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• (0905)

[English]

The Vice-Chair (Mr. Gerald Keddy (South Shore—St. Margaret's, CPC)): Good morning, ladies and gentlemen. We will call the meeting to order. I was waiting a bit for a few more members, but we do have members enough for a quorum to hear witnesses.

I would certainly like to welcome Johanne Gélinas, Commissioner, Office of the Commissioner of the Environment and Sustainable Development, and Neil Maxwell; and from the Office of the Auditor General of Canada, Ronald Thompson and Gerry Chu.

Welcome.

Ms. Johanne Gélinas (Commissioner, Office of the Commissioner of the Environment and Sustainable Development): Let me tell you first that we are all from the Office of the Auditor General of Canada. This is the same family.

[Translation]

Good morning, Mr. Chairman, distinguished members of the committee. Thank you for inviting us here today. Joining me at the table are Ron Thompson, Neil Maxwell and Gerry Chu, who have conducted most of the audit work related to fisheries in the report.

Thank you also for the opportunity to present some of the aspects of our report, tabled last week in the House of Commons, that are relevant to this committee.

Even though this is not my first appearance before this committee — we appeared after our 2002 audit, Invasive Species, and after audits of salmon management — let me briefly explain what my mandate is as Commissioner of the Environment and Sustainable Development for the benefit of new members.

[English]

My environmental audit teams and I are part of the Office of the Auditor General of Canada. Our mandate is to audit the operations of the federal government and to report to Parliament about significant environmental and sustainable development issues. We focus on the effectiveness, efficiency, economy, and environmental aspects of federal government programming.

I will speak today primarily on chapter 5 of my 2004 report, entitled *Fisheries and Oceans Canada: Salmon Stocks, Habitat and Aquaculture*. As well, in our 2004 report there are other important fisheries and department concerns, such as the proper establishment of conservation targets in the international agreement on straddling

and highly migratory fish stocks; the slow development of regulations with respect to genetically engineered fish; and weaknesses in Fisheries and Oceans Canada's implementation of the environment assessment of policies, programs, and plans, known as strategic environmental assessment.

Chapter 5 is actually a follow-up of three previous audits that assessed the department's progress in implementing our recommendations of 1997, 1999, and 2000. In those audits, we reported, in 1997, that Pacific salmon stocks and habitat were under stress. In 1999 we said that the Pacific salmon fisheries were in trouble and their long-term sustainability at risk. In 2000 we reported that the legislative obligations to protect wild salmon populations from the effects of aquaculture were not being met. Our follow-up this year presents a long list of shortcomings in the same areas as those found in previous audits. In other words, we have said it before.

In parallel with our audit work, the auditors general of British Columbia and New Brunswick conducted their own audits on these topics, and their findings identified gaps very similar to those we found.

I will go over with you quickly some of our main findings in the areas of salmon stocks, habitat, and aquaculture. I will conclude with some of our observations that might be of assistance to the committee as it looks at the matters raised in our report.

Fisheries and Oceans has not yet finalized its wild salmon policy, even though it aimed to release it in early 2001. This required policy would provide a framework for defining conservation objectives for wild salmon, including direction for fisheries and resource management, habitat protection, and salmon enhancement. This is the first step. These are fundamental matters that have to be clearly established, so the delay in finalizing this policy concerns me greatly.

As the committee is aware, there are some salmon populations on both the Pacific and Atlantic coasts that are in trouble, to the extent that several populations have recently come under the consideration of the Species at Risk Act. That fact alone says a great deal about the urgency for prompt action to protect weak salmon populations.

Major gaps in information on Pacific salmon stocks and habitat continue. For example, a number of Pacific salmon stocks have not been assessed in the last three years, even if some of those are known to be poor or below average. What has not been measured cannot be managed efficiently.

•(0910)

[Translation]

I turn now to managing and protecting salmon habitat. Since 1986, the Department has had in force its Policy for the Management of Fish Habitat. The Department's objective is to achieve an overall net gain or increase in the amount of habitat available to salmon. But the Department's own analysis suggests that habitat loss, not gain, is occurring.

For example, a recent review of 52 development proposal authorizations found that many projects resulted in net losses to habitat, contrary to the policy and, in some cases, contrary to the specific authorizations.

The Department needs to re-examine the objectives of the Habitat Policy and make it work. In short, Parliament and Canadians need to know what the game plan is and how progress is being made.

Finally, I turn to salmon aquaculture. The Department has put in place an aquaculture policy framework, representing a significant step forward. The Department does, however, continue to face significant challenges in balancing its regulatory role and its enabling role.

[English]

The department is spending \$12.5 million over five years to assess and reduce the potential effects of aquaculture on aquatic ecosystems. It is spending another \$20 million on research and development to enhance the productivity of the aquaculture industry.

There are significant gaps in scientific knowledge about the potential effects of salmon aquaculture. Again, it is difficult to manage wild salmon without sufficient knowledge of the risks of potential impacts of aquaculture. Little is known about the potential effects of salmon aquaculture on aquatic ecosystems, particularly such issues as diseases, sea lice, and escapes of farmed salmon to the wild.

Research and information are not the only weaknesses. Others include the difficulty of assessing cumulative environmental effects, the need for credible siting criteria for aquaculture projects, little progress in controlling the release of substances from aquaculture operations that can harm fish stocks and habitat, delayed environmental assessment, and inadequate monitoring to prevent habitat destruction.

Overall, we said we found the progress made by Fisheries and Oceans, in response to our observations and recommendations in 1997, 1999, and 2000, to be simply unsatisfactory. The implementation gap is significant, and the track record of progress is unimpressive. Judging by the responses from the department, published in our chapter, the pace is not going to pick up. Almost all the responses can be categorized as, "We are acting, and will continue to do so."

If I may, Mr. Chairman, I would like to end my presentation today with some of my own observations as Commissioner of the Environment and Sustainable Development.

The Atlantic salmon commercial fishery has been closed in the maritime provinces since 1985, and several Pacific salmon

populations are considered by many to be in danger. As the responsible federal department, Fisheries and Oceans must ensure that this does not happen. It is promising to do what is required, and it has developed, or is developing, the policies, programs, and tools to do the job. But its track record on timely delivery on such promises really is not encouraging. In fact, DFO has a terrible track record, and the salmon just can't wait.

As in so many other areas of my audit work across all government, there is a significant implementation gap here, one that is growing into what I have called a credibility gap. This committee can really help to rectify this situation by keeping the department's feet to the fire, so to speak. The committee could, for example, ask Fisheries and Oceans for a detailed plan of the actions it will take not only in response to our recommendations but also with respect to the many issues and suggestions raised throughout our reports. The department could then regularly report to the committee on its progress in implementing the action plan commitments.

•(0915)

[Translation]

After four audits and the documented slow progress, I am simply asking the Committee to hold the Department to account, so that we can all know that the Department is doing the right things, and doing those things right.

Mr. Chairman, this concludes my opening statement and we welcome any questions that the committee may have. Thank you.

[English]

The Vice-Chair (Mr. Gerald Keddy): Thank you very much, Madam Gélinas.

We are going to try to stay within our timeframe. We do have most of our committee members here today. I'd like to welcome Mr. Simms to the committee.

We'll begin ten minutes with Mr. Hearn.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Thank you very much, Mr. Chair.

In light of the number of people who are here, and with the questions that I'm sure they'll have, I will gladly leave five of mine for one of my colleagues to pick up in order to save more time.

The Vice-Chair (Mr. Gerald Keddy): Fine.

Mr. Loyola Hearn: Thank you very much for being here this morning. Your report is extremely interesting. I don't think there is a lot in there that we haven't said, one way or another. We agree thoroughly with most, if not all, of your assessments.

I know I'm speaking for the committee here, but I believe we share the view that we must keep the department, or anyone else, in line in relation to protecting what we have—not only protecting it, but enhancing it.

In light of that, let me ask you a couple of general questions. On the science program of the Department of Fisheries and Oceans, what is your impression of it, and in which direction have you seen it go in the last seven years, since your 1997 report?

Ms. Johanne Gélinas: I don't have all the history because I've been the Commissioner of Environment for only four years. I have learned a lot about salmon stock habitats and aquaculture, but I will leave it to my colleague to give you more detail.

Certainly, through this audit we did, something that really became clear to me—and it's really something that was raised by the bureaucrats themselves—is the kind of disconnection between the science and what is needed to make a good decision. This is something that is often raised by the bureaucrats through interviews.

Basically, some of the information is there, but how to use it to make a good decision is another story. Beyond that, it's quite surprising to see that after so many years of research, some areas, like the environmental impact of hatcheries, for example, are still not clear and are unknown. The environmental impact of aquaculture is still unknown. We know that studies and research have gone on for years in those two domains. There's certainly a question mark over what is done and what is needed to be able to make good decisions.

I will leave it to my colleague, Gerry Chu, to give you a little more detail on the science program.

● (0920)

Mr. Gerry Chu (Director, Office of the Auditor General of Canada): Thank you, Mr. Chair.

Our audit basically looked at three areas: salmon stocks, habitat, and aquaculture. In terms of the question the member raised, our audit tried to focus on the area of aquaculture science. Back in 2000 we raised the issue that the department had not set up the right priorities to do the scientific research required to help the officials make the right decisions, and that's the area we focused on.

Since 2000, the department has obtained some money, which we mentioned in the report, about \$32.5 million over five years, to help them do more science. When we went back to do the follow-up, it was to identify that while some research is ongoing or being conducted, there are significant gaps in terms of the required knowledge to help officials make the decisions they require.

For example, there are significant gaps in terms of the knowledge of the risks, particularly facts relating to diseases from, for example, sea lice and the escape of farmed salmon into the wild.

Ms. Johanne Gélinas: I have a clarification, if I may. The \$32 million that we referred to is split, as we said in the opening statement. There's \$12 million for aquaculture, in terms of the environmental impact, and the other \$20 million will be devoted to improved productivity and aquaculture activity.

Mr. Loyola Hearn: Thank you very much, Chair.

The Vice-Chair (Mr. Gerald Keddy): Mr. Thompson, five minutes.

Mr. Greg Thompson (New Brunswick Southwest, CPC): Thank you, Mr. Chairman.

The Atlantic Salmon Federation talks of DFO. Actually, DFO approved a 10-tonne Atlantic salmon fishery to a group in Labrador. Are you familiar with that situation?

Ms. Johanne Gélinas: No, but Gerry might be.

Mr. Greg Thompson: Are you familiar with that, Gerry?

Mr. Gerry Chu: Yes, I'm familiar with that. The focus of our audit really was on the Pacific side and also with respect to the maritime provinces. In terms of the situation in Labrador, we did not include that as part of the scope in our audit.

Mr. Greg Thompson: I understand what you're saying. However, I guess what I'm trying to get around is why DFO would allow that type of harvest to take place knowing full well the stock is in decline. Ten tonnes is still a lot of fish in anyone's mind.

We're talking about inconsistent behaviour within DFO. Do you have any thoughts on how they arrived at that type of decision?

Mr. Gerry Chu: Mr. Chair, I think that question should be posed to the department. I think they would be in a better position to explain that.

Mr. Greg Thompson: Okay. The other question relates to Atlantic salmon on the east coast, and we're talking about aquaculture salmon, the escapees, if you will, the impact on the wild stocks.

Have you had a chance to do any work in that area? I do know that you've raised some observations, some concerns. Is there any suggestion out there, any indication, that DFO is taking that escaped salmon situation seriously, and the impact it might have on the wild stocks?

Ms. Johanne Gélinas: It is part of the unknown. We have raised that in our report. We don't know really. In fact, the department doesn't know really what the impact is of the escapes on wild salmon.

Gerry may want to have input on this one too.

Mr. Gerry Chu: During the audit, Mr. Chair, we did raise that question. We did ask department officials about the extent of the work they did in terms of looking at the potential impact of the escapes from the salmon aquaculture operations.

Indeed there was very little work done in that area to identify what the potential effects were. So far we have seen only one study that was done a few years ago, and after that there was virtually not much that we have seen in terms of assessing the potential effects of the escaped farmed salmon into the wild.

As we indicated in paragraph 5.81, there is actually no reporting in terms of escapes, but there were reports that some farmed salmon were identified in the rivers, in the Bay of Fundy.

● (0925)

Mr. Greg Thompson: I guess what you're telling us is that legally there's no compelling reason. There are no implications for growers who do not report. There is nothing in law that tells them they have to do that. Is that correct?

Mr. Gerry Chu: When we look at the Pacific coast, in British Columbia, there are requirements that the salmon operators have to report escapes, but this is not so on the east coast, in the Bay of Fundy, in New Brunswick.

Mr. Greg Thompson: One of the other things in your report—and unfortunately I don't have your report with me, but I did read it—is the disconnect between the federal and provincial governments on the regulatory side of aquaculture. For example, a memorandum of understanding was signed between the Government of Canada and the Province of New Brunswick to allow the province to choose or license sites. They would give the definitive answer. The provincial government would determine whether or not there was going to be this site in a particular area.

You've referenced that in some of your work, but does there appear to be a disconnect between the federal and provincial governments in terms of that regulatory process?

In other words, that jurisdiction that would normally be exercised by the federal government is now turned over to the provinces, and I think some question their capacity to make informed decisions on the licensing of aquaculture cages.

Mr. Gerry Chu: First of all, Mr. Chair, we have to understand that the regulation of salmon culture is a shared responsibility. There are certain areas that the federal government is responsible for, particularly those sections under the Fisheries Act, like sections 35 and 36, to prevent the harmful destruction of habitat and to prohibit the deposit of—

Mr. Greg Thompson: Mr. Chairman, I know we're limited to time and I think some have to go to another committee meeting later on.

The Vice-Chair (Mr. Gerald Keddy): You're out of time.

Mr. Greg Thompson: I just want to zero in on the fact that the Province of New Brunswick makes that decision. Everything else being considered, they make that decision, but it appears as if there's not a reasonable flow of information to the province to make that decision. In other words, the province, in the minds of many, makes those decisions without the correct scientific knowledge or background, yet they're in a position to make that decision. In other words, they're not equipped to make that decision, so why would the Government of Canada roll over and allow the province to do that? Why would they sign such a memorandum of understanding, knowing full well they don't have the resources, scientifically or otherwise, to evaluate these cage sites?

The Vice-Chair (Mr. Gerald Keddy): A short answer, Mr. Chu.

Mr. Gerry Chu: Mr. Chair, we have to remember those MOUs were signed quite a number of years ago.

In British Columbia there was a moratorium in 1995. Also, in New Brunswick the idea of giving out new sites was quite recent, since the 2000 allocation policy. So these things are happening, and a lot of things have happened since those MOUs were signed.

Ms. Johanne Gélinas: Overall there are still some shortcomings and overlap between what the province is doing in New Brunswick and what is happening or not happening at the federal level.

The Vice-Chair (Mr. Gerald Keddy): Thank you very much.

Monsieur Roy, five minutes.

[Translation]

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chairman.

Good day, Ms. Gélinas. I heard you speak of your report recently. I've had an opportunity to glance at it briefly. To my mind, it seems to be a very negative report, in that you observed gaps in knowledge of aquaculture.

Is it that we're not investing enough in research? Or is the reason, as you stated, the fact that there is no link between the knowledge we do possess and aquaculture operations as such?

In some respects, it's a little like saying that we're going to get into Pacific salmon aquaculture operations without knowing what the impact will be on the environment and on the wild salmon population.

On reading your report, we get the sense that DFO is not doing its job. Does it not receive adequate funding for research, or is it simply that the will to truly protect the environment is lacking?

In spite of the fact that the salmon industry is a destructive industry — salmon are not herbivores — DFO continues to support this industry. Does the aquaculture industry have more clout than the fishing industry? Are the problems due to a lack of will, or to a lack of funding?

● (0930)

Ms. Johanne Gélinas: First of all, the report notes that being both a regulatory body and an enabling body, that is having to support aquaculture development in Canada, represents a challenge in and of itself. Consequently, the department is called upon to play a kind of dual role at the outset. The department itself could fill you in on the challenges that this role entails.

That being said, as for the root of the problem, in my opinion, there is no simple answer. As part of the audit operations, DFO's budgets were examined. The Department itself indicated that it did not have sufficient funding to fulfill every aspect of its mandate. However, DFO's mandate cannot be any clearer. The Department's mission is to protect fish habitat and stocks. That mission is irrefutable.

Much research needs to be done in order to make decisions. In some cases, the Department already has the information it needs to determine that aquaculture operations pose a threat to the wild salmon population and to other aquatic species. The Department already has this knowledge.

I might also add that as part of its mandate, DFO must apply the precautionary principle whereby in the absence of irrefutable data, it must exercise judgment in the decision-making process. It's one thing to lack scientific knowledge. However, should this fact alone prevent DFO from making decisions? The answer is no, if the Department applies the precautionary principle.

Mr. Jean-Yves Roy: Yet, you maintain that the Department is not doing its job by not applying the precautionary principle when dealing with aquaculture matters.

Would it not be possible to obtain this knowledge from sources elsewhere in the world? Canada is not the only country with an aquaculture industry. Is there not sufficient knowledge available elsewhere in the world, particularly in Norway, that we could seek out in part? Is DFO doing that?

Ms. Johanne Gélinas: That is a question for the Department. Canada has the fourth largest aquaculture industry in the world. Therefore, the other three main aquaculture industry stakeholders have surely done their own studies and compiled data. We know the Department is working with several other countries on the international front. The question should be put to the Department. I would, however, like to come back to one point you mentioned. You put words in my mouth, claiming that I said the Department wasn't doing its job. In terms of the Department doing what it had agreed to do, the results are very disappointing.

• (0935)

Mr. Jean-Yves Roy: Thank you.

[English]

The Vice-Chair (Mr. Gerald Keddy): Thank you.

Mr. Stoffer, five minutes.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chairman, and thank you, Madame, and your team.

For what must be a very difficult and disappointing process for you, you seem to be repeating the same thing over and over again. In fact, you did say something that I think we all agree with, that “DFO has a terrible track record”.

Why do you think that is?

Ms. Johanne Gélinas: I would like to be able to give you the answer, but one thing I would appreciate this committee looking at in more detail is to figure out the root causes of such long delays in so many areas. Here we're talking about the salmon chapter.

We also have a section in the petition chapter dealing with a promise that was made in 1992 to develop a regulation for genetically engineered fish, and 12 years later we are still waiting for that regulation. Now we are told there probably will not be any regulation anyway, and the department will look at other options.

We have plenty of examples where commitments were made and the department never really delivered on those commitments.

I cannot give you the answer. Maybe Gerry has some explanation to offer you.

This is really becoming a concern. I talked about a credibility gap and a promise to deliver on the wild salmon policy by the end of this year. I urge you to ask the department if they are ready to deliver on that, because based on past experience, it may take years to get that.

Mr. Peter Stoffer: I don't think anybody on this committee who has been here a few years would actually put their faith in the management of any fish stocks by this department. Fishermen call it the “Department Dictators from Ottawa”. People on the east coast call it the “Department for Oil”, because they seem to want to rush that.

Also, we have asked many, many times that aquaculture sites be based on the best science available, and your previous reports have

clearly indicated this is not happening. Then you have to ask yourself, why are particular sites located when you don't have the best available science? The only conclusion you can come up with is simple, pure, crass politics.

Do you agree with that statement? Are you allowed to even comment on that?

Ms. Johanne Gélinas: You know the answer. I'm not allowed, Mr. Chair, to comment on such a statement.

Mr. Peter Stoffer: Here's a good example. I refer the committee to page 21 of section 5 of the outline, in the highlighted green area. It says that in 2000, B.C. officials indicated there's a particular site that was having difficulties. In 2002, two years later, the department notified the operator that there a harmful alteration, disruption, and destruction of habitat had occurred in violation of section 35. However, it didn't take any enforcement action. In October 2003—I love this—it granted a ministerial authorization for the destruction of habitat under section 35.2.

So instead of bringing these jerks before a court and shutting the site down and protecting the habitat, which is what DFO is supposed to do, they ignored that and gave them a ministerial authorization, and said, “Okay, the crime you committed is okay now because we have found another section you can do it under”.

The department's mandate is the protection of fish and fish habitat. That's it—and nothing else. That's what they're supposed to do. This is a classic example. I'm sure my colleague, Mr. Cummins, from the west coast can mention many others. We can mention it on the east coast.

Why does this continue to happen? You, the auditors, can keep doing report after report and getting the same song and dance. There has to be a reason why these people in DFO are so ignorant of your reports and so idiotic in their management approach to wild fish stocks. It doesn't help the aquaculture industry and it doesn't help the commercial fishermen in the wild sector. Why are they continually doing this? There has to be a reason.

Ms. Johanne Gélinas: Maybe I can ask my colleague, Ron Thompson—

Mr. Peter Stoffer: If need be, later on tonight we can go for a beer and talk under the table. We could do that.

An hon. member: Oh, oh!

Mr. Peter Stoffer: I need to have some sort of closure on this response. We're not getting it.

• (0940)

Ms. Johanne Gélinas: Mr. Chair, let's take the opportunity of hearing Mr. Thompson, who has long experience in looking at DFO. Maybe he knows a little bit about the root cause of this.

Mr. Ronald Thompson (Assistant Auditor General, Office of the Auditor General of Canada): Mr. Chairman and Mr. Stoffer, these questions that have come up this morning are fundamentally important. Obviously, we can't answer them. We're reporting to you what we found—in this particular case, action or the lack of it on issues or recommendations we've made in the past.

But I think change will come, in my experience, if committees such as this one bring the department to the table and ask them those very questions. Also in doing that, try to understand what the challenges are they face in trying to do their job. I think without action by a committee such as this, and encouragement by a committee such as this, and, as Johanne said, holding the department's feet to the fire, very little happens.

Your questions are excellent ones, and the discussion this morning on science is extremely important. The department is well aware of the need to have timely and relevant science conducted on an ongoing basis, but they are the ones, if I might suggest, who really should be exploring this with you. We would certainly be pleased to be here at the same time. I think it would be important for the committee to understand the challenges these people face in trying to do their job and why exactly incidents like you've pointed out happen.

This is very good accountability stuff, and I'm hopeful this will happen.

Thank you, Mr. Chairman.

The Vice-Chair (Mr. Gerald Keddy): Thank you very much, Mr. Thompson and Mr. Stoffer.

I would remind all parliamentarians that the language we use in this chamber should be parliamentary language.

Mr. Peter Stoffer: It was.

The Vice-Chair (Mr. Gerald Keddy): There were some comments made that probably aren't helpful to the debate.

We go to Mr. Simms for 10 minutes.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Thank you, Mr. Chair.

First of all, I would like to say I'm honoured to be here. I'm a recent addition, as you can see. It's a big bonus for me, considering that the fishery is a huge issue in my riding of Bonavista—Gander—Grand Falls—Windsor, and I thank you and my colleagues for welcoming me.

That being said, I want to touch upon something that was said earlier by Madame Gélinas—no, I think it was Mr. Chu actually, who mentioned not including Labrador in the study. Did I get that right? Was there a reason behind that lack of information? Perhaps you would like to expand on that.

Mr. Gerry Chu: Actually, when we started this, there was a recommendation by the Senate committee on fisheries. They recommended that we do something on salmon aquaculture in Atlantic Canada. When we tried to look at what we could do, we approached several other provincial auditors general's offices and we got the agreement from the New Brunswick auditor general that they would like to look at this area as well.

As we mentioned earlier, this is a shared jurisdiction. It's very hard for us to go into the provincial level to look at salmon aquaculture without the authority to do it. We were able to get the cooperation of the New Brunswick auditor general's office to look at New Brunswick, and that's why we scoped our audit in such a way that we excluded Labrador in our audit.

Mr. Scott Simms: Did you approach the Government of Newfoundland and Labrador about doing a similar type of study?

Mr. Gerry Chu: No, Mr. Chair. We looked at it in terms of the production level. When we covered the two provinces, New Brunswick and British Columbia, we covered almost over 90% of the salmon aquaculture production in Canada. That's why we made the decision to do it that way.

Mr. Scott Simms: Switching gears for just a moment, point number 18 says:

But, little is known about the potential effects of salmon aquaculture on aquatic ecosystems, particularly issues such as diseases, sea lice, and escapes of farmed salmon to the wild.

When you did your study, what was the feedback from private interests, for instance, outfitters and tourism operators, on some of the rivers—inland rivers—in and around the areas where you looked? What was their feedback on all of this? Just how serious of an issue is this for them?

Mr. Gerry Chu: Do I understand that you are just talking about the east coast or the west coast?

Mr. Scott Simms: Either, for that matter, but primarily the east coast.

Mr. Gerry Chu: When we did the audit, Mr. Chair, we did not go out to talk to all the people there. We just spoke to the association for salmon aquaculture operators. We also talked to the Atlantic Salmon Federation. That was the feedback we received. We did not have a chance to speak to everybody, to explore those issues.

● (0945)

Mr. Scott Simms: That's all for me now, Mr. Chair. Thank you.

The Vice-Chair (Mr. Gerald Keddy): Mr. Cummins, five minutes, please.

Mr. John Cummins (Delta—Richmond East, CPC): Thank you, Mr. Chair.

I want to thank Ms. Gélinas, Mr. Thompson, Mr. Chu, and Mr. Maxwell for an outstanding report. It's something the committee is coming to expect from you, and that is excellence. You never cease to disappoint us and we certainly appreciate the very good work that you do.

In your discussion this morning, and certainly in your report, you reference the issue of responsibility. In the forward to your document you state that it's imperative that more than a single level of government be involved in the solution. Of course, I think that seems to be the state of affairs. The difficulty it seems is drawing the line on who's responsible for what. The department seems to be keeping that matter rather close to the vest.

You may have seen a letter dated April 20, 2004, to Mr. Yves Bastien. The letter was sent by John Fraser, the chairman of the Pacific Fisheries Resource Conservation Council in British Columbia, a former Speaker at this place, a former fisheries minister, and a man held in very high esteem in the fishing industry in British Columbia and elsewhere in this country. In that letter he advised Mr. Bastien that he is disappointed that Mr. Bastien refuses, and I'll quote:

...you refuse to releasethe advice you have received from the Department of Justice setting out the jurisdictionalissues relating to provincial and federal authority in the management of fish farms andwild fish.

He goes on to say that it makes a mockery of any claim to transparency. In the most damning phrase, he says:

The real issue here is whether the Department of Fisheries and Oceans or the Office ofCommissioner for Aquaculture Development is prepared to be honest with the Canadianpublic and set out the jurisdictional issues that are central to the effective and transparentmanagement of the interaction between farmed salmon and the wild salmon.

I think that's a key issue here—who's responsible for what. I wonder if in the course of your studies you were able to draw some definitive lines here about who's accepting responsibility for what and who isn't. Or is it just a game of catch me if you can?

Ms. Johanne Gélinas: I will leave Mr. Chu to give you some detail, but one of the reasons why we had decided a while ago to do this audit in parallel with two AGs is basically to be able to go beyond what are the federal responsibilities and jurisdictions and also to figure out what is going on at the provincial level. At least you have the information to look at both sides and see where the gaps are. I hope we have been able to achieve that objective.

As I was saying earlier, it's clear in our mind at least what the mandate of DFO is, which is clearly to protect habitat and fish stocks. Having said that, in the area of aquaculture it is a little more difficult because they play a dual role in some ways, being the enabler and the regulator at the same time.

Gerry, you may want to get into more detail of your roles and responsibilities.

Mr. Gerry Chu: Mr. Chair, first of all, with the audit, on our side we focused on the federal responsibilities. That's fairly clear. In terms of the responsibilities at the provincial level, I would suggest that members refer to the provincial auditors generals' reports, which specify very clearly what their responsibilities are. In some areas there is overlap and duplication, as we identified in paragraph 5.93, particularly when approving aquaculture sites.

There are some overlapping areas in terms of information that is required from the salmon operator, as when they fill out the application for the site, for example. There are also certain areas that are not very clear in terms of the monitoring of those salmon aquaculture operations. On the one hand, you have the Department of Fisheries and Oceans that is responsible for section 35 and section 6 of the Fisheries Act. On the other hand, at the provincial level you have the provincial ministry responsible for regulating the waste, the deposits from the salmon aquaculture operations, as in the example of the case study that we identified in the report.

• (0950)

The Vice-Chair (Mr. Gerald Keddy): Very quickly, Mr. Chu, if you could—we're out of time here—you can summarize.

Mr. Gerry Chu: Yes. There are certain areas that might overlap a little bit between the federal and provincial governments, but that's why they have to work together to coordinate the efforts in terms of doing the research and in terms of monitoring and enforcing the salmon aquaculture operations.

The Vice-Chair (Mr. Gerald Keddy): Mr. Simms, five minutes.

Mr. Scott Simms: I'll defer to the other side for now. You can return to me after. Thank you.

The Vice-Chair (Mr. Gerald Keddy): Not a problem.

Mr. Blais.

[Translation]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Thank you, Mr. Chairman.

Ms. Gélinas, I'd like to focus on one particular issue. To do so, we'll need to look at some data and understand certain realities. I'm referring to Bennett, a company that is planning to build an incinerator in Belledune, New Brunswick. The incinerator will process oil sludge, particularly oil sludge from the United States.

This matter comes under DFO's jurisdiction since the sludge could eventually be shipped by sea. Chaleur Bay, one of the loveliest, most resource-rich bodies of water in the world, is seriously impacted by this proposal. I represent the riding of Gaspésie—Îles-de-la-Madeleine.

An environmental assessment is currently underway, in accordance with Canadian law. I note that you refer to a strategic environmental assessment in your statement. What steps can be taken to ensure that DFO assumes its responsibilities? Would it be possible to take a closer look at the Bennett project in Belledune, either by conducting a strategic environmental assessment or by some other means?

Ms. Johanne Gélinas: Mr. Chairman, a strategic environmental assessment is an entirely different operation, one that in principle, should be conducted prior to a project being approved or the environmental assessment done. Since 1990, the government has had an obligation to consider all policies, programs and action plans from an environmental perspective. When formulating policy, it must take into consideration the potential environmental, economic and social ramifications so as to make the best possible decisions. Strictly speaking this does not apply in this case because it's a matter of evaluating an existing project.

I don't know if you're aware of a petition that we received in February 2004 concerning the Belledune project. It was submitted by citizens demanding to know what role the various federal departments were playing in this project. If memory serves me well, they're still waiting for a answer.

With some information, you should be able to determine what role the department is playing. If you're not satisfied with the federal government's explanations as to the points raised, you could always file a petition. This mechanism is not reserved solely for Canadian citizens. Opposition members can also resort to petitions to obtain answers to their questions.

I'll let Mr. Maxwell fill you in on some of the details regarding the federal government's role in this matter.

[English]

Mr. Neil Maxwell (Principal, Office of the Commissioner of the Environment and Sustainable Development): Thank you, Mr. Chair. As the commissioner noted, we did receive a petition on this, and this is one of the many issues of environmental concern to Canadians that we receive petitions on.

Just to update the committee, we did, subsequent to the report, receive replies to that. The petition was, much as the member has stated, based on a concern about the environmental impacts this decision might have. The department provided some information to the petitioner, basically, recounting the decision the minister had taken to take this to a panel decision. It is a very good illustration, I think, as the commissioner said, of how the petition process is being used to get information on important issues.

• (0955)

The Vice-Chair (Mr. Gerald Keddy): One minute, Mr. Blais.

[Translation]

Mr. Raynald Blais: I'm aware of that petition, but I'm wondering how the Commissioner of the Environment and Sustainable Development can help in this matter. We'd like to have a little more influence over DFO to ensure that it meets its obligations where this project is concerned.

I understand how petitions work. The government has 120 days to respond. However, could we possibly ask you to pay particular attention to this project and to examine it closely, in light of what's fundamentally at stake in Chaleur Bay, namely aquaculture and fishery resources?

Ms. Johanne Gélinas: First of all, if I receive no indication that departments are not meeting their legal obligations, it's unlikely that my office would conduct an audit of a specific matter such as this one. However, it's always possible that the Belledune project could be examined in greater detail as part of a future audit on the environmental assessment process arising from federal government projects. But no such audit is planned in the short term, unless a major problem arises and we need to intervene.

Mr. Raynald Blais: I'll have additional questions later.

[English]

The Vice-Chair (Mr. Gerald Keddy): Merci, Monsieur Blais.

Mr. Stoffer, five minutes.

Mr. Peter Stoffer: Thank you, Mr. Chairman.

One of the concerns you discuss in your report is DFO being a regulator and an enabler of aquaculture development. In our own committee we've had discussions before about whether aquaculture should actually be within the Department of Fisheries and Oceans.

My understanding is that the industry now is talking about—although I don't think it's finalized yet—actually moving aquaculture out of the Department of Fisheries and Oceans and into, say, Agriculture or another department. Are you able to comment on that, in terms of the perceived conflict that people on the west coast, for example, have that DFO cannot and should not manage aquaculture and wild fisheries at the same time?

Ms. Johanne Gélinas: Mr. Chair, I cannot comment on that, but I'm really hoping you will get enough information in this report at least to make your own judgment on what should be done. I'm sure DFO has a view on that too and will be more than happy to give you their comments on that.

Mr. Peter Stoffer: Thank you.

Mr. Chu, in terms of the science aspect, did the audit have an opportunity to speak to scientists outside of the department who are studying the effects of aquaculture on wild salmon on the west coast?

Mr. Gerry Chu: Mr. Chair, yes, indeed, during the audit we had some discussions with people at the Atlantic Salmon Federation and the scientists there. One of the scientists there is Dr. Fred Whoriskey. We also looked at the international scientific literature, and also Mr. Thompson had a chance to go to Norway and speak to the people there, to understand what kind of science is there internationally. We also had some discussions with professors at UBC on fisheries science. So we did speak to quite a number of people.

Mr. Peter Stoffer: Do you agree with this statement then that independent peer-reviewed science regarding the impact of sea lice on wild stocks differs substantially from that of so-called science being done from within the department?

Mr. Gerry Chu: I'm sorry, could you repeat that?

Mr. Peter Stoffer: Yes. Independent peer-reviewed science regarding the impact of sea lice on wild fish stocks differs substantially from the so-called science being done within the department. In other words, the department scientists make a recommendation or an indication to the minister regarding something on aquaculture, on sea lice, and independent peer-reviewed science outside of the department differs completely or substantially on that.

Did you have a chance to compare that at all?

•(1000)

Mr. Gerry Chu: To answer the question, Mr. Chair, when we spoke to the departmental officials about the sea lice situation, they said it was quite different on the Pacific coast from the other areas such as in Norway or whatever. The situation may not be very similar because in Norway the aquaculture sites may be different. Here, on the west coast, particularly with respect to sea lice...there are two different kinds of sea lice, for example, so the situation is a bit different.

Mr. Peter Stoffer: One of the concerns we have on science is the fact that the department doesn't have enough resources and/or scientists in order to do an adequate or proper job in determining the effects of aquaculture sites on the natural environment as well as wild stocks; yet we continuously hear from people on the west coast that the independent scientists come up with issues or concerns that are completely different, or substantially different, from those from within the department.

Ms. Johanne Gélinas: Mr. Chair, there are certainly different views on the risk and the impact of sea lice on wild salmon. Again, about a year ago we received a petition from a group on the west coast challenging some of the department's results. The department did some work to see what were the possible links between sea lice and their presence on wild salmon. This is a work in progress, but there's no doubt that there's a different way of seeing the problem, depending if you are in DFO or if you are outside DFO. This will be, again, a very good question to ask the department: why is there such a gap between their view and some other scientific reviews of the problem?

The Vice-Chair (Mr. Gerald Keddy): Thank you, Madam Gélinas.

Mr. Simms.

Mr. Scott Simms: A quick question. Who was it who spoke to the Atlantic Salmon Federation? Was it Mr. Thompson? Did I get that correct?

Mr. Ronald Thompson: I did.

Mr. Scott Simms: What were some of their major conclusions when you spoke to them about the possibility of diseases from the aquaculture industry into the wild salmon population?

Mr. Gerry Chu: Mr. Chair, it's an area where more research is required to understand the diseases. For instance, ISA, which we mentioned in the report, happened a number of years ago. It happened again last year, killing about 2.4 million fish. This year there are about 300,000 fish that have to be killed because of the ISA situation in New Brunswick.

Mr. Scott Simms: What were some of the other major topics they touched on with you that are of chief concern to the federation?

Mr. Gerry Chu: Mr. Chair, I think the biggest concern is the declining Atlantic salmon stocks on the east coast and what the causes are of this decline. There are many factors that cause this. There is still a lot of research to be done to identify the key causes for the decline.

Mr. Scott Simms: Did they offer up any opinion as to what it could be, beyond only saying they're a declining stock?

Mr. Gerry Chu: Mr. Chair, there are lots of hypotheses. There are over 100 hypotheses—that's what we were told. That's why they have to identify what are the real causes for the decline. For example, in the Bay of Fundy, did salmon really go out to the ocean and come back, or did they die before they even reached the ocean?

Mr. Scott Simms: Could you repeat that again?

Mr. Gerry Chu: One of the questions they raised is, did the Atlantic salmon make their way out to the ocean and then die somewhere in the ocean, or did they die before reaching the ocean?

Mr. Scott Simms: Obviously, this was a concern for them, the possibility that these fish could be destroyed before they got back into the ocean.

Mr. Gerry Chu: That's right, or even before they reached the ocean.

Mr. Scott Simms: Yes.

Thank you, Mr. Chair.

The Vice-Chair (Mr. Gerald Keddy): Thank you, Mr. Simms.

Mr. Cummins, five minutes.

•(1005)

Mr. John Cummins: I simply want to get to the point about who is responsible for what. By your previous answer, it seems to me that perhaps you're as confused as I am and as confused as Mr. Fraser is about who is responsible for what. Very briefly, is not the Department of Fisheries and Oceans ultimately going to be responsible for aquaculture and that any authority the province may have must be a delegated authority if the activity is taking place in tidal waters?

Ms. Johanne Gélinas: Mr. Cummins, Mr. Chair, I hope you won't find my answer too frustrating, but this is really a question for the department. The mandate is so clear in this case that, ultimately, the federal government, through the Department of Fisheries and Oceans, is responsible for fish stock, habitat, and aquaculture. There is no doubt about it; it is said many times in the chapter. The question is more in terms of the implementation and the enforcement.

So this is really a question for the department. We have plenty of examples here that you can use to really ask the department to come clear with some of their roles and responsibilities.

Mr. John Cummins: We'll probably get the same answer Mr. Fraser did, which was a hiding of the real response.

In point 16 this morning you talk about the department spending money "to assess and reduce the potential effects of aquaculture on aquatic ecosystems".

At 5.82 in your document, you state:

...the Department needs to better align research projects to deal with priority issues when undertaking environmental and biological scientific research to provide the knowledge urgently required...

But it's interesting that in talking about the money the department is spending on research in aquaculture, the Auditor General of British Columbia says:

In our view, however, these projects are directed more towards improving farm operation technology and the identification and treatment of disease affecting farmed salmon rather than at assessing the potential impacts of farmed stock on wild salmon populations.

Would you agree with the Auditor General of British Columbia that the department, in the spending of science moneys, is acting more as a promoter of aquaculture than as a defender of wild fish in their habitat?

Ms. Johanne Gélinas: I don't know if the report was referring specifically to federal money spent on aquaculture. You can come to your own conclusion when you see how the \$32 million is spent. It's a little bit less for environmental and biological science than it is for enhanced innovation and productivity in the industry. Obviously the new money that was put in to address some issues related to aquaculture was split into looking at environmental impacts and also at helping the industry to develop.

Mr. John Cummins: Along that same line, about a year ago in the House I asked an order paper question, which is a written question. I was asking about science and the department's knowledge. An answer to that was prepared for me but was never tabled in the House. I got it under access to information. They said there are no comprehensive environmental impact analyses done, no formal siting guidelines established, no CEAA assessments that have been completed for either halibut or sablefish. And then the cheekiest of all is that I had to go to the province to find out which halibut and sablefish operations have not had Canadian Environmental Assessment Act approvals.

This is outrageous. Here is a department managing this operation, this aquaculture business, yet they have no scientific basis for it. That's my conclusion, and it seems to be theirs. Is that the conclusion you came to?

Ms. Johanne Gélinas: It is also part of our conclusion saying that the department doesn't have the information and the scientific knowledge needed to make good decisions.

We were talking about strategic environmental assessment earlier, on something else. I can tell you that in the particular case of aquaculture, when the department developed its strategy on aquaculture, the work in terms of looking at strategic environmental assessment was not even done even if it was a requirement. I guess if the department had looked at the aquaculture strategy through the lens of environmental protection at that time, as it was supposed to do, the situation might be different today.

• (1010)

The Vice-Chair (Mr. Gerald Keddy): Thank you very much, Madame Gélinas.

Mr. Matthews, do you have a quick question? I know Monsieur Blais has another question, and we are getting near to running out of time.

Mr. Bill Matthews (Random—Burin—St. George's, Lib.): Thank you, Mr. Chairman. It's just one quick question.

I'm just wondering about the Atlantic Salmon Federation and what's happening with the Atlantic salmon populations. I'm just wondering if concerns were raised about what's happening on the rivers from the point of view of protection or lack thereof. From what I've been reading, it seems the return to the rivers over the last

few years has increased somewhat. Again, though, I think there is a reduction in the amount of guardianship on the rivers. Did the Atlantic Salmon Federation raise that issue in any way with you?

Mr. Gerry Chu: Mr. Chair, there is indeed a good return in some rivers, but overall the situation is not as rosy as we expected.

When we discussed it with the Atlantic Salmon Federation...yes, there is quite a bit of work done. We also mention in our report that they are doing some recovery strategies for the salmon in the Bay of Fundy.

The Vice-Chair (Mr. Gerald Keddy): Thank you, Mr. Matthews.

Mr. Blais, last question.

[*Translation*]

Mr. Raynald Blais: Thank you, Mr. Chairman.

If I may, Ms. Gélinas, I'd like to revisit a matter that greatly interests me, and the residents of my region. The petition that made the rounds was signed by over 50,000 people. When 50,000 people in a region like ours sign a petition, it's like hundreds of thousands of people in a large city banding together to sign a petition. The gesture is cause for serious concern.

I'm trying to understand your answers because I'm afraid that we're going to get caught in a vicious circle. People are concerned that no one knows whether or not the project places their health, the environment and marine resources at risk. Studies conducted to date have not weighed all of the risks. If I understand correctly, you're saying that you need to see some proof before you can examine this project further. You see the kind of vicious circle that is setting in.

I would like to break this cycle and alleviate some of my constituents' concerns. This is all part of a broader, more fundamental question, namely the shipment of toxic waste on our waterways. I'm hoping that you can intervene somehow to help us out of this vicious circle.

Ms. Johanne Gélinas: Unfortunately, you're speaking to the wrong person, in that my job is to try and hold the government to account. For instance, if Environment Canada made a firm commitment to study health risks, my job would be to verify that the work was in fact done, not to judge the government's response or the results of its analysis. My job is to ensure that the department did what it promised to do.

Therefore, we'll wait until the government responds to the petition that was filed. There may be ways for us to do an audit. You may have noticed in this year's report, and in last year's as well, that we have begun to audit the undertakings made by the government in response to petitions. This is one of the options available to us. However, until such time as I have seen the government's response, I can't say what role my office might play in this specific matter.

However, I maintain that a process is in place to file a petition and if issues pertaining to the shipping of hazardous materials were not raised in the first petition, then citizens can file another petition. They could ask Transport Canada or DFO a specific question, namely what role they play and how they go about ensuring that risks are minimized.

• (1015)

Mr. Raynald Blais: I'm more or less satisfied with that response, rather less than more. As for the precautionary principle, the possibility always exists of examining a specific project, for example, the Bennett Environmental project in Belledune. Generally speaking, however, the issue here is the use of waterways in Eastern Canada, and Chaleur Bay in particular, to ship toxic waste. Filing a petition is an interesting option when time is not a factor but in this particular instance, the project is nearing completion.

I'm tempted to say to you that the danger is imminent, even if there is no concrete proof of that. Even so, people's concerns are genuine. Toxic waste is being shipped. The precautionary principle should apply in this case. Canada has signed a number of international treaties whereby it has pledged to protect resources. However, in the case of a project such as this one, my fear is that we are somehow trapped in a vicious circle.

Ms. Johanne Gélinas: I fully understand your question and I'm sorry that I can't give you a satisfactory answer. Your point is well taken, namely that according to the preamble to the Environmental Protection Act, the precautionary principle must be applied. You can always ask Environment Canada or other federal agencies to what extent this principle is applied in the case of similar projects.

Lastly — although this may not be specifically related to the project you mentioned — I would have to say that in several of our audits, we noted the lack of follow up action and of monitoring activities. We also saw examples of this in the fishery sector. Monitoring activities help to ensure that if certain risks are present, they will be identified through follow-up measures and will be reported to the general public.

The Vice-Chair (Mr. Gerald Keddy): Thank you, Ms. Gélinas.
[English]

We are out of time.

Before we close, I do have one question for our panel, or more of a statement, I guess. There were a number of issues discussed here today that I'm sure the committee would like to follow up on. Perhaps the committee would want to have Madame Gélinas back to further debate the report on sustainable development and the environment.

The question I have is on the Fisheries and Oceans report that was put together to put out a definitive, if you will, wild salmon policy. We've never seen that. It was supposed to be issued in 2001 and we're still waiting. There are a number of concerns, certainly, on both the west coast and the east coast. Primarily on the east coast we have now, for certain, two species of salmon. We have the inner Bay of Fundy wild salmon, which is a distinct species in its own right, and there have been no conservation measures, no protection measures taken to make sure this stock of fish is conserved for future generations. We've had an open fishery on the Labrador coast for...I

think around 10,000 tonnes of salmon was mentioned earlier. We have a lack of multi-sea winter fish returning to the rivers in Nova Scotia. There are at least 29 rivers where the species are supposed to be extinct, although we know from work on the rivers that there is still a returning run of fish to all of the rivers in Nova Scotia.

I guess the conclusion I'm coming to is that I cannot, for the life of me, understand how the Department of Fisheries and Oceans continues their lack of willingness to have a wild salmon policy to conserve and protect this stock for the future.

Now that we've shut down the ocean fishery, or at least up until last year we had shut down the ocean fishery—there's no interception fishery—I cannot understand why they continue their policy of not coming up with a framework to allow the wild salmon to become more plentiful, to be protected. It's a valuable, valuable fishery, especially to Newfoundland and Quebec for the recreational fishery. The recreational fishery in Nova Scotia is not what it used to be, but it's still a multi-million-dollar resource.

I wonder if it's deliberate or if it's not deliberate. I realize that's a bit of an unfair question, Madam Gélinas, but you've certainly looked at this a number of times over a period of time, so I still ask the question.

• (1020)

Ms. Johanne Gélinas: I guess, Mr. Chair, I will return the question to you in some way. I'm asking myself the same question: Why? Why is progress so slow?

The intentions, amazingly, in the Department of Fisheries and Oceans are there. There are good intentions. It is delivery that is causing the problems and the implementation. I cannot agree more with what Mr. Stoffer said earlier in the hearing that it is our fourth report on this same topic. I mean, I cannot spend Canadians' money doing another audit only to come back again with the same old stories and the same witnesses and simply report back to you that the department is not doing what it's supposed to do and what it has said it will do. I guess we have to find ways to work together and get to the details of the why, looking at the root causes. If we all work together we may be able to find some solutions and help the department to improve and deliver.

I was saying earlier that the department has a terrible track record, and I guess this time, with the wild salmon policy, which is supposed to be finalized by the end of this year, we have a golden opportunity to see if the department is ready to deliver on time with a good framework—because this is what we're talking about, a good framework—to manage wild salmon in this country. If not, then you will be in a good position to ask why. They are in the process of finalizing it.

The Vice-Chair (Mr. Gerald Keddy): Thank you very much.

I have one last comment from the chair. We have a resource here that even in the state it's in is worth probably close to half a billion dollars to the economy of Canada in the recreational fishery alone, in Quebec, in Newfoundland, and in the rest of Atlantic Canada. We can't turn our backs on that resource. It would seem almost that the government had expected this resource to become extinct by now, but the fish are much more resilient than one would have expected, given the conditions they live under.

Anyway, I thank you very much for coming today—

Mr. John Cummins: Can I ask a question?

I'd certainly like to see the commissioner back, because I think there are a lot of questions unanswered.

The Vice-Chair (Mr. Gerald Keddy): Yes, you may.

Mr. John Cummins: I wonder if they'd also be able to provide us with a list of aquaculture operations that have completed assessment under the Canadian Environmental Assessment Act.

Could you provide us with that?

Ms. Johanne Gélinas: Mr. Chair, we can work with your researchers and provide you with some information that is available in our files.

The Vice-Chair (Mr. Gerald Keddy): Mr. Thompson, quickly, please.

Mr. Ronald Thompson: Just very quickly, Mr. Chair, yes, we'd be delighted to come back to help in any way we can. I simply want to underscore again something I said a little earlier. We can report information and findings to you, or make a recommendation, but it's the department that can actually make it happen or not. I think there's a will there for them to make it happen. I'd really encourage the committee to consider having the department here at some future time.

Thank you, Mr. Chairman.

The Vice-Chair (Mr. Gerald Keddy): Thank you very much to all of our witnesses. We would certainly attempt to have you back again.

We will need to suspend for two minutes to allow the camera crews time to edit.

• _____ (Pause) _____

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•(1025)

The Vice-Chair (Mr. Gerald Keddy): I call the committee back to order. The room will be occupied at 11 sharp by another committee. I know there's a lack of time here.

Our witnesses can take their seats.

I'd like to welcome David Bevan, Assistant Deputy Minister of Fisheries and Aquaculture Management; Paul Macgillivray, acting Regional Director General, Pacific Region; and Dr. John Pringle, Head of Marine Environment and Habitat Services, Pacific Region.

Mr. Bevan, you have 10 minutes for your presentation. I would ask that you start right away.

Mr. David Bevan (Assistant Deputy Minister, Fisheries and Aquaculture Management, Department of Fisheries and Oceans): Yes, I will.

The Vice-Chair (Mr. Gerald Keddy): I apologize for rushing this along, but we are just about out of time here. We only have a half hour to hear your presentation and ask some questions.

Mr. David Bevan: I'll keep it short, then, Mr. Chairman.

As ADM of Fisheries and Aquaculture Management, I'm responsible for both the management of fisheries and the management of the aquaculture activities in Canada. Both of these activities involve the production of fish; both involve managing the impacts of these activities on the ecosystem and making sure these activities can be sustained; and both involve the regulation of the activities to ensure that sustainability.

From the point of view of authority and accountability, obviously the Fisheries Act makes it abundantly clear that the federal government is accountable for all aspects of fisheries management. We have delegated fisheries management activities to a number of provinces and therefore have some mosaic of arrangements, but the ultimate accountability falls upon the federal government and the Department of Fisheries and Oceans.

With respect to aquaculture, it is equally clear with respect to the obligation we have to protect wild salmon as well as to ensure that the habitat is protected. There are some further nuances concerning the activities relevant to siting, etc., that are shared with the provinces, but we have arrangements negotiated with the provinces.

There are a number of changes we've made in recent years with respect to salmon management. If you look at the exploitation rates on the Pacific coast salmon fisheries, you'll see that they have dropped significantly over the last decade or so. We have taken steps to manage weaker stocks. The Thompson River coho and some of the co-migrating weaker stocks of sockeye are examples where we have endeavoured to keep the harvest rates at very low levels in order to provide them with an opportunity to rebuild.

We will have the wild salmon policy out this year. This is something that has been in the works for a number of years. It is a policy that identifies clearly to Canadians and to the stakeholders who rely on these resources what groups of stocks we will protect and how we intend to protect them. It will also help us frame our response to the Species at Risk Act.

It is not something that's been without controversy. There are no single views around these issues. Some people want us to protect every single stock, while others would like us to deal with the stock aggregates, so it has not been without controversy—

•(1030)

The Vice-Chair (Mr. Gerald Keddy): Mr. Bevan, you're referencing a lot of the subject matter we had earlier. Today we were going to discuss in particular the 2004 Fraser River sockeye salmon harvest. Perhaps you could keep your comments to that harvest. We only have a half hour here. We will run out of time if we don't.

Mr. David Bevan: Okay.

In 2004 we had aimed for a lower harvest rate than in previous years. We had done so in an attempt to ensure we would protect co-migrating weaker stocks of sockeye—in particular Cultis Lake and Sakinaw Lake stocks. We were aiming for a 10% to 12% harvest rate on those two. We were also aiming for a lower harvest rate on the fall run of sockeye, so in those cases we managed the fishery to provide exploitation of around 12% to 15%.

As it turns out, with the downgrading of the run after the fisheries took place, the exploitation rate was marginally higher. We did achieve the targets for some populations but not for all. Having said that, the exploitation rate in 2004 was definitely much lower than it has been in previous years in the historical past—ten years ago, etc.

We have seen an effort to anticipate higher water temperatures by having the targets for the escapements increase prior to the fishery, so that we would have a buffer in the river in the event that the water temperatures went up.

What happened in 2004 will of course be subject to an independent review that's going to be dealt with by stakeholders and an independent chair who has yet to be named. There will be an opportunity for public participation, and while we have a number of views about what might have happened in 2004, I don't think I'd want to prejudice the outcome of the review by declaring what might be the cause of the lower escapements.

The escapement figures have yet to be made final. They are coming out over the course of the next number of months and will be final by January 2005. But I think it's fair to say they are much lower than was anticipated, based on the observed fish that entered the river following the fisheries and the anticipated death rate on the way to the rivers.

I should say as well that we had an increased enforcement presence in the lower Fraser this year that resulted in more seizures and more charges, etc., but I'm aware of the fact that both the department's response to the environmental conditions and the enforcement will be subject to the review of the 2004 fishery.

Of particular concern to a number of people are those two elements: how we anticipate what the river conditions are going to be like and the concerns over enforcement. I think both of those will be covered by the independent review, and we should have some views on them expressed by that process over the course of the next number of months.

With respect to the Fraser River, that's all I wanted to say on that particular issue.

The Vice-Chair (Mr. Gerald Keddy): Thank you very much, Mr. Bevan.

We'll go directly to our questioners, then.

Mr. Cummins.

Mr. John Cummins: Thank you, Mr. Chairman.

Mr. Bevan, that was probably the sparsest assessment of any Fraser River fishery I've ever heard a departmental official give.

Considering the circumstances, I'm not surprised. You didn't have too much to blow about this year.

You suggested you wouldn't want to prejudice the outcome of your in-house review of the fishery by speculating on what may have happened. What you omitted to mention, of course, was that if you look at the Pacific Salmon Commission numbers—and yes, the numbers are preliminary—those numbers indicate that close to two million fish disappeared between the counting system at Mission and the spawning grounds.

The minister, when he was on a Bill Good radio show, which is on a radio station in Vancouver—not that long ago; September 20 actually—blamed the missing fish on high temperatures. Other DFO officials have done the same. If you could shake off your reticence and ascribe a number here, I'd like to know just what percentage of fish you think died because of warm water in the Fraser system this year.

• (1035)

Mr. David Bevan: Thank you.

I was asked by the chair to be brief, so I was brief and didn't go into too many of the details. I would like to respond.

You mentioned an in-house review. The review will be conducted by stakeholders and an independent chair. DFO will be present to provide information and respond to questions, but we are not running the review and we are not the major component of it in terms of who's in that group.

Mr. John Cummins: I'm not here to debate the review this morning, Mr. Bevan. What I'd really like to know is what percentage of fish you think died due to warm water. The minister publicly said that was a key issue this summer, and other departmental officials have also said that. What percentage do you think died due to warm water?

Mr. David Bevan: I can't give a percentage because I think it's something that should be dealt with by the review. But I think one should be cognizant of the fact that this year was quite extraordinary. We had temperatures that hit 21.5° Celsius in the main arm and 23° in some of the tributaries. That is far higher than what sockeye are used to and can tolerate.

Also, this year, unlike previous years, it didn't get cooler in August. It stayed hot after the fisheries had been concluded and stayed warmer much longer than in previous years. I think we had data going back 62 years. This year was the warmest.

To say that has no impact on the fishery, I think, would not be consistent with the data. It does have an impact. How much? I don't know the specific figure. If you're asking me for a percentage, I don't think it would be prudent to give that before people have had a chance to look at all the information throughout the review process. It's had a significant impact, however.

Mr. John Cummins: What do you mean by significant? The minister said it was significant. You're saying it's significant. What's significant?

Almost 2 million fish died. How many of those fish are you going to say died because of warm water?

Mr. David Bevan: There's a review that's going to take place. I'm going to let them come forward with more information and more data, etc., and look at this issue in a more analytical way. I don't think it would be prudent for me to say what number died or what the percentage is before that work has been done.

I think you can see, however, that 62 years of data indicate this was the hottest year in that timeframe, and this year remained hotter for longer than any of those years.

Mr. John Cummins: Back in 1992 and in 1994 the temperatures were hot and the department blamed it on warm water temperatures. Dr. Pearse and Dr. Larkin in 1992, and again, Mr. Fraser in 1994, suggested that—Dr. Larkin said it was 8% and Mr. Fraser said 15%—the fish died from warm water temperatures. That's a long way to go to 2 million; 15% of 2 million leaves a lot of fish. Are you going to challenge the figures of these experts from previous years?

Mr. David Bevan: I'm not talking about previous years. Let's talk about 2004. The issue in 2004 is that the temperatures were higher than those years, significantly higher for a longer period of time, and there should therefore be some significant mortality caused by it.

I think it's clear that the fish did not arrive on the spawning grounds. The reason for that is going to be explored in the post-season review that has been announced. It's an independent review, and I think we should let them do their work.

Mr. John Cummins: Well, you're not going to be able to dodge it that long, Mr. Bevan. I'd like a few answers here, because your officials have come out and said it was warm water and the minister says it was warm water. I'd like some answers. I don't want dodging.

In 1992 and 1994, and in 1994 especially, there was a problem with a high discharge in the Fraser River, so it wasn't only warm water temperatures the fish were coping with. There was a high discharge in the river, which should have led to even more deaths, and yet Mr. Fraser said that the death from warm waters didn't even reach 15%. Why are your officials trying to lay the blame for the loss and the disappearance of 2 million fish on warm water temperatures? How are you making up that 85% missing number here?

• (1040)

Mr. David Bevan: I think it's clear that the temperatures were higher than they were in the past; therefore, the mortality would be higher than in the past. That should be relatively evident. We don't have a lot of information about great anomalies in other things, such as enforcement or what have you, not to the point that you're saying the 2 million fish would be accounted for.

We do have an anomaly on temperature, and I think that's what is driving those particular points of view—mine as well. But if you're asking me to specify exactly how many fish died en route to the escapement area, the spawning beds, I can't do that. I think it would be irresponsible to do that without letting the review play its course.

Mr. John Cummins: Let's just talk about the Early Stuart run, Mr. Bevan. The Early Stuart run made its way through the Fraser Canyon and most of the way to the spawning grounds, if not all of the way, before warm water temperatures hit. Yet again there was a huge loss of fish; I think it was close to 100,000 fish or about 90,000 that

disappeared out of that run. That's a major run, and it occurred before warm water temperatures were a factor. So how do you explain that?

Mr. David Bevan: I'll let my colleague, Paul Macgillivray, answer that.

Mr. Paul Macgillivray (Regional Director, Fisheries Management, Pacific Region, Department of Fisheries and Oceans): I'll answer that, thanks, Mr. Chairman.

Just to add to what David has already covered, I think there are three factors helping to explain the discrepancy we see in terms of the numbers of fish estimated to be in the lower Fraser River and what we see on the spawning grounds. One is our ability to forecast and estimate accurately the number of fish returning, and that includes the number of fish estimated at Mission on the lower Fraser River. So that's a question of how accurate are the forecasts and estimates in season.

Mr. John Cummins: May I address these one at a time, Mr. Chairman?

The Vice-Chair (Mr. Gerald Keddy): Yes.

Mr. John Cummins: All right. Accuracy—we've heard this old saw before, Mr. Macgillivray. In 1992 and again in 1994 and at other times, the department has said it's the counter at Mission. Dr. Larkin looked at that counter and he said, "Yes, the counter fluctuates on a daily basis, a little bit here and a little bit there; it's up and it's down, but overall the counter has worked well for the last 15 years". Certainly, that was the finding of Mr. Fraser as well.

The counter is something the department likes to raise, but when studies have been done, time and again it's been proven that the counting system is fairly reliable. Isn't that the case?

Mr. Paul Macgillivray: On that first question, it's the Pacific Salmon Commission you referred to earlier that's heavily involved in terms of some of the test fishing in season and the estimation of fish at Mission. There was a Pacific Salmon Commission meeting about two weeks ago in Victoria, and this issue was raised. The salmon commission and the commission technical staff took a very keen interest in wanting to have a look at the accuracy of the estimates at Mission. There have been some technological changes that resulted in different ways of estimating fish at Mission, and the Pacific Salmon Commission was very interested in doing some further work on examining the accuracy of those forecasts.

Mr. John Cummins: There were—

The Vice-Chair (Mr. Gerald Keddy): Thank you, Mr. Macgillivray.

I'm sorry, Mr. Cummins, but we're out of time. We only have a half an hour here to try to get as many members heard as we can.

Mr. Roy, five minutes.

[Translation]

Mr. Jean-Yves Roy: Thank you, Mr. Chairman.

Mr. Bevan, I'm interested in getting your reaction to the Commissioner's report. The following is noted in point 21 of her opening statement:

And judging from the responses from the Department published in our chapter, the pace is not going to pick up. Almost all the responses can be characterized as "we are acting, and will continue to do so".

I have a question for you. The Commissioner is hearing this for the fourth time, but we've been experiencing this situation firsthand in the regions for years now. Despite the 1992 ground fish moratorium in Eastern Canada, the situation today remains unchanged. Is the Department really managing the resource? Does the Department wield any kind of influence when it comes to managing the resource? Does DFO have any kind of say in protecting the resource?

If we look at the situation since DFO assumed responsibility, we see that stocks have declined in our region and elsewhere as well. Here's my question to you, although I believe I already know the answer. Does DFO really wield any influence in terms of resource management?

• (1045)

[English]

Mr. David Bevan: That's a very good question in some cases. We have had examples of west coast salmon where they've gone low before, but we've had the ability to rebuild them. We are looking at a situation where the environmental situation has a great deal of influence on some fisheries. We've had a situation, for example, in the Gulf of St. Lawrence, where a high level of fishing took place, the environmental conditions changed, we didn't change the high level of fishing quickly enough, and the stock declined. We stopped fishing and it hasn't rebuilt. The question is, can we rebuild the fisheries to the level they once were? We do need to have some luck in terms of the ecosystem conditions being conducive to having high productivity, and we've got to stop fishing at any kind of level that would further damage the spawning stock biomasses.

[Translation]

Mr. Jean-Yves Roy: You are partly right, Mr. Bevan. Earlier, Mr. Blais cited the case of Bennett Environmental in Belledune. The company has received the go-ahead to build an incinerator in a port where fishing is currently banned because of high levels of pollution. A ban on lobster fishing is in effect. Do you know what happens to the lobster caught in this bay? They are incinerated because they are highly toxic. Additional pressures are now being exerted. DFO has a certain responsibility in terms of applying the precautionary principle.

I'd like to close with a comment, and then you can respond.

The possibility of widening the St. Lawrence Seaway has been mentioned. If ever this project were to go forward, all of the highly polluted sediment in the Seaway would be dredged up. In keeping with the precautionary principle, DFO should react strongly to this possibility. The resource will be entirely destroyed. Technically speaking, it will be virtually impossible not to pollute the St. Lawrence if the sediment is disturbed. I have to wonder why DFO is not reacting more strongly to this potential situation.

[English]

Mr. David Bevan: I'm aware of the sensitivity there. Unfortunately, not having expected that particular question to come up, I didn't prepare to deal with the specific issue relevant to the incinerator, its potential impact on the local ecosystem, and the

ability of local fishers to continue to fish. I'll have to get back to the committee on that issue. If more specific questions are asked, then we can come back with more specific answers. On the general issue of our role in the approval of that incinerator, we will get back to the committee on that.

The Vice-Chair (Mr. Gerald Keddy): Thank you, Mr. Bevan. We will await your correspondence on that.

[Translation]

Mr. Jean-Yves Roy: Mr. Chairman...

[English]

The Vice-Chair (Mr. Gerald Keddy): Very quickly.

[Translation]

Mr. Jean-Yves Roy: Do you plan to take any action, if ever a decision is made to widen the St-Lawrence Seaway?

Mr. David Bevan: Could you repeat the question, please?

Mr. Jean-Yves Roy: I mentioned the planned incinerator, but I also asked you a second question. It seems quite likely that the planned widening of the St. Lawrence will go forward. If that happens, I'd like to know how you intend to respond.

Mr. David Bevan: I'm not aware of this proposal. Therefore, I will defer my response to the committee.

[English]

The Vice-Chair (Mr. Gerald Keddy): I would remind our members that while we can certainly entertain any other issues that may come to the table, we did have Mr. Bevan here in regard to the 2004 sockeye run on the Fraser River.

Mr. Stoffer for five minutes, please.

Mr. Peter Stoffer: Thank you very much, Mr. Chairman.

Mr. Bevan, you had one word in there that I think is probably the most honest assessment of how many of us view the department when you said we do need to have some "luck". Unfortunately, you get \$1.5 billion of our tax dollars not to operate on luck; you have to operate on the best science available. Unfortunately, your department has lost some good scientists due to budget cuts, and you don't have as many scientists now as you used to have. You don't have as much enforcement on the Fraser River as you used to have.

I can understand the argument of warm water because obviously the environment affects the habitat of the salmon. But at the same time, you allow drift netting on the Fraser River; you don't have the proper enforcement or the proper scientific information to operate on; and the department itself is really not trusted by many fishermen or their groups, either on the west coast or, for that matter, across the country.

Overall, I guess the frustration I have.... Since 1997, compared with 2004, how many enforcement officers and scientists have been reduced in the department because of budget cuts? Could you give us a rough estimate?

• (1050)

Mr. David Bevan: From 1997 to 2004?

Mr. Peter Stoffer: Yes.

Mr. David Bevan: In fact, we have more enforcement officers across the country now than we did in 1997, but they are not all on the Fraser River, obviously. They are spread all across the country.

I couldn't speak about the number of scientists off the top of my head; I don't know the answer to that.

We have increased the number of conservation and protection fishery officers quite significantly as a result of a move to enforce habitat provisions across the country.

Mr. Peter Stoffer: Then why would groups like the UFAWU and the B.C. Fisheries Survival Coalition say something completely the opposite?

Mr. David Bevan: As I said, they aren't all in one location. People will look at what they see in their own area, on their own stretch of water they are frequenting, and will come to their own conclusions as to what level of resources are there.

I think we need to give you an answer that is more detailed and broken up by area to let you see the differences. While nationally we may have more, there may be pockets where we have less. So I will have to give you a more detailed answer.

I don't know if Paul can provide any information regarding British Columbia.

Mr. Paul Macgillivray: With respect, I guess we're talking about the Fraser River sockeye, and particularly a concern is the lower Fraser River. We currently have about 30 fisheries officers operating in the lower Fraser River. How that compares to 1997, I don't have an exact comparison. I could come back to you on that.

Mr. Peter Stoffer: Okay.

Does the department allow drift netting on the Fraser River?

Mr. David Bevan: I think what has been allowed is the same kind of fishing pattern that happens below Mission, where people have set their nets to the boat and then the boat is moving. That's what I think people are calling "drift netting" in this case, not the kinds of nets that come to mind in terms of the high seas, huge nets that are left by the vessel and set there for a while and then taken back and unloaded. That's not what's happening on the Fraser River.

But, yes, there was a change in what was allowed in the area as people were allowed to set the net and drift down with the net they had.

Mr. Peter Stoffer: As you were here, you've heard the Commissioner of the Environment and Sustainable Development talk about your department—four reports and the same answers. I've been here since 1997. Mr. Cummins has been here since 1993. In all fairness to you, sir, we get the same answers. And the fish stocks are declining, not just on the Fraser River but right across the country. The Department of Fisheries and Oceans, as you said earlier in your preamble, is ultimately responsible.

The challenge we have, on behalf of Canadians and the fishermen, and it's not a reflection on yourself personally, is that the department—and I've probably said this before—appears to be out of control. As Mr. Roy said, are you really having any effect? Can you effectively manage fish in this country?

Mr. David Bevan: The answer is yes. I think it's not quite fair to say that all fish stocks across the country are declining, because they aren't. Some are declining, some are steady, and some are going up. Fish are cyclical in nature in terms of abundance. Sometimes the environment is better for some species than others. We've been managing those cycles.

What we have seen, however, is that two types of fish are in particular trouble. Groundfish in Atlantic Canada, in particular, has gone through a decline that it does not seem to be coming out of quickly. That's one issue.

The other one we have is with some stocks of salmon—not all stocks, because we have seen that there are some good returns to a number of areas, but there are some stocks of salmon that are showing a decline over a number of cycles and not over one.

• (1055)

The Vice-Chair (Mr. Gerald Keddy): Thank you, Mr. Bevan.

Sorry, Mr. Stoffer, we are nearly out of time.

Mr. Cuzner, you will be the last questioner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): I'm going to continue on what Peter was talking about with issues around the enforcement. You indicated in your statement that there was an increased number of infractions and contraventions of the rules this past season. Can you shed some light with a little more specificity on how many more charges were laid this year?

You referenced that there were 30 officers this year. You may not be able to look back to 1997, but was that an increase from 2002 or 2003?

What types of contraventions did we see? Overfishing? Illegal fishing? Finally, what was the recourse on that? Did people lose gear? Were they charged? Did they lose licence privilege? Could you give an overview of what those enforcement activities were?

Mr. Paul Macgillivray: I can give you an overview of what happened in 2004, but again, I don't have comparisons for previous years at this time.

As I said, in the lower Fraser River where the emphasis is, there are about 30 fisheries officers working. In 2004 there were about 1,200 hours of patrols in the lower Fraser River, of which 700 hours were dedicated to aboriginal salmon fisheries.

There were about 100 illegal nets that were seized in the eastern valley between Mission and Sawmill Creek on the lower Fraser River. Those tended to be unattended nets, so the nets were seized.

In addition, there were charges or warnings laid in a whole range of fisheries, commercial, recreational, and first nations. I believe the number of charges and warnings was in the order of 160.

So that reflects the level of activity.

Those charges work their way through the court system. And again, different charges would be at different stages of approval and prosecution.

With respect to previous years, I'd have to go back and compare how that information compared to previous years.

Mr. Rodger Cuzner: I would like to make a point that the number of charges was an increase from past years. Was this a result of increased resources being placed on enforcement in the area? Would those dollars have been new dollars or would those dollars have been taken from a reallocation or a reassignment, just with the vigilance there?

Mr. Paul Macgillivray: On the enforcement presence, on the cause and effect there, we'd have to look at what the resources were a couple of years ago and how many charges did that result in to see how that may have affected the number of charges versus the level of fishing activity outside authorized fisheries.

Mr. Rodger Cuzner: Do I have time for one more?

The Vice-Chair (Mr. Gerald Keddy): You have one more question.

Mr. Rodger Cuzner: Let's go back to the commissioner's statement. She made the comment about the wild salmon policy, or the lack thereof, and I know the minister indicated in the House that the policy was coming forward. Could we get an update? When do we think this policy is going to be coming forward? Where has the tie-up been? Where has the big snag been on getting that policy out?

Mr. David Bevan: The policy should be coming out, I hope, by the end of the month, but certainly by the end of the year. The big problem has been that this is not an area where we have a high degree of consensus. We're talking about what is the aggregate of populations we're going to protect. Some want every single one of the 5,000 populations to be protected and managed separately. We can't do that. Others are looking at something closer to the status quo, where we have big aggregates and we manage those aggregates so that we have stronger stock management instead of weaker stock

management. It's not been without debate, and there are a lot of technical issues wrapped up in it as well. It has been very complex, with very strong, polarized views on both sides of this issue, and it has been difficult to try to come to the middle ground, but we're getting there. We should have it out before the end of this calendar year for sure, and hopefully by the end of the month.

• (1100)

The Vice-Chair (Mr. Gerald Keddy): Thank you very much, Mr. Bevan.

I'd like to thank our witnesses for appearing today. We don't have time for another question. We do have another televised—

Mr. John Cummins: No, I have just a request—

The Vice-Chair (Mr. Gerald Keddy): Just one second, please.

We have another televised committee meeting here at 11 o'clock on government operations.

You had a request, Mr. Cummins.

Mr. John Cummins: Mr. Chairman, I wonder if the department would be able to provide the committee with a written report on the effect of warm water, especially this year.

The other request, Mr. Chairman, is that we bring these folks back to continue this discussion.

The Vice-Chair (Mr. Gerald Keddy): To committee?

Mr. John Cummins: Yes.

The Vice-Chair (Mr. Gerald Keddy): Gentlemen, thank you.

The meeting is adjourned.

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