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Chair

Mr. Rodney Weston

Standing Committee on Fisheries and Oceans

Tuesday, October 19, 2010

• (0900)

[English]

The Chair (Mr. Rodney Weston (Saint John, CPC)): I'll call the meeting to order.

Mr. Donnelly, I believe you have a motion that you'd like to bring forward at this point in time. The floor is yours.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Thank you, Mr. Chair.

I'll just read out the motion that's in front of the committee for October 4, 2010:

That, pursuant to Standing Order 108(2), the Standing Committee on Fisheries and Oceans undertake a study

—and, I would add, a limited study—

of the Fish Lake/Taseko mine project to determine if DFO's response is in keeping with its mandate to prohibit the “harmful alteration, disruption or destruction of fish habitat” (Section 35(1), Fisheries Act) and the “deposit of a deleterious substance in waters frequented by fish” (Section 36(3), Fisheries Act); that the Minister and relevant officials as well as stakeholder groups be called to testify.

I so move.

The Chair: Thank you, Mr. Donnelly.

You've heard the motion. The motion has been tabled. Ample notice of it was given. Are there any questions or thoughts?

Mr. Kamp.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Thank you, Mr. Chair.

I have a number of problems with this motion. First of all is the process. I think it would have been appropriate to discuss this at the steering committee, and then it could have been worked into the work plan. Only moments ago we passed the third report from the subcommittee, which included a work plan, and this wasn't in it. I know there's always the possibility—and I'm okay with that—of putting things into the work plan after we pass it, but I think it would have been better for the steering committee members to have discussed this first.

The second problem I have is with the word “study”. Fin said he wants it to be a small study in some way, but that's not up to him, frankly; it's up to this committee. And once we decide to study this, we have to study it fairly. As with every issue, there's more than one side to this. So I think it would be difficult for this to be a one-day study, for example. I think it would go beyond that.

My bigger problem is with the notion that we're going to be studying DFO's response. For one thing, it's not in DFO's hands at this point. It's in cabinet's hands. The province did its own environmental study and came up with a conclusion. It actually approved the project provincially and has begun to issue provincial authorizations and so on that are required provincially.

The federal government had an environmental review panel, which is actually under the authority of the environment minister and not the DFO minister. That review panel did significant work. In fact, it had more than 30 days of public hearings in 10 different communities, and certainly DFO participated in those and gave its information. At the end of that, the environmental review panel concluded that there are adverse environmental impacts to the study, both environmental and social, largely with respect to first nations, and it concluded that the plan didn't adequately compensate for those. That was the review panel's sort of “Coles Notes” conclusion, and then the panel report goes to cabinet.

Cabinet has had it for some time now and will respond in due course to that. So DFO is not the one responding to this. The cabinet will be responding to that panel report and hasn't yet. So I guess at the core of it, it just seems premature to study this when we don't know what the government's response to this will be.

It would be difficult for us to vote for this. There are other reasons as well. The motion's outline of DFO's mandate isn't exactly accurate, because the legislation, in addition to what he's quoted here, does allow for authorization of harmful alterations as well by the minister. In fact, that's a normal part of the process in any development, big or small, within all of our communities.

I think either this motion should be defeated or there should be a motion to reconsider it after the cabinet has actually rendered a decision on this.

• (0905)

The Chair: Thank you, Mr. Kamp.

Mr. Weston.

[Translation]

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you, Mr. Chair.

For starters, this is a very interesting proposal coming from a very reasonable man, but I wonder how effective we would be.

[English]

What's our effectiveness?

[Translation]

If jurisdictions are not respected, and if the timing isn't right, we run the risk of

[English]

wasting our time and not focusing on the things we can actually get done.

As an MP, personally speaking, I increasingly find that what I say no to is more important than what I say yes to. I think that as a committee we have to resist the temptation of diving into something that indeed is interesting to all of us, I know, but is not our focus and is beyond what our steering committee has set up.

If we finish the things that have already been scheduled, we'll have accomplished much, and if we spread ourselves thinly by immediately getting distracted by an issue over which we may have no influence, it will be a shame. So I would respectfully suggest that we not adopt this resolution.

The Chair: Thank you, Mr. Weston.

Mr. Cuzner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thank you very much, Mr. Chair.

I've had an opportunity to speak with Fin regarding his motion, and I appreciate the spirit of why the motion was brought forward. I think good points were raised on the other side with regard to the allocation of time. I think we could probably accommodate the time, but again, within the responsibility of this committee, we don't want to be perceived as being a committee that is going to start to weigh in on every environmental assessment that's taken place across the country.

But given that DFO is a stakeholder in the review panel, I think the gist of what I got from Fin was that he wanted to get a sense as to whether or not DFO had the tools at its disposal to do a proper assessment from its perspective. That was what I took from our discussion. I see that as being important and relevant.

But I tend to agree with the comments made earlier about maybe not defeating this motion but deferring it and waiting to see the outcome of the cabinet decision and the response received from the cabinet decision.

I would think this is where we would want to be.

• (0910)

The Chair: Thank you, Mr. Cuzner.

Monsieur Blais.

[Translation]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): I have a comment, and then a question.

When the matter was raised by the steering committee, and even earlier in the course of bilateral discussions, we talked about hearing from witnesses connected with this issue. When I voiced my opinion, I indicated that it was a good idea, and almost mandatory, for us to hear from both parties. Once we agree to examine a

particular subject, we have an obligation to hear from different witnesses who can shed light on all aspects of a matter like this.

We cannot limit ourselves to only one witness and subsequently declare that the matter is over and done with. No, we cannot. As a rule, when a witness testifies before the committee in connection with a particular issue, whether it be an urgent matter or a planned study, we take the time to go over things with departmental officials and to decide whether or not a study is warranted, unless we have enough facts to decide that we need to do a study, as was the case with the crab fishery and aquaculture industry and with other issues such as small craft harbours.

Fin and I had agreed that we could hear witnesses. I hadn't necessarily agreed to undertake a study, since I'm already well aware of the work on the committee's planned agenda.

In light of our discussion and the initial agreement that we supposedly had, would Fin agree to amending or deferring the motion in question until later, as was mentioned earlier? That would give us time to hear the witness make his case and to hear the other side of the story from departmental representatives. We could then decide whether or not a study is warranted.

As a rule, when we are not familiar with an issue, it makes sense to take the time to hear from those who believe an issue is important or important to them. Then we listen to what departmental officials have to say on the subject and determine what we do next. We get the opportunity to hear from individuals who have sent a letter to the chair, or from people who have asked us to speak to our colleagues and convince them that a particular issue warrants further consideration.

I certainly think we need to examine this matter and decide subsequently, based on the evidence presented, whether a study is warranted. I don't have enough information on this matter to say whether or not we should do a study. In any case, I had agreed—and I thought we all had agreed—to examine this matter with the help of witnesses and to hold off deciding at this time whether or not to carry out a study.

[English]

The Chair: Thank you, Monsieur Blais.

Ms. Murray.

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

Mr. Chair, being new to this committee, I'm not completely sure of its processes, but I guess the question really is, were the motion to pass, does this necessarily mean that it has to be addressed right away, or is it then for the subcommittee to consider the next time there's a scheduling discussion and to put it into a queue with other motions that may have come forward by then? In that case, the subcommittee would have some ability to address the concerns about completing the things that are already on the docket and considering whether it's more useful, as a public good, to take a look at this issue before cabinet makes its decision, in order to provide more information to cabinet, or whether it is preferable to wait until after cabinet makes its decision and include some commentary.

Would it not be up to the subcommittee, in this committee's process—

● (0915)

The Chair: On your first question, Ms. Murray, yes, the subcommittee would come back with a recommendation to this committee as to when, if the motion were adopted, the work would take place and when the committee would actually undertake the study. With regard to before or after the cabinet's decision is taken, I guess that's part of the debate that's taking place right now.

But yes, you're correct in your assumption, or I guess your question, that this committee would make the final decision. The subcommittee would make a recommendation to the whole committee with reference to where on the priority list this would be placed, if the motion were adopted.

I hope that answers your question.

Mr. Allen.

Mr. Mike Allen (Tobique—Mactaquac, CPC): Thank you very much, Mr. Chair.

Thank you to my colleagues for the comments.

I guess given that the cabinet panel report was a pretty extensive report, it's quite likely that anything we could do would not match thirty days of hearings in ten communities in any short order. I would suggest that until the cabinet is done....

I would prepare to make a motion that we defer this and bring it back for discussion after cabinet has made its decision. I'll give Fin the opportunity maybe to decide whether he wants to do that himself; otherwise, I will move a motion that it be deferred until after a cabinet decision.

The Chair: You're proposing a motion for deferral, but you want to give Mr. Donnelly the opportunity to speak to it first?

Mr. Mike Allen: Well, if he wants to.

Mr. Randy Kamp: It's moved.

Mr. Mike Allen: If he wants to...but it's moved, I guess, now.

Mr. Randy Kamp: It's on the floor.

Mr. Mike Allen: It's on the floor, so....

The Chair: It's kind of confusing the way you....

Mr. Mike Allen: That's correct: procedurally I just—

The Chair: You've confused me before, so that's all right.

Mr. Mike Allen: I'm just trying to get back at you for all the times you've confused me. But I still think you're Chair of the Year.

Mr. Randy Kamp: That's on the public record.

Mr. Mike Allen: Yes.

The Chair: So Mr. Allen is moving his motion....

I'll get it straight here. For clarification purposes, we can only deal with one motion at a time. Are you looking to amend the existing motion?

Mr. Randy Kamp: I think this motion takes precedence.

Mr. Mike Allen: It takes precedence, doesn't it, procedurally?

● (0920)

The Chair: So you are moving a motion to defer this motion.

Mr. Mike Allen: Until after the cabinet decision.

The Chair: Okay.

It's been moved by Mr. Allen that the motion be deferred—

Mr. Mike Allen: Until after a decision by cabinet.

The Chair: —until after a decision by cabinet has been taken.

We're getting there.

It's been moved by Mr. Allen that this motion be deferred until the decision by cabinet has been taken.

On the motion for deferral, Mr. Donnelly.

Mr. Fin Donnelly: I think I'll call a point of order at this point. We now have two motions?

The Chair: Yes. This motion takes precedence over your motion that was tabled.

● (0925)

On the point of order of Mr. Donnelly, the clerk and I have had a discussion.

Mr. Allen, I need to ask you if you would withdraw your motion at this point in time until we deal with the motion that's on the floor, the motion of Mr. Donnelly. The clerk is telling me that we need to deal with the motion that's on the floor first. Or you can amend the motion of Mr. Donnelly.

Is that clear?

Mr. Mike Allen: I'm not sure I agree, but that's clear. I have grown to understand you, Mr. Chair. I don't like it, but I understand it.

Mr. Randy Kamp: A point of order, Mr. Chair.

The Chair: On your point of order, Mr. Kamp.

Mr. Randy Kamp: The whole principle behind a motion to defer is to be able to not deal with the motion—that's the whole principle behind it—until a given time. And it's my understanding that committees certainly have that ability to do that if they think the motion that's moved would be better dealt with when there is more information and so on.

So it seems somewhat counter-productive to then have to.... There is no such thing as a motion to defer if you have to deal with the motion that you're trying to defer first. That's the whole point of the motion to defer. My understanding is that it's in order.

● (0930)

The Chair: [Inaudible—Editor]

[Translation]

Mr. Raynald Blais: That is not where I have a problem.

I don't have a problem with the clerk and the chair discussing matters between themselves, but I do have a problem with the chair and the Conservative spokesperson engaging in discussions. No thank you.

[English]

The Chair: I understand, and I certainly was not having a discussion. The member pointed out part of the rules and there is a bit of confusion here. The clerk wants to call in another colleague for discussion on this situation. That's all we're talking about here right now.

[Translation]

Mr. Raynald Blais: Perhaps I can help you.

The Chair: Mr. Blais.

Mr. Raynald Blais: Perhaps I can help you. In my humble opinion, perhaps Mr. Allen's motion is a little premature. We are simply having a discussion. Mr. Donnelly will certainly wish to comment on this matter. Then there will be a vote to decide whether or not to defer the motion. If the motion is deferred, that will put an end to the discussion. However, if we vote not to defer the motion, then we are back to discussing the main motion. We could amend it again, if necessary, to set aside the idea of a study or something else. We could have a discussion. As I see it, while Mr. Allen did move a motion, we're merely at the discussion stage. It doesn't preclude us from taking further action and it's not a problem.

Once we've discussed this together and once various points have been made, then we can vote with a clear conscience on whether or not to defer the motion. To my mind, it's not overly complicated and it doesn't adversely affect the motion per se. If I decide that I don't want to defer the motion, I will vote nay. And if that's the will of the majority, then we'll go back to discussing the original motion. If I decide to vote yea...

My decision will depend on lot on what Mr. Donnelly has to say. I think it could work. I don't have a problem with discussing whether or not we should defer the motion in question. That's quite acceptable. Otherwise, it would mean that any motion to defer a motion could not be passed until such time as a vote has been taken on the main motion. If that were the case, we could never move a motion to defer another motion. That's my understanding of things.

● (0935)

[English]

The Chair: Thank you.

We're going to take a short break here.

● (0935)

(Pause)

● (0945)

The Chair: I will call the meeting back to order.

Mr. Allen has moved that the motion be deferred until the decision by cabinet has been taken. That motion is a dilatory motion. It is non-debatable and that motion has to be put to a vote at this point in time.

(Motion negatived)

The Chair: The motion is defeated.

We will now go back to the original motion, which was moved by Mr. Donnelly.

Mr. Donnelly, you're next on the list.

Thank you for your patience.

Mr. Fin Donnelly: Thank you, Mr. Chair.

Thanks to our clerk for going the extra mile there and figuring out our way forward here.

I just wanted to clarify a few things that have been said in terms of my intent with this motion.

Going to Monsieur Blais' comment or suggestion, I think it is a good suggestion. That is essentially the intent of what I was hoping with this motion. I think the word "study" may be confusing, but essentially what I'm hoping is to have DFO officials come and clarify the situation as to perhaps process.

I was approached on this by first nations. They wanted to speak to this committee on the issue and they're very concerned about the proposal. Regardless of cabinet's decision, they did want to speak to this committee. They impressed upon me the importance of that. I'm quite fine if this committee has other parties it would like to include in this discussion. What I'm hoping to have is a hearing, a limited hearing—one committee meeting, ideally—where we hear from the parties involved. In this case, I would like to propose that there are several local first nations groups that are very concerned about this.

In terms of the process that was raised earlier, I just want to refer to earlier in the year where we had two motions that were not on the work plan, that were not dealt with at subcommittee, that were in fact dealt with exactly like this and ended up becoming our work plan.

One was on the snow crab issue and the other was actually on the aquaculture issue, both of which we're studying right now. I just want to remind the committee, and being a new committee member, that's what I'm used to.... I'm certainly open to amending the process, learning how we do things and how we operate, and changing accordingly. I'm very open to that.

Secondly, I think the word "study" in the motion may have caused confusion, but I think Monsieur Blais has mentioned what he feels would be a good way forward, which is what I was hoping and intending with this motion, which is to have an initial hearing of the concerned—in this case, the concerned party being the first nations.

I think I will leave it at that.

● (0950)

The Chair: Thank you, Mr. Donnelly.

Mr. MacAulay.

Hon. Lawrence MacAulay (Cardigan, Lib.): I'll defer to Mr. Blais.

The Chair: Monsieur Blais.

[Translation]

Mr. Raynald Blais: I just want to check and see if I can move an amendment at this time. I'd like to know if, from a procedural standpoint, moving an amendment would be in order. The purpose of this amendment, as I noted earlier, would be to have the committee hear from witnesses to decide whether or not a study is warranted, rather than to proceed right away with a study.

I'm trying to figure out the right way to go about this. I could move an amendment to substitute the word "hearing" for the word "study". Once we've heard from witnesses, we would have ample time to think and consider a study, if one is warranted. One solution would be to substitute the word "hearing" for the word "study".

I could also move another amendment. I'll see which option is feasible. This amendment would call for the committee to hear from witnesses and to decide subsequently, based on what they have to say, if a study is warranted.

So then, what I would like to know first is whether, from a procedural standpoint, an amendment calling for the word "study" to be replaced by the word "hearing" is in order.

[English]

The Chair: It is procedurally in order to remove the words "undertake a study" and replace them with "hold a hearing" or "hold a meeting". My question is whether it would be "a meeting" or "meetings"? Is it plural?

Mr. Blais.

[Translation]

Mr. Raynald Blais: Therefore, I move that the words "undertake a study" be replaced by the words "hold a hearing".

I was thinking that we could hold a two-hour meeting where we could hear from the people directly affected by the problem as well as from departmental officials. Having experienced this personally, I know that occasionally, both parties aren't free at the same time. If necessary, we could schedule two one-hour meetings.

It may be that departmental officials are not available to testify on the same day as band council members, or vice versa. The hearings could then be scheduled over two days, that is to say, we could plan on having two one-hour meetings.

• (0955)

[English]

The Chair: So what you are trying to get at is you want to have one complete meeting, whether it happens on one specific day or not.

Mr. Raynald Blais: Yes.

The Chair: So a two-hour session dedicated to this topic?

[Translation]

Mr. Raynald Blais: That is what I am proposing.

[English]

The Chair: So you are proposing to move an amendment.

It is moved by Mr. Blais that the motion be amended by replacing the words "undertake a study" with the words "holding a two-hour hearing". Is that acceptable?

On the amendment. Mr. Weston.

Mr. John Weston: I would love to think that in two hours our committee could gain a grasp of the economic consequences of the proposed mine and the environmental significance, the sacredness to the aboriginal people, the species of fish involved, and the longevity of whatever fishery happens to occur in this body of water. I'd love to know what the different fisheries people have said about it, the

environmental assessors at the federal and provincial levels, and to ask all the questions we need to ask after hearing the testimony from all the witnesses that we ought to hear from. But to hear only a little bit of the story strikes me as doing way more harm than good.

If we're going to do this, I'd say we go back to the steering committee and set aside all of the plans that have been made. If we're going to do this, we have to do this, but we can't do it a little bit. It just strikes me as irresponsible to hear a tiny bit of one side of a many-faceted story.

As I said earlier, I consider Fin to be a reasonable man, and I think this is an incredibly interesting issue, but for us to dedicate the resources we need to understand it would require a huge investment of time. There's an asymmetry involved between the resources required and the effect we might have on something that's in the hands of cabinet. Fisheries is only one small part.

So I just don't see why we would embark down this Lambeth Walk so late in this stage.

The Chair: Thank you, Mr. Weston.

Mr. Cannan.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thank you, Mr. Chair. It's my first chance to speak to this committee. I've been sitting here listening for the last hour, and I just want to go back to two things.

First of all, the purpose of the steering committee, I understand, was to set out the work plan of the committee, and reading all the documentation that the department and the Library of Parliament and all the rest have provided to the clerk, my understanding is that in April of this year the committee had wanted to initiate a study of the snow crab industry in Atlantic Canada, and that was the priority of the committee, to continue with that particular study.

Now we've brought in this motion, and I have two thoughts. One is the fact that if the cabinet votes to turn down the application, all this is a waste of time, and if they do vote to proceed, then we can bring in all the parties to have a discussion. As my colleague Mr. Weston said, my riding is a couple of hours away from this area, in the interior and the northern part of British Columbia. It's not only a very interesting issue, but it's a very complex issue, there are many partners, and the evaluation has been ongoing for many years. To spend two hours is just a mockery of the whole system.

So I think it would be a disservice to the committee and the integrity of this committee to proceed in this fashion. If you're going to do a study, you do it in depth and you have all the parties and invite everybody or you wait till the process unfolds and then have a post-mortem.

Thank you, Mr. Chair.

• (1000)

The Chair: Thank you, Mr. Cannan.

Mr. Kamp.

Mr. Randy Kamp: Yes, I agree with my colleagues on this issue, not surprisingly. It's just impossible to feel that we've covered this in a couple of hours. I would be in favour if this motion said we have one meeting and we call in DFO officials to gain an understanding of their involvement in the environmental review process related to Taseko's Prosperity mine. That I would agree with, because it never hurts for us to know what their involvement is. They are a responsible authority in this, along with Transport Canada, and in 2007 they referred this to Environment Canada to conduct a review panel and then participate in that.

So that's largely what they would tell us. I think we can certainly all read the report. It's online, available to be read. It's a lengthy one, and you can certainly see what DFO's involvement was there.

So I would support that kind of a two-hour meeting where we talk to DFO officials, but I think we certainly cannot think we have covered the issue by calling in the first nations involved, because they will probably tell us how they were consulted or weren't consulted, and then we would have to hear from the proponents themselves, with their view of how they were involved in the whole process, but certainly their involvement with the first nations. There are local people like the mayor and council of Williams Lake, the closest major community to this project, who would probably want to be heard, as well as other environmental groups that would want to have their say as well.

I think the point we need to understand is that we either study it or we don't, but if we just want to hear from DFO officials and find out first of all what their role was in this, what advice they gave the panel and so on, I'm okay with that, but to hear just a little bit of this.... As a British Columbian who has followed this with some interest, this is a pretty complex issue, as Mr. Cannan has said, and not one that we could do justice to in a couple of hours.

So at the very least, if this passes in this form—I hope it doesn't; the amendment, I think, improves it a little bit. It seems to me we need to specify in some way that it goes back to the steering committee to figure out what happens in these two hours and who is going to be heard. We can't just assume that what we've heard from Mr. Donnelly is that first nations have asked to come. A lot of people ask to come to this committee, and we don't hear from them all because we just can't. So somebody, I would suggest the subcommittee, would have to make a decision on how we fill those two hours most effectively, and fairly, I think, as well.

But as a point of order, is this amendment on the floor? Has it been moved or is it just being talked about?

The Chair: We are debating the amendment.

Thank you, Mr. Kamp.

Monsieur Lévesque.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Chair, John is basically admitting something he wasn't keen on earlier, namely that he would have preferred a study. Raynald's amendment calls for the committee to hear from the parties concerned by the request made to Fin. A client contacted Fin and asked to testify before the committee and to hear the department's take on this particular matter.

First, we debated the initial motion which called for the committee to undertake a study. The Conservative Party objected to that and gave some valid, logical reasons for doing so. All that to say that we were also put in a difficult position.

However, the committee first should decide whether a study is warranted and Fin's motion should go forward. Once the committee has heard from both parties concerned, then it could decide whether or not it needs to undertake a study. At least we will hear what the parties have to say and their reasons for requesting a study. If we find that there is no reason for doing a study, then that will be the end of it. Perhaps both parties will have been able to explain their respective positions.

• (1005)

The Chair: Thank you, Mr. Lévesque.

Go ahead, Mr. Blais.

Mr. Raynald Blais: I don't have much to more to add to what Mr. Lévesque said. However, I am somewhat perplexed by the arguments made by Mr. Weston and Mr. Kamp, but not so much by those of Mr. Cannan. They argue that this is too complex an issue to be studied by the committee. However, just prior to that, they said that the committee should not undertake a study, that caution is in order. I'm proposing that we do proceed with caution by first calling witnesses.

Unless the subject-matter is so obvious that the committee can undertake a study immediately, before making a decision to go forward with one, the first step is to invite witnesses to testify. This would help us to decide if there is a valid reason for going forward, to hear from representatives of certain groups, and to better understand what is at stake here. Are we saying that the issue is too complex that we won't be able to decide based strictly on the testimony of witnesses? Basically, that is the gist of the amendment.

The idea behind the amendment is to put the brakes on plans to undertake a study because some people are not sure that a study is even necessary. Mr. Kamp and Mr. Weston have argued that a study is needed, and so they should have voted accordingly from the outset. That's why I'm somewhat perplexed.

Holding hearings would be the first step. We could then decide what we want to do. With the facts, committee members will be able to engage in a far more enlightened discussion. Otherwise we would have to rely on what people are telling us now. A hearing would let the representatives of first nations or of band councils know that we are interested and prepared to examine this whole matter. However, it would not automatically mean that we are ready to undertake a study because this is not a current priority, according to our calendar.

The committee's current priority is to conclude its study of the crab fishery and then, to hold additional hearings on aquaculture. Those are our priorities. But there is no reason why we can't make room on our calendar for some hearings. Moreover, hearings have already been scheduled.

You may recall that we are planning a meeting with the minister. There is also the possibility of calling Mr. Bevan to testify, and of examining other potential issues. Besides, the work plan agreed to be the steering committee...

For Mr. Cannan's information—and perhaps this will also give me an opportunity to say what I think about the work of the steering committee—I think the steering committee's job is to set the work agenda. Its job is not to make decisions or to hear testimony as such. Quite simply, it is more restricted in nature. Members from each political party serve on the steering committee, which does not call witnesses. Discussion moves at a much quicker pace than it does in the larger main committee and any decision made by the steering committee must be approved, or rejected, by the main committee.

The proof is that the steering committee has drawn up a work plan that cannot be implemented without the approval of the main committee. Unless the steering committee receives a very specific mandate from the main committee, it does not have the authority to decide for itself on a particular course of action. It must wait to meet with the main committee to see whether the work plan it has devised, or the decision it has made can... We've seen cases in the past where the steering committee's decision has been vetoed by the main committee. This can happen on occasion.

• (1010)

Thank you.

[English]

The Chair: Thank you, Monsieur Blais.

Ms. Murray.

Ms. Joyce Murray: Thank you, Mr. Chair.

I just want to add to the discussion in a way that I hope will provide some suggestion for clarifying the scope of what we are attempting to do and perhaps address some of the reasonable concerns from across the aisle.

This is a complex project. It has a lot of aspects for the economic well-being of the local communities, but it also has concerns around the environmental aspects, as the panel has concluded.

My understanding about the motion is that it is really focused on the fisheries and fish habitat issues. So when we are thinking about who might come forward to spend two hours with our committee so that we can judge whether a further study is necessary, I would propose that the study would be around the fish and fish habitat issues and not try to duplicate a panel that had dozens of hearings across 30 days in British Columbia.

We are not trying to duplicate that work. What we're trying to ascertain is whether there are concerns about our responsibilities with respect to understanding and providing feedback towards the effective governance of the Fisheries Act by DFO or whether there are concerns about the adequacy of the research on the fish and fish habitat and concerns about the capacity of DFO to have been part of the panel and to have been as effective as possible in presenting the science and the case around fish and fish habitat.

I would propose that the scope of this meeting really be linked to fish and fish habitat. I'm not sure that the mayor of Williams Lake, who has very relevant and important things to say about the economy of Williams Lake and the local area, would be a necessary input into two hours of hearing about the fish and fish habitat processes, resources, research results, concerns, and how it fits into the decision the cabinet will be making.

On the other hand, the first nations are very involved in fish and fish habitat. The first nations in this area, it's my understanding, are among the very few groups that were never assigned a reserve area that would be a small part of their claimed traditional territory; they actually still fully occupy their traditional claim territory, and while they have numerous economic involvements with the local economy, a strong part of their internal band economy is hunting and fishing and a dependence on the resources of the land. So this is a group that has been there for hundreds of years and will have something to contribute on the issues of fish and fish habitat. And there may be other groups besides the minister, the department, and first nations that have been discussed.

My proposal is that in determining who would come to that first hearing, that would be the criteria: can they contribute to that? To do a further study, we would determine whether there are gaps in what's been brought forward, how and with what resources, to really do justice to our responsibility around fish and fish habitat.

Thank you.

• (1015)

The Chair: Thank you, Ms. Murray.

Mr. Allen.

Mr. Mike Allen: Thank you, Mr. Chair.

There are a couple of points I would like to make. I think Monsieur Blais, with all due respect, might have missed the point that Mr. Kamp and Mr. Weston were making. It is a complex file. The point is to pick two stakeholder groups, whether it be DFO and the first nations communities, in two hours. We're just picking two stakeholder groups on a complex issue, and then looking to make a decision as to whether you move on based on that, when there are various other stakeholders that might have some input into whether the committee wants to study it again.

All we've been saying on this side is that the responsible thing to do is to consider this after a decision has been made by the cabinet about the right way to go ahead.

I think Joyce made one good point there when she said it's important to scope out very clearly what we're going to be doing in two hours and who the witnesses will be. We can go on and continue, and I'm prepared to....

I think Mr. Blais' amendment that we hold a two-hour hearing is a start, as Randy has said. But I think the prudent thing for us to do, as the DFO and the fisheries committee, is to look at DFO's response and their role as a participant in this process. That's fair ball, and I'm very open to doing that type of thing.

Otherwise we have to look at the motion about holding a two-hour hearing, with the scope being decided by the subcommittee on agenda and procedure as to proposed witnesses, and bring them forward for these two hours. If we're willing to look at a possible amendment to bring in DFO officials for the two hours to look at their role as a participant in this process in the development of the panel report, that would be prudent to do. But that's where I would cut it off; otherwise it wouldn't be responsible for us to not have a balanced view of all the stakeholder opinions in this.

Unless we're going down that road, I'm prepared to start making subamendments to amendments already, to ensure we focus this on those two hours very clearly.

The Chair: Thank you.

Mr. Mike Allen: But these will be amendments, not big procedural issues. I'll just make subamendments.

The Chair: Thank you, Mr. Allen.

Mr. Mike Allen: I'm prepared with two subamendments, depending on where the discussion goes with the committee.

The Chair: We appreciate the warning.

Mr. Shory.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Mr. Chair.

That's what I wanted to say, so I'll pass it on this time.

The Chair: Thank you, Mr. Shory.

Mr. Cuzner.

Mr. Rodger Cuzner: Thank you once again, Mr. Chair.

What Mike has said is what I've said from the beginning, even when we kicked this around during our initial meeting as a committee. We don't want to get into going through a complete assessment.

I think it would be of benefit to bring in the first nations, if they feel they have been shortchanged on the consultation process or due diligence hasn't been respected through this process. If they want to come in and maybe make that case up front—bring forward the officials to backfill us on that—I have no problem with that. I don't want to be doing the business of the subcommittee as well.

Just for clarification, was the EA on this a full panel review or a comprehensive study?

Mr. Randy Kamp: It was a full panel review.

Mr. Rodger Cuzner: So if we had one representative come in and represent the panel on this too....

I agree with Mike that we want to focus on DFO's role and whether or not they had the adequate number of tools, if they had the resources to their avail, and if they used those resources to put forward an opinion to this body. I don't disagree with that, but I think we should be able to do this within the two hours. To that end, maybe we should call the question on the amendment.

The Chair: Thank you, Mr. Cuzner.

Mr. Donnelly.

• (1020)

Mr. Fin Donnelly: Thank you, Mr. Chair.

I support Monsieur Blais' amendment, and I appreciate him bringing forward the motion to put a finer point on its intent.

I appreciate Ms. Murray's comments. I think they have helped focus and clarify the intent of the motion as well.

Mr. Cuzner, your comments regarding Mr. Allen...having a DFO official in there commenting on their participation is quite fine, but I

would like the motion to include hearing from the first nations. If the committee wants to include others in this two-hour hearing, I'm fine with that, as long as we give them adequate time, as we do to all delegations.

Thank you.

The Chair: Thank you, Mr. Donnelly.

Mr. Kamp.

Mr. Randy Kamp: We have an amendment on the floor, and I've heard some suggestions for other amendments, and amendments to the amendment. Just for the record, it still makes no sense to us to hear from one group and not others and think that somehow having heard from just that one stakeholder group and DFO officials and... for example, if the first nations group thinks they are somehow—I don't know what they think, but if they should think, for example, that they weren't engaged well enough in the process in the panel review...the panel review is under the auspices of the Minister of the Environment. Maybe that committee should be looking at the process of the panel review.

I just think we will regret...because this is a public meeting, and I think you'll see that there are many other people, many other stakeholders, who are taking an interest in this, and not just that first nations group that happened to talk to Mr. Donnelly. We will get requests, I would think, from many other groups. If we're willing to say, well, just two hours and we thought we'd have the DFO officials and the first nations because they got their ask in first through one of our members—I mean, I assume they've made it; I haven't seen any correspondence from them or anything else.

I just think we're opening a huge can of worms. That's why we're having trouble. I like limiting it to two hours, but then if at the two hours we then say that—you know, I don't know who should decide. That's why we could amend this amendment just to say that the scope of those two hours is being determined by the subcommittee. At least then we'd be able to discuss this again in another setting to see just how we best use those two hours.

So I would propose an amendment to the amendment to say that...

Mr. Mike Allen: Do you want me to just...?

Mr. Randy Kamp: I defer to....

Mr. Mike Allen: He's deferring to me that the amendment be amended to read that after a two-hour hearing the scope and witnesses be decided by the Subcommittee on Agenda and Procedure. Mr. Donnelly pointed out very well that maybe there are other witnesses we would like to propose, and we all want an even time, so that two hours is going to start getting down to one minute, two minutes per person based on the stakeholder groups.

The Chair: Okay.

A point of order.

[Translation]

Mr. John Weston: There is the amendment and the proposed subamendment.

[English]

A voice: It's in order.

Mr. John Weston: Can you read the motion in its entirety, please?

The Chair: The motion? No, you're just going to vote on the subamendment. There's been a subamendment proposed. We deal with a subamendment, and if it passes, then we deal with the amended amendment.

Mr. John Weston: I would still appreciate it if we could hear the

An hon. member: In the context of the motion.

Mr. John Weston: —motion proposed by Mr. Donnelly.

The Chair: We haven't even heard the subamendment yet. Bear with me.

Mr. John Weston: It's a bad day for a chair.

The Chair: You're not helping.

Some hon. members: Oh, oh!

The Chair: Okay. Are we ready to proceed?

It's been moved by Mr. Allen that the amendment be amended by adding the words "pursuant that the scope and witnesses be determined by the Subcommittee on Agenda and Procedure".

That would follow the amendment that stated we should hold a two-hour meeting. So this is how the motion would read, taking into consideration the amendment and the subamendment: "That, pursuant to Standing Order 108(2), the Standing Committee on Fisheries and Oceans hold a two-hour hearing pursuant that the scope and witnesses—"

•(1025)

Mr. Mike Allen: Not "pursuant".

Mr. Randy Kamp: You need a comma, that's all. It's just a phrase.

The Chair: Okay... "hold a two-hour hearing, that the scope and witnesses being determined by the subcommittee on agenda and procedure,"

A voice: Not "that".

The Chair: Okay. We'll get it yet: "hold a two-hour hearing, the scope and witnesses being determined by the Subcommittee on Agenda and Procedure," and then back to the original motion.

So we'll take out "pursuant"; it's just a comma.

On the subamendment, Mr. Blais.

[Translation]

Mr. Raynald Blais: If I understood correctly, there will be a two-hour meeting. However, the steering committee will decide on the witness list for this two-hour session. That's what I understood.

To my mind, this would only delay the process. I urge my colleagues to vote against this subamendment. The steering committee would consider the matter, but because it cannot come to a decision, it will have to go back to the main committee to get any proposals approved. Then there would be another debate to determine the witness list. According to the amendment, the witnesses that will testify are the first nations band council and departmental officials. That's it.

[English]

The Chair: Thank you, Mr. Blais.

Mr. MacAulay.

Hon. Lawrence MacAulay: It's my opinion that the subcommittee makes suggestions to the committee. It is not the subcommittee's job to design or decide who comes before the committee. It would seem to me by this motion that we would be asking the subcommittee to decide who was going to come before the committee, instead of the committee deciding who should come before the committee. It just seems strange to me.

•(1030)

The Chair: Thank you, Mr. MacAulay.

Mr. Kamp.

Mr. Randy Kamp: The intent was not to delay things here. It's just because generally the committee lists are decided by the chair in informal consultations with members, and occasionally we have a motion to decide who the witnesses should be. But that seldom happens in this committee. It's usually done more informally.

In this case, because there has been some discussion on who should be here in a two-hour meeting, we just thought it would be better if that discussion took place in the subcommittee. It's represented by all parties. You have the majority of the votes on that side, so there's no ability for the government side to push its list, if it had one on this, and it doesn't. And we're willing to do that right away.

On the motion, I think Lawrence is right that the motion does sort of give the power to the steering committee to make that decision, as opposed to just the clerk or one member deciding who the witnesses should be in this two-hour meeting.

So I think it's a reasonable approach to this, and I hope the subamendment passes.

The Chair: Thank you, Mr. Kamp.

Mr. MacAulay.

Hon. Lawrence MacAulay: What I would see happening, and possibly I'm wrong, is that we would go to the subcommittee, we would come back with the same recommendation, we would go through the same thing at the next committee, and we'd be at the same point again. I don't see anything in the procedure that would change that.

I understand there can be some disagreement as to what we're doing or who we're hearing or who we're not hearing, but that's not the point here. It's the committee that decides what the committee does, in my view.

The Chair: Mr. Donnelly.

Mr. Fin Donnelly: Thank you, Mr. Chair.

Yes, I agree. If it was to go to the subcommittee to further this discussion, I can't see it really changing much. We've discussed this long enough. We've had a good back and forth with a number of amendments. I think it is clear, in my opinion, after hearing from others, what the intent of this is.

The issue may be that some may not want to have this hearing or to hear from those who I'm proposing we hear from. But I think that's.... I mean, I've had a request. I've brought it forward to this committee. If others want to add specific people to hear from during that two-hour committee, make that suggestion now. I'm hearing that there aren't specific people or delegations to be heard from. I do have a very specific stakeholder group and I've put that out there to the committee. The committee has heard that.

I'm not sure if going to the subcommittee.... Again, I'm quite open. If the committee feels it's going to be more productive to push this to the subcommittee for further discussion or clarification—if that would be useful—then I'm all for that. However, I am not thinking that will be the outcome. As Lawrence has said, if this goes to subcommittee, we'll have more discussion, there'll be a recommendation, it will come back to the committee, and we'll be right back to where we are right here.

So I think it's clear. In this two hours we'll hear from DFO and we'll hear from the first nations stakeholders. They'll have their limited time and the committee can ask questions. If after that point there is a will to look at this and create a further study or a more in-depth study, because it's a complicated issue—I agree there is a lot involved—then it perhaps should go back to the subcommittee at that point to amend the work plan. I am all in favour of that.

However, the point here is to just really limit the amount of time we spend on this topic to one meeting, ideally, or two if we need the full two hours over two meetings. But it's essentially to limit it so that we can hear from the stakeholders on the specific issue of fish and fish habitat as it relates to this issue.

Thank you.

• (1035)

The Chair: Thank you, Mr. Donnelly.

Mr. Allen.

Mr. Mike Allen: Thank you, Mr. Chair.

At the end of the day, the whole intent of the amendment, and then the subsequent subamendment, is to try to look at a practical way to plan the two hours. We've expressed very strongly over here the need for a balance on this.

Just as a little digression, I would hope that when someone from New Brunswick approaches me, as a person on the committee, and wants to come to our committee, I'll be able to put a motion in and we'll be able to have the consideration at that point in time as well.

But having said that, the intent is that the Subcommittee on Agenda and Procedure will be an efficient way to deal with this. Otherwise, what's going to end up happening is we're going to put our witness lists in, it's going to be by a certain day that we have to have our witness lists in, and it will be the chair and the clerk's responsibility, and God knows how many witnesses we'll have here.

To Mr. Blais' point, which might have lost a little bit in the translation, the subcommittee is an opportunity to pre-chew our food. That's the opportunity this subamendment would allow us to do: to pre-chew that food so that the whole committee doesn't have to digest something they can't digest.

Chair, feel free to call the question on the subamendment, as it is 10:40. We've gone past our time, and I know that—

The Chair: No, we haven't gone past our time.

Mr. Mike Allen: No, we have five more minutes, don't we? Yes, I keep forgetting the time. And we started on time.

The Chair: My clock here is at 10:35.

Monsieur Lévesque.

[Translation]

Mr. Yvon Lévesque: Mr. Chair, the original motion mentioned two potential witnesses, namely the department and Mr. Donnelly's clients. Mr. Donnelly admitted that he may have erred by asking for a study, rather than a hearing. Mr. Blais proposed an amendment to that effect.

The government seems to assume that a hearing will automatically result in a study and that we are prepared to look at a witness list. I disagree with the last point. The committee has to decide first if a study is warranted. I don't think it is appropriate at this time to consider a potential witness list. The witnesses have already been identified and all that's left is to hold a meeting and let them testify. Then we will see if we need to proceed further and undertake a study.

I agree with Mike that we should put the subamendment to a vote.

[English]

The Chair: In a couple of points that have been made here today there have been very specific references to a certain stakeholder group. If you go back and read the original motion, it does not identify a specific stakeholder group. I want to make that point very clear, because there have been many references in the discussion today to it being very specific. It is not very specific. The only specific point made in the original motion is that "the Minister and relevant officials as well as stakeholder groups be called to testify".

To be very frank with you, this is going to end up being a discussion of the subcommittee. It will be a discussion of the committee as a whole if this motion passes in its present state. I just don't want anybody to have any illusions here that by passing this motion, it lays forward a clear path for this committee, because it does not do that.

Does everybody understand that?

I am going to call the question on the subamendment.

Mr. Shory, you haven't had anything to say on the subject, but I will ask you to make your comments very brief.

Mr. Devinder Shory: Well, the brief comment I'm going to make is that I don't know what's going on in this committee, Mr. Chair. I tried to say something, and Mike Allen, my colleague, took the point, and now I wanted to talk about stakeholder groups in the motion and you took that point.

I guess you're absolutely right. If you go back to the motion, amendments, and subamendments, basically it is not talking about the first nations only. It is talking about stakeholder groups and what that means. If we pick only first nations, in my view, and leave other stakeholder groups on the side before we determine.... The intent of the motion, basically, is that we want to determine whether DFO's response is in keeping with its mandate. We need to listen to all the other groups and stakeholders as well. So it will not be finished in two hours, in my opinion.

● (1040)

The Chair: Thank you, Mr. Shory.

I'm going to call the question now on the subamendment.

On the subamendment, it was moved by Mr. Allen that the amendment be amended by adding the words “, the scope and witnesses being determined by the Subcommittee on Agenda and Procedure”, after the words “two-hour hearing”, which is the amendment. So the subamendment is...it was moved by Mr. Allen that the amendment be amended by adding the words “, after a two-hour hearing, the scope and witnesses being determined by the Subcommittee on Agenda and Procedure”.

(Subamendment agreed to)

The Chair: Now the amendment.

It was moved by Monsieur Blais that the motion be amended by replacing the words “undertake a study” with the words “holding a two-hour hearing”.

(Amendment agreed to)

The Chair: Now we go to the amended motion, which would read:

That, pursuant to Standing Order 108 (2), the Standing Committee on Fisheries and Oceans hold a two-hour hearing, the scope and witnesses being determined by the Subcommittee on Agenda and Procedure of the Fish Lake/Taseko mine project to determine if DFO's response is in keeping with its mandate to prohibit the “harmful alteration, disruption or destruction of fish habitat” (Section 35(1), Fisheries Act) and the “deposit of a deleterious substance in waters frequented by fish” (Section 36(3), Fisheries Act); that the Minister and relevant officials as well as stakeholder groups be called to testify.

(Motion as amended agreed to)

Mr. Ron Cannan: A point of order, Mr. Chair.

The Chair: On a point of order, Mr. Cannan.

Mr. Ron Cannan: Thank you.

I have some people who want to come as stakeholders. They simply submit their names to the clerk, is that correct?

The Chair: That's correct.

As I say, if you have people...and I expect all members will do that, submit names.

The meeting is adjourned.

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