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# Standing Committee on Transport, Infrastructure and Communities

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Chair: Mr. Peter Schiefke





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Monday, November 20, 2023

• (1550)

[English]

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

Welcome to meeting number 89 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 proceed with clause-by-clause consideration of Bill C-33, an act to amend the Customs Act, the Railway Safety Act, the Transportation of Dangerous Goods Act, 1992, the Marine Transportation Security Act, the Canada Transportation Act and the Canada Marine Act and to make a consequential amendment to another act.

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

Colleagues, to help us today with the clause-by-clause consideration of Bill C-33, the first piece of legislation sent to our committee in this session, I would now like to welcome our witnesses.

From the Canada Border Services Agency, we have Cathy Toxopeus, director general, transformation, planning and projects, and Shawn Zinck, manager, traveller, commercial and trade policy directorate, by video conference. From the Department of Transport, we have Sonya Read, director general, marine policy; Stephen Scott, director general, rail safety; Heather Moriarty, director, port policy; Aiden Ryan, director, marine security operations; Rachel Heft, manager and senior counsel, transport and infrastructure legal services; and Amy Kaufman, counsel.

Welcome to you all.

We also have legislative clerks Philippe Méla and Jean-François Pagé joining us.

[Translation]

Welcome to you both.

[English]

Pursuant to Standing Order 75, colleagues, consideration of clause 1, the short title, is postponed. Therefore, I call clause 2—

**Mr. Mark Strahl (Chilliwack—Hope, CPC):** Mr. Chair....

**The Chair:** I see your hand is up, Mr. Strahl.

**Mr. Mark Strahl:** Yes. I'm sorry.

Before we get started on clause-by-clause, I want to move the motion I submitted during the break week, which I can read into the record.

It says:

That, pursuant to the order of reference of Thursday, November 9, 2023, the Minister of Transport and the Minister of Housing, Infrastructure and Communities appear before the committee for no fewer than two hours each to consider the supplementary estimates (B) before Friday, December 1, 2023.

We obviously always invite the ministers to appear when estimates are tabled. We would like them to come and defend those estimates before the committee here.

I move that motion and ask that we have a discussion about that right now.

**The Chair:** Thank you very much, Mr. Strahl. It is so moved.

Mr. Badawey, go ahead.

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

I support the intent of the motion with respect to having the ministers here, but I would respect their schedules and simply ask that they be here. I wouldn't necessarily refer to December 1 but rather request that both ministers be here in their time frame, hopefully before the holiday break, which would be appropriate.

• (1555)

**The Chair:** Thank you, Mr. Badawey.

It's back to you, Mr. Strahl.

**Mr. Mark Strahl:** I think we would simply like them to come before the matters are automatically deemed reported to the House, which, I understand, is why that date is in place. I don't think there's any harm in asking them to come before that, but we certainly welcome them to come on the estimates even after they have been deemed reported. That is why the date is when it is. It's an attempt to have us consider and vote on the estimates before they are simply deemed reported to the House.

That's the reason for that date.

**The Chair:** Thank you, Mr. Strahl.

Go ahead, Mr. Badawey.

**Mr. Vance Badawey:** I suggest we amend the motion to remove December 1 as a deadline, and to have the ministers attend for one hour each.

**The Chair:** Thank you, Mr. Badawey.

Is there discussion on the amendment?

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** I'd like Mr. Badawey to clarify the second part of his amendment.

If I understood correctly, he wants to remove the dates from the motion in order to give the committee some flexibility. In any case, we're already studying a bill at the moment. However, I don't understand why he wants to remove from the motion that each minister be invited to appear for one hour.

Perhaps he could enlighten me.

**The Chair:** Thank you, Mr. Barsalou-Duval.

Mr. Badawey, you have the floor.

[*English*]

**Mr. Vance Badawey:** That's simply because of our schedule. We're busy and we have work to do. Having been around here for the last eight years, I'm sure we can deal with this with an hour apiece for each minister.

**The Chair:** Thank you, Mr. Badawey.

Are there any questions or comments on the amendment put forward by Mr. Badawey?

Seeing none, we'll go to a vote on the amendment.

(Amendment negated [*See Minutes of Proceedings*])

**The Chair:** We'll now go back to the motion put forward by Mr. Strahl.

Are there any other comments or questions?

(Motion negated [*See Minutes of Proceedings*])

**The Chair:** Thank you, all.

Thank you, Mr. Strahl.

We'll now go back to—

Yes, go ahead, Dr. Lewis.

**Ms. Leslyn Lewis (Haldimand—Norfolk, CPC):** Mr. Chair, I'd like to move a motion that was put on notice on Friday, November 17. The motion was distributed to all of the committee members in both official languages.

It is as follows:

Given that the Canada Infrastructure Bank

(a) has spent more and, in some years, double on consultants, CEO payouts, executive bonuses and salaries than on actual infrastructure projects;

(b) paid out bonuses to each of its executives for fiscal years 2020-21 and 2021-22 totalling \$14.6 million, despite no completed infrastructure projects;

(c) the gap between spending on salaries and spending on projects continues to widen year over year;

the committee recognize that the Canada Infrastructure Bank has not met expectations for the responsible use of taxpayer dollars in light of increasing overhead, salaries and bonuses without proportionate spending on infrastructure projects and without visible results for Canadians, and that the committee report this opinion to the House.

Mr. Chair, I'd like to comment on the motion.

• (1600)

**The Chair:** Please do.

**Ms. Leslyn Lewis:** I'm raising this motion today because I believe it's incumbent on this committee to continue to hold the government's \$35-billion infrastructure bank accountable for its performance, especially considering the billions it's already responsible for. This is despite this committee's review of the bank back in 2022, which made one single recommendation. That recommendation was to abolish this failed infrastructure bank. The government has still not acted on this committee's recommendation, nor has it even acknowledged our concerns.

The bank has been in operation for almost six and a half years. The numbers are clear. The bank seems to prioritize rewarding well-paid executives with bonuses over getting important infrastructure built for Canadians. It's not just one or two executives getting these bonuses. The bank has given bonuses to each of its executives for the last two fiscal years. We have the data to prove this.

Also, with each year, we are seeing the amount paid on salaries and bonuses go up. The amount spent on infrastructure is actually going down. It's clear that this Liberal infrastructure bank is not worth the cost to the taxpayers.

It is not appropriate that well-paid executives are each getting bonuses for not getting results at a time when most Canadians are being asked to tighten their budgets because of this government's inflationary deficits, when we're seeing the highest number of visits to food banks, and when we're seeing Canadians afraid of not having enough money to pay their mortgages and feed their families.

This is a very important issue to take into consideration now. I hope this committee will agree that it's important to convey this opinion to the House.

Thank you.

**The Chair:** Thank you very much, Dr. Lewis.

Are there any comments or questions, colleagues?

Yes, go ahead, Mr. Bachrach.

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

As I stated at a previous meeting when a previous iteration of this motion came forward, the NDP shares deep concerns about the Canada Infrastructure Bank and its fixation on delivering private profits when building public infrastructure. We also share the concerns about the track record of the bank so far and its inability to get projects built.

However, I would say two things.

First of all, I'm a little concerned that this is part of the ongoing Conservative project to obstruct other subjects in the House. Because we've already, as a committee, clearly articulated through the recommendation in our report our desire that the CIB be abolished, I would just offer that I'm not sure this is going to advance that effort in any meaningful way.

The other concern I have is that point (c) says that “the gap between spending on salaries and spending on projects continues to widen”. Now, if spending on salaries is going up and spending on projects is either stagnant or going down, then the gap would actually be narrowing.

I'm just a bit unclear on what's being said here. Clearly we don't want the spending on salaries to catch up with the spending on projects. I think it's pretty clear that the bank is spending less on salaries than it's spending on projects. If the intention is that the bank should be spending less on salaries and more on projects, my concern is that the wording of the motion actually suggests the opposite. It's expressing the concern that the gap between spending on salaries and spending on projects continues to widen. If the bank were successful and were building all kinds of infrastructure projects across the country and spending more and more of its endowment, then the gap would widen, one would hope. One would hope that the spending on salaries wasn't going to keep up with the pace of spending on infrastructure projects.

I'm just a little worried that we're sending an unclear message and muddying the waters when the concern is really that the executives of the bank are being compensated fairly richly and the bank's performance to date hasn't been anything to scream about.

I don't think I can support the motion as written. I'm concerned it sends an unclear message on behalf of the committee.

**The Chair:** Thank you, Mr. Bachrach.

Mr. Barsalou-Duval.

[*Translation*]

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

Unless people around the table have amendments to propose, I think we should decide quickly on this motion. I agree with its substance. The government did not follow the committee's recommendation. The wording of the motion is clear, but we have work to do today. We have a government bill to consider. I think that if we can reach a decision as quickly as possible, it could speed things up.

• (1605)

**The Chair:** Thank you, Mr. Barsalou-Duval.

Are there further comments or questions?

[*English*]

Mr. Bachrach.

**Mr. Taylor Bachrach:** I'll offer an amendment, Mr. Chair. It's that item (c) be struck from the motion.

**The Chair:** Thank you, Mr. Bachrach.

Are there questions or comments on Mr. Bachrach's amendment?

Seeing none, we'll go to a vote on the amendment.

(Amendment negatived [*See Minutes of Proceedings*])

(Motion negatived)

**The Chair:** Thank you very much, Dr. Lewis.

Yes, Mr. Bachrach.

**Mr. Taylor Bachrach:** Not to be left out of this emotional moment—

**Voices:** Oh, oh!

**Mr. Taylor Bachrach:** —I will also move a motion that was put on notice last week or the week prior to the riding week.

I move:

Given multiple recent reports of persons with disabilities facing discrimination and unacceptable treatment while travelling with Canadian airlines, and that Air Canada admitted it violated Canadian disability regulations;

That, pursuant to Standing Order 108(2), the Standing Committee on Transport, Infrastructure and Communities undertake a study on the state of accessible transportation for persons with disabilities on Canadian airlines and the Accessible Transportation for Persons with Disabilities Regulations;

That the committee invite the Minister of Transport, the CEOs of Air Canada and WestJet, the Auditor General of Canada, experts and other stakeholders;

That the committee hold a minimum of three meetings and report its findings and recommendations to the House; and

That the government table a comprehensive response to the report.

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

Do you have questions or comments, colleagues?

Mr. Strahl, go ahead.

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

I have a couple of questions for Mr. Bachrach.

I understand that the human resources committee, which has persons with disabilities under its purview, has taken up this matter as well—the matter of Air Canada and the terrible situations that have been coming to light through the media. My question is whether this is necessary. What is the difference between this and what will be happening at HUMA, which deals with accessibility and disability issues all the time...? They've already approved a motion. That would be my first question for him.

Secondly, I think that if we're going to talk about accessibility in the transportation sector, perhaps we shouldn't focus on just the two major airlines. Perhaps we should be looking at anything from other modes of transport...and certainly airports when we're talking about the experience of individuals with disabilities, who are traveling through our airports and on our air carriers.

Those are just a couple of questions: Why the narrow focus, and why are we bringing it here when HUMA already has a motion that is actively under consideration?

**The Chair:** Thank you, Mr. Strahl.

I'll turn it over to Mr. Bachrach.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair, and thank you to Mr. Strahl for the questions.

My understanding is that HUMA have called the CEO of Air Canada, and that their hearings into this are somewhat limited in scope.

I think his other question around whether we should be expanding the scope slightly to include other organizations in the air transport space is a very valid one. Certainly, understanding the interaction among airports and the airlines when it comes to persons with disabilities navigating our air transport sector would be helpful.

This is a transportation topic, and this is the transport committee. I think our focus will really be on how the Canadian air transportation system delivers equitable services to all Canadians, and how the really egregious examples that we've seen in the media recently can be avoided and remedied, whether through regulation or legislation.

Obviously, steps need to be taken. What we've seen so far to date is just nice words. We've seen apologies and commitments to do better, but the government is in a position to ensure that this never happens again by making it very clear to the airlines and other players in the air sector that it won't be tolerated, and by articulating the standard of care that should be taken.

I take his point. I would certainly welcome.... I do think that “experts and other stakeholders” could be interpreted to include, more broadly, airports, the Canadian Transportation Agency and other organizations that would be relevant. If Mr. Strahl would like that articulated specifically in the motion, I'd be happy to accept an amendment.

• (1610)

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

Mr. Badawey, go ahead.

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

Again, I agree with the premise of the motion, but I agree with Mr. Strahl. This is already being looked at by a committee. We have a full slate, probably leading us into the spring. What I would ask Mr. Bachrach to consider is this: Let's wait for that report from HUMA to come out and see what it states. If in fact we want to pursue it after that, to add to the report or align with the report, we could do it then. I think that at this point in time it's where it should be, and we can deal with it once it's completed at that committee.

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

Mr. Strahl, go ahead.

**Mr. Mark Strahl:** I have a couple of things. This is a bit of internal committee business, perhaps, but when the NDP was scheduled to bring forward an item for consideration in terms of the ordering of our studies, Mr. Bachrach surrendered some of those meetings so that we would have a more robust discussion on high-frequency rail. My question is this: Is this a new study, or does this fill out the NDP's...? We've given a lot of leeway in this committee. When a party brings forward an item for a study in their designated slot, we've allowed them to lead the way on that. My question maybe goes to you, Mr. Chair, as well as Mr. Bachrach. Is this fitting into that, or is this another study that will be thrown into the hopper when we order our studies going forward?

Just for a bit of clarity as to the sequencing, when would this come up? If we do.... I would move an amendment, after I hear that, to include airports and the Canadian Transportation Agency on the list of invited witnesses, but first I would like to get an understanding of when this might be considered.

**The Chair:** Thank you, Mr. Strahl.

I'll turn it over to Mr. Bachrach.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair, and through you to Mr. Strahl, this issue facing people with disabilities who are trying to travel using Canada's airlines is quite a pressing one. That's why we brought this motion forward, because it's timely. It's something that needs to be addressed in short order.

With regard to the prioritization of this study relative to other studies, I'm happy to have that conversation at our next committee business meeting. However, given the timeliness of this and the priority that it deserves, the committee would really benefit from tackling this sooner rather than later. We'd be happy to discuss its priority relative to the other studies that we've brought forward.

The last thing I'll mention is that HUMA has dedicated only one hour to this topic. It's unclear whether it plans to report to the House. I think the complexity of the issue deserves more than one hour of study. Hopefully, HUMA's work can be a bit of a springboard to our more comprehensive work, inviting a larger number of witnesses and diving into it a bit deeper.

**The Chair:** Thank you, Mr. Bachrach.

Mr. Badawey.

**Mr. Vance Badawey:** Mr. Bachrach, are you talking about having this done after HUMA's report, at the same time, or before?

**Mr. Taylor Bachrach:** I don't have the dates that HUMA is planning.... I don't know if someone else around the table knows when it plans to hear from Air Canada's CEO, but my sense was that it was in fairly short order. We're not going to get to this study until after the study on passenger rail is complete, unless I'm mistaken, so my assumption would be that it would take place after HUMA has had a chance to question the CEO.

• (1615)

**Mr. Vance Badawey:** Mr. Chair, why don't we find that out, in terms of when HUMA's going to be dealing with it, and why don't we also, in terms of Mr. Strahl's question, look at when we're going to queue this up? As I said earlier, we do have a heavy agenda, probably leading us into the spring.

Why don't we discuss this after getting that information at a business planning meeting? That way, we can queue it up for Mr. Bachrach and go from there.

**The Chair:** Thank you, Mr. Badawey.

I'll turn it over to Mr. Strahl and then Mr. Bachrach.

**Mr. Mark Strahl:** Depending on what Mr. Bachrach wants to do here, I want to get the list to be a bit more comprehensive.

I would move an amendment to his motion, if he was willing to accept it. Where it says, "That the committee invite the Minister of Transport, the CEOs of Air Canada and WestJet, the Auditor General of Canada, experts and other stakeholders", I would like to add "airports and the CTA" to his motion before we vote on it. That would be my preference and, again, I'm open to the timing on this, but I think we want to send a message that it is an important issue.

**The Chair:** Thank you, Mr. Strahl.

Mr. Bachrach.

**Mr. Taylor Bachrach:** I appreciate Mr. Strahl's offering it as a friendly amendment. I would accept it even if it wasn't friendly. Mr. Chair, you can ask for unanimous consent to expand the wording of the motion, but I'd be happy to see the wording amended accordingly.

**The Chair:** Why don't we go ahead and do that?

Do we have unanimous consent of members to amend the wording of the motion?

(Amendment agreed to)

**Mr. Taylor Bachrach:** The last thing I'll add, Mr. Chair, is that we can vote on this motion. It simply indicates that the committee intends to study this matter at some point, and then we can discuss

prioritization and timing, perhaps, at the next business meeting of the committee.

**The Chair:** I'll turn it over to Mr. Badawey, for one last thought on this.

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

We are looking to have some substance to this study, in particular, as it relates to who we should be dialoguing with—I'll say it that way, being polite here, because of the situation that happened—those folks who are accountable for that situation, especially in the air sector.

Having said that, although we can invite the minister, I think the minister has been very clear and has put on the record what his thoughts are on this, as well as his actions. What's most important here is that we actually get the people who are most accountable for this, and really zero in and get down to how they're going to deal with it. There may be some things that we are able to put in place to make sure that happens.

I think that's the crux and priority of this motion—to get to that discussion and, hopefully, get it resolved.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Badawey.

I think we're all clear on this, colleagues. There is a desire to adopt the study as amended in terms of the wording and who's going to be appearing, so I'll go to a vote on this.

(Motion as amended agreed to)

**The Chair:** Thank you, Mr. Bachrach.

We're going to do one last turn around here to see if there's anything else that we would like to have presented or spoken to, before we move on to clause 2 of Bill C-33.

Seeing none, I'll go to our first vote.

Mr. Bachrach.

**Mr. Taylor Bachrach:** Can I ask for a recorded vote on the clauses?

**The Chair:** We can definitely do that.

Is it the will of the committee?

**Some hon. members:** Agreed.

**The Chair:** We'll do recorded votes.

Shall clause 2 carry?

(Clauses 2 to 4 inclusive agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

(On clause 5)

**The Chair:** We'll now go to CPC-1.

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

• (1620)

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

This amendment responds to the concerns of the railway companies. They have expressed an interest in having separate and more robust definitions for safety and security in the bill. This would ensure that the respective requirements apply only where appropriate within the Railway Safety Act.

**The Chair:** Thank you, Mr. Strahl.

Are there any questions or comments, colleagues?

Mr. Badawey.

**Mr. Vance Badawey:** Thank you, Mr. Chairman. I have a question for the team we have here today.

What would this change mean for the bill and the acts that are being amended by Bill C-33?

**Mr. Stephen Scott (Director General, Rail Safety, Department of Transport):** I can speak to that, Chair.

It's really about migrating over the basket of tools and authorities that exist on the safety side in the Railway Safety Act and bringing them over in a clean and comprehensive way to the security side of the Railway Safety Act.

Currently, those tools and powers exist in a bit of a patchwork way on the security side, so having a combined definition will bring that over and ensure that all the tools and authorities needed to do security functions are there in the same manner that they're there to do safety.

**Mr. Vance Badawey:** While it may seem like a simple solution, would the amendment create additional gaps, especially with respect to safety and security? Would it be interpreted that way in the Railway Safety Act?

**Mr. Stephen Scott:** There are a couple of considerations.

Having separate definitions would involve a series of consequential amendments throughout the entirety of the Railway Safety Act to parse out the individual powers that are there now, to basically identify or tag them as either safety or security. Given the evolving nature of safety and security scenarios over time, this could create a future gap in authorities.

**Mr. Vance Badawey:** On that comment, will Bill C-33 as it's written now assume that "safety" also includes "security"?

**Mr. Stephen Scott:** Yes, that's correct. Currently, there is no definition of "safety" in the act. Adding a definition that includes "security" will ensure a comprehensive application of tools and regulation-making powers for both safety and security scenarios going forward.

**Mr. Vance Badawey:** Thank you.

Mr. Chairman, I can't support this, because, from what I'm hearing, this amendment would create a multitude or a cascade of other issues and the need to make additional amendments in other existing pieces of legislation, such as the Railway Safety Act. It would

create more issues, which would require us to define "safety" and "security"—as I mentioned earlier in terms of my question—in every existing piece of legislation and in every clause that mentions "safety" and "security".

Once again, I believe that Bill C-33 as written assumes that safety also includes security. It's there, and for that reason I will not support this.

• (1625)

**The Chair:** Thank you, Mr. Badawey.

I'll turn it over to Mr. Bachrach.

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

I think this is an interesting one, because what has been proposed in this amendment is simply splitting the definition, so that there are separate definitions for "security" and "safety".

I wonder if the officials could outline for us in a bit more detail what the ramifications of that would be in terms of the need for other amendments. Does this create a situation in which you have parts of other bills that will then need to be amended in order to specify whether it's safety or security that is being dealt with?

Is that a clear enough question?

**Ms. Rachel Heft (Manager and Senior Counsel, Transport and Infrastructure Legal Services, Department of Transport):** It would require, in every instance where the term "safety" is used in the Railway Safety Act, an amendment to include "and security".

Where it currently says "safety", it would include "security" and, if it didn't include the words "and security", then there would be a gap.

**Mr. Taylor Bachrach:** I guess the corollary to that is this question: Are there situations in which treating safety and security with the same definition—assuming that everywhere "safety" is mentioned, it also means "security"—would create issues because actually they should be dealt with separately?

I note that safety management systems are specifically set aside as having to do only with safety. Are there other instances in which putting those two terms together...?

The concern expressed to us by the rail industry was that these were actually very different concepts that deserve different treatments. Just doing a wholesale sort of "one means the other" will create situations in which they're treating security with the same brush as safety in a way that might not be appropriate.

Is that a concern of the department's?



**Ms. Rachel Heft:** The term “security” is currently used in the Railway Safety Act where the provisions are intended to deal with security. Despite there not being a definition of security, the terms are used where it is intended to deal with malicious actors or intent. For example, “security measures” or “security documents” are terms that are already included in the Railway Safety Act to distinguish provisions and definitions that are intended to deal with security.

**The Chair:** Thank you, Mr. Bachrach.

Are there any other questions or comments, colleagues?

We will go to a vote on CPC-1.

(Amendment negated: nays 6; yeas 5)

**The Chair:** Shall clause 5 carry, colleagues?

(Clauses 5 to 7 inclusive agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

(On clause 8)

[*Translation*]

• (1630)

**The Chair:** We are now moving on to clause 8.

Mr. Barsalou-Duval now has the floor and will speak to amendment BQ-1.

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

Actually, I'd like to add a subsection to clause 8 in the bill, which would be subsection 10.

I move that Bill C-33, in clause 8, be amended by adding after line 27 on page 4 the following:

(10) Any exemption granted under subsection (1) or (2) shall be published in the *Canada Gazette* within 30 days after it comes into force.

That is the amendment I moved. However, there were discussions to find another way to achieve the same objective, i.e., to find a way to publish the exemptions granted to the railways and make them public. There may be other ways of doing so than through the *Canada Gazette*.

Perhaps you can advise me on how to proceed in order to produce a different version of the proposed amendment. Is unanimous consent required?

Do others already have an amendment to table? If not, I can proceed myself.

[*English*]

**The Chair:** Go ahead, Mr. Badawey.

**Mr. Vance Badawey:** Thank you, Mr. Chairman, and thank you, Mr. Barsalou-Duval.

Again, I appreciate the amendment. We do support the increase in transparency for ministerial decisions, of course, and we welcome the publication amendment to this clause. However, we think that publishing on TC's website, which you just mentioned as an option, would be adequate, given that it would and could be more

timely and be updated more regularly, as required, as it makes it more accessible to the public.

I am prepared to make an amendment, Mr. Chairman, that “The minister must, 30 days after it comes into force, make any exemption granted under subsections (1) or (2) accessible to the public through the Internet or by any other means that the Minister considers appropriate.”

**The Chair:** Thank you, Mr. Badawey.

We just have a request for clarification from the legislative clerk. Where would you be putting that in the bill?

**Mr. Vance Badawey:** Where Mr. Barsalou-Duval was going to put...as proposed subsection 22(10).

**The Chair:** You're replacing it. Would you have that in writing, Mr. Badawey?

**Mr. Vance Badawey:** I can send it to you, yes. I have it right here, and I have it in French, too.

**The Chair:** It's in both official languages.

Mr. Strahl's hand is up, and then I'll turn it back over to you.

Mr. Strahl, you're now going to be talking about the amendment proposed by Mr. Badawey.

**Mr. Mark Strahl:** Yes, and it was my understanding, Mr. Chair, that amendments were supposed to be submitted in advance and in writing, so I'm a little concerned. There have clearly been discussions between the Bloc and the government on this amendment, as evidenced by there being translated copies of it here. We haven't had the opportunity to review any of that.

It isn't our understanding that this is how this proceeds when we are dealing with legislation, because all amendments are supposed to go through the legislative clerk to ensure that they are in order, that they don't impact other sections of the bill. I'm a little concerned that now, after being told very clearly how amendments were to be submitted, we're able to add things on the fly.

Perhaps you can clarify what's going on, in terms of whether this is even in order. If so, it certainly seems to go against the spirit of what we are trying to accomplish and what we were all told we had to do in order to have our amendments cleared.

It was quite a process, I have to tell you, Mr. Chair—several days' worth of back and forth—and to now just have it happen on the floor seems to be a departure from what was done, so I would look for your guidance there. If this is the way it could have been done, why did the rest of us go to the trouble of working with legislative counsel to make our proposals known ahead of time?

• (1635)

**The Chair:** Thank you, Mr. Strahl.

The legislative clerk would like to see what Mr. Badawey proposed in writing before determining whether or not it's in order. If it's okay with the committee, we'll suspend for one to two minutes to allow them to conduct that work and to figure out what's going on here.

• (1635) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1640)

**The Chair:** I call this meeting back to order.

First I'd like to respond to Mr. Strahl's request as to whether or not this is in order. The legislative clerk has confirmed it is, indeed, in order.

For the second part of Mr. Strahl's remarks, I'll turn it over to Monsieur Barsalou-Duval to clarify what he said when he moved the motion.

[*Translation*]

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

The purpose of the original amendment was to ensure that security exemptions would be made public. That way, anyone, be it a citizen, a union or any other stakeholder, can be made aware of an exemption.

This morning, there were discussions with government representatives. They told us that, from their perspective, it would be preferable simply to publish the information on the Transport Canada website. That solution is faster and more flexible. To me, that makes sense, because publication in the Canada Gazette takes time. There are deadlines and numerous steps to take. There's a risk of acquiring the information much later through the Canada Gazette than through simply publishing it on the government website.

So I viewed this as a subamendment. Subsequently, there could be clearer interpretations in terms of procedure.

**The Chair:** Thank you, Mr. Barsalou-Duval.

[*English*]

Before I turn it over to Mr. Strahl, I want to confirm with all members that the amendment has been submitted to all members in both official languages.

I will turn it over to Mr. Strahl and then Mr. Badawey.

Mr. Strahl, the floor is yours.

**Mr. Mark Strahl:** Thank you.

I do have the amendment. If this is the way we can do it, that's good to know.

The amendment I have from the clerk now says, "The Minister must, 30 days after it comes into force, make any exemption granted under subsections (1) or (2) accessible to the public through the Internet or by any other means that the Minister considers appropriate."

This could mean putting them at the front desk of the Transport Canada office in Ottawa and saying anyone who wants can walk in and get it. By putting "by any other means that the Minister considers appropriate", I think that completely renders the intention useless. A minister could... Whatever he deems appropriate may be very inaccessible and not on the Internet. It says, "or by any other means that the Minister considers appropriate." It doesn't say, "the Transport Canada website."

I don't know why it's this vague. If Mr. Barsalou-Duval understood that we're going from the Gazette to the Transport Canada website, then the amendment should say that. Instead, it gives incredible latitude to the minister to basically do whatever he wants.

We would have had no problem supporting the original. The Transport Canada website we could have perhaps lived with, but giving the minister the ability to determine what is appropriate when we're talking about public information and increasing transparency, I think, makes the amendment completely useless, and we would vote against it.

**The Chair:** Thank you, Mr. Strahl.

I will turn it over to Mr. Bachrach.

[*Translation*]

Mr. Barsalou-Duval has the next turn.

[*English*]

Mr. Bachrach.

**Mr. Taylor Bachrach:** Thanks, Mr. Chair.

I was going to say something very similar to what Mr. Strahl said. I think the intention is there, and the way Mr. Barsalou-Duval articulated it was something I could get on board with, but then when we see the actual wording of the amendment, it feels like the wording allows for some outcomes that would be contrary to the spirit of the amendment.

This is about transparency. I think publishing it on the Transport Canada website is fine, and "with any other means the minister deems necessary" would be fine. It's the word "or" that is really problematic. It basically gives the minister the option to publish it either on the Internet, which is a big place, or any other way the minister sees fit.

I think that is simply too broad. I can't imagine the government would exercise those kinds of options, but I would prefer something that was more narrowly defined. The intention here is clearly that it be the Transport Canada website, and that any other means of publication be in addition to that. If the wording was thus, I could easily support it, but the way it's written now just makes it feel like there's too much room for outcomes that wouldn't support the spirit of what Mr. Barsalou-Duval is trying to do.

• (1645)

**The Chair:** Thank you, Mr. Bachrach.

Mr. Barsalou-Duval.

[*Translation*]

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

In order to expedite the discussion and arrive at an effective solution that would benefit everyone, we could simply replace the words "*Canada Gazette*" with the phrase "is published on Transport Canada's website" in my proposed amendment.

However, since this is my own amendment, I'm not in a position to move a subamendment. If someone else cared to move a subamendment, that would solve the problem.

**The Chair:** Ms. Koutrakis, you have the floor.

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

I agree with my colleague's proposal. We could replace "Internet" with "Transport Canada" and replace "or" with "and".

[*English*]

**The Chair:** I'm going to confer with the legislative clerks.

Thank you very much, Ms. Koutrakis. The first thing we need to do is to dispense with the amendment that we currently have on the table. If we have unanimous consent to do that, we can then propose another amendment that perhaps would gain the confidence of committee members.

Yes, Mr. Bachrach.

**Mr. Taylor Bachrach:** Can I propose an amendment to the amendment that's currently on the floor?

**The Chair:** You can't if we already have a subamendment on the table.

**Mr. Taylor Bachrach:** Okay. We can only have one amendment at a time.

**The Chair:** You mean subamendment.

Does somebody want to propose unanimous consent to withdraw?

**Mr. Vance Badawey:** Yes, I'll propose that, since I made it.

**The Chair:** It's proposed by Mr. Badawey.

Do we have unanimous consent to withdraw the subamendment proposed by Mr. Badawey?

**Some hon. members:** Agreed.

(Subamendment withdrawn)

**The Chair:** Now we're starting fresh with amendments.

I guess I can go to Mr. Bachrach or Mr. Barsalou-Duval.

**Mr. Taylor Bachrach:** [*Inaudible—Editor*] to take a crack at it.

**The Chair:** It has to be Mr. Bachrach. It can't be Mr. Barsalou-Duval. He can't amend his own motion.

**Mr. Taylor Bachrach:** Very much along the lines of what Ms. Koutrakis was saying, I think the original proposed amendment would state that any exemption granted under subsection (1) or (2) shall be published in the Canada Gazette within 30 days after it comes into force.

I would amend that to read like this: "Any exemption granted under subsection (1) or (2) shall be published on the Transport Canada website within 30 days after it comes into force and by any other means that the Minister considers appropriate."

**The Chair:** I see a lot of nodding heads. That was well done, Mr. Bachrach. However, I have Mr. Strahl, who would like to join in.

Mr. Strahl, the floor is yours, sir.

**Mr. Mark Strahl:** I just think the order it's in should be "on the...website" and then the "30 days" should be at the end of that sentence. It shouldn't be "on the...website within 30 days" and then

however else not captured by the 30 days. The words are fantastic. It's just the ordering I'm concerned about.

**The Chair:** Mr. Strahl, it's rare that you get a smile from Mr. Bachrach.

I see a lot of nodding heads, all jokes aside, Mr. Strahl, so I think everybody is in favour of that reorganizing of the wording.

**Mr. Taylor Bachrach:** Do you want me to try one more time, Mr. Chair, with that change?

**The Chair:** The legislative clerk is proposing to read it to everyone to see if we have it right, like the Goldilocks porridge.

**A voice:** Oh, oh!

**The Chair:** We haven't pulled that one out in a while.

● (1650)

**Mr. Philippe Méla (Legislative Clerk):** I think I have it. It would read, once amended, "(10) Any exemption granted under subsection (1) or (2) shall be published on the Transport Canada website and by any other means that the Minister considers appropriate within 30 days after it comes into force."

**The Chair:** We have the proposed wording for the subamendment. We'll go to a recorded vote.

(Subamendment agreed to: yeas 11; nays 0)

**The Chair:** We'll go to a vote on the amendment as amended.

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

**The Chair:** We'll go to a vote on whether clause 8 shall carry as amended.

(Clause 8 as amended agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

**The Chair:** Colleagues, we have no submitted amendments for clauses 9 to 22.

Do I have unanimous consent to group clauses 9 to 22?

**Mr. Mark Strahl:** We can pass them on division.

**The Chair:** We can pass them on division. Thank you, Mr. Strahl.

Shall clauses 9 to 22 carry?

**Mr. Mark Strahl:** Can we go on division?

**The Chair:** The clerk is saying that on division means that you're not in agreement, which means that—

**Mr. Mark Strahl:** In the House we pass things on division all the time. It's on the list. It's on the sheet we were given as an option.

**The Chair:** I will turn it over to the clerk and follow the guidance of our legislative clerks. We will have a recorded vote on clauses 9 to 22.

Shall clauses 9 to 22 carry?

(Clauses 9 to 22 inclusive agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

(On clause 23)

**The Chair:** I will turn it over to Mr. Bachrach for NDP-1.

• (1655)

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

The proposed amendment would read:

Regulations made under subsection (1) shall require companies to publish the contents of their safety management systems and any information that is necessary to explain the operation of the system.

This relates to testimony the committee heard from witnesses who were concerned about the fact that safety management systems for the rail sector remain proprietary documents despite the fact that they're also, I think it's fair to say, the dominant tool for ensuring the safety of rail workers, communities and the environment. This would simply provide much-needed transparency and allow the Canadian public and those who are affected by the rail sector to better understand the primary system that is said to be protecting their safety. I think it's fairly self-explanatory.

I'll turn it back to you, Mr. Chair.

**The Chair:** Thank you, Mr. Bachrach.

I have a ruling on this particular amendment that I'd like to share with Mr. Bachrach and committee members.

Bill C-33 amends several acts, including the Railway Safety Act. The amendment proposes, through regulations, to require railway companies to publish the content of their safety management systems. The act is amended, in several clauses of the bill, to add the concept of security management systems without amending any of the provisions of the act related to the safety management systems.

As *House of Commons Procedure and Practice*, third edition, states on page 770, "An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the bill." In the opinion of the chair and in the context of the bill, adding a new regulation or new regulations to provide for the publication of the safety management systems is a new concept that is beyond the scope of the bill as adopted by the House at second reading. Therefore, I rule the amendment inadmissible.

**Mr. Taylor Bachrach:** That's not very nice of you, Mr. Chair.

**Some hon. members:** Oh, oh!

**A voice:** It was a friendly ruling.

**Mr. Taylor Bachrach:** I know it was meant to be as friendly as possible.

Clause 12 of Bill C-33 does deal specifically with safety management systems. To the degree that we can disagree with the leg-

islative clerks, it seems that safety management systems are very much within the scope of this bill that we're debating. If I remember it correctly, clause 12 provides the ability for the minister to direct rail companies to make changes to their safety management systems in instances in which those systems are found to be deficient. If the government looks into rail companies' safety management systems and finds deficiencies, under this bill that we're debating the minister can order the companies to amend or make changes to those safety management systems. It was because of that clause that we hoped that safety management systems would be deemed within scope. Certainly there are other changes and amendments we're considering that are similarly tangential but seem to be considered within scope.

I don't know, other than expressing my disappointment, how else I can argue this point. This is a really important change that would be a huge improvement for the way our rail sector manages safety. If it doesn't take place, what's going to continue to happen is that the primary system for ensuring safety is going to remain a black box. No one's going to be able to see how rail companies are regulating themselves and protecting rail communities, rail workers and our environment from disasters, like we saw in Lac-Mégantic.

Short of challenging the chair's ruling, which I know he made in good faith and in consultation with the experts, I don't know where to go with this other than to express my deep disappointment. With that, Mr. Chair, I'll hand it back to you in the hope that you will change your ruling—now would be the opportunity.

• (1700)

**The Chair:** Thank you, Mr. Bachrach.

You do have the option to challenge the chair.

**Mr. Taylor Bachrach:** I hereby challenge the chair.

**The Chair:** I'll turn it over to the clerk for the vote on whether or not to sustain the ruling of the chair.

(Ruling of the chair sustained: yeas 9; nays 2)

**The Chair:** We will now vote on clause 23, colleagues.

(Clause 23 agreed to: yeas 6; nays 5)

**The Chair:** We now have clauses 24 to 54 and no submitted amendments. I'll ask for unanimous consent to group them all into one. Do we have unanimous consent?

I see no objection. We'll go to a recorded vote on clauses 24 to 54 inclusive.

(Clauses 24 to 54 inclusive agreed to: yeas 7; nays 4)

(On clause 55)

[Translation]

**The Chair:** We're now moving on to clause 55 and amendment BQ-2.

Mr. Barsalou-Duval, you have the floor.

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

The original article that is the subject of this amendment reads as follows:

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.

The amendment's purpose is essentially to remove the word “believes”.

We therefore move that Bill C-33, in clause 55, be amended (a) by replacing line 4 on page 38 with the following:

tion made under this Act, if im-

We think that the fact that the minister only needs to believe there is a threat or risk gives him significant power. He could therefore act simply on a belief, which he would not necessarily be required to prove.

We'd like to further circumscribe that power. There will be other similar amendments a little later today.

• (1705)

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

Mr. Badawey, you have the floor.

[English]

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

I guess the only comments I can make are that this bill was in fact created on the basis that the reasonableness standard will be used in all these determinations.

The second point is that the reasonableness standard is what has generally been used in Canada's judicial system.

My last point is that correctness would mean the minister would essentially have no jurisdiction to exercise the power, given that the threshold would be too high, making it in fact, Mr. Chairman, unusable. Therefore, I can't support this.

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

Go ahead, Monsieur Barsalou-Duval.

[Translation]

**Mr. Xavier Barsalou-Duval:** I presume there are officials present who could perhaps tell us more. We could get into a partisan debate as to our own interpretation versus the interpretation that members across the aisle may have.

If we had more clarity from officials on the impact this amendment might have, it might inform the vote of other committee members.

[English]

**The Chair:** Perhaps I'll turn it over to you, Ms. Heft.

**Ms. Rachel Heft:** The minister's power is set out here for the minister to believe that the “immediate action is required”. It's standard language for an order power found in several different pieces of legislation in which the Minister of Transport has powers to take action.

With respect to the standard of reasonableness or correctness, it's correct to say that these are generally reviewed by judiciary on the standard of reasonableness.

**The Chair:** Thank you, Ms. Heft.

I'll turn it over to Mr. Badawey.

**Mr. Vance Badawey:** That is the clarification I really want to emphasize: It's the reasonableness versus the correctness. I think that was just clarified by the member of the team, so thank you.

**The Chair:** Thank you, Mr. Badawey.

Go ahead, Mr. Bachrach.

**Mr. Taylor Bachrach:** I'm just wondering whether our officials could expand on the difference between “reasonableness” and “correctness” for those of us who are less familiar with the concepts in a legal sense.

Does one imply a higher standard?

**The Chair:** Ms. Heft, I'll turn it back over to you.

**Ms. Rachel Heft:** Upon judicial review in which the standard of correctness is used, the reviewing court must be of the opinion that it was absolutely the correct decision and that there were no other potentially reasonable decisions that could have been made. It is the exact same decision that a court would have made in the same situation.

Generally, the standard of reasonableness, in a situation in which a decision is made based on all of the facts, is whether the information available to the minister would have allowed for this decision to be considered reasonable in the given situation.

**The Chair:** Are there any other questions or comments before we go to a vote on BQ-2, colleagues?

(Amendment negated: nays 10; yeas 1)

(Clause 55 agreed to: yeas 7; nays 4)

**The Chair:** Colleagues, there are no amendments submitted for clauses 56 to 60, so I'll ask for unanimous consent to group them all into one vote. Do I have unanimous consent?

**Some hon. members:** Agreed.

(Clauses 56 to 60 inclusive agreed to: yeas 7; nays 4)

(On clause 61)

**The Chair:** I will now turn it over to Mr. Bachrach for NDP-2 on clause 61.

Mr. Bachrach, the floor is yours.

• (1710)

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

This section relates to circumstances in which the minister may direct vessels if the minister feels those vessels pose a risk. It expands the definition of what risks may be considered.

The amended text would read:

If the Minister has reasonable grounds to believe that a vessel is a threat, or poses a direct or indirect risk to the environment, the well-being of coastal communities, 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 the vessel

This introduces environmental concerns and the well-being of coastal communities to the list of reasons the minister may direct a vessel.

**The Chair:** I'll ask for the committee's indulgence as I confer with the clerk. Thank you.

• (1710)

(Pause)

• (1715)

**The Chair:** I apologize, colleagues. We're going to suspend for two minutes, because there are additional discussions that are required for this amendment proposed by Mr. Bachrach, NDP-2.

Thank you. We'll suspend for two minutes.

• (1715)

(Pause)

• (1720)

**The Chair:** I'll call this meeting back to order.

Thank you, Mr. Bachrach, and thanks to all members for your patience on this.

We'll now go to comments or questions on NDP-2.

Yes, Mr. Badawey.

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

It seems that I'm saying this more times than I usually do, but I support the intent of what the member has brought forward. However, I just don't think it's in the right act.

I'm sure it can be declared inadmissible, but again, we agree with the intent of the NDP, and for this reason we're willing to hear the debate and to go from there. I'd like to hear a bit more from Mr. Bachrach.

I know there are a few amendments throughout this bill that they're making within the transportation security act that don't deal necessarily with environmental issues at all, but there is an argument to be made that environmental issues can be the security of people as well.

I think a lot of the members from British Columbia, as well as our colleague here, Ms. May, would agree that both could be correlated.

I'd like to hear some more on this, Mr. Chairman, and I would support that it actually go to a vote.

Thank you.

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

I see Mr. Strahl's hand is up, and then perhaps I'll turn it over to Mr. Bachrach, or even the officials, to comment on this.

Mr. Strahl.

**Mr. Mark Strahl:** I think the intent is clear. I have a concern, though.

I would be interested to hear whether the well-being of a community has ever been defined in legislation. I think it could mean just about anything. Essentially, when you use the broad terms "to the environment" and "the well-being of coastal communities", that could be in the eye of many individuals in that coastal community. With some work in the transportation sector and the supply chain, when they see a ship in the region, perhaps they think of economic activity in the jobs they have.

I think it's an incredibly broad term, and what you would end up doing.... Perhaps, for a minister, the intent is a good one, but I think we have an obligation to draft legislation that cannot be abused. When you have broad terms that are ill-defined, I think you risk that abuse.

I have concerns with how incredibly broad this is and how a future government, or even this government, could use that legislation to completely shut down economic activity in the region, with no other option for ships. There are no new anchorages, for instance, so the ships would be just circling around and burning fuel and harming the environment somewhere else.

I think this is much too broad and gives much too much power to the minister to regulate in this case.

**The Chair:** Thank you, Mr. Strahl.

I'll turn it over to any of the witnesses we have here to perhaps respond to the definition of "the well-being of...communities" and whether or not that's been used in other pieces of legislation.

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

**Mr. Aiden Ryan (Director, Marine Security Operations, Department of Transport):** To speak more broadly to the issue at play, the Canada Shipping Act already provides the legal framework for regulating marine navigation and safety for the purposes of protecting the public interest, using the term "public interest" rather than "well-being of communities" and "the environment", where the community well-being and the environment can be taken into consideration as an element of the public interest.

• (1725)

**The Chair:** Thank you, Mr. Ryan.

Mr. Bachrach.

**Mr. Taylor Bachrach:** I think this is a very interesting discussion, and I'm certainly open to entertaining different words to convey the same concept.

I would add that the original text in the bill includes:

If the Minister has reasonable grounds to believe that a vessel is a threat, or poses a direct or indirect risk 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,

This is already casting a pretty broad net. It's saying that if any marine infrastructure is at risk, then the minister can direct vessels to go elsewhere.

Then, on “direct or indirect risk to the security of...any person, goods, vessel or marine facility or to the health of persons involved in the marine transportation system”, here, we're concerned about the health of the people working on board the ship, but we're not necessarily concerned about the health of the people living on the shore and breathing the emissions from the ship that's been parked on their doorstep for the past 25 days. I think it's very much trying to get at this idea of expanding just slightly this idea of risk and threat.

I note that in the act we don't have a really good definition of what we mean by “security”, and already we see the broadening of the concept with the use of the terms “risk” and “threat”. I think that very clearly what we're trying to do is take this idea of security and this idea of risk, apply that directly to the people who are impacted by the shipping sector and allow the minister the discretion in those cases.

Another example would be that you have a vessel that has lost power or is somehow compromised, is leaking some deleterious substance and has decided to head towards the coastal community and park on its doorstep to address the problem. Here's an issue where it might not be a threat to national security in a sort of military sense, but it's clearly a threat. It's clearly a risk to the place it's going to. It's a risk to the marine environment. It's a risk to the community that lives there. This would simply provide the minister the ability to act, not just in the interest of the people on board the ship but in the interest of the people who live directly on the shore and could be impacted by this activity.

I don't know if there's another word, other than “well-being”. Perhaps “safety” is a concept, or “health”. We've already used “health” in the amendment in the bill. It says “the health of persons involved in the marine transportation system”. Arguably, the concept of health has a definition.

Perhaps if we put that over and say “the health of coastal communities”, or even “the health of the residents of coastal communities”, maybe that would be more in line with the direction that we're going in.

I would add, Mr. Chair, that I didn't hear you rule this as inadmissible, so it feels like we're having a debate on admissibility prior to clarity on whether it's admissible.

**The Chair:** No. We're not having a debate on that. We're having a debate on....

**Mr. Taylor Bachrach:** Well, if it's coming, it's coming, you know. If the chair is going to say that it's inadmissible, he's eventually going to get there, but I haven't heard him say that yet. It sounded like he was on the brink of calling a vote on this amazing amendment that we've put forward. I would just ask the chair, given the time, that we move to a vote on the amendment as worded.

**The Chair:** We have a lot of people who want to talk about this, which is good news, Mr. Bachrach.

I'm going to turn it over to Ms. Murray. Then I have Ms. Gladu, Mr. Badawey and Mr. Barsalou-Duval.

Ms. Murray, I'll turn the floor over to you.

**Hon. Joyce Murray (Vancouver Quadra, Lib.):** Thank you for this amendment and for including the environment. I wondered what you thought about a potential friendly amendment to your amendment. Rather than saying “to the environment”, it would say “to the marine ecosystem”.

**The Chair:** Thank you, Ms. Murray.

We'll have a discussion on that subamendment.

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

● (1730)

**Mr. Taylor Bachrach:** I'm not sure how formal we want to be, Mr. Chair, but I think Ms. Murray's proposal that we reference marine ecosystems is perfectly fine, and I would support changing this. It's simply a different way of articulating the same concept, and it might be a little more specific, so I'd be happy to change the wording of our amendment accordingly.

**The Chair:** Thank you, Mr. Bachrach.

Just as a point of clarification, where did you want to insert that, Ms. Murray?

**Hon. Joyce Murray:** It's where it says “to the environment, the well-being of coastal communities”. That's where “to the marine ecosystem” would be.

It would be a bit more specific about the marine life—the fish, the animals, the whales.

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

I'll turn it over to Mr. Badawey.

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

First off, I want to congratulate everybody for bouncing this around and trying to get this done.

I'm assuming that, as Mr. Bachrach said, because you haven't declared it inadmissible, it is admissible. That's great. I want to congratulate Mr. Bachrach for doing this and Ms. Murray for putting on the amendment.

That said, I want to take it a step further if I can have the blessing of the committee. We have a third member of Parliament here from B.C. We've heard from two of them. I would love to hear from the third.

Mr. Chair, if the committee would so give Ms. May that grace, I would love to hear from her.

**The Chair:** I'll make the decision to provide Ms. May with two minutes of speaking time on this.

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

I won't need two minutes. I know that you all have a lot on your plates. I appreciate the indulgence of all committee members. I'm here under the terms of a motion passed by this committee that gives me the right to speak to the amendments I bring, which are deemed moved, but not to others, so this is a rare chance. I appreciate it very much.

I would just say to Mark Strahl that this is a weird thing that these anchorages are on our coastline, and nobody looks at them and says, "Well, there's a job I've got." This is free parking. There is no benefit to the community whatsoever. The anchorages are not of benefit to any coastal community. They do detriment to quality of life and to the marine environment, pose threats to the southern resident killer whales from the noise of the freighters, and cause damage to the benthic organisms from dragging anchor. There are multiple issues here. We heard about them from one of the witnesses before the committee.

Specifically to NDP-2, I think what it's doing is drawing attention in Bill C-33, in that key portion where they are already looking, as Taylor has said, at questions of health and security, to the well-being of coastal communities and the security of marine transportation. These vessels, in a storm, can drag anchor. We've had collisions. We've had many near misses. We've actually had collisions in which we could easily have had an oil spill from the vessels colliding. There are numerous examples in real life, not hypotheticals, of where broadening the discretion of what the minister is looking at....

What's being looked at in this question is the environment and the well-being of coastal communities, which I think is really well expressed, including, of course, the health of the people on board. Frankly, it's in no one's economic interest to have these ships just sitting there. It doesn't help the grain growers in the prairies one little bit. The Port of Vancouver doesn't have a good, effective system right now for bulk goods. The two main types of bulk goods, grain and coal, have a history of backing up. As they back up and back up and back up, they sit in the waters of the Salish Sea up and down the coast of Vancouver Island, proliferating in number.

I'm going to shut up there, but anything we can do in Bill C-33 to give more scope to better solutions than the current practices would be much appreciated.

**The Chair:** Thank you, Ms. May.

Go ahead, Mr. Strahl.

**Mr. Mark Strahl:** On a point of order, just for clarification, Ms. May herself referenced the motion. We are not in a situation where another member can designate their time to an independent member to give them standing at the committee, which has been done previously. I know that you gave her the authority, but it's my belief that there needs to be unanimous consent in order for that to happen again in the future.

Obviously, out of respect for you, we let Ms. May use her full two minutes, but given the number of amendments we have that are dealing with this, I would suggest that we follow the rules of the committee. Unanimous consent is required for independent members to speak, except when they are speaking to their own amendment. I would just like to say that.

Also, Mr. Chair, I note that the time is 5:35 p.m. We are past the normal hour of adjournment. I would like to move that we adjourn the meeting.

• (1735)

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

I want to confirm that I did seek the guidance of the clerks to my left and my right before providing the time to Ms. May to speak.

We will now go to a vote. As it is a dilatory motion, there is no debate, and I'll turn it over to the clerk for that.

(Motion agreed to: yeas 11; nays 0)

**The Chair:** With that, this meeting is adj—

**Ms. Leslyn Lewis:** I just want to make one point. I'm always happy to hear from Ms. May. I think she's lovely and she always has very relevant things to say in relation to the environment, but I think the rule is in Standing Order 114. I believe that substitutions have to be members of the committee. Moving forward, I think we should have some process for ensuring that her input is duly noted, and that it's not outside of the scope of authority.

**The Chair:** Thank you very much, Dr. Lewis.

With that, the meeting is adjourned.

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