussion or preparation to advance the transition from fossil fuel power, for ships that are anchored, to clean power through the provision of clean power at the port? Also, is there any work, any discussion internationally or through Transport Canada—or in this bill—that could lead to a greater use of cleaner energy, as opposed to bunker C fuel in the vessels that come into the port and use its facilities?

• (1710)

Ms. Sonya Read: In terms of the legislation itself, there are new requirements with the development of five-year plans regarding climate change actions—effectively, GHG mitigation measures that ports would be working through. That can include a range of activities, and there are provisions in the legislation regarding what some of those plans will include, as well as provisions for the development of regulations regarding GHG emission reduction targets for ports.

On the flip side of that, there's also the climate adaptation strategy. There are also reporting requirements for the ports to develop five-year plans regarding adaptation—so how they're going to mitigate the impacts of climate change.

In both instances, there are also requirements for yearly reporting on those five-year plans for ports to explain how they are progressing against those plans.

From a legislative perspective, those are really the key aspects from an internal port perspective. Complementary to that, there are a number of initiatives that are under way.

Mr. Serge Bijimine: I'll touch on one particular area.

In budget 2023, \$165 million was set aside for a green shipping corridor program. That's meant to essentially begin the hard work of decarbonizing the ports, bringing in new clean energy sources, hydrogen hubs, etc. That program is currently being designed, and the hope is that it will be launched before the end of the calendar year. That's an additional thing that's being done.

Hon. Joyce Murray: That's great to hear. Thank you.

The opening remarks also mentioned improving communication with port communities and local residents. I know that a number of years ago this was certainly something that we at the Port of Vancouver were looking at. I think there are lots of opportunities for the port to be a tourist hub and be more connected with the commerce of downtown Vancouver itself.

Could you talk about how the bill will facilitate greater collaboration and coordination between the city, with its businesses and residents, and the port authority and operations?

Ms. Sonya Read: There are a number of measures contained in the legislation that would help support that. The first, which we've already talked about, is the advisory committees, which provide a more formalized mechanism for communities to have input into the port operations. This is a recognition that our CPAs don't exist in a vacuum. They don't conduct their operations in a vacuum. They are situated, in most instances, within municipalities and communities. The relationships with those communities are really important in respect of the effective operation of the port. The advisory committees in particular are important mechanisms to ensure that that communication is ongoing.

Another piece of the legislation that supports that is the updating and publication of the land use plans on a more regular basis. This provides a vehicle for the port to explain to the community where it's headed and where it's going. So—

The Chair: Thank you very much, Ms. Read. Unfortunately, we have to cut you off once again.

Thank you also, Ms. Murray.

[*Translation*]

Mr. Barsalou-Duval, you have two and a half minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

I'm going to read three clauses proposed in the bill, and I'll try to do it quickly. The first two would be in the Marine Transportation Security Act, and the third in the Canada Marine Act.

6.1(1) The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Act, if the Minister believes that immediate action is required to deal with a threat or to reduce a direct or indirect risk to the security of marine transportation or to the health of persons involved in the marine transportation system.

17.4(1) If the Minister is of the opinion that there is an immediate threat to the security of marine transportation, including to any person, goods, vessel or marine facility or to the health of persons involved in the marine transportation system, the Minister may direct that any person or vessel do, or refrain from doing, anything that in the opinion of the Minister if necessary to do or refrain from doing in order to respond to the threat....

107.1(1) If the Minister is of the opinion that there is a risk of imminent harm to national security, national economic security or competition that constitutes a significant threat to the safety and security of persons, goods, ships or port facilities or the security of supply chains, the Minister may, by order, require a port authority or a person in charge of a port facility to take any measure, including corrective measures, or stop any activity that the Minister considers necessary to prevent that harm.

It seems to me that these are very broad powers and that the minister wouldn't need anyone's authorization. He wouldn't have to prove anything, just feel that there's a potential danger and order a lot of things. What would be the limit of the minister's powers? I want to know because I get the impression that there would be almost nothing he couldn't do with that.

• (1715)

Ms. Lisa Setlakwe: What led us to these provisions, in particular, was the situation we experienced with COVID, when we were unable to work with vessels and operations managers to mitigate certain health risks. We can see that the environment is changing enormously, with the risks and dangers that could arise. Of course, these are powers that are given to the minister, but they would be used, as indicated in the bill, in situations where—

The Chair: Unfortunately, Mr. Barsalou-Duval, you're out of time.

Mr. Xavier Barsalou-Duval: I would have liked to know what couldn't be done with these powers.

The Chair: Thank you, Ms. Setlakwe.

[*English*]

Next we have Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have two and a half minutes, sir.

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

My colleague Mr. Strahl talked a little bit about anchorages. He presented what I think could be characterized as the view of the port authorities, which is that they need more room to park vessels when there's congestion.

I'd like to present a contrary view, that of communities, particularly communities in the southern Gulf Islands, which have seen incredibly ecologically sensitive areas very close to their communities turned into industrial parking lots. I know that this is a concern you're familiar with.

Does Bill C-33 include provisions that allow the minister to intervene on behalf of communities and prevent those areas from being used as industrial parking lots by shipping companies?

Ms. Sonya Read: The legislation includes a clarification of the mandate of ports in respect of the traffic management for vessels entering into port waters.

There is concurrently work that's under way with the VFPA, which some of you may be familiar with, in terms of how traffic is better managed throughout the southern Gulf Islands, to ensure we are mitigating the community concerns around the use of those anchorages. That's for a number of reasons. One of the key things that vessel traffic management will enable is the mitigation of those types of issues that you've raised, including where ships are an-

chored, how long they're anchored and then the activities they are conducting while they're at anchorage, to ensure they are respecting both the environment and the community concerns in the surrounding areas.

It's a combination of the legislation and the activities that would be undertaken by the ports, as they have the authorities to be able to direct traffic.

Mr. Taylor Bachrach: Currently, the use of those anchorages is entirely at the discretion of the port authority. Does this bill change that in any way?

Ms. Sonya Read: Anchorages are effectively a common-law right for safe navigation, so there are a number of protocols and regulations across government that impact how vessels can conduct their operations at those anchorages. The port authority has an interim protocol in place and is working with vessels to ensure they are moving along, in terms of improving how they're operating and improving the use of the anchorages in the southern Gulf Islands.

• (1720)

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

Thank you, Mr. Bachrach.

Next we have Mr. Muys, once again.

The floor is yours for five minutes, please.

Mr. Dan Muys: My colleague Mr. Barsalou-Duval wanted to know what the minister can't do. I don't think he quite got the answer he wanted, or certainly not an elaboration.

One thing we know the minister can do is appoint the chair, and I know that question has been asked a couple of times. The point has been made that already there's tardiness in making appointments to the port authority boards. If the port authorities are to be at arm's length from the government, which is the intention, it seems a step backwards that the government is appointing the chair. Why is this bill reducing the ports' independence in that sense and imposing an "Ottawa knows best" approach?

Mr. Serge Bijimine: I'll just walk you a little bit through the actual process of how that would take place. The minister would appoint the chair from the group of directors of the port. He would not parachute in a chair from somewhere else. It would be someone who is a director within that port, and this would be done in consultation with the board members. It's not a stranger being parachuted in; it's someone who is already part of that board of directors. The minister, in consultation with the board of directors, would pick the chair.

That's the way the legislation has been written. That's the way we currently intend to propose that it be brought forward.

Mr. Dan Muys: To switch gears, maybe you can elaborate a bit on how Bill C-33 promotes private sector investment and involvement in the transportation sector, particularly in response to the ports modernization review. One of the objectives there is unleashing the potential of the private sector.

Mr. Serge Bijimine: There are a couple of things on how it promotes private sector investment.

In the first instance, what we are trying to do in Bill C-33 is promote the right type of private sector investment. There is a proposal in there to reduce the current threshold for review from \$93 million to \$10 million. I would just note that reducing the threshold does not impact our trade agreements with the EU or the U.K.

What we are trying to do is put in place a system that allows more of these projects to be scrutinized to make sure that they meet our national economic security objectives, given the fact that ports are strategic enablers of the Canadian economy. That's the rationale behind that.

Mr. Dan Muys: With this change in threshold, and recognizing the strategic value of our ports and the constraints we would have with international agreements, do you feel that this will help create some efficiencies in the supply chains so that we're not going to see a repeat of what we saw coming out of the pandemic, when there were some bottlenecks?

Mr. Serge Bijimine: I do think that, combined with the investment framework and also combined with the triennial review for the borrowing limit, it should lead to more timely decisions when it comes to investing in ports. That's what we think.

Mr. Dan Muys: I know the question about the very slim provisions for rail safety in the bill was already asked. Of course, one of those was with regard to rail blockades, which you talked about. From what I understand, those provisions are there already. If there is a rail blockade, there are already tools available to address that, so what's new that actually addresses that problem?

• (1725)

Ms. Lisa Setlakwe: In the provisions that were there before—and I'm not a lawyer but I guess the language matters—the language was more around trespassing. This just makes the legislation clearer around acts like vandalism, and we do see some of that, or compromising security, so it's—

Mr. Dan Muys: So that didn't exist under—

Ms. Lisa Setlakwe: Not in that way.

Mr. Dan Muys: So law enforcement couldn't act on those things.

Ms. Lisa Setlakwe: Right.

Mr. Dan Muys: Obviously it could potentially jeopardize people's health.

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

Finally, for this round of questioning, we have Mr. Badawey.

Mr. Badawey, the floor is yours. You have five minutes, sir.

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

This is a pretty robust bill. When we look at it and we read the whole bill, we see the changes and the contemplations in relation to the Canada Marine Act and the modernization, the alignment with the supply chain study and hopefully soon-to-be strategy, the multi-modal networks and the alignment of the different methods of transportation: railroad, air, and water. There are capital investments and the expectation that assets will be managed in a more

disciplined manner, versus what was in the past with a lot of ports in my area, including the St. Lawrence Seaway. There's port competitiveness and managing traffic, developing possible inland waterways and expanding the strategic planning of different ports, implementing their strategic plans and once again aligning themselves with the different aspects of the business. There's governance and working with indigenous groups, as well as environmental sustainability, railway safety and security, and transparency. Then there's adaptability, and the list goes on.

Once again, it's a very robust bill. What I like about it is that it really takes a whole-of-government approach and concentrates on something the government has to do more of, which is concentrating on the business of government versus concentrating on the business of politics—I have another word for it, but I'll be polite. I like that.

The expectation from this study will be that once the bill goes back to the House for a third reading, it will take into consideration a lot of the testimony that's coming out of this, because although it's a very robust bill, there's still a bit of work that has to be done to it, and I'm hoping a lot of that work will come out of both committees, as well as when it goes back to the House for third reading.

I have two questions. This is definitely going to add a lot of capacity, a lot of opportunities for the economy. I know that in my area, in Niagara, this is what we depend on. This alone is what is rebuilding our economy. The challenge, however, is recognizing the capacity that we need in order to fulfill what this bill is trying to do.

My first question is for Mr. Hamilton with respect to CBSA. In terms of the capacity of CBSA, there's no question that this is going to place a burden—I won't say “burden” but there's a pressure—on your organization to really pick up in areas that may not exist now, container ports that don't exist right now, in different parts of the country. In the Great Lakes, we have the cruise ship industry, which didn't exist before.

Are you going to have the capacity to fulfill those obligations and meet the increases within that sector?

Mr. Graeme Hamilton: Mr. Chair, I would just like to say that CBSA has undertaken a variety of modernization efforts across both our traveller stream and our commercial stream to drive home some increased efficiencies.

We can look at redeploying some of the frontline border services officers who are currently either working on transactional, low-value processing of travellers or working with commercial importers and redirecting them to growth areas where we're seeing increased traffic coming in, either commercial traffic or traveller traffic, but then also, importantly, having them work more on intelligence-driven reviews of containerized traffic coming in so our targeting efforts are going up.

With some of the data that we're going to be able to receive—not only what's being provided through this bill but also new data systems that we're investing in at CBSA—we will be able to increase the efficiency of our targeting processing as well and make sure we're protecting the supply chain by making sure that goods that are prohibited from entry into Canada are being caught and stopped at the border.

Mr. Vance Badawey: Just to be clear, this bill will be an enabler for you.

Mr. Graeme Hamilton: Yes, absolutely, this bill will be an enabler for us. The provisions that are referenced in the bill, specifically in the Customs Act, will provide the ability for CBSA to prescribe the amount of time a shipper is provided to transfer to us a container for examination. Right now, there is no set service standard for that process to happen. Sometimes it can take up to 16 days for CBSA officers to identify to a port operator that we'd like to see container *x*, and it will be upwards of three weeks before that container is provided to us. That provides a lot of time for nefarious actors in the ports to remove contraband before we're able to examine it, so being able to regulate the time it takes for those containers to be delivered to us for examination will be a great enabler to us and will strengthen port security.

• (1730)

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

To Department of Transport staff, with respect to capacity and infrastructure, how do you see this bill being, once again, an enabler to really bring up to date our different methods of transportation and the infrastructure that's attached to it, specifically marine and rail?

The Chair: Give a 30-second response, please.

Mr. Serge Bijimine: I think it will set the groundwork to allow certain ports to increase their borrowing limits in a much easier way. I think that's one. Combined with that, the NTCF, or the national trade corridors fund, has provided quite a lot of funding to the port project. I believe it's \$745 million to 40 or 45 different sorts of projects.

I fully expect that if there is another recapitalization, that, combined with a more streamlined approach to borrowing limits, could help unlock capital and access to the CIB as well.

The Chair: Thank you both.

I would like to take this opportunity to thank all of our witnesses from the CBSA and Transport Canada for being with us and for sharing their testimony.

With that, I will suspend for two minutes, although I'm sure my colleagues would like me to adjourn.

We'll suspend for two minutes to change over the witnesses. I'll see you in two minutes, folks.

• (1730)

(Pause)

• (1735)

The Chair: I call this meeting back to order.

Appearing before us for the second half of today's meeting, we have, from the Amalgamated Transit Union Local 279, Mr. Clint Crabtree, president and business agent. Welcome.

From the International Longshore and Warehouse Union Canada, we have Mr. Robert Ashton, president. Welcome.

[*Translation*]

From the Syndicat des débardeurs, of the Canadian Union of Public Employees, local 375, we welcome Michel Murray, union adviser.

[*English*]

We'll begin with you, Mr. Ashton, for your opening remarks.

You have five minutes, sir.

Mr. Robert Ashton (President, International Longshore and Warehouse Union Canada): Thank you.

My name is Rob Ashton. I'm the national president for the International Longshore and Warehouse Union Canada, which represents approximately 8,000 longshore workers who work in the ports of Canada's Pacific coast, including the Vancouver Fraser, Prince Rupert, Nanaimo and Port Alberni port authorities.

Bill C-33, which purports to be legislation for marine security, favours the economic interests of corporations and businesses over the rights of workers, who are essential to the productivity of the ports. In order to maintain a balance between the interests of employers, business and workers, ILWU Canada urges Parliament to promote labour stability by ensuring that a representative of labour is included on the board of directors for each port authority and, in amending the Canada Marine Act, recognize the rights of workers.

On the composition of the board of directors, Bill C-33 proposes to increase the maximum number of directors of a port authority from 11 to 13, increase the number of directors nominated by municipalities from one to two, and increase the number of directors to be appointed by provinces, as set out in the letters patent of the port, to two.

ILWU Canada encourages the government that Bill C-33 should include an amendment in section 14 of the Canada Marine Act that would include a representative of labour in the ports.

Port authority boards of directors favour business. For example, the Vancouver Fraser Port Authority board is heavily represented by directors with business interests. Catherine McLay is the former CFO of TransLink and a former senior executive of Canfor and Howe Sound Pulp and Paper. James Belsheim is the current chair of the Coal Export Terminal Operators Association, the former president of Neptune Terminals in metro Vancouver and the former director of BCMEA. Bruce Chan is the director of BC Ferries and Kinetrex Energy. He was formerly in senior positions for almost 20 years with Teekay Corporation, which is one of the world's largest marine energy, transportation, storage and production companies. Craig Munroe is a labour lawyer representing employer interests. His law firm represents port users, including the coal terminals Westshore Terminals in Vancouver and Trigon Pacific Terminals in Prince Rupert. Mike Corrigan is the CEO of Interferry Incorporated, which is a global trade association representing ferry employers. He's the former CEO of BC Ferries and a former senior manager at Westcoast Energy.

Creating a requirement that a port authority's board of directors includes a representative of labour ensures a voice for labour, which will minimize potential future disputes, such as the expansion of the Roberts Bank terminal in the port of Vancouver.

Port authorities on the west coast of the United States have representative port workers on their boards of directors and they function quite well. At the Port of San Francisco, the five-person board of commissioners includes Willie Adams, who is the international president of the ILWU, and Gail Gilman, who was a CEO and activist for the homeless and social enterprise.

At the Port of Los Angeles, the five-person board of commissioners includes Diane Middleton, who is a labour lawyer and worker advocate, and Michael Muñoz, who is an organizer for the Teamsters and an activist with the Warehouse Worker Resource Center.

The next point I want to talk about is the recognition of the rights of workers. ILWU Canada's concern is evidenced by the recent collective bargaining experience on the west coast, which was that the economic interests of the ports are eclipsing the fundamental rights of workers to engage in free collective bargaining.

Our concern is magnified by the proposal in Bill C-33 to add resilience in supply chains as a purpose of the Canada Marine Act. Supply chains are important to trade, but the economic interest in supply chains cannot be permitted to override free collective bargaining, which the Supreme Court of Canada has recognized as a fundamental freedom protected by section 2(d) of the Charter of Rights and Freedoms.

If Bill C-33 is amended to recognize the role of supply chains as a purpose of the Canada Marine Act, ILWU Canada submits that the CMA should also include as its purpose the recognition of free collective bargaining. The Canada Labour Code sets out this goal in the preamble to part I:

Whereas there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes;

Including the same language in the Canada Marine Act would send a message that Parliament does not intend business interests to outweigh fundamental rights.

In conclusion, labour organizations are stakeholders in port security. Amending Bill C-33 to ensure that ports are governed with worker interests as a consideration is necessary for Parliament to maintain consistency with international obligations such as the ILO and IMO port security codes, the Charter of Rights and Freedoms, and security legislation.

● (1740)

Thank you very much.

The Chair: Thank you very much, Mr. Ashton. You were perfectly on time, and we always appreciate that here at the transport committee.

[*Translation*]

Go ahead, Mr. Murray. You have five minutes.

Mr. Michel Murray (Union Adviser, Syndicat des débardeurs, Canadian Union of Public Employees Local 375): Thank you, Mr. Chair. I'd like to thank the committee members for having us here today.

I fully agree with what my colleague Robert Ashton said.

I represent the Syndicat des débardeurs du port de Montréal, a group of nearly 1,400 men and women who work in longshoring at the Port of Montreal. Our concerns have already been raised in questions prior to our arrival here, but I will highlight them anyway.

Our biggest concerns were with the Marine Transportation Security Act and some of the clauses that the bill seeks to add to it to give new powers to the Minister of Transport. These are sub-clause 6.1(1) on interim orders, on page 38 of the bill, and sub-clause 17.4(1) on emergency injunctions, on page 44. We were wondering whether these new powers concerning emergency directions and interim orders could contravene the Canadian Charter of Rights and Freedoms, specifically section 2, because it would affect unions' freedom of association and the right to strike, as my friend Mr. Ashton said. This right is recognized as essential for unions to negotiate with employers on an equal footing every four or five years.

Earlier, in response to a question from Mr. Barsalou-Duval, Mr. Bijimine said that these provisions would not affect the unions' right to strike or their bargaining power. There was also a lady who said that these provisions were intended to give greater powers to the minister in exceptional circumstances such as the COVID-19 pandemic. However, that's not what's written in the bill, which makes no reference to COVID-19. Therefore, I respectfully submit that these powers would not be limited to such circumstances.

If granting such powers doesn't disregard the Charter and the unions' freedom of association, and if it doesn't contravene the Canada Labour Code or the rights it recognizes for both employers and unions, and if it doesn't contravene international treaties that Canada has signed, the bill should mention that. These provisions must not affect the Charter or the Code, and they must not contravene international treaties that Canada has signed in the past. The International Labour Organization's Freedom of Association Convention was adopted in 1948 and ratified by Canada in 1972, and the supervisory body for that international convention specifies that ports are not essential services. If there is no desire to interfere with our right to strike, the bill should mention that.

Finally, I'd like to share with you, once again, our concerns about the minister's appointment of the port authority chair. The Montreal Port Authority and our boss, the Maritime Employers Association, are buddy-buddy. When the association takes legal action to delay the bargaining process or our right to strike under the Canada Labour Code, the port authority and the association are as thick as thieves. They're represented by the same law firm, which is fighting the longshore worker's union to take away our rights.

When I see that the minister could directly appoint a port authority chair, I'm concerned. In fact, it would be a "political" appointment that would interfere with our labour relations, since the Montreal Port Authority interferes in our labour relations with our employer association. So, I'm concerned about that possibility.

Thank you for listening. Mr. Ashton and I look forward to answering any questions you may have.

• (1745)

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

Colleagues, Mr. Crabtree is not present, unfortunately.

[English]

Mr. Crabtree has not presented himself to provide testimony today.

With that in mind, we will move immediately to our first line of questioning. That six-minute slot goes to Mr. Strahl.

Mr. Strahl, the floor is yours. You have six minutes, sir.

Mr. Mark Strahl: I think we'd better go to Dan Muys.

The Chair: Okay.

Mr. Muys, I'll turn the floor over to you. You have six minutes.

Mr. Dan Muys: My gosh, it's been three in a row. What's with that?

You talked about the fact that the chair, now appointed by the minister, is a political appointment. What would you suggest is a better way to appoint the chair? Is it the existing way, or is there a different model you would suggest?

[Translation]

Mr. Michel Murray: When it comes to appointing port authority board chairs, I'm not trying to suggest any particular way of doing things. I just want to point out that a political appointment could have consequences for labour organizations like ours. The moment someone is appointed by a minister, they become some-

what beholden to them for their actions in the context of labour relations.

I'll give you an example. Dominic Taddeo worked for nearly 30 years at the Port of Montreal as president and CEO. He was a good marketer, travelling all over the world to attract new customers to the Port of Montreal. He wasn't appointed by the minister, yet was doing an absolutely fantastic job.

So I don't think a political appointment will help labour relations. On the contrary, it will make things more tense all around, in my humble opinion.

• (1750)

[English]

Mr. Dan Muys: What I'm hearing is that it's not just labour relations but perhaps the overall effectiveness of the chair—in that, if this person is a political appointment in that sense, they may have a divided interest, so to speak, rather than look out for the interests of...what is best for the port overall.

[Translation]

Mr. Michel Murray: I tend to agree with that, actually.

I see a parallel with what I mentioned earlier about framing the powers granted to the minister. Earlier, Mr. Bijimine told us that the bill did not infringe on port workers' right to strike or freedom of association. However, this is not indicated in the bill. If it isn't in the bill, imagine if no one had reacted to these provisions and Mr. Barsalou-Duval hadn't asked his questions about the appointment of a chair by the minister and about the powers granted to port authorities. In fact, the minister could even delegate powers to a port authority, according to one of the clauses I read in the bill.

This is rather worrying for us, in the context of our labour relations with employers' associations.

[English]

Mr. Dan Muys: Overall, in your testimony, you've pointed out a number of deficiencies in Bill C-33. Would you agree that Bill C-33 is a fundamentally flawed piece of legislation?

Perhaps both of you could comment on that.

[Translation]

Mr. Michel Murray: I wouldn't go that far, no. I'm here to share our labour relations concerns about the effect of the powers the bill grants to the minister over our right of association as recognized by the Canadian Charter of Rights and Freedoms and on the right to economic pressure tactics that flows from it and that was recognized, as Robert Ashton said, by the Supreme Court of Canada's Saskatchewan decision. Those are our only concerns.

Are there other aspects of the bill that will serve the supply chain, the rail sector or customs? I imagine there are. However, I'm not the best person to tell you whether or not this is a good bill. I'm simply here to share our concerns with you.

[English]

Mr. Dan Muys: Right, so you wouldn't opine as to which parts are good and which parts are bad.

Do you have anything to add, Mr. Ashton?

Mr. Robert Ashton: I echo my colleague's comment on that.

When we look at the port authorities in B.C.—I won't put words in my friend's mouth—we have to look at the boards of directors. Without any type of labour or community organizations represented on the port authority boards, how do we have community and labour buy-in on new projects? RBT2 could have been done completely differently, but it's a terminal that's not needed and that's going to cause more supply chain issues than it will fix. Yet, the Vancouver Fraser Port Authority is still pushing it and so is the Canadian government.

Mr. Dan Muys: Just to expand on that point—not just the Port of Vancouver but other ports across the country—would you say the current composition of the boards...? Are there any good examples and, if not, where are the deficiencies?

Mr. Robert Ashton: I can speak only to ports in B.C. I see no community interest on these port authority boards. I see no labour; I see big business, and they're all political appointees.

The other aspect is that, when I've seen some of the MPs here on this panel asking questions about where the minister's abilities end, they weren't given an answer.

My fear—and I believe my brother's fear here—is that the minister could have the ability to say, “You're not allowed to go on strike. You're not allowed to use your fundamental charter rights to defend your workers and defend their needs and wants in their day-to-day lives.” That scares the hell out of me.

Mr. Dan Muys: Bill C-33 gives the minister too much say.

• (1755)

Mr. Robert Ashton: It could be a bit open-ended.

The Chair: Thank you, Mr. Muys.

Thank you, Mr. Ashton.

[Translation]

Thank you very much, Mr. Murray.

[English]

Up next we have Ms. Murray.

Ms. Murray, I'll turn the floor over to you. You have six minutes.

Hon. Joyce Murray: Thank you very much.

Thanks for being here to provide your thoughts and reflections.

The first issue I want to ask about has to do with the changes that the bill makes to prohibit unruly interference with railway work, including unruly behaviour towards railway employees. It's still imprinted in my memory when a pipeline crossing was being built

without permission by the hereditary chiefs of the nation across whose claimed territory this was being built and it ended up with railway blockages that shut down rail traffic in quite a bit of the country. I think there were even fires being built on the rails themselves.

What kind of impact does that have on your members when these seemingly unassociated conflicts affect railway work? Do you see the changes the bill is making to prohibit that as adequate to protect your members?

[Translation]

Mr. Michel Murray: I remember the events you're referring to, Ms. Murray. At the Port of Montreal, the impact was fairly minimal. As far as I know, no trains were unable to access the docks at the time. That is my recollection. The impact on the Port of Montreal railroad was fairly minimal.

[English]

Mr. Robert Ashton: I have an opinion.

There's a fine balance that we have to draw on this. Protecting the workers who are in place, protecting their health and safety and protecting their ability to do their job is, of course, of the utmost importance. I have that feeling 100% for all workers in this country.

The other thing we have to understand when we look at this type of language is that it's every Canadian's right, in my humble opinion, to protest a company or our government if they see fit, as long as that protest falls within the laws of the land. If you restrict the individual's right to protest, you are restricting the right of Canadians to air their opinions. If it puts workers into an unsafe position, then that has to be rectified, for sure.

What the Wet'suwet'en protesters did, doing what they thought was right to protect their land.... If they do not put workers' lives in jeopardy, then who is the Canadian government to say they cannot do it? Who is the government to say that an individual cannot have the ability to protest something that is wrong?

That's what this bill does. It says, “You don't have the right to have your say anymore; we're going to take it from you as a Canadian.” We all have to understand that what is of the utmost importance is the livelihood of these workers.

Hon. Joyce Murray: It's a balance that has to be struck. I was trying to get a sense of your view on that balance, but because time is tight, I will go to another question.

This has to do with the transportation of dangerous goods regime. In metro Vancouver and places like Surrey and White Rock, for example, I know there has been concern in the past with the transportation of dangerous goods. Bill C-33 makes changes to the regime with the establishment of penalties and other changes.

From your perspective, are these changes ones that you and your members support? Are there other things that you think should be done?

• (1800)

Mr. Robert Ashton: If you're talking about the transportation of dangerous goods via rail, I wouldn't have an educated answer for you.

[*Translation*]

Mr. Michel Murray: We don't represent railroad workers either. However, I know that a representative of those workers will be appearing before your committee by the end of October.

[*English*]

Hon. Joyce Murray: I am surprised to hear that. You're representing port workers, and this transportation typically is to or from ports to other destinations.

I guess what I'm hearing is that the changes—

Mr. Michel Murray: Longshore and railroad are different unions. Another union is going to appear in front of this committee that represents the railroad workers.

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

[*Translation*]

Mr. Barsalou-Duval, you have six minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

I would like to thank the witnesses for joining us today. I'll begin straight away with the topic that has brought them here and which is most important to them: the workers' right to strike and their right to freedom of association.

I sensed a desire on the part of Transport Canada officials to reassure people that the bill would have no impact on these rights. However, reading the bill's provisions shows that the minister is being granted many powers. We therefore wonder how this will be interpreted and applied in reality, because sometimes an emergency or a particular situation is used as an excuse to act, and all sorts of pretexts are found to ultimately go a little further than what was originally intended.

Mr. Murray, you mentioned stipulating in the bill that, notwithstanding what's included, workers' right to strike and freedom of association should not be compromised. Would an amendment or addition to the bill allay your concerns on that specific point?

Mr. Michel Murray: The bill's sponsor spoke about that earlier. If it doesn't affect the right to strike or freedom of association and negotiation, it respects the Canadian Charter of Rights and Freedoms. Section 2(d) of the Charter must not be overridden by the new powers granted to the minister or by the bill. The Canada Labour Code includes very specific provisions concerning workers' right to strike or the employer's right to the lockout. Canada has signed international treaties recognizing the right of unions to exert economic pressure. Furthermore, as I reminded you, the supervisory body for the international convention signed by Canada has not recognized ports, public transport and others as essential services.

There is an organization that deals with essential services, and it's neither Transport Canada nor Employment and Social Development Canada. It's the Canada Industrial Relations Board. The Board determines serious and imminent threats to the Canadian population. That's the expertise of this administrative tribunal.

This is the second time I've testified before a parliamentary committee in connection with a bill. The first time was in 1995, on the amendments to the Canada Labour Code following the Sims Report. That gives you a sense of my age. This project was piloted by the Honourable Alfonso Gagliano, who was a friend of the longshoremens of the Port of Montreal and whom we liked very much. We're searching for testimony to find out what the legislator intended in 1995. Specifying in the current bill that it does not affect the right to strike or freedom of association could indeed reassure us and at the same time spare us from having to ask questions in 10 or 15 years' time about the legislator's intention.

Mr. Xavier Barsalou-Duval: Thank you so much for your very complete answer to my question.

I don't know how much time I have left, Mr. Chair.

The Chair: You have three minutes.

Mr. Xavier Barsalou-Duval: Thank you.

Mr. Murray, my next question is about how the appointment of the chair of the board of directors of a port authority should take place. In the bill, we see that the government would like to gain control over the boards of all of Canada's ports by appointing their chair. I have to wonder when I see this.

I think everyone here has raised the issue of the politicization of the position. In my view, an appointee is beholden, first and foremost, to the person who appointed them. Thus, a person appointed by the minister becomes, first and foremost, beholden to the minister. I wonder, then, what moral authority such an individual would have. We know there's a chain of command in any organization, and it seems to me that the proper functioning of an organization also depends on moral authority. If we trust that the person in charge is the right one, and that they are in charge for the right reasons, it will be easier to work with them than if we're under the impression that this person is simply the spokesperson or the stooge of the government of the day.

Am I mistaken?

• (1805)

Mr. Michel Murray: At the risk of repeating myself, at one time it was the board of directors that appointed its chair. There were no political appointments. This meant that, for a long time, the Port of Montreal was well served by people who wanted the Port of Montreal to be competitive. Unionized employees were involved in the process, and we were invited to participate in international meetings where we went in search of customers. Obviously, a political appointment would taint our labour relations, which can already be difficult in the maritime industry.

In fact, it's important to remember that we don't negotiate with shipping companies. We negotiate with an employers' association that is appointed by the shipping lines to negotiate with us. It's hard enough for us to get along with them. If, on top of that, the minister can appoint the chair of the port authority board, which is not our employer, but which sometimes intervenes in our labour relations, that still worries us a bit.

The Chair: Thank you very much, Mr. Barsalou-Duval.

[English]

Next we have Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have six minutes.

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

Thank you to both of our witnesses for appearing today.

I would like to start my questions fairly generally. My sense in the conversations that have led to this legislation is that there's a tension that exists when it comes to Canada's ports and our port authorities.

In speaking with port authorities, my sense is that they wish to act more independently, to have the flexibility and the freedom to compete globally, and to act more like private corporations, in that they want to be able to borrow money more easily and to make strategic investments rapidly to enable them to compete globally. I think that's an understandable perspective.

In talking to the government and the minister, my sense is that the focus of this legislation seems to be on public accountability, that is, moving port authorities and marine ports along that spectrum from fully arm's-length corporate entities to more government and public accountability, particularly coming on the heels of the pandemic and the supply chain challenges that we've seen.

If the goal of the legislation before us is to move us along that spectrum towards more public accountability and more ministerial accountability, is that a direction that you support?

I'll put it to both of you, with the hope of a short answer so I can ask my other nine questions.

Mr. Robert Ashton: Sure, if it's done properly, but adding two, three or, say, five more spots to a port authority board that are going to be picked by different levels of government doesn't open up public accountability, because the board of directors answers to nobody. However, if we had somebody from my union, or my friend's union, or the ILA sitting on those port authority boards, we are the public. We will be drilled by the public. That will bring public accountability back. People who sit in their ivory towers and come to a meeting once a month is not public accountability.

[Translation]

Mr. Taylor Bachrach: Thank you.

Mr. Murray, you have the floor.

Mr. Michel Murray: I fully concur with my colleague Mr. Ashton.

I'll come back to what he was saying about the presence of union representatives on the board of port authorities. The change that

preceded this one meant that the union representatives who already sat on the Harbour Authority Board of Directors were driven out. There was a longshoreman on this board for some 15 years. Perhaps that allowed the parties to have a better dialogue.

I reiterate that I have a bit of a problem with the fact that a port authority reports to the government of the day. It's no secret that governments change from time to time, though some governments may last awhile. At some point, governments change and the wheel of political appointments is restarted and people come to sit on boards of directors on behalf of the new government.

We wonder if this is truly desirable for the port authority with all that it implies. The port authority promotes its port, manages its infrastructure and rents it out to the ships that dock at the port. It's a job that makes the port of Montreal or Vancouver attractive. We don't see what political appointments have to do with it.

● (1810)

[English]

Mr. Taylor Bachrach: Thank you, Monsieur Murray.

Mr. Ashton, some of the discussion today has focused on the emergency provisions that allow the minister to take pretty much any action he or she deems necessary in cases where there is a risk to the supply chain. The wording is quite broad. I read it earlier in the meeting. I think the concern that has very rightly been expressed is that those powers would be used inappropriately in the cases of collective bargaining or labour action.

Is this something that you feel could be addressed with a simple amendment that creates a clear exemption for labour-related actions, or does it need a more thorough overhaul?

Mr. Robert Ashton: If the language is clean, plain and written so that a layman like me could read it, then maybe all it needs is "this excludes labour relations", "this excludes collective agreements", "this protects our charter rights, and the government is going to stay out of collective bargaining". If it's clean so a layman can read it and understand it, then definitely.

Mr. Taylor Bachrach: Okay. My last question is a very simple one. We've had quite a discussion about the appointment of directors on port authority boards.

Monsieur Murray, you voiced a concern about the change of government and the corresponding change in directors that can result. The focus here really has been around the appointment of the board chair. It seems there are two options. One is the appointment by the other directors on the board, and the other is the option that is presented in the bill, which is that the minister appoints the chair. To be clear, it's the former that you prefer as the appointment option.

Perhaps I'll put this to both Mr. Ashton and Mr. Murray.

The Chair: Could we have a 10-second response each, please?

[*Translation*]

Mr. Michel Murray: My preference would be a group appointment over a ministerial appointment.

[*English*]

Mr. Taylor Bachrach: Okay.

Mr. Ashton.

Mr. Robert Ashton: I'm open to democracy, so if you want a chair, then make it an election. Let somebody like me put in for it, or let somebody who represents another part put in for an election to be a board chair, but it has to be that we're allowed to be on the board of directors.

The Chair: Thank you, Mr. Ashton and Mr. Murray.

Thank you, Mr. Bachrach.

For the second round of questioning, and our final round for today, we'll go to Mr. Strahl.

Mr. Strahl, I'll turn the floor over to you. You have five minutes, sir.

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

After Mr. Ashton's opening remarks, I pulled up the current board of directors for the Vancouver Fraser Port Authority. I noted one notable fellow British Columbian, Ken Georgetti. Ken Georgetti served for 15 years as the president of the Canadian Labour Congress and was the president of the BC Federation of Labour. He achieved significant legislative improvements for workers. As British Columbians, we know Ken Georgetti. That name is legendary in the labour movement, in our province and right across the country.

Clearly the issue is not that there is no labour. I don't think Mr. Georgetti has forgotten to stand up for workers just because he's not an active member of a union that is working at the port.

I guess that's my concern here. There's nothing preventing a government from appointing people who have a labour background. Obviously, the Government of British Columbia recommended Mr. Georgetti, and he was appointed in 2021. The question is on active members of labour or active members of port users. Should the Viterra president be able to sit on the board of directors? The answer would be no, because he would have an obvious conflict of interest because of his active involvement in the port.

If the issue is not that there's no labour representation—again, Ken Georgetti is a guy who's going to fight for labour on that board—is the issue not one of whether someone is an active participant in the day-to-day operations of the port? Is that not more of a consideration? Do you think that either labour or the business side could operate on the board of directors without being in a fairly obvious conflict of interest?

• (1815)

Mr. Robert Ashton: I'll answer both of your statements there.

Ken Georgetti has a great history in the labour movement. I'll never take that from him. He's done amazing things for the workers of this country and my home province of British Columbia. However, Ken Georgetti does not represent labour at the Port of Vancouver. He doesn't. He supported the building of RBT2, which has the potential to destroy half my jobs in the port of Vancouver. That is not what a labour rep does. A labour rep fights for workers' jobs. That's what a labour rep does.

To your other suggestion about whether it would be a conflict of interest if an employer in the port of Vancouver sits on any port authority board, or if I sit on a port authority board, or one of my people who is active, the simple answer is no. The port authority builds more things and is involved in more issues than just the building of terminals.

Currently, the way the Vancouver Fraser Port Authority is structured.... It came almost dead last in that report that was put out. A couple of port authorities that I mentioned came in a little higher than it did, and they have active workers who represent them on the boards. So no, I don't think that would be a conflict of interest. If one came up, I would expect that board member to recuse himself for that one issue.

Mr. Mark Strahl: I appreciate that.

You mentioned the summer, and obviously you had a very contentious labour negotiation.

Have you ever seen the solution that was proposed by the Minister of Labour used before? If your members had not agreed to that contract, do you think it was a legal remedy to have the negotiator essentially impose a contract, or say that this is what the contract should be, with the threat—I think, fairly obviously—that this would form the basis for back-to-work legislation if it was not utilized?

We're going a little off topic here, but I know you're a subject matter expert on it. At the end, when the minister imposed that solution, did you feel that what he proposed was actually legal?

Mr. Robert Ashton: I'm not going to get into the legalities of it. My members spoke loud and clear, and that's all that matters to me at the end of the day. My members said "no" because they wanted a freely negotiated collective agreement presented to them to vote on. That first one was voted down by my membership, and my membership is always right, end of story.

When we freely negotiated the last terms of settlement that we brought to my membership, my membership voted it up. Again, my membership is always right.

I'm not going to get into the legalities of that. I have a lawyer to do that.

Mr. Mark Strahl: I don't know how much time I have, Chair.

The Chair: You have 30 seconds, Mr. Strahl.

Mr. Mark Strahl: I have a final question, then.

You've mentioned Roberts Bank terminal 2 numerous times. There are two parts to that approval. One is to build a landmass, and the second part is what should be done on it.

Do you reject the whole project out of hand, or do you think the port could work with labour and others to increase the landmass and perhaps do something on it that would be more acceptable to your membership than another container port that is increasingly automated?

• (1820)

The Chair: Give a very short response, please, Mr. Ashton.

Mr. Robert Ashton: In a nutshell, the way the Vancouver Fraser Port Authority went about it and did it, ignored environmentalists and ignored community groups, it's a flawed system. It should not be built.

If we had voice on the port authority board so we could have done it properly, definitely, but why build something that's just going to cause more issues in the supply chain and cause more glut on the railway tracks when we haven't figured out the current problem as it exists today?

The Chair: Thank you, Mr. Ashton.

Thank you, Mr. Strahl.

Next we have Ms. Koutrakis.

[*Translation*]

Ms. Koutrakis, you have the floor for five minutes.

Ms. Annie Koutrakis (Vimy, Lib.): Thank you very much, Mr. Chair.

I also thank our friends who are testifying here this afternoon.

I think it's really important to clarify something, and that it be on the record: strikes are legal in Canada. Passing Bill C-33 won't change that. We've already heard the answer from Mr. Bijimine, the Transport Canada representative. I think we really need to be cautious and not let an opinion that isn't really the right one pass.

Mr. Ashton and Mr. Murray, how would you describe your relationship with the port authorities? Do you feel that they listen to workers, or do you find it difficult to make yourselves heard? It's related to what I said at the beginning. I'd like you to help me understand better.

Mr. Michel Murray: You're referring to labour-management relations, since you mentioned the right to strike. Our employer is the Maritime Employers Association, whereas Mr. Ashton's employer in Vancouver is the BC Maritime Employers Association.

There used to be a good working relationship between the parties, 20 or 30 years ago. For the past two decades, we have felt that there is an absolutely incredible contempt on the part of the employers' association towards the men and women we represent. Several legal actions have been taken. The employers have colossal resources, millions of dollars, which represent 15 to 25 times the union budget.

I would say that labour relations are difficult. There needs to be real reflection, in order to choose the right players to sit at the negotiating table. When the people in front of me, at the bargaining table, are only expressing union demands and when the real decision-makers aren't in front of me, it delays the process and it deteriorates the relationships we have.

For about two decades, labour relations have been very difficult. We don't have the real decision-makers in front of us. One day, the Minister of Labour is going to have to look at the Canada Labour Code and the requirement for shipping companies to form an employers' association. We're never in front of the real decision-makers, but in front of the letter carriers of a board of directors who are never seated in front of us. For our part, we are delegated by the longshore workers, men and women, to represent them at a negotiating table. That's one of the problems.

I imagine it's the same on Mr. Ashton's side. I was in Vancouver during the last strike. One of the problems was that no shipping companies were sitting at the negotiating table, but rather the members of the employers' association, who are coming out of university. I've got nothing against university people, let's be clear, but the negotiators are university people who don't make any decisions. They have to go to the board of directors and the shipping companies to get their decisions ratified. It's a long process, which can lead to a bit of a labour relations challenge.

[*English*]

Ms. Annie Koutrakis: Mr. Ashton, I don't know if you want to add anything. I do have a different question.

I don't know how much time I have, Mr. Chair.

The Chair: You have one minute and 10 seconds.

Ms. Annie Koutrakis: Quickly, Mr. Ashton, if you would like, you can add your comments to those questions.

Mr. Robert Ashton: The British Columbia Maritime Employers Association represents our employer groups. They're separate from the port authorities in B.C.

We have four port authorities in B.C. There should be only three, to be honest with you. My relationship with the biggest one has been really bad over the last 10 years because of their actions towards our union. With the one up north, we have pretty cordial relationship; we get along quite well. With one of the port authorities on Vancouver Island, we get along quite well. Honestly, why there are two port authorities on Vancouver Island, I couldn't tell you.

• (1825)

Ms. Annie Koutrakis: My next question is on this bill.

Bill C-33 contains a few measures to help with the coordination and logistics at Canada's ports. Do you think these changes will make it easier for employees to do their jobs, or do you foresee it adding hurdles or blockages to the fluidity or resilience of our supply chain?

The Chair: Give a 15-second response, please.

Mr. Robert Ashton: In a day-to-day working environment, right off the top of my head, I can't really see it.

If you're looking for data from the member companies for the port authority to give to the Government of Canada, good luck. Why are the member companies that ship cargo and run the terminals and the railways going to give private data to the Canadian government?

I couldn't tell you. I don't think it'll work.

The Chair: Thank you, Mr. Ashton.

[*Translation*]

Thank you, Ms. Koutrakis.

Mr. Barsalou-Duval, you have the floor for two and a half minutes.

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

Mr. Murray, I'd first like to return to the idea of including worker representatives at the board table. I think it's an interesting concept because, even if it doesn't quite fit the culture here in North America, I get the impression that there are other places in the world where this is done and companies don't necessarily go bankrupt. It can work.

Next, I'd like to come back to something you raised earlier, which you can enlighten me on. You seem to be saying that it's difficult to have a discussion with your real employer, since, as members, you have to negotiate with the Maritime Employers Association rather than directly with the Montreal Port Authority. Is there a mechanism that allows you to talk to the port authority, or are you always redirected to the association?

Would the presence of representatives of the board of directors at least make it possible to put the workers' point of view more directly to decision-makers, who might be more aware of the realities experienced by workers?

Mr. Michel Murray: First, I should point out that the port authority and the employers' association are two separate entities. However, as I said earlier in my testimony, when it comes to legal action against the Longshoremen's Union, they're buddy-buddy, they're represented by the same law firm and they use the same delaying tactics. They did it to us last time for a year and a half before the Administrative Labour Tribunal.

In our testimony, we say that we don't have the real decision-makers, the real payers, in front of us. The real decision-makers are not the port authority or the employers' association, they are the shipping companies established in the port, such as Hapag-Lloyd, Maersk and MSC Canada. They sit on the board of directors, and it's they who really make the decisions on the parameters of a negotiation or the renewal of a collective agreement. However, we never have them in front of us to explain our union demands and to tell them why we think a change in working hours could have a positive effect on productivity. Instead, we have a group of letter carriers in front of us, taking our messages to the board of directors, to whom they are supposed to sell our demands. It's a ridiculous negotiating system. We never have the real decision-makers in front of us.

Nothing would stop these companies from coming to the table and saying they're ready to hear the union's ideas for increasing their productivity. We certainly have ideas for how our members can benefit from a better work-life balance. Happy employees would probably have a positive effect on motivation and productivity in the port, but we're never able to address these companies.

The Chair: Thank you, Mr. Murray and Mr. Barsalou-Duval.

[*English*]

Finally, for this evening, we have Mr. Bachrach.

Mr. Bachrach, you have two and a half minutes. The floor is yours.

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

One issue that I've heard concern expressed about from your organizations is around automation at our ports and the impact on workers. I know that this was one of the issues that contributed to the recent strike. It's a long-standing concern and a concern that, I think, is on a lot of port workers' minds.

With the idea of having labour representation on port authority boards, how do you see that contributing in a positive way to the discussion about automation and mitigating the impacts on Canada's longshore workforce?

• (1830)

Mr. Robert Ashton: It's quite simple. I'm going to go back.... I don't mind picking on RBT2. It's my thing, I guess, now.

When the concept of RBT2 first came up, if there had been a labour representative from my union on the port authority board, we could have explained the concerns we had—the decimation of the jobs that would have been created—and we could have advised them on different ways to do business. Yes, ports and port authorities and terminals have to green the working environment. I understand that, but there are other ways to do it than bringing in robots and getting rid of Canadian jobs so that corporations can make tons more money. This situation at RBT2 didn't have to happen. It wouldn't have happened if we had been on the board of directors.

[*Translation*]

Mr. Michel Murray: Automation is a global concern for representatives of women and men longshore workers. It's a concern that all longshore unions everywhere must address.

I still think that some people believe that automation is a panacea and will revolutionize lives. They used to say the same thing when I was 16: I'd stop working at 50 and an absolutely extraordinary leisure society would open up to me. It didn't happen.

You'd have to look at what's happened elsewhere. There have been projects all over the world, mainly in Europe, that have demonstrated that automation is not a panacea and has not increased supply chain resilience or productivity.

Mainly in Montreal—I imagine it's the same in Vancouver — people are much better served by employees dedicated to the job, who are well trained and have been doing it for years. As far as I'm concerned, I'd say automation isn't a panacea.

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

[*English*]

Thank you very much, Mr. Ashton. We very much appreciate your time and your witness testimony this evening.

With that, I will adjourn the meeting. For those of you staying behind, we have another meeting after this with the U.K. delegation.

This meeting is adjourned.

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