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Chair: Mr. Peter Schiefke



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• (1935)

[English]

The Chair (Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.)): I call this meeting to order. Welcome to meeting number 90 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

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

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

Colleagues, to help us with the clause-by-clause consideration of Bill C-33, I'd like to welcome back our witnesses, beginning with our legislative clerks, Messieurs Jean-François Pagé and Philippe Méla. Welcome to you both.

Of course, from the Canada Border Services Agency we have Cathy Toxopeus, director general of transformation, planning and projects—welcome. Shawn Zinck, manager of the traveller, commercial and trade policy directorate, is with us by video conference.

From the Department of Transport we have Ms. Sonya Read, director general, marine policy; Heather Moriarty, director, port policy; Aiden Ryan, director, marine security operations; Rachel Heft, manager and senior counsel, transport and infrastructure legal services; and, of course, Amy Kaufman, counsel.

I believe, colleagues, we left off at clause 61 and NDP-2, following a very lengthy discussion on that. I will now open the floor to any continued discussion.

(On clause 61)

Mr. Vance Badawey (Niagara Centre, Lib.): What are we on, Mr. Chairman? Are we on clause 61, NDP-2?

The Chair: Yes, sir.

Mr. Vance Badawey: Is Taylor not going to speak to that?

The Chair: There was a subamendment from Ms. Murray that we have to vote on first, which was to add “marine ecosystem” to replace “environment”.

If there's no further discussion, we will go to a vote on the subamendment proposed by Ms. Murray.

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

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

The Chair: We'll now move to NDP-3.

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

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Mr. Chair, this amendment would simply indicate that when the minister directs a vessel, it shall remain outside of the area described in the schedule, which relates to a separate amendment. It is:

to remain outside of the area described in the schedule or outside of any other area specified by the

The Chair: Thank you, Mr. Bachrach.

Are there comments or questions, colleagues?

Go ahead, Mr. Strahl.

Mr. Mark Strahl (Chilliwack—Hope, CPC): We've plotted said map, but I'm wondering if the witnesses there could describe to us what would happen if the anchorages outside of this area were full, and the minister needed to direct vessel traffic. What would the result be of, essentially, banning vessels from being directed into a certain area? What would they do, and what would the impact be on safety, on marine vessel traffic, etc.?

The Chair: Thank you, Mr. Strahl.

I'll turn it over to Mr. Ryan.

Mr. Aiden Ryan (Director, Marine Security Operations, Department of Transport): Thank you.

I'll start by giving a preface here. The purpose of the MTSA is to address risks and threats to the marine transportation system and the health of persons in it.

In addition to the concerns identified, establishing a blanket prohibition against anchorages in this area without any exceptions could lead to situations of increased environmental safety and navigational risks. Vessels regularly use anchorages as part of their day-to-day activities. While the average time for a ship at anchor is less than 14 days in this area, there are many circumstances in which it may be necessary for ships to anchor for a longer period of time.

As the act is currently drafted, if a storm or other weather event posed a risk to the operational or navigational safety of vessels anchored in the areas, the minister would be unable to exempt a vessel from this prohibition. This could cause catastrophic impacts on the local marine ecosystem. Likewise, a ship might be required to stay at anchor to effect repairs or address deficiencies identified by Transport Canada in order to ensure the safety and security of the ship and its crew.

Adoption of this amendment as is would interfere with the Government of Canada's ability to manage emergency situations and conduct follow-up investigations activity.

In the case of the *Zim Kingston*, for example, that was a container ship that caught fire off the coast of B.C. in 2021. It needed to be held at anchor while the fire was put out and then for repairs and the resulting investigation.

• (1940)

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

Mr. Strahl, we'll go back over to you.

Mr. Mark Strahl: That dealt with, I would guess, amendment NDP-4, about the 14 days. I was going to ask about that as well, but I will go back to the same witness.

Would those same concerns arise if other anchorages were occupied, or—the proximity concern—if the nearest anchorage was in this area and was suddenly off-limits?

Do you have the same concern you just expressed—that there's no flexibility and no exemptions—with simply ruling a number of anchorages that are currently in use essentially as being out of service or unavailable?

The Chair: We'll go back over to you, Mr. Ryan.

Mr. Aiden Ryan: If I understand the question correctly, any banning of anchorages would be problematic. We need to retain the ability to anchor vessels when necessary, whether it's through detention or to deal with other issues.

Mr. Mark Strahl: Thank you.

The Chair: Thank you, Mr. Ryan, and thank you, Mr. Strahl.

Are there any other questions or comments?

Mr. Bachrach, go ahead.

Mr. Taylor Bachrach: This specific amendment deals with a situation in which the minister exercises their discretion to direct a vessel in a fairly extreme case, because it's a vessel that's posing a direct or indirect risk to the environment, the well-being of marine ecosystems or the security of marine transportation, including any person, goods, vessel or marine facility. This is a situation in which a vessel needs to come under the direction of the minister and be directed somewhere.

My read of this amendment is simply that in directing the vessel, the minister is to avoid directing it through or into any of the specified anchorages in the southern Gulf Islands. That's not a good place to park a ship that is a risk.

Our witness, Mr. Ryan, has raised the question of a ship with an on-board risk to human health or some other situation. I wonder if

there are other clauses that provide for emergency situations in which the risk isn't to the environment or to marine life but is simply that there's something happening on board that has put the crew in a situation in which they need to anchor to deal with it. I think any coastal community in any one of those areas would understand that such a thing would be a legitimate reason to anchor the vessel there while the emergency was dealt with.

Is there either a clause elsewhere in the act that would account for that or some way to subamend this amendment to provide for those specific kinds of situations?

The Chair: Thank you, Mr. Bachrach.

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

Mr. Aiden Ryan: The purpose of the Marine Transportation Security Act is to address security risks and threats to the transportation system and the health of persons involved in it. The Canada Shipping Act already provides the legal framework for regulating marine navigation and safety for the purposes of the public interest and the environment. That would be the act to turn to in those events.

Mr. Taylor Bachrach: That's right, but arguably, we've just expanded this act slightly by including risks to marine ecosystems and risks to coastal communities. I appreciate that your position is that limiting any anchorages is going to limit the ability to deal with these kinds of situations. I think what we as a committee are trying to do is to strike a balance between protecting coastal communities and the coastal environment and allowing the shipping industry to deal with extraordinary emergency situations.

A limited number of anchorages would be affected and a limited number of scenarios would be affected. It would be only when the minister was directing a ship. Here's another example. If the ship were leaking some sort of deleterious substance and the minister needed to direct it, what we're indicating is that the minister shouldn't direct it to go anchor next to one of these communities or in one of these sensitive marine ecosystems, because that would not be appropriate. Is there some way to define a smaller set of circumstances that would deal with emergencies in which it would be appropriate to park in those areas?

• (1945)

Mr. Aiden Ryan: I think I'd have to come back on that question.

The Chair: Okay.

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

Mr. Mark Strahl: In clause 61, which has already been amended, we're already dealing with extreme circumstances. We're dealing with situations in which, essentially, the minister has taken control of what a marine vessel will do, so if that is happening, it is already an extreme situation. We should avoid limiting the ability of the minister to direct a vessel to what may be the closest anchorage or to provide safety to those on board, to get it out of bad weather or an unsafe situation. As Mr. Bachrach said, the minister should avoid simply putting a blanket ban on that, but that's not what the amendment says. This is a blanket prohibition on a huge geographical area, in which a minister is already taking control of a vessel. This is already an extreme case.

We can't support anything that, I think, would put marine safety at risk by limiting the geographic area in which the minister could direct a vessel to safety.

The Chair: Thank you, Mr. Strahl.

Are there any other comments or questions on this?

Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: From the perspective of the coastal communities that are most concerned about this, they don't want vessels parking in these anchorages at all, period, ever. Given what they've been through, I think that is a pretty reasonable concern. I think this is a very narrow set of circumstances. We're going to deal with another amendment that talks about long-term anchoring in those spots, but it would seem that....

We're talking about directing a vessel to get to somewhere that is a good place for that vessel to park to deal with whatever situation is happening on board. This amendment says that when doing that, the minister should avoid these specific geographic areas. I appreciate that some people feel that's limiting the options too much, but maybe that's as far as we get with the debate on whether or not that's appropriate.

The Chair: Thank you, Mr. Bachrach.

I'll turn it over to Mr. Badawey.

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

We've heard a lot from both the questioners and the officials. I just want to take it a step further before we make a decision on this. Are there any other considerations that you can give us with respect to what's been asked here in terms of the amendment? Are there any other things we should take into consideration before we proceed with something like this?

Mr. Aiden Ryan: I would just reiterate that the purpose of the Marine Transportation Security Act, just in fact already approved by the committee, is to address security risks and threats to the marine transportation system and the health of persons in it.

The Canada Shipping Act already provides the legal framework for regulating marine navigation and safety for the purposes of protecting the public interest and the environment.

Mr. Vance Badawey: Basically what you're saying is that this can be considered somewhat redundant.

Mr. Aiden Ryan: Yes.

Mr. Vance Badawey: Okay. Thank you.

The Chair: Are there any other questions or comments on this?

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): I am trying to understand what the problem is with amendment NDP-3, whose purpose is to establish a list of areas where anchoring would not be allowed. That is what I understand from this amendment. The definition of the area in question would be added later in a schedule. We are simply debating the possibility of not allowing anchoring in certain areas. I am trying to understand how this is a problem. In my opinion, it might be very logical for anchoring not to be appropriate everywhere. On the question of the areas, that could be discussed in a second phase.

I would like to make sure I understand correctly. How is it preventing the minister from directing a vessel to one place or another? If I understand correctly, it will be possible to amend the schedule by regulation. The minister will therefore have the power to make amendments later; he will have all the leeway needed for doing that. Maybe there are members or witnesses who can explain this or clarify it for me.

• (1950)

The Chair: Ms. Heft, you have the floor.

[*English*]

Ms. Rachel Heft (Manager and Senior Counsel, Transport and Infrastructure Legal Services, Department of Transport): I think it's important in this instance to remember section 16 as a ministerial order power. As such, it is discretionary. It's intended to be used, as we've discussed, to deal with circumstances in which there are risks to the security of marine transportation and coastal communities, etc., as has been suggested.

However, what we're trying to do is predict situations in which the power would be used and limit the minister's discretion to direct that the vessel take anchor elsewhere. I think that in an attempt to do that, we're dealing with theoretical situations, and we're removing the power of the minister to deal with a security risk and a potential security risk that could be resolved.

Because of the theoretical nature of the question, it's hard to describe a situation in which it could be potentially be necessary for the anchorage to take place in the areas prescribed in the schedule, but I suppose that is the nature of the problem: It's that we don't know what risk the minister may face, and there may be a justifiable reason to direct a vessel to a specific location that would otherwise be prohibited.

The Chair: Thank you, Ms. Heft.

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

Mr. Taylor Bachrach: Just to follow up on that, would safety be the primary rationale for having to direct a vessel to a sensitive area?

Ms. Rachel Heft: The legislation's scope is meant to relate to security risks. Given the original scope of the ministerial order power would be a security risk, I assume that the movement of the vessel from one location to another would be to improve the security situation and not cause a greater security risk to exactly the communities you're describing, but in the absence of a fact situation that we could point to, it's hard to justify or argue against the prescribing of the areas.

The Chair: Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: I appreciate that. It does seem that with the amendment we just voted on, we've expanded the breadth of reasons for which the minister would direct a vessel beyond traditionally defined security to include environmental security, human health and community well-being—so a broader definition of security.

I'm wondering whether there is language we could add to this amendment that would allow for really exceptional circumstances, for instance, to say something like “to remain outside of the area described in the schedule” or “outside of any other area specified by the minister, except in cases where no other safe option exists” or “except in cases where the minister believes”. I think “believes” is the word that's used elsewhere in the act. At the risk of word-smithing, this is where I'm going with my thinking around these exceptional circumstances. I don't think anyone on the coast would want the minister to avoid directing a vessel to a parking lot to deal with an emergency in those extreme cases, but the idea here is to indicate that there are certain areas into or through which people don't want the minister directing ships unless there's no other option.

• (1955)

The Chair: Ms. Heft, go ahead.

Ms. Rachel Heft: I think it's fair to say that if there were some discretion built into the order power that would allow for the zones in the schedule to be accessible when the situation so required or where the minister determined, as you say, that the situation would improve or lessen the threat, that would probably address the concern.

The Chair: Thank you, Ms. Heft.

I see that Mr. Strahl's hand is up.

Mr. Mark Strahl: Mr. Chair, I think the amendment Ms. Murray and Mr. Bachrach have crafted together already deals with—I don't have the exact wording written down here—the marine environment and the well-being of coastal communities. If the minister feels those are under threat, and he's taking control of a vessel to prevent that from happening—so using this specific area prohibition—then, as Mr. Bachrach said, he will later and other amendments will later try to ban anchorages in there altogether. However, right now, again, I think those amendments that have already been made should give comfort to people in those areas that the minister is not going to take a leaky oil vessel and park it in the southern Gulf Islands if doing so is going to create a threat to the environment.

This is overly prescriptive and redundant, and, in fact, I'd say again that having the minister use this section to ban the use of le-

gal anchorages that are perfectly used right now and that would be used only in an emergency is extremely short-sighted.

You cannot predict what will happen, so you're taking out of the minister's tool box tools that could actually protect people, the environment and communities. You're taking those tools away from him by saying, “Even though it might be the safest place to go, you can't go there.” I think that's very short-sighted, and, again, I believe we've heard from the witnesses that doing that is not an advisable course of action.

I don't think we can amend our way around it. For the people wanting to expand the minister's power to protect the marine environment and the well-being of communities, I believe that has already been addressed. This actually presents a risk to marine safety.

The Chair: Thank you, Mr. Strahl.

Are there any other questions or comments?

I'll turn it back over to you, Mr. Bachrach, perhaps, before we go to a vote. Go ahead.

Mr. Taylor Bachrach: In the interest of trying to build consensus and address the concerns that have been raised by the officials, I'd be happy to propose some other wording with the forbearance of our clerk and perhaps a bit of direction as well.

The Chair: You wouldn't be able to, but if you shared ideas on, perhaps, better wording, one of your colleagues could then propose....

Mr. Taylor Bachrach: I'll put it out there that if someone were to move a subamendment that added the wording, “except in cases in which the minister determines that no other safe option is available”, I would vote for it. I might be the only one.

Mr. Vance Badawey: In fairness, I'll put that out for discussion.

The Chair: We now have a subamendment moved by Mr. Badawey. Do we have discussion on that?

I have Mr. Barsalou-Duval.

[*Translation*]

Mr. Xavier Barsalou-Duval: I am perfectly prepared to discuss this today, even if it takes time.

That said, I wonder about something. The minister would have the power to ask a vessel to leave the place where it is, for security reasons, and we have already voted on that. Essentially, what is proposed asks the minister to take into consideration the fact that certain areas might not be the best places to send a vessel. That said, the minister could still send them there if they believed it was necessary. However, if I understand correctly, that would not prevent anchoring in those areas, which are to be included in a schedule. It would simply be a recommendation to the minister not to send vessels into those areas when the minister uses an injunction. Have I understood correctly?

If a list of places were created where anchoring is not recommended, that might make sense, but I am wondering whether a list of places should be created where it would be recommended that the minister not send vessels, to recommend to the minister by way of injunction.

I am not opposed, but I want to be certain I know what we are talking about.

• (2000)

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

[*English*]

Are there any other questions or comments?

We can respond to Mr. Barsalou-Duval's comment.

Maybe you want to do that, Mr. Bachrach, just to clarify the intent and the purpose here.

Mr. Taylor Bachrach: Sure. I was kind of half listening, because I was trying to type the subamendment that Mr. Badawey so generously moved.

The idea here is essentially that we're dealing with a situation in which there's a security threat or an environmental threat. Something is wrong with the vessel. The minister determines that they should direct the vessel to a certain place. The amendment is saying that you need to stay out of these sensitive areas, as the vessel is directed, unless the minister is of the opinion that no other safe option exists.

That would provide a discretionary override that would allow the minister to direct a burning vessel, a vessel with a security situation on board, a vessel where someone has had a cardiac arrest.... If there's no other safe option, then the vessel could be directed anywhere within the zone that is also sensitive. That's the idea.

[*Translation*]

The Chair: Right.

Thank you, Mr. Barsalou-Duval.

[*English*]

Is there any other discussion on the subamendment? If there is none, we will go to a vote on the subamendment.

Do we have the wording for it yet?

A voice: We have it only in English.

The Chair: Okay, colleagues, we have two options here. I can suspend until we get the translation of that sentence, or we can read it into interpretation, but I would need a—

An hon. member: Option two.

The Chair: You want option two.

Does that work for you, Mr. Barsalou-Duval?

[*Translation*]

Mr. Xavier Barsalou-Duval: Yes, that's fine.

[*English*]

Mr. Mark Strahl: Do they not have to be submitted in writing? Is not one of the orders for legislation that it must be in writing?

The Chair: Yes. The clerks are telling me that. It needs to be submitted in writing.

We'll suspend until such time as we have a written version in both official languages.

The meeting is suspended.

• (2000)

(Pause)

• (2010)

The Chair: Colleagues, the subamendment has been distributed in both official languages by the legislative clerk. Please make sure you have the most recent copy, which includes the word “Minister” at the beginning.

I see that everybody has received it.

We'll now go to a vote on the subamendment as proposed by Mr. Badawey.

(Subamendment agreed to: yeas 7; nays 4)

(Amendment as amended agreed to: yeas 7; nays 4)

The Chair: We will now go to amendment NDP-4.

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

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

This amendment deals with the same geographic area and the same schedule that would define a number of anchorages. What we're trying to do here is to create some sort of a compromise between prohibiting vessels from anchoring and allowing industrial ship traffic to park in these sensitive areas for weeks and weeks at a time.

The proposed amended text would read:

If a vessel has been anchored in the area described in the schedule for more than 14 days, the Minister shall direct the vessel to proceed, in accordance with any instructions the Minister may give regarding the route and manner of proceeding, to a place specified by the Minister that is outside of the area and to remain outside of the area for a period specified by the Minister.

• (2015)

The Chair: Thank you, Mr. Bachrach.

I'll turn it over to Mr. Badawey.

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

We think that port authorities would be better positioned to handle marine traffic, including anchorages. It would be preferable that they would get jurisdiction over these areas in order to do so, including the southern Gulf Islands.

We also think it would be better placed in the Canada Shipping Act, which is the appropriate framework for navigation and shipping.

Nonetheless, we agree with the intent of the NDP motion here, to restrict anchorages to 14 days. For this reason, we will be supportive of this amendment.

I do want to note, Mr. Chair, that there are already provisions and measures in place regarding anchorages. Port authorities have the ability under paragraph 56(1)(b) of the Canada Marine Act, which allows them to administer anchorage usage within a jurisdiction. That also includes setting a time limit.

As well, Mr. Chair—and again, I want to reiterate—this includes authorities respecting regulating or prohibiting the navigation, anchoring, mooring or berthing of vessels for the purposes of promoting the safe and efficient navigation of vessels and protecting the public interest and the environment; therefore, it is a better avenue.

The Chair: Thank you, Mr. Badawey.

I see Mr. Strahl's hand up.

Mr. Mark Strahl: If there's a better avenue, why would we support an amendment that's not the best avenue?

When I asked about amendment NDP-3, we heard about the concerns around safety and removing discretion from the minister.

Does this amendment still relate only to vessels that have been directed by the minister because of a threat, or is this 14-day prohibition on all vessel traffic at all times?

I guess that question would go to the witnesses. What are we talking about here? Would this amendment apply just to traffic directed by the minister, or to all vessel traffic?

The Chair: Thank you, Mr. Strahl.

I'll turn it over to Ms. Heft.

Ms. Rachel Heft: As currently drafted, we would read it as applying to all traffic that has been anchored for 14 days.

Mr. Mark Strahl: That's right, and we heard on numerous occasions that the anchorages are currently full because of issues at the port. We heard about loading grain in the rain, for instance. It can rain in this region that is my home for days and days, or weeks at a time, which would mean that a grain vessel, for instance, could not load because of a lack of infrastructure at the port.

In many cases, they use these anchorages only when.... This has been used recently only when other anchorages are occupied. Now what the alternative will be is to tell these vessels that are.... Perhaps sometimes they just want to sit there for weeks at a time, as has been alluded to, or perhaps there are other operational issues that have caused them to be at anchor. The alternative to anchor is not returning home empty or going to a different anchorage, because they're in the southern Gulf Islands only if the other anchorages are full. The alternative is cutting them loose and having them circle around in the ocean, burning much more fuel, creating much more greenhouse gas emissions and being much less safe for marine traffic safety.

I understand the political reasons for this happening, but in terms of port governance, in terms of the supply chain.... We were told when this bill was introduced that this was all about improving efficiencies to the supply chain. This will actually make it worse. If you want to get rid of the anchorages in the southern Gulf Islands, you had better be creating them somewhere else, and that has not even started. We've heard that there's no appetite for that either, but that we would need to dramatically increase our anchorages as we dramatically increase the size of the port of Vancouver. We have a whole new terminal coming on. RBT2 is coming on. It's been approved by this government. They have approved it, which will result, when it's done, in a massive increase in vessel traffic. That's what they want.

To suddenly say that we are going to kick out these vessels and let them circle around until they can get back in to get loaded or get on their way might be good politics, but it's not good for the economy, for the operation of the port or for the supply chain.

● (2020)

The Chair: Thank you, Mr. Strahl.

I'll go to Ms. Koutrakis next.

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

I'm just wondering if we could suspend for five minutes, as we would like to go into this a little deeper. I'm asking for a five-minute suspension.

The Chair: Okay.

Ms. Koutrakis is asking for a five-minute suspension. I will suspend for five minutes to allow for deliberation.

This meeting is suspended.

● (2020)

(Pause)

● (2025)

The Chair: I call this meeting back to order.

Mr. Badawey, you had something you wanted to....

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

I just want to respond to a comment that Mr. Strahl made with respect to a better avenue. I think for the most part that better avenue, although it would refer to the Canada Shipping Act.... Again, there's a bit of redundancy to this, as navigational constraints would be enforced by Transport Canada. We understand that.

I do want to emphasize something I talked about last meeting. That is, with all due respect to the members from British Columbia—we can look at Taylor's riding, Joyce's riding, Elizabeth's riding and to some extent Mr. Strahl's—we take into consideration that we all get phone calls from our residents, and I'm sure you get a lot of phone calls about this issue.

Once again, Mr. Chairman, I want to reiterate the fact that we will be supporting this amendment being put forward by the NDP.

The Chair: Thank you, Mr. Badawey.

Are there any questions or comments on the amendment, NDP-4?

(Amendment agreed to: yeas 7; nays 4)

(Clause 61 as amended agreed to: yeas 7; nays 4)

(On clause 62)

• (2030)

[*Translation*]

The Chair: Mr. Barsalou-Duval, you have the floor on the subject of amendment BQ-3.

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

At our last meeting, on Monday, I moved amendment BQ-2, the purpose of which was to make sure that immediate action would not depend on the opinion of the minister rather than on the necessity of the action.

The spirit is the same in the case of amendment BQ-3. It therefore proposes to remove the words “the Minister is of the opinion that” and retain the rest of the paragraph.

I will not expand any further on the subject, because I presume that the result and everyone’s opinion will be fairly similar to what they were regarding the previous amendment.

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

[*English*]

Go ahead, Mr. Badawey.

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

Thank you, Mr. Barsalou-Duval. Your assumptions are correct. I can pretty well read verbatim what my comments were on Monday with respect to the same issue. It was all about reasonableness.

The bill was created on the basis that the reasonableness standard will be used in all these determinations. The reasonableness standard is what has generally been used in Canada’s judicial system. Correctness would mean that the minister would essentially have no discretion to exercise the power, given that the threshold will be too high, making it unusable.

Therefore, Mr. Chairman, we will not be supporting this amendment.

The Chair: Thank you, Mr. Badawey.

Seeing no other questions or comments, we’ll go to a vote on BQ-3.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

(Clause 62 agreed to: yeas 7; nays 4)

The Chair: Colleagues, there are no amendments to clauses 63 to 85. It will require unanimous consent to group them all together. Do I have unanimous consent?

(Clauses 63 to 85 inclusive agreed to: yeas 7; nays 4)

The Chair: We now have NDP-5, which would create a new clause 85.1.

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

• (2035)

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

This amendment is simply the schedule that is referenced by the two previous amendments that we dealt with. It lays out the specific

areas in the southern Gulf Islands that those amendments would apply to.

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

Are there any comments, questions or thoughts? Seeing none, we will go to a vote on NDP-5.

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

The Chair: Colleagues, there are no amendments to clauses 86 to 99. Do I have unanimous consent to group them together?

(Clauses 86 to 99 inclusive agreed to: yeas 7; nays 4)

(On clause 100)

The Chair: Next is NDP-6, and for that, I will turn it over once again to Mr. Bachrach.

Mr. Taylor Bachrach: Thank you, Mr. Chair. I’m not going to read the entire text of the proposed new section, but it inserts a number of words.

Under proposed paragraph 4(f), it inserts the words “or in proximity to which vessels are regularly anchored”, and in proposed paragraph 4(f.2), it adds the words “as well as the protection of the environment and the well-being of the communities in proximity to which vessels are regularly anchored”.

The Chair: Thank you, Mr. Bachrach.

Mr. Taylor Bachrach: This relates—for anyone following along at home and having trouble sleeping—to the purpose section of the Canada Marine Act and expands it slightly, in the same manner as previous amendments.

The Chair: Thank you, Mr. Bachrach.

I believe Mr. Badawey had a point of clarification or a question.

• (2040)

Mr. Vance Badawey: He just gave it to me, but I would like to comment on this if I may, Mr. Chair.

We’re not against this idea, but in hearing the wording that Mr. Bachrach just put forward, we would suggest making sure that we keep the obligations of the ports within their jurisdiction. I’m throwing out two counter-proposals.

One is (a) replacing line 6 on page 67 with the following:

community in which a port or harbour is located or in proximity to which vessels are regularly anchored within the port jurisdiction;

The second is (b) replacing line 14 on page 67 with the following:

chains as well as the protection of the environment and the well-being of the communities in proximity to which vessels are regularly anchored within the port jurisdiction;

I’ll look to Mr. Bachrach, after he gives it some thought, to comment on my counter-proposal.

The Chair: Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: The whole text, Mr. Chair—and I appreciate Mr. Badawey’s suggestion—reads:

manage the marine infrastructure and services in a commercial manner that encourages, and takes into account, input from users, Indigenous peoples and the community in which a port or harbour is located

—and then our addition—

or in proximity to which vessels are regularly anchored

This isn't just about the area that a port has jurisdiction over. It's also the area affected by its activities. It could be just outside of that, but the port has influence over those activities. For instance, "Indigenous peoples" could include indigenous people who reside in the larger territory and are affected by the port's activities.

This is pretty high-level language. It simply states that when the port manages the marine infrastructure and services in a commercial manner, they should also take into account these broader factors. In most cases, that will be areas under their jurisdiction, but I think there are cases in which the impact of the activity of the port actually extends outside of the specific geography that they have jurisdiction over. They should take that into account as well. That's the intention.

The Chair: Thank you, Mr. Bachrach.

Go ahead, Mr. Badawey.

Mr. Vance Badawey: Ms. Moriarty would be the most appropriate person to ask this question to: Would they have jurisdiction over this? If it's outside the port jurisdiction.... Would the port actually have jurisdiction over activities that happen outside its jurisdiction?

Ms. Heather Moriarty (Director, Ports Policy, Department of Transport): They would not. Canada port authorities have the ability to manage what's within their jurisdiction, what's within their letters patent—what they have been asked and given the authority to manage.

Mr. Vance Badawey: Would they actually be able to do what this amendment is asking them to do?

Ms. Heather Moriarty: They often undertake activities outside of the port, but that is different in terms of how it gets classified.

In terms of Canada port authorities, they can undertake activities outside of their jurisdiction, but they are limited in terms of the intent and how they're managed. Ideally, it would be within the jurisdiction of the ports, just for clarity and ensuring they have what they need to appropriately manage.

The Chair: Thanks, Mr. Badawey.

Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: The amendment text is the text that precedes it in the purpose of the act. Perhaps if I read that, it will put it in context, because it's not actually referring to ports at all, it's referring to the act. This is about section 4, under the purpose of the act. It states:

In recognition of the significance of marine transportation to Canada and its contribution to the Canadian economy, the purpose of this Act is to

It would then carry on with:

manage the marine infrastructure and services in a commercial manner that encourages, and takes into account, input from users, Indigenous peoples and the community in which a port or harbour is located or in proximity to which vessels are regularly anchored.

It's talking more about the government's responsibility and the minister's responsibility, and less about the ports' responsibility specifically. I know there are other parts of the act that relate specifically to the jurisdiction and activities of ports, but I think the purpose is broader than just ports. It's actually all marine infrastructure and services.

• (2045)

The Chair: Thank you, Mr. Bachrach.

I'll turn it over to Mr. Kurek.

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

I just want to make sure I understand that there is a subamendment. Is it beneficially proposed? I'm not 100% clear on that, so I want to make sure we have it in writing.

Mr. Vance Badawey: No. I haven't put it on the floor yet. We're just discussing it. I'm trying to get clarity from the officials, as well as on the intent of Mr. Bachrach.

Hopefully, once we have this discussion, we can tailor it to what Mr. Bachrach is looking for and what is acceptable in terms of what we can actually do as a government, and/or what the port can do through its letters patent.

Mr. Damien Kurek: Thanks for clarifying.

The Chair: Thank you, Mr. Kurek.

I don't see any further discussion on this. We do not have a subamendment on the table. Therefore, we can go to a vote on NDP-6.

(Amendment agreed to: yeas 7; nays 4)

The Chair: We will now turn it over for PV-1. For that, I'll turn it over to our esteemed colleague, Ms. May.

Ms. May, the floor is yours.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair. I'll speak briefly to this amendment.

I want to thank the committee for what I see as extraordinarily collaborative and collegial work, with positive changes to this bill this evening. I am deeply gratified.

This is in the same section. As Taylor has already explained, we're looking at the purpose of the Canada Marine Act.

The amendment that is proposed here in PV-1 is in the same section. Go to line 13 on page 67—you probably already have it open, because we were just amending it. In proposed paragraph (f.2), which starts with, "manage traffic, including mooring and anchorage", and is followed by "in order to", my amendment proposes to change it to:

in order to protect the marine environment, to respect the rights of Indigenous peoples and to promote the efficiency of supply chains

Thank you.

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

Are there any questions, comments or thoughts, colleagues?

Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: I certainly welcome the language. I just wonder if our legislative clerks could advise us as to whether this conflicts with the amendment we just passed, and whether it can be integrated somehow. Am I lost, or is it the next one?

We just passed NDP-6, which I believe amended that same section of, “manage traffic, including mooring and anchorage, in order to promote the efficiency...as well as the protection of the environment and the well-being of the...”

The Chair: I'll confirm with the clerk and get back to you.

Apparently we're good. I believe the conflict you were referring to, Mr. Badawey, is NDP-7, which might actually have more of a conflict than NDP-6, so we're good.

• (2050)

Mr. Vance Badawey: Before we go ahead, I'm asking Mr. Bachrach if, in fact, it can actually be tailored into NDP-7.

Mr. Taylor Bachrach: Pardon me?

Mr. Vance Badawey: I'm asking if it can actually be tailored—no pun intended—into NDP-7.

Mr. Taylor Bachrach: Maybe I'm missing something, but proposed paragraph 4(f.2), starting with “manage traffic, including mooring and anchorage”, was just amended by NDP-6. Are we now talking about amending it again? Would we be erasing our amendment, and then would Ms. May's amendment supersede it, or am I lost and actually in a different section? You're being very generous by the way you're trying to give me a hint that I'm actually on the wrong one.

I see it now. One is line 6 and line 14, and the other one is line 13 on page 67. That was my mistake.

The Chair: Are there any other questions on PV-1?

Seeing none, we can go to a vote on PV-1.

(Amendment agreed to: yeas 7; nays 4)

The Chair: We will now make our way to NDP-7.

For that, I will turn it over to you, Mr. Bachrach.

Mr. Taylor Bachrach: NDP-7 adds, after line 14 on page 67, the following:

(f.3) reduce greenhouse gas emissions from the operation of ports;

(f.4) protect the marine environment;

This, again, is under the “Purpose” section of the Canada Marine Act.

If folks are interested, this relates to testimony we heard from Oceans North and the South Coast Ship Watch Alliance.

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

Are there any comments or questions, colleagues, on NDP-7?

(Amendment agreed to: yeas 7; nays 4)

(Clause 100 as amended agreed to: yeas 7; nays 4)

• (2055)

[*Translation*]

The Chair: Thank you, Madam Clerk.

We will now move on to new section 100.1.

Mr. Barsalou-Duval, you have the floor.

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

The situation is somewhat unique. Amendment BQ-3.1, whose purpose is to create a new section 100.1, is consequential to other amendments that I will talk about later. I do not know what the best way of handling that is. I will therefore explain a few things to the committee.

Amendment BQ-3.1 is connected with amendment BQ-4.1, which is also connected with amendment BQ-3.2. If the committee agrees, I will explain the purpose of amendment BQ-4.1, since there is no point in adopting amendment BQ-3.1 if amendment BQ-4.1 is not also adopted. Otherwise, it would make the act internally inconsistent.

The purpose of amendment BQ-4.1 is essentially to allow port authorities to form associations or joint ventures, for example, to carry on common activities or common projects. This is what would allow the kind of collaboration between ports that the representatives of the St. Lawrence ports had so much to say about when they appeared before the committee.

In fact, amendment 3.1 simply adds the term “an entity”, which would be created by amendment BQ-4.1, to the sections that deal with port authorities.

Then the purpose of amendment BQ-3.2 is to allow the government to authorize port authorities, in their letters patent, to form joint ventures or associations for common projects.

Although amendment BQ-4.1 could allow ports and port authorities, for example, to work jointly, it would not automatically give them the power to do it unilaterally. First and foremost, by amendment BA-3.2, the government would have to authorize it by amending the letters patent. Accordingly, before doing it, there would still have to be government authorization to go ahead.

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

I would like to let you know the decision of the chair regarding amendment BQ-3.1.

The amendment proposes to amend section 7 of the Canada Marine Act, which deals with agents of His Majesty. The third edition of *House of Commons Procedure and Practice* states, at page 771:

... an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

Since section 7 of the Canada Marine Act is not amended by Bill C-33, the chair is of the opinion that the amendment is out of order.

Mr. Xavier Barsalou-Duval: Mr. Chair, as I said earlier, these are consequential items. I think the other amendments can stand on their own without consequential amendments, but it may create problems in future that I may not have assessed.

The Chair: You can always appeal a decision of the chair.

Mr. Xavier Barsalou-Duval: I am going to appeal it for the principle. Because we do not know the consequences of not adopting these consequential items and we have not done a precise analysis of this, I think we would do better not to take an unnecessary risk and adopt the amendment.

The Chair: That is your right.

I will give our clerk the floor.

[*English*]

The Clerk of the Committee (Ms. Carine Grand-Jean): Shall the ruling of the chair be sustained?

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

(On clause 101)

• (2100)

The Chair: Thank you, Madam Clerk.

Next, colleagues, we'll move to clause 101. For that I will turn the floor over to Mr. Strahl on amendment CPC-2.

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

Bill C-33 seeks to expand the number of municipal appointments to the board of directors of a port authority, the municipalities listed in the letters patent. This would delete that clause and return to municipalities having one seat at the port. We believe that ports have a national scope, and focusing on the needs and increasing municipalities' influence necessarily dilutes the national scope of a port board. This amendment simply seeks to return to the status quo in terms of municipal seats on a board.

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

Are there any questions or comments?

Go ahead, Mr. Badawey.

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

This one is sort of near and dear to my heart, since, during my 25 years of public service I have had to deal with the St. Lawrence Seaway Management Corporation. I have had very little to actually act upon, because we had no representation on that board and we were, therefore, at their mercy with regard to a lot of the decisions that were being made, which weren't always in the best interests of the jurisdiction of which it was part. This amendment, Mr. Chairman, would delete the current provision enabling greater municipal representation on the boards. I would advocate for the opposite—that in areas or jurisdictions that do have boards, they would in fact have more.

That goes to my earlier comment and I guess to the theme of a lot of what we're discussing today and a lot of amendments the NDP and Mr. Bachrach have brought forward, because, let's face it, a lot of what he has brought forward was with respect to the best interests of the area he represents. The same could be said for Ms.

Murray once again, and the same could be said for Ms. May once again, because they have those best interests in mind, and of course municipal representation on these boards would have the same.

That being said, Mr. Chairman, the purpose of this bill is to make ports work for Canadians and to better integrate them into the communities they represent and are here to serve. I don't think we should try to remove local representation or to discourage that within the ports. I think we should encourage more local representation, because at the end of the day there are interests within ports, and I understand that. I buy into the business interests that they have and that they're going to make decisions based on, but doing that can't be with collateral damage. It can't be working at cross-purposes with the jurisdictions they belong to and are a part of. That being said, there are also residual benefits, when it comes to the development of the economy, that the municipalities may have to add to and/or strengthen.

Therefore, Mr. Chairman, we will be voting against this. We would only encourage more municipal representation on these boards of the ports within the jurisdictions that municipalities are a part of and therefore greater returns with respect to the expectations of those great municipalities.

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

Are there any other questions or comments, colleagues?

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

The Chair: Amendment CPC-2 is defeated. Colleagues, that means that amendment CPC-3 cannot be moved, since it would create an inconsistency in the bill.

We will now move to new amendment NDP-8. For that I will turn the floor over to Mr. Bachrach.

• (2105)

Mr. Taylor Bachrach: New amendment NDP-8 would add, after line 31 on page 67, that, with respect to subparagraphs (8)(2)(f)(ii) to 8(2)(f)(iv) of the act, “the remaining individuals nominated—

The Chair: I'm sorry, Mr. Bachrach, for cutting you off.

Mr. Taylor Bachrach: Am I in the wrong spot again?

The Chair: Yes. The clerk is informing me that you're on the old NDP-8, not the new one, which was submitted, I believe, this morning or today.

Mr. Taylor Bachrach: Okay. I think this is the right one: NDP-8. This is the same text here, I think. Mine looks different, but it proposes that Bill C-33, in clause 101, “be amended by replacing line 20 on page 67 with the following”. Then it's the subparagraph that I'm not going to try to recharacterize, because it has 14 roman numerals after it.

It also proposes adding, after line 31 on page 67, the following:

(iv) the remaining individuals nominated by the Minister in consultation with the users selected by the Minister or the classes of users mentioned in the letters patent, including one individual nominated by the Minister in consultation with the labour groups selected by the Minister or with those mentioned in the letters patent;

Mr. Chair, this relates to the testimony we heard regarding the need for labour representation on the boards of Canadian port authorities.

This amendment would make the appointment of a labour representative parallel to the other appointments in terms of its being at the minister's discretion but clearly in consultation with the labour groups, the assumption being that they would be the relevant labour groups; that is, the labour groups that are involved with the operation of the port. It could also be the labour groups that are mentioned specifically in the letters patent of the port authority.

I think it's fairly self-explanatory, but I'll leave it at that and see if there's any other discussion.

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

Could you confirm for me, as well as the clerks, that we're talking about 12721749?

Mr. Taylor Bachrach: Yes, that's correct.

I literally read it word for word. I hope we're on the same page.

The Chair: Yes. That's perfect. Thank you, Mr. Bachrach.

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

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

I want to emphasize the last part of that amendment, which reads:

by the Minister or with those mentioned in the letters patent;

I wanted to emphasize that.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Badawey.

I have Mr. Strahl.

Mr. Mark Strahl: I guess the first thing would be a question.

This comes out and then.... The users who are mentioned in the letters patent right now have a number of seats that are allocated to them on the board currently. This amendment reduces by one the number of seats that the users mentioned in the letters patent would have on the board of directors. Am I reading that amendment correctly?

The Chair: Mr. Bachrach...?

Mr. Taylor Bachrach: This would be among the remaining individuals nominated by the minister. There are a number of individuals on the boards who are specified in the legislation to be from municipalities, from the prairie provinces, etc. This would not take away from those.

I think Mr. Strahl's question is whether it would reduce the number of board representatives selected in consultation with the port users, and I think that's a fair question. I don't have the answer for that. Maybe we could look to someone who is more familiar with the Marine Act.

• (2110)

Mr. Mark Strahl: Could I refer that to the witness panel?

The Chair: Thank you, Mr. Strahl.

I have Ms. Read.

Ms. Sonya Read (Director General, Marine Policy, Department of Transport): The effect of the amendment wouldn't be to reduce the overall number of user-nominated or user group-related individuals on the board. It's just that one of those would now be in consultation with a labour user group as set out in the letters patent. That's my understanding.

Mr. Mark Strahl: I don't have the number in front of me, but let's say a port user group is currently consulted on six. Now they would be consulted on five, and organized labour at the port would be consulted on one. Is that not reducing the port user group number by one?

Where it says "including one individual nominated", is this adding to the board or is it reallocating? If it's reallocating, who is it reallocating from? That's my question.

Ms. Sonya Read: That would depend on the individual letters patent of the board. The user groups are defined in the letters patent for each individual CPA.

Six of 17 of the CPAs already do consult labour groups in the context. For six of the 17 CPAs, labour groups are included as part of their user group. In each individual CPA, the user groups may be defined slightly differently, but in this case, if you have, for example, six individuals nominated to the board, there would still be six user groups, only one of those user groups must be a labour group.

The Chair: Thank you, Ms. Read.

Yes, Mr. Bachrach.

Mr. Taylor Bachrach: If I understand Ms. Read correctly, she's characterizing labour groups as one of the user groups at the port. If I understand Mr. Strahl correctly, he's distinguishing between labour groups and port users, which would be terminals or other commercial entities that operate at the port.

Is that fair? I think we're saying the same thing, and what Ms. Read is saying....

Currently, the only users that are consulted about board seats are commercial port users—that is, terminals or other commercial entities. This would reduce, as Mr. Strahl is suggesting, the number of seats that are nominated by those users and add a single board seat that would be in consultation with labour groups. I think Mr. Strahl is thinking of those two things as separate—port users and labour groups.

Is that correct, Mr. Strahl?

Mr. Mark Strahl: Well, we just heard that in 11 cases, they are separate by the letters patent. Labour is not included in the user groups that are referenced in this section. Ultimately, if this were to be applied evenly, you would amend the letters patent to include labour in all cases, but I haven't seen that amendment yet.

I think we're not talking about adding a seat. We're talking about taking it away from a group that currently has it. From what we've just heard, we'll be reducing in 11 port authorities, taking a board seat away from a user group identified in the letters patent and re-allocating it to the labour group.

I think we should be clear about what is happening. If I understand correctly, in 11 CPAs this will be the reality. There will be someone who loses for the gain. I think we should be aware of that as we consider this.

The Chair: Thank you, Mr. Strahl.

Are there any other questions or comments, colleagues?

Seeing none, we will go to a vote on NDP-8.

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

• (2115)

[*Translation*]

The Chair: We will now move on to amendment BQ-3.2.

Mr. Barsalou-Duval, you have the floor.

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

I do not know whether I am going to get a surprise after moving amendment BQ-3.2.

Essentially, the purpose of this amendment is to allow the government to establish, in port authorities' letters patent, the extent to which they may use a joint venture or associate with other port authorities to carry on joint operations.

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

Once again, I have a ruling.

Bill C-33 amends several acts, including the Canada Marine Act. The purpose of the amendment is to amend section 8 of that act, which deals with the content of the letters patent creating a port authority. The amendment seeks to add to those letters patent the manners in which port authorities may organize to carry on their activities jointly with other port authorities through another entity. Port activities are governed by subsection 28(2) of the Canada Marine Act.

The third edition of *House of Commons Procedure and Practice* states, at page 770:

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

The chair is of the opinion, for the reasons stated earlier, that the creation of mechanisms for port authorities to associate is a new concept that goes beyond the scope of the bill as passed by the House at second reading.

I therefore declare this amendment to be out of order.

Mr. Xavier Barsalou-Duval: Mr. Chair, I completely disagree with you on that, and I am going to explain why.

First, what is not defined in proposed amendment BQ-3.2 is defined in proposed amendment BQ-4.1. It is definitely not defined, because it will be defined in another amendment.

Second, you say it goes beyond the scope of the bill. If that is the case, it is a serious problem.

The fact is that when the government introduced its bill publicly, the only article that was published in the entire Quebec press was entitled "Un projet de loi pour resserrer la collaboration entre les ports"—A bill to provide for closer collaboration among ports. However, this bill contains absolutely nothing that allows collaboration among ports, despite the fact that the minister said that was the case.

We are proposing something that is entirely consistent with what the minister said. I absolutely do not see why what we are presenting here today would not be in order.

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

You can always challenge the decision of the chair.

Mr. Xavier Barsalou-Duval: I think it is clear that I am challenging your decision.

The Clerk: The question is therefore as follows:

That the decision of the chair be sustained.

(Ruling of the chair overturned: nays 7; yeas 5)

• (2120)

[*English*]

The Chair: The ruling of the chair is overturned.

We will now go to a debate on BQ-3.2.

[*Translation*]

Mr. Badawey, you have the floor.

[*English*]

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

I was actually smirking when that vote was happening, because it's sort of bittersweet. I appreciate the passion and the dedication of Mr. Barsalou-Duval on this issue, because this is the whole reason we've taken on many studies in the past: to integrate our supply chains, looking at the overall need—as we spoke about, Mr. Chairman, earlier today—to ultimately establish a national transportation strategy. I know exactly what Mr. Barsalou-Duval is going after here, and I appreciate it, because it is the right direction to take.

However, it doesn't fit into this act or this bill. I appreciate, Mr. Chairman, the ruling you made, and I agree with it. Although it was overturned, I agree with it. The bittersweet part is that....

I appreciate the direction you're taking, Mr. Barsalou-Duval, in attempting to have that integration and that dialogue and to have those ports working together to accomplish the integration of supply chains. By the way, that's not just domestically, with ports in Canada, but also binationally, with ports in the United States.

I appreciate where you're going, although it's not part of the bill, hence the reason for the chair's decision. However, here we are, having it on the table to discuss. Again, I'm not sure how we're going to move forward with it in this bill. Therefore, if it does pass, I'm not sure how we're going to shoehorn it in there, so I guess I would ask the clerk for that guidance.

I do very well appreciate the intent of the direction that Mr. Barsalou-Duval has taken, though.

The Chair: Thank you, Mr. Badawey.

[*Translation*]

Mr. Barsalou-Duval, you have the floor.

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

I want to be sure I understand the situation. I am being told that it would exceed the scope of this bill, but how could that be the case when the former minister said, when he introduced it, that this was precisely the purpose of the bill? The present minister or the officials could explain it.

This bill was introduced in the press, everywhere in Quebec, saying that it was going to allow ports to work together better. So the amendment we are proposing here would allow the ports to work together better.

It could not be more consistent with what was said publicly by the minister.

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

Are there other questions or comments?

[*English*]

Seeing none, we will go to a vote on BQ-3.2.

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

(Clause 101 as amended agreed to: yeas 11; nays 0)

(On clause 102)

The Chair: CPC-3 can no longer be moved, because CPC-2 failed, so we'll go to NDP-9.

For that, I'll turn it back over to my colleague Mr. Bachrach.

• (2125)

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

This is a companion piece to NDP-8, and it will sound very similar. The reference number is 12721750. It moves that Bill C-33, in clause 102, be amended by adding after line 18 on page 68 the following:

- (1.1) Paragraph 14(1)(d) of the Act is replaced by the following:
(d) the Governor in Council appoints the remaining individuals nominated by the Minister in consultation with users selected by the Minister or the classes of

users mentioned in the letters patent, including one individual nominated by the Minister in consultation with the labour groups selected by the Minister or with those mentioned in the letters patent.

The Chair: Thank you, Mr. Bachrach.

Are there any questions or comments, colleagues?

(Amendment agreed to: yeas 7; nays 4)

The Chair: Thank you, Madam Clerk.

We will now go to CPC-4. For that, I will turn it over to Mr. Strahl.

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

This addresses the issue of board vacancies. We have heard from many court users and people in the supply chain who are very frustrated with delays in appointing board members in a timely manner when there are vacancies.

This would give the minister six months to fill a vacancy on the board. After that time, the board would be able to make an appointment on its own. This is an attempt to encourage the minister to fill board positions in a timely fashion and to provide a remedy for when he or she fails to do so.

That is the purpose behind this amendment.

The Chair: Thank you, Mr. Strahl.

Are there any questions or comments, colleagues?

Go ahead, Mr. Badawey.

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

I'm going to go back to my other comments about the representation, that they would be expected to otherwise look after the best interests of the area they're representing. The government, quite frankly, Mr. Chairman, has a transparent process. That transparent process ensures the proper consultation with the user groups, as well as ensuring that those who have interests within that area have the opportunity to vet all candidates.

With that, and with respect to the interests of those jurisdictions, time is needed. Therefore, with the amendments that are being proposed by the Conservatives, we'll be voting against it.

The Chair: Thank you, Mr. Badawey.

I have Mr. Barsalou-Duval and Mr. Bachrach, followed by Mr. Strahl.

[*Translation*]

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

I understand the intention behind the amendment proposed by my Conservative colleagues, and I am very sympathetic. However, I have a reservation.

I understand that no one wants there to be an incomplete board of directors or that there be positions vacant for more than six months. I also understand that giving the power to the ports would enable them to put a degree of pressure on the minister, since the cabinet would say that the minister should hurry up and appoint someone or else the port would appoint someone itself after a few months. However, six months after someone departs seems a little short to me, if we take into account the time needed for consulting people and for receiving and analyzing applications.

I might propose a subamendment to set a 12-month deadline, which would be more reasonable.

• (2130)

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

Is there a formal subamendment?

Mr. Xavier Barsalou-Duval: We can discuss it, to see whether people prefer a ten-month or eight-month deadline. However, six months is too short.

The Chair: Right.

Mr. Bachrach, you have the floor.

[*English*]

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

My thinking is similar to my colleague's. I like the idea of putting some parameters around the timeline. It's something we heard from port authorities in terms of frustration around the long delays in appointing board members.

To be frank, I'm not that familiar with what's involved in the current selection process. I'm wondering if our witnesses who are more familiar with it could lay out what the different steps are. How much time do those typically take? What currently is the average time to approval from a position becoming vacant to having someone in that seat? We've heard that it can be years.

I'm curious about the parameters, and I'm just worried. Six months seems short to me. Is a year reasonable? I don't have much to base it on, so I'm wondering if they could provide some guidance on what has to take place within that time period and what the current time period is.

The Chair: Thank you, Mr. Bachrach.

I will look over at our witnesses to see whose light goes on.

Ms. Read, I'll turn it over to you.

Ms. Sonya Read: For federal directors, candidates apply to a selection process via the Privy Council website. A selection committee then undertakes evaluations for the minister's consideration, and the minister then recommends a candidate for a Governor in Council appointment. The recruitment for user directors is managed slightly differently. It's managed by each Canada port authority through their user nominating committee. Often they will do a similar recruitment process, but it may vary. The committee then identifies candidates for the minister's consideration and makes recommendations to the minister. Then the minister recommends candidates to the Governor in Council for appointment.

We would note that in addition to this, federal candidates all have to go through security clearances as well as the interview process before the recommendation is made to the Governor in Council. The Governor in Council makes the appointment.

The Chair: I want to turn it over to Mr. Strahl first, because he's been very patient.

Mr. Taylor Bachrach: There was another part to that question, though.

Mr. Mark Strahl: I would simply say that if one year is more appropriate and if somebody wanted to move that subamendment, I would be more than willing to entertain it. I think it's simply not believable that this can take two years. If it takes more than a year, that means there's a problem with the system. We can't simply say that's how long it takes, because these boards are left with multiple vacancies. These are multi-, multi-million dollar port authorities that are charged with overseeing a huge part of our economy.

If six months is too short, fine. If it takes a year, they need to have these board members appointed. I think this will light a fire under the government to come up with a more efficient system to ensure that these vacancies don't drag on and on. We've heard examples in testimony of over two years at times. That is just not acceptable. If six months is too short, then 12 months; I would certainly support a subamendment to that effect.

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

I see hands up from Ms. Murray, Monsieur Barsalou-Duval and Mr. Bachrach.

Hon. Joyce Murray (Vancouver Quadra, Lib.): Thanks, Mr. Chair.

I wanted to add a piece of context to board appointments.

Yes, as Ms. Read said, people self-select through a website. Our government has had a very strong commitment to moving away from what may historically have been—especially in, say, port boards—male-dominated boards. We have criteria called GBA+. We want to make sure there's a better gender balance. We want to make sure disabled Canadians are included to participate and contribute where appropriate. We want to make sure indigenous people are part of our boards. In some cases, bilingualism is a requirement, as is, of course, subject expertise.

I just thought it was important for the discussion here that there be an understanding that there is a shift from historically, in many cases white, male-dominated boards to having opportunities for diverse Canadians. That does take some time.

• (2135)

The Chair: Thank you, Ms. Murray.

I'm going to turn it over to Mr. Kurek.

Mr. Damien Kurek: Thanks, Mr. Chair.

Certainly, I'm supportive of any common-sense initiative to ensure that government works better, and I think our amendment is that.

Mr. Chair, since it is after 9:30, I move to adjourn.

The Chair: Okay.

An hon. member: It's dilatory.

The Chair: It's dilatory.

Are there any objections to adjourning?

Seeing none, this meeting is adjourned.

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