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Chair

Mr. Mark Warawa

Standing Committee on Environment and Sustainable Development

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• (1135)

[English]

The Chair (Mr. Mark Warawa (Langley, CPC)): Welcome, everyone. I'm glad to see the agency with us as we begin our review of the Canadian Environmental Assessment Act.

We have the agency with us today. But just before we begin their presentation, I'm going to read from our procedural manual, O'Brien and Bosc. It says:

Particular attention is paid to the questioning of public servants. The obligation of a witness to answer all questions put by the committee must be balanced against the role that public servants play in providing confidential advice to their Ministers. The role of the public servant has traditionally been viewed in relation to the implementation and administration of government policy, rather than the determination of what that policy should be. Consequently, public servants have been excused from commenting on the policy decisions made by the government.

So as they make their presentations, followed by your questions, perhaps you could keep that in mind and to respect the position the agency is in.

Again, we thank the agency for being here.

Who will be our first presenter? What time would you need? We have up to 30 minutes.

Ms. Elaine Feldman (President, Canadian Environmental Assessment Agency): Twenty minutes, Mr. Chair.

The Chair: Ms. Feldman, are you going to be the presenter?

Ms. Elaine Feldman: I am.

The Chair: Please proceed.

Ms. Elaine Feldman: Thank you very much, Mr. Chairman.

Let me introduce my colleagues who are here with us.

First, I'm Elaine Feldman, the president of CEAA. I am joined by Helen Cutts, our vice-president of policy development; Yves Leboeuf, vice-president of operations; and John McCauley, director of legislative and regulatory affairs for CEAA.

I have a slide presentation, which I believe you have, to supplement my remarks.

[Translation]

I will provide an overview of the Canadian Environmental Assessment Act along with a description of some of the challenges and achievements associated with implementing the act.

[English]

Slide 2 sets out a general description of environmental assessment or EA.

As you know, EA is based on the idea that it is cost-effective and prudent to make design changes to a project before construction as a way of avoiding harm.

[Translation]

An environmental assessment also allows the views and knowledge of all interested parties to be brought together in a coordinated fashion.

[English]

The process delivers results. One example is the Deltaport Third Berth in British Columbia, which reduced the overall footprint of its project by 30% without increasing construction costs. Improvements to the project protected migratory bird and fish habitat. The container terminal, now in operation, has significantly expanded capacity at this Pacific gateway.

[Translation]

The third slide sets out some of the key milestones in the evolution of environmental assessment.

• (1140)

[English]

The original process was set out in a three-page cabinet directive issued in 1974. Over time, requirements have been codified in legislation, resulting in greater precision but also greater complexity.

The fundamental purpose of taking environmental matters into account when planning and implementing projects has remained a constant.

Slide 4 provides details on the application of the act. An EA is required when a federal authority has a decision to make about a proposed project. These decisions are commonly referred to as the act's triggers.

There are four types of triggers: when a federal authority is the project proponent; when a federal authority may provide financial assistance to a project; when federal land is required; and when a federal authority has a regulatory decision, such as whether to authorize the alteration of fish habitat under the Fisheries Act.

[Translation]

All projects that have a trigger require an environmental assessment, unless explicitly excluded.

[English]

The types of projects assessed range from the expansion of a maple syrup operation to proposals for major dams, pipelines, and mines. The act has limited application north of 60. Other federal legislation resulting from land claim agreements, such as the Yukon Environmental and Socio-economic Assessment Act, set out EA requirements.

Slide 5 describes the screening type of environmental assessment. The federal authority with the decision about a project is defined in the act as the "responsible authority". The responsible authority conducts the screening, makes the EA decision, and ensures the implementation of mitigation measures. Despite its name, a screening is a full EA.

[Translation]

A responsible authority may involve the public or require a follow-up program. This discretion recognizes the relatively routine nature of most projects assessed through a screening.

[English]

Efforts have been made to reduce the number of small, routine projects that require screening so that government resources can be devoted to higher risk projects that are of public concern. Exclusions have been added through regulations and amendments to the act.

Despite these efforts, the act still requires a full assessment of many small projects. For example, upgrades to small craft harbours and, as I mentioned already, expansion of a maple syrup operation are projects that have been captured by the process.

Slide 6 refers to the comprehensive study-type of environmental assessment, used for large-scale projects, with greater potential for significant adverse environmental effects. These projects are identified in the comprehensive study list regulations.

[Translation]

There are currently 38 comprehensive studies underway.

[English]

A comprehensive study requires consideration of additional factors that are not covered in a screening, such as alternative means of carrying out the project. A comprehensive study includes opportunities for public participation and for participant funding. Follow-up programs are mandatory.

As a result of amendments made in July 2010, the Canadian Environmental Assessment Agency is now responsible for the conduct of all comprehensive studies, except for projects that are regulated by the Canadian Nuclear Safety Commission or the National Energy Board. When these amendments came into force, CEAA immediately took over 19 comprehensive studies from responsible authorities. Since then, 11 more have been started, in sequence with provincial reviews.

The agency is also operating in accordance with timelines set in regulation. These regulations provide 90 days to determine whether to commence a comprehensive study and 365 days to complete a report on the results of the EA for a final public comment period. This is supporting a more predictable process. Mr. Chairman, this is

an extremely important point. In practical terms, it means that we're avoiding federal delay at the start of the process. It means that proponents generally receive one set of information requirements instead of two. It means that proponents have to prepare a single environmental impact assessment statement. It means that the two levels of government work together in a predictable and coordinated manner that achieves the goal of one project, one assessment.

In taking on its new responsibilities for comprehensive studies, the agency has also paid a lot of attention to how it engages the public. We know that public participation strengthens the quality of an assessment by bringing together the views and knowledge of interested persons and organizations. It also promotes trust and confidence in the process and in the decisions that result.

In some cases, the agency has gone beyond the typical practice of simply seeking comments on documents posted on the Internet. It has arranged interactive public sessions to encourage discussion about projects and their environmental effects.

At the end of a comprehensive study, the report undergoes a final public comment period that is normally 30 days. Once the Minister of the Environment makes a decision on whether the project will cause significant adverse environmental effects, it is returned to the responsible authorities to make their EA decisions and ensure implementation of mitigation measures in the follow-up programs.

Slide 7 deals with review panels of experts appointed by the Minister of the Environment. Panels are used for projects with the greatest potential for significant adverse environmental effects or when warranted by public concern in relation to matters of federal jurisdiction.

• (1145)

[Translation]

There are currently 11 active review panels.

A review panel holds public hearings that allow interested parties to make oral submissions.

[English]

A review panel is not a decision-making body. It provides recommendations to the government. Review panels are often jointly established with a province or another federal authority with a public hearing process, such as the National Energy Board.

After a review panel, the responsible authorities prepare a government response that is approved by cabinet. The responsible authorities are then required to ensure the implementation of mitigation measures and the follow-up program.

Slide 8 describes the special role of the Minister of the Environment and the agency in the EA process. The minister has powers and duties relevant to specific assessments, such as issuing a decision statement at the end of a comprehensive study.

[Translation]

The minister also shapes the process by bringing forward regulations, issuing guidelines and entering into agreements with other jurisdictions.

[English]

Prior to the Supreme Court's MiningWatch decision in January 2010, it was assumed that all responsible authorities had discretion to narrowly scope a project. The court has ruled that this is not the case. Rather, the scope of a project is the project as proposed by the proponent.

[Translation]

The Canadian Environmental Assessment Agency reports to the Minister of the Environment.

[English]

The agency provides support to other federal authorities through training and guidance. We administer the Canadian environmental assessment registry Internet site, providing information about individual assessments.

In addition, as the agency president I am the federal administrator for the federal EA process under the James Bay and Northern Quebec Agreement. In 2010, there was a Supreme Court decision that confirmed that the act applied in the territory covered by the agreement. We work to ensure that the requirements of each process are applied in a manner that avoids duplication.

As I noted earlier, the agency is responsible for most comprehensive studies. We are also the crown consultation coordinator for those projects and most other major resource projects. This is because the government has chosen to integrate the legal duty to consult aboriginal groups, to the extent possible, into the EA process. The EA process is well suited to delivering this responsibility as the views and knowledge of aboriginal groups can be used to ensure that potential changes to the environment that may affect aboriginal or treaty rights are fully examined.

An advantage is that an EA starts early in the planning phase of a project, well before final decisions. There are also key points in an EA that provide a natural opportunity for consultation. This helps to ensure that consultations with aboriginal groups are meaningful.

Finally, the participant funding program required under the act, serves as an efficient means to flow capacity funding to aboriginal groups for consultations on projects assessed through a comprehensive study or a review panel.

Slide 9 deals with federal-provincial cooperation, which is an essential aspect of EA in Canada.

All provinces have an EA process with specific standards and practices.

• (1150)

[Translation]

In recognition of this, one of the purposes of the act is to promote cooperation and coordination action between federal and provincial governments.

[English]

Bilateral arrangements with provinces and project-specific arrangements are intended to meet the goal of one project, one assessment. A cooperative assessment prevents duplication while

respecting the constitutional powers and legal responsibilities of each order of government.

In 2009, the Canadian Council of Ministers of the Environment examined the challenge of combining the federal process with different provincial processes. It recommended that all jurisdictions should ensure that their statutory regimes included a range of cooperative tools, including joint processes, delegation, and substitution.

The act currently allows for delegation of an EA or part of an EA to another jurisdiction. The act also provides for joint processes, such as a joint review panel. The act does not include provisions for federal-provincial substitution, which would allow the EA process of one jurisdiction to replace the process of another. Under substitution, both levels of government would retain their decision-making at the end of the environmental assessment.

Slide 10 describes some of the challenges that we have encountered in implementing the legislation over the past 15 years. The first challenge is that certain projects with the potential to cause adverse effects on matters within federal jurisdiction do not require an EA because there is no federal decision associated with the project. In other words, there's no federal trigger.

The second challenge relates to the point made earlier about the act being implemented by over 40 federal authorities. Federal coordination was a problem highlighted by the Commissioner of the Environment and Sustainable Development in his 2009 report. But, as I have mentioned already, targeted amendments to the act since then have addressed this issue for the larger projects by making the agency responsible for the conduct of comprehensive studies. The problem remains for screenings.

In addition, decision-making at the end of a comprehensive study process remains a two-step process whereby the Minister of the Environment makes a decision and then sends it back to one or more responsible authorities for their EA decisions.

[Translation]

The third challenge stems from the number of small routine projects that require an environmental assessment, as I noted when describing the screening type of environmental assessment.

[English]

The fourth challenge relates to the lack of an enforcement regime in the act. The act relies on enforcement mechanisms that reside in other laws. Experience has shown that these other laws are often not well-suited for the purposes of environmental assessment. This has created challenges in ensuring appropriate mitigation measures are implemented and monitored.

Often an EA is triggered because there is a federal regulatory decision about a project. A particular department may have to issue a permit, for example. That department will be heavily engaged in the EA process. At the same time, other departments will provide expert information about environmental risks and how to mitigate these risks. While the department making the permitting decision is able to use its permit to specify and enforce mitigation requirements for matters within its mandates, other departments without permitting decisions do not have a means to do so.

The act assumes that a federal authority will use its permitting power to require appropriate mitigation for matters within the mandate of another department. For example, the act assumes that Fisheries and Oceans Canada will use powers under the Fisheries Act to protect migratory birds that are within the mandate of Environment Canada. In practice, problems of accountability along with legal constraints have been a deterrent for federal authorities to include, let alone enforce, such conditions in their permits.

Finally, the Commissioner of the Environment and Sustainable Development, along with others, has pointed to the challenge of using a process that assesses single projects to also assess cumulative effects of many projects in a region. There are no provisions in the act that enable comprehensive regional assessments.

I don't want to leave you with the impression, Mr. Chair, that all is doom and gloom. The last slide talks about some provisions in the act that are working reasonably well, in our view. First, the registry Internet site, added as a result of the last review of the act in 2003, has been extremely useful in providing easy public access to project information and public notices.

• (1155)

[Translation]

Another success, which I noted earlier, is that we are now starting comprehensive studies in sequence with provinces. This prevents duplication and allows for greater efficiencies.

[English]

Over the life of the act, review panels have generally provided high-quality EAs for government decision-makers. In fact, Australia's ten-year review of its legislation explicitly referred to Canada's positive experience and recommended that the same approach be adopted in that country.

Our whole-of-government approach to aboriginal consultation, which integrates those consultations into the EA process, to the extent possible, has replaced previous piecemeal and uncoordinated efforts.

Mr. Chairman, this is a snapshot of the act and how it operates.

We look forward to your questions and to assisting the committee as it undertakes this review.

Merci.

The Chair: Thank you, Ms. Feldman.

The first seven-minute round will be for Mr. Toet.

Mr. Lawrence Toet (Elmwood—Transcona, CPC): Thank you, Mr. Chair.

Thank you for a great presentation this morning. It's very much appreciated.

I want to touch on some of the challenges you talked about towards the end of your presentation. Specifically, I want to talk about the small projects. You talked about small and routine projects and some of the challenges you face with them.

I noted that in the agency's quality assurance program, you found that many small projects and routine projects have minimal risk to the environment. Can you elaborate on that?

Ms. Elaine Feldman: Thank you very much.

Yes, in 2007, the agency's quality assurance program examined a sample of over 2,200 screenings. Those are for the small projects. Of the projects examined, 94% were found to have only minimal or minor potential for adverse environmental effects. In 2009, the Commissioner of the Environment and Sustainable Development confirmed this finding, based on the sample of projects audited for his report.

• (1200)

Mr. Lawrence Toet: How are these small projects then affected by the CEAA legislation? What is the effect on the project itself?

Ms. Elaine Feldman: If there is a federal trigger, as I mentioned earlier, a federal EA is required, no matter how small the project. I'll use the example of the expansion of a maple syrup operation. Because there is federal funding provided, there is a requirement for a federal environmental assessment of the expansion of the maple syrup operation.

In other jurisdictions, there would be no such requirement for minor projects that are not likely to have adverse environmental impacts and, therefore, resources could be used to assess projects that have a greater potential impact.

Mr. Lawrence Toet: You said that you have 2,200 screenings, and about 90% of those you would say are minimal. In your estimation—though you probably don't have an exact figure—what percentage of your CEAA resources are being designated for these particular reviews?

Ms. Elaine Feldman: Well, for the most part, the screenings are carried out by responsible authorities, meaning the relevant departments, such as Fisheries or Transport, or, for example, the Department of National Defence, which has a lot of federal land. Within the agency itself, the resources we provide are generally used for training other departments so they can carry out the screenings. Most of the resources within the agency are devoted to comprehensive studies and panels, because the agency serves as the secretariat for review panels.

Mr. Lawrence Toet: Do you have any estimation of the man-hours used, not only for the review process but also for the process of teaching and educating?

Mr. John McCauley (Director, Legislative and Regulatory Affairs Division, Canadian Environmental Assessment Agency): I think I can answer that, Elaine.

In the quality assurance study that was done, which Ms. Feldman referred to, we also looked at the overall timeframe of those screenings. The median duration over the three years, I think, was about 50 days. Now whether that included people working full-time, I don't know, but from start to end, it was about 50 days.

Mr. Lawrence Toet: And that's per project.

Mr. John McCauley: Per project.

Mr. Lawrence Toet: You have 2,200 of those times the 50 hours, essentially.

Ms. Elaine Feldman: Actually there are more than 2,200. There were 2,200 that were examined for the quality assurance report. Our estimation is that annually there could be well over 5,000 screenings.

Mr. Lawrence Toet: I want to get into the process a little bit, then. My understanding is that the current approach used by CEAA is the all-in-unless-excluded approach.

Could you give us some elaboration on that approach and exactly how it works?

Ms. Elaine Feldman: Because we're looking for the most part at the larger projects, at CEAA we encourage proponents to come to talk to us early. We encourage them to come well before they're planning to submit a project description, so we can work with them to ensure they understand the requirements under CEAA. So when we do get project descriptions, we're ready to begin the process of the comprehensive study right away.

In terms of projects that are triggered because there's a federal decision required, unless a project has specifically been excluded by regulation or legislation, there is a requirement to conduct a federal EA of all projects, whether they're a maple syrup operation expansion or a major mine.

Mr. Lawrence Toet: You gave the example of the maple syrup operation. Are there other examples of the same thing, where there's very minimal impact and yet we have to go through the process?

Ms. Elaine Feldman: My colleagues can provide you with more examples, but they could cover, for example, expanding a small craft harbour, and demolishing a building.

John, do you have some other examples?

• (1205)

Mr. John McCauley: There are expansions of parking lots, small expansions to buildings, etc. The exclusion list regulation identifies categories of projects and then puts thresholds on those. If they're below the threshold, they would be excluded. A building greater than 500 square metres would require an assessment, but if it was less than 500 square metres, it would be excluded.

The Chair: Your time is up, Mr. Toet. Thank you so much.

Ms. Liu.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Thank you, Mr. Chair. I would like to thank the witnesses for joining us this morning.

The brief was very thorough and I appreciate that. Before I ask any questions about the brief, I would like to ask a preliminary question.

Which departments should the committee invite as witnesses in order to do a comprehensive study of the legislation and to have an in-depth understanding of the bill?

Ms. Elaine Feldman: I don't feel it is up to a witness to tell you how to do your study. However, some departments are very involved in an environmental assessment, such as Fisheries and Oceans Canada, Environment Canada and Transport Canada.

But, as I already mentioned in the presentation, at least 40 government departments and agencies are involved.

Ms. Laurin Liu: Would you say that those departments can contribute to our study of the bill?

Ms. Elaine Feldman: Once again, I believe the committee should decide that question, not a witness.

[*English*]

Ms. Laurin Liu: I was looking over the CEAA report on plans and priorities for 2011-12. The financial resources table in your report provides a summary of the total planned spending for the agency over the next three fiscal years. We see that in 2011-12, the agency's financial resources are set at \$30,007,000, and then in the following fiscal year, 2012-13, that amount drops dramatically to \$17,062,000. Then spending for the year after that is also projected to remain at the same level. We see that as representing a cut to the agency's budget of 43% from this fiscal year to the next.

Something about this legislation that I think is important is its encouragement to authorities to promote stable development. Moreover, it directly links the health of the environment to the health of the economy. So my colleagues and I view this reduction with great interest and great concern.

Could you let us know how the agency is planning to achieve these cuts?

Ms. Elaine Feldman: First of all, I should point out that the funding you're talking about is composed of both the agency's A-base reference level and sunset funding. So the 43% difference you refer to is funding that was provided to the agency, both through Budget 2007 and Budget 2010. They're both due to sunset at the end of this fiscal year, which is why you see the projected decrease in the agency's budget, if the sunset funding is not renewed. That decision will be part of Budget 2012.

So at this point as an agency, we have to report on what we know will be in our funding for our reference level, and we don't know yet whether the sunset funding will be renewed. We will just have to wait and see.

• (1210)

Ms. Laurin Liu: I noticed in the same report that there are also planned human resources cuts. The number of full-time equivalents for the 2011-12 fiscal year is 242, and the number for the following year is 162. That's a cut of 80 people, or roughly about 33% of the agency's staff. Can you tell us how the agency has decided to reorganize its staff, while still fulfilling its mandate under the act?

Ms. Elaine Feldman: Those projections show how many people we can afford to employ based on the funding we will receive. If the sunset funding is not continued, then we will have to reduce our personnel count. If the sunset funding is renewed, then there will not be any resource implications.

Ms. Laurin Liu: A spokesperson for your agency mentioned earlier that a major chunk of the funding and the jobs being cut could be explained by the government's plan to end funding for two programs, which received a combined \$11 million in the 2007 budget. Is it true that one of these programs involves funding for the agency to consult with potentially affected aboriginal groups before making decisions on proposed projects?

Ms. Elaine Feldman: The sunseting funding, I believe, is slightly over \$13 million in total. Part of that funding does include money for aboriginal consultation.

[*Translation*]

Ms. Laurin Liu: I have also read the 2009 report of the environment commissioner. The report examined whether the Canadian Environmental Assessment Act is applied across the government. In half of the screenings studied, the explanations were too broken up to show how the environmental effects of projects were to be assessed. That is of great concern, since we know that screenings make up 99% of environmental assessments.

What has since been done to address the screening problems?

[*English*]

The Chair: Keep the answer short, please. We're out of time.

Ms. Elaine Feldman: It is the responsible authorities, not the agencies, that conduct the screenings. Since the commissioner's report, we have focused on ensuring that we provide proper training to officials in other departments so they can carry out their responsibilities in conducting screenings in a way that ensures environmental protection.

The Chair: Thank you, Ms. Liu.

Next is Mr. Lunney.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you very much.

I appreciate your being here to help get us started on this review. It's an interesting subject that's important not only for the committee but also for all Canadians.

When you referred to sunseting funds, you were referring to funds that were increased because of the economic action plan in the last couple of years, where there was an increased number of projects across the country. Am I correct?

Ms. Elaine Feldman: The government decided in 2007 that there needed to be more of a focus on ensuring that major resource projects were reviewed more efficiently and in a more timely manner. As part of that decision, additional funding was allocated across the government to provide for those efficiencies—and the agency received the sunseting funds through that initiative.

Mr. James Lunney: That is a natural progression that we would expect. We have a whole bunch of projects that are approaching completion, an unprecedented number of projects right across the country. So I hope we'll be going back to a more normal level that will require a lower level of functioning. Is that correct?

Ms. Elaine Feldman: I don't think so. What I'm told is that there is up to \$500 billion in potential new investment in Canadian natural resource projects in the coming years. If that's the right figure, then the agency is going to be very busy.

Mr. James Lunney: Okay. Thank you for that.

There are a couple of parts of our discussion I would like to clarify. You basically reviewed the factors that trigger an assessment under CEAA. There are many federal departments or responsible agencies. I think you referred to about 40.

•(1215)

Ms. Elaine Feldman: Yes.

Mr. James Lunney: These are different agencies that may trigger an assessment by CEAA if there's federal responsibility.

I wonder if you could give us some examples of the types of decisions that would trigger an assessment, perhaps a decision having to do with an authority's role as a proponent.

Ms. Helen Cutts (Vice-President, Policy Development Sector, Canadian Environmental Assessment Agency): Any of our regional agencies that are providing support to a project in their region would be serving as a funder. As a proponent, we would be looking at Parks Canada, usually. Of course, the other two areas are when we have a trigger and when we have—

Mr. John McCauley: There are also situations where National Defence may be proposing a project. The other triggers involve the provision of land or a regulatory decision.

Mr. James Lunney: What about the example of a land manager? Would that be for small craft harbours, or do you have other examples?

Mr. John McCauley: For land triggers, National Defence could be one of the large landholders. In fact, Aboriginal Affairs and Northern Development administers lands on reserve. When there are projects on reserve, they are required to authorize them. Those would be two examples.

Mr. James Lunney: Do you have an example where a federal agency is a funding source?

Mr. John McCauley: A good example I would cite deals with two of the commercial crowns—the Business Development Bank of Canada and the Farm Credit Corporation. They provide commercial funding to proponents to carry out projects, so they are required to do assessments every time they provide funding to a project.

Mr. James Lunney: The key seems to be that a federal decision is involved.

Mr. John McCauley: That's correct.

Mr. James Lunney: I'm wondering it's possible for an environmental assessment not to be triggered under CEAA if a project has environmental impacts on an area where there's been no federal decision.

Ms. Elaine Feldman: That's right. I think I referred to that in my remarks. There are instances in which a project may have effects on an area of federal jurisdiction, but because there is no trigger, there is no federal environmental assessment.

Mr. James Lunney: Could you give us an example of an area where a federal jurisdiction might pose an environmental problem?

Ms. Elaine Feldman: I'll give you the example of an in situ oil sands project where there may not be a federal trigger. An in situ oil sands project may not require the issuance of a federal permit. So although the oil sands are located in areas where there are substantial aboriginal populations, and although oil sands development will have an effect on aboriginal peoples, if there is no federal decision required, there would not be a federal EA of an in situ project. However, an oil sands mine tends to require a federal permit, whether from Fisheries or Transport. So an oil sands mine would be reviewed but an oil sands in situ project might not be.

Mr. James Lunney: I want to ask a question on another area. We're talking about the difference between a comprehensive study and a panel assessment. I notice that part of the program has funding for public participation. It was mentioned that aboriginal groups would receive funding through that formula. You might give examples of other groups that might receive funding to take part in that comprehensive review process.

Could you briefly explain how you make a decision between a panel and a comprehensive study?

Ms. Elaine Feldman: We provide two types of funding. One is for aboriginal consultation for first nations. The second is for what we call the public participant funding program, where we allocate a certain amount of money and make it known through local advertisements. That way, individuals or non-profit organizations with particular knowledge or expertise and an interest in the project are able to apply to CEAA for funding to participate in the environmental assessment.

• (1220)

The Chair: Thank you, Ms. Feldman. Thank you, Mr. Lunney.

Next is Ms. Duncan, for seven minutes.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you, Mr. Chair.

Thank you to the agency for coming here, and for the important work you do.

I will begin by saying that I'm struggling. You mentioned the potential investments in natural resource projects of maybe up to \$500 billion over the coming decades. At the same time, as my colleague mentioned, there's potentially a 43% cut to the agency and, potentially, a 33% cut in terms of human resources. If we look back at the 2009 and 2010 budget bills, there's criticism of the changes that were made to environmental assessment. They're said to be complicated, unwieldy, and not addressing Canada's most pressing environmental issues.

There are some real contradictions there and I wonder if you could speak to them.

Ms. Elaine Feldman: You refer to the amendments. I think the 2010 budget amendments went a long way to addressing some of the criticisms. As I said earlier, the agency is now responsible for carrying out comprehensive studies, which means we're now able to engage at the very outset and to coordinate our processes with provinces. As a result, there is no longer delay, inefficiency, or duplication. I think that was a very helpful change in the 2010 budget.

Ms. Kirsty Duncan: Sorry, maybe I wasn't clear in my question.

We're going to have \$500 billion in assessment needs and at the same time we're seeing significant cuts to the agency. You mentioned the improvements that you see as a result of the budget bill. I do have to point out that there has been criticism that those changes did weaken the act. How do you respond to the needs of \$500 billion versus these cuts?

Ms. Elaine Feldman: I think the answer is that these are not cuts; they're potential cuts, which is why they're shown the way they are in our report tabled in Parliament. It will be a decision of the government whether to re-authorize the funding in the next budget.

Ms. Kirsty Duncan: Okay.

I wonder if we have statistics and how far they go back, so that we can have an idea of whether the number of assessments is increasing or decreasing over time. For example, how many screenings, comprehensive studies, panels, etc. were done each year? What time was spent on them? Who were the stakeholders? Does that information exist?

Ms. Elaine Feldman: We have our registry Internet site.

Ms. Kirsty Duncan: No, I'm aware of the registry. I've asked very specific questions. Could those answers be tabled with the committee?

Mr. Yves Leboeuf (Vice-President, Operations, Canadian Environmental Assessment Agency): We could provide the numbers to the committee, Mr. Chairman. The information is pretty complete since we established the Internet registry in 2003. There is a complete set of information with respect to the number of screenings, comprehensive studies, and review panels since then.

Ms. Kirsty Duncan: That would be great if it could be tabled for each of the type of assessments: how many hours were spent; how many stakeholders. Does that exist?

Ms. Elaine Feldman: No. We can only give you the numbers. I want to be clear. That's why I referred to the registry, the Internet site. We can go back and get you the numbers on each type of EA, but that's all we can do.

Ms. Kirsty Duncan: Will we know whether it was a positive or a negative outcome?

Ms. Elaine Feldman: I don't know what you mean by a positive or negative outcome.

Ms. Kirsty Duncan: I should have been clearer.

Will we know whether it ended there or whether further requirements were necessary?

Ms. Elaine Feldman: Yves, I don't think the sites show the conditions attached, do they?

Mr. Yves Leboeuf: No, this goes back to the fact that for the vast majority of environmental assessment screenings—and comprehensive studies as well—this was a self-assessment process until a year ago, as managed by the 14 departments that Mrs. Feldman referred to.

• (1225)

Ms. Kirsty Duncan: We hear that the vast majority didn't require further changes, but we don't actually know the statistics.

Ms. Elaine Feldman: We undertook an audit back in 2007, and we did do some of that work internally and found that 94% of the 2,200 projects audited presented the potential for very minimal environmental effects. The commissioner, when he did his work in 2009, agreed with those findings.

Ms. Kirsty Duncan: Many of these natural resource projects will be in areas where you're going to have many projects taking place, i. e., you're going to require cumulative impact assessments and regional assessments. How will you be addressing that?

Ms. Elaine Feldman: The act, as it stands now, does not provide for regional environmental assessment. It's project-based environmental assessment; we look at each project. So the process has presented some difficulties with respect to cumulative impact.

The government has recently indicated it will be monitoring water quality in one area, in the Lower Athabasca. That will be an important start to getting the data needed to look at the impact.

Ms. Kirsty Duncan: Can you specify some of the difficulties that you have encountered in this? Instead of just saying that it's challenging, can you list what those challenges have been, please?

Ms. Elaine Feldman: Because we're looking at a specific project each time, it's hard to look at the cumulative impact. And because there has been no data source providing a baseline from when the development started to where we are now, it's been difficult to assess the impact of the projects on the environment.

That's where I was going. I'm just saying that the collection of that data has started.

The Chair: Thank you, Ms. Feldman.

And Ms. Duncan, thank you.

Mr. Hyer.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Thank you, Mr. Chair.

I'd like to go back to the screening question. Ms. Liu mentioned it, and it seems important, given that screening accounts for 99% of environmental assessments, and given that the commissioner said in 2009 that “the rationale or analysis in half of the files examined was too weak to demonstrate how environmental effects of projects had been considered and whether actions were taken to mitigate them”.

I'm also concerned that it seems to be a self-assessment process, if I understand it correctly. I understand that self-assessment has some economies of scale, especially for the government, by shifting the costs onto the proponents. But there could be problems if, under self-assessment, the proponent conducts the screening and determines whether to provide an opportunity for public participation,

determines whether to require a follow-up program, and makes the final decision.

Did I misunderstand that?

Ms. Elaine Feldman: By self-assessment we mean that each responsible authority has to carry out the screening, not the proponent. So if it is a maple syrup operation expansion and ACOA is providing funding for that expansion, then ACOA has to carry out the screening. That's what we mean by self-assessment.

Mr. Bruce Hyer: Okay, thanks for that clarification. That does help me.

My second question is about coordination of federal and provincial assessments.

In 1998, apparently there was a subagreement between the feds and the provinces, except for Quebec, to come up with a process. There's been heat on both sides about this. The provinces feel the feds meddle too much and hold up the projects they have approved, and environmental groups and concerned citizens feel there's inadequate scrutiny or sometime they feel that the provinces don't have a backbone and want the feds to be more severe.

The B.C. government felt there were billions and billions of dollars that were being held up by federal assessments, after they felt they had done their job as a province. Do you think there's some validity to that concern, and what would you recommend as the most effective way to ensure that environmental issues are covered without undue cost or duplication?

Are there changes you might recommend to the act or the processes that would help?

• (1230)

Ms. Elaine Feldman: I agree that there were often cases where the provincial and the federal governments were out of sync. The province might have completed its assessment before the federal government figured out which department was responsible for carrying out the assessment. So there were instances where the federal government only began its environmental assessment after the provincial process was completed.

But as I said, since July 2010 that hasn't happened any more for major projects because the agency is now responsible. There is no more discussion among departments as to who the responsible authority is. We are now mandated, in amendments that were passed in 2010, to begin a comprehensive study if a federal decision might be required.

That enables us to proceed with the province and, as I said, has ensured that we align our processes and provide one set of information requirements to a proponent, and that we coordinate our public consultations. In my view many of the criticisms that have been levelled at the federal government over environmental assessment in regard to overlap and duplication and inefficiency were taken care of through the July 2010 amendments.

Whether that's sufficient, I think will be an issue that may come before the committee and which others may speak to. Some provinces have suggested that the provincial process should substitute for the federal process, or that the provincial process should be deemed equivalent to the federal process. So I imagine there will be others who may want to discuss those issues with you.

The Chair: Thank you, Ms. Feldman.

Mr. Hyer, thank you so much. Your time is up.

Next is Mr. Sopuck, for five minutes.

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Thank you.

My first question relates to the factors to be assessed under a CEAA review. I see from some of the materials I've received that what can be assessed under a CEAA review is the need, the purpose, and alternatives to the project. Those are business decisions, and I question whether CEAA should be involved in the decisions that business people or governments make on whether a project is necessary or not.

Do you think it's appropriate for CEAA to be involved in the business case of a project?

Ms. Elaine Feldman: Mr. Sopuck, when we look at those factors, we look at them from the point of view of the proponent.

Mr. Robert Sopuck: Okay, but the comment I want to leave on the record is that I find it strange that an environmental assessment would even have as a term of reference a responsibility to look at the need, the purpose, and the alternatives to a project. I think it can be safely assumed that the proponent would have evaluated all of that. The review, in my view, should stick strictly to the environmental aspects of the project.

My next question relates to projects that are, quote, "likely to have significant adverse environmental effects". Do you consider environmental change to always be adverse?

• (1235)

Mr. Yves Leboeuf: Let me go back to your first question, if I may, for a few seconds. It was a very good question.

As Ms. Feldman mentioned, we do look at these factors from the proponent's standpoint. When the proponent is a private sector proponent, we do actually have guidance in place that promotes this type of approach.

What is the purpose of looking at these factors? It's not really to question the need for the project or the purpose of the project from the proponent's standpoint. But at the end of the CEAA process, if there is a determination that the project is likely to cause significant environmental effects, a decision has to be made by cabinet as to whether those effects are justified in the circumstances. That's where the consideration of these factors becomes relevant in weighing the overall costs and benefits of the project.

With respect to your second question, you're right that with every project there are positive and negative environmental effects and broader effects. Our legislation focuses specifically on negative environmental effects. So that's the focus of this legislation.

Mr. Robert Sopuck: I'm aware of that, but I would argue very strongly that it's a very subjective view and that one person's adverse effect is another person's positive effect.

I look, for example, at prairie reservoirs, which are often built for flood control. They cause significant alterations to valley habitats. But the result of creating a reservoir is a steady state in terms of ecological processes and, more often than not, very significant fish populations that form the basis of significant local economies.

Again, adversity is in the eye of the beholder, so I don't find that a very scientific term. It's a value-laden term that I think we need to examine. What needs to be looked at are ecological processes. Those are sacrosanct in terms of the environment.

You made a point in the slide deck that review panels of landmark projects work well. Would you consider the Mackenzie Valley panel to have been a success?

Ms. Elaine Feldman: That panel took a very long time, and I think there is certainly a view that no environmental assessment should take as long as the Mackenzie Valley panel took.

Mr. Robert Sopuck: Yes, I would agree, especially considering that all of the environmental work was done in the 1970s—and I was part of that environmental work—and redone in the 1990s. It is a particularly bad example of a landmark project that was reviewed.

The negative economic repercussions for northern communities are significant and will be felt for decades to come, so I would question that.

The Chair: Mr. Sopuck, your time is up.

Mr. Robert Sopuck: Thank you.

The Chair: Thank you so much.

Next is Ms. St-Denis.

[*Translation*]

Ms. Lise St-Denis (Saint-Maurice—Champlain, NDP): How do you explain the small number of comprehensive studies carried out each year?

Ms. Elaine Feldman: Comprehensive studies are designed for major projects. So it depends on funding. If there are a lot of projects, we do a lot of comprehensive studies. If there are no projects, there are no studies. It all depends on the number of projects submitted to the agency.

Ms. Lise St-Denis: Do those types of projects have to get funding first?

Ms. Elaine Feldman: Most comprehensive studies come from the private sector. There are projects on mining, for example. It is interesting to see how that works with mining. The mining industry is actually our biggest client.

Ms. Lise St-Denis: How can the agency manage to keep its independence in terms of assessments, given its partnerships and cooperation protocols?

Ms. Elaine Feldman: I didn't hear the end of your question.

Ms. Lise St-Denis: How can the agency manage to keep its independence in terms of assessments, given its partnerships and cooperation protocols?

Ms. Elaine Feldman: Those protocols are always done jointly with the provinces and they apply to the process. That means that we want to make sure that the federal process is in line with the provincial process. That has nothing to do with matters of substance. It is to avoid situations like asking someone for the same information more than once during the federal and provincial processes.

• (1240)

Ms. Lise St-Denis: How exactly do exclusions under the legislation hinder environmental assessments already underway on the ground?

Ms. Elaine Feldman: The 2010 amendments included exclusions for infrastructure projects. One of the provisions made it possible to request an environmental assessment even if an exclusion applied. But no one asked the agency to do an environmental assessment for a project that was excluded, even though there was a provision that allowed it.

Ms. Lise St-Denis: Mr. Sopuck talked about screenings and rejected projects. I would like to go back to that.

I have a table with all the screenings conducted in 2009-2010. But no projects are listed as being likely to have significant adverse environmental effects. However, some projects were interrupted. For example, at Aboriginal Affairs and Northern Development Canada, 78 projects were interrupted, but 531 projects of 585 were not considered likely to be interrupted. Of those projects, none were rejected during the screening phase. So almost all the proposed projects that are screened have already been accepted.

Why are those projects interrupted?

Ms. Elaine Feldman: The agency does not do the assessment. I cannot speak for those who do the screenings. However, it is very likely that a project will be withdrawn if they see that there will be adverse repercussions.

Ms. Lise St-Denis: It is withdrawn just like that?

Ms. Elaine Feldman: Yes.

[English]

The Chair: The time is up. Thank you so much.

Next we have Ms. Ambler.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

I notice that in your presentation you listed enforcement as one of the challenges you face. Could you tell us what enforcement powers exist under CEAA as is?

Mr. Yves Leboeuf: In the current act there are no enforcement provisions per se, for the very reason mentioned by Mrs. Feldman. The act is structured in such a way that it relies on decisions to be made by various federal authorities that have decisions to make, which trigger the need to attach conditions and to ensure they are being implemented.

Mrs. Stella Ambler: Thank you.

What are the accountability problems associated with CEAA not enforcing mitigation measures?

Mr. Yves Leboeuf: The accountability to ensure enforcement of the measures lies with these federal authorities.

Mrs. Stella Ambler: My question is more about the fact that CEAA doesn't have enforcement capabilities. In your view, doesn't that create an inherent accountability problem in the agency?

Mr. Yves Leboeuf: The challenge we're facing at this point has more to do with the limited authority that responsible authorities may have. An example was given of an authorization under the Fisheries Act to enforce conditions relating to matters within another department's mandate. That may not be the most appropriate tool to ensure enforcement. That's the main challenge that we're facing at this point in time.

• (1245)

Mrs. Stella Ambler: What are the legal constraints preventing CEAA from enforcing implementation of the mitigation measures by those subjects required to take them?

Ms. Elaine Feldman: I think the issue is that the act doesn't have any provisions that allow us to do that. If the act were to be changed to give CEAA that authority, then we would exercise it.

Mrs. Stella Ambler: So if CEAA does not have any enforcement powers, how can the agency ensure that—

Ms. Elaine Feldman: We rely on the responsible authorities. That's the short answer. The reason they're the responsible authorities is that they're issuing the necessary authorization, which may or may not have conditions attached to it. We rely on them to ensure that the conditions are met.

Mrs. Stella Ambler: Could you please list the other acts on which the agency relies.

Ms. Elaine Feldman: We don't rely on acts. We rely on—

Mrs. Stella Ambler: Departments and agencies?

Ms. Elaine Feldman: As I said earlier, the requirement for a federal EA is triggered when another federal department has to issue an authorization. So that could be under the Navigable Waters Protection Act or under the Fisheries Act. So any conditions that are set are in relation to the acts of other departments. That's why we've seen a problem. For example, if it is Fisheries and their responsibility is to deal with issues related to fish, will they actually issue a condition to protect migratory birds? That's the problem we see.

Mrs. Stella Ambler: In other words, the list is practically endless.

Ms. Elaine Feldman: The reason I keep coming back to Fisheries is that many of the cases where a permit is required it's because there could be a change to fish habitat—and similarly with navigable waters. So Fisheries and Transport are two of the departments that are the responsible authorities in many cases.

The Chair: I think we will end there.

Thank you, Ms. Ambler.

Next is Ms. Leslie.

Ms. Megan Leslie (Halifax, NDP): Mr. Chair, can you remind me how long this round is?

The Chair: Five minutes.

Ms. Megan Leslie: Thank you.

Thank you all for your presentation. It's been very helpful. As you know, we are trying to understand where we need to go in this committee and what we need to study.

I have some questions that might seem a bit disjointed, but here's my first question. Recently a request was made by the C-NLOPB to have a federal environmental review of the Old Harry site. I am trying to understand, not that situation, but that kind of request where another authority asks the federal authority to do a review. Does that happen often, and what goes into the decision-making?

Ms. Elaine Feldman: I'm going to be technical in my answer. The C-NLOPB is a federal-provincial body, and under the act it is a responsible authority. So under the act it is able to carry out the environmental assessment, and it does so at the screening level. In that particular case, it was a project called Old Harry.

We've been talking a fair bit about screenings, which make up about 99% of the EAs under the act. The board believed, in the Old Harry case, that there was sufficient public concern that perhaps the EA should be moved from the screening level assessment to the review panel level. That's what they wrote about to the Minister of the Environment.

The issue in that case was that many of the points being raised by others as matters of concern didn't relate to that particular project but related more broadly to exploration in the gulf. But because we do environmental assessment on a project basis under the act, no project screening would examine all the issues that were of public concern. Instead, the board under its legislation—which is different from ours—can look at the regional environmental assessment that we were talking about earlier. So the minister has told the board to carry out that sort of assessment, in addition to the assessment of the specific project.

• (1250)

Ms. Megan Leslie: So in that situation, because they are the delegated authority, it's customary to have that kind of request? I'm just wondering if it's an unusual request.

Ms. Elaine Feldman: To my knowledge, that's the first time there was such a request.

Ms. Megan Leslie: Okay, thanks.

I'd like to ask some questions about aboriginal consultation. First of all, where responsibility for doing a review has been delegated to, say, the Nuclear Safety Commission or the National Energy Board or some other board that lacks the authority to fulfill the role of the crown when it comes to aboriginal consultation, what happens then?

Ms. Elaine Feldman: I'm not aware of any instance in which we've delegated the responsibility—

Ms. Megan Leslie: You don't delegate, okay.

Ms. Elaine Feldman: —for aboriginal consultations to anyone who can't act for the crown. The National Energy Board and the CNSC can carry out aboriginal consultations—and, indeed, I believe received funding recently in order to enable them to do so—as well as public consultations.

Ms. Megan Leslie: Thank you.

Go ahead.

Mr. Yves Leboeuf: I would add that in the case of the National Energy Board in particular that as part of the government's commitment to take a whole-of-government approach to aboriginal consultation, typically what will happen is that all of the various federal departments having decision-making responsibilities will coordinate the aboriginal consultations, making sure that the NEB decision at the end is informed by the results of the consultations.

Ms. Megan Leslie: Okay.

My next question is about minor projects. I think you mentioned in your presentation other jurisdictions where minor projects don't need environmental assessments.

The Chair: You have 15 seconds, Ms. Leslie.

Ms. Megan Leslie: Okay.

How do other jurisdictions define what a small project is?

The Chair: Be very brief, please.

Ms. Elaine Feldman: In many jurisdictions it's the reverse. They have a list of the types of projects that require assessment. On that list are the larger, more important projects, and if you're not on the list then you're not subject to an assessment.

The Chair: Thank you, Ms. Leslie, and thank you, Ms. Feldman.

We have four minutes left, and I believe it's Mr. Woodworth who will close off the session.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much.

I'm going to pick up on the thread that Ms. Leslie began.

Simply to set the stage, I understand from your evidence that all projects with a trigger under CEAA require an environmental assessment unless explicitly excluded. Am I correct?

Ms. Elaine Feldman: Yes.

Mr. Stephen Woodworth: So let's call that the all-in-unless-excluded approach. And I understand that to be the result of section 5, among others, which sets out triggers, combined with section 7, which sets out exclusions. Is that correct?

Mr. Yves Leboeuf: Yes.

Mr. Stephen Woodworth: In fact, in spite of efforts to make exclusions, the act still requires a full assessment of small projects.

Would you consider that to be a major drawback of the all-in-unless-excluded approach?

Ms. Elaine Feldman: Well, I think there are instances where resources could be put to better work looking at projects that are more likely to have an adverse environmental impact than small projects, where it's been shown that the vast majority are unlikely to have such an impact.

Mr. Stephen Woodworth: All right.

You don't want to use the word “drawback”, but I will say that if resources could be spent better elsewhere, then I would consider it to be a drawback if they not required to be spent there.

Ms. Leslie was then going to the point that some provinces take a different approach, and I think I heard you say that they use project lists. Is that correct?

Ms. Elaine Feldman: Yes.

Mr. Stephen Woodworth: Actually, I have to ask you first of all, how does that work? How do they get things on a list, or not on a list? How is the list developed?

Mr. Yves Leboeuf: These lists are typically based on an internal assessment that each jurisdiction would make about the potential of these projects to cause sufficient environmental concerns that justify being subject to an environmental assessment. While you will typically see some variation between one province and another, each project listed will be among the major industrial projects.

● (1255)

Mr. Stephen Woodworth: Would there be benefit to CEAA or its implementation, from your perspective, if we were to go from an all-in-unless-excluded approach to a project-list approach?

Ms. Elaine Feldman: I have to tell you that, personally, I think our resources across the government could be better used in looking at the projects that may have significant adverse environmental impact, rather than at looking at projects such as the expansion of a maple syrup operation.

Mr. Stephen Woodworth: Again, I guess you're up against the notion that you're not supposed to comment on policy, but from what you've said, I'm going to conclude that there is a benefit to going to a list approach rather than the all-in-unless-excluded approach. Even in a list approach, somebody still has to look at projects and determine whether they should go on the list.

Is that correct?

Ms. Elaine Feldman: The point Yves was making is that there has to be some work to look at the projects with the potential to cause an adverse environmental impact, and then to use them as the basis for drawing up the list—which would clearly have to be subject to consultation.

Mr. Stephen Woodworth: So the list is for types of projects, not actual specific projects?

Mr. Yves Leboeuf: That's correct.

The Chair: Thank you, Mr. Woodworth.

We're going to have to call it a close there. We're out of time for this portion.

I want to thank the witnesses for being here. This has been very informative. I sense there may be more questions that members would like to ask you, and so we may be looking at inviting you back. Thank you so much for being here today. You're excused.

Colleagues, we have one item to deal with at the end of this meeting, the budget. As you're aware, the review of CEAA has been referred to the standing committee. It's a legislative review that we are required to carry out. The timing is wonderful, and we need a budget to do that. The clerk has prepared a typical budget for this, and the recommended amount is \$39,750.

Ms. Michelle Rempel (Calgary Centre-North, CPC): On a point of order, should this be in camera, Mr. Chair?

The Chair: No. Budgets for this are typically dealt with in an open meeting.

What I'm looking for is a motion.

Ms. Michelle Rempel: I move:

That in relation to the statutory review of the Canadian Environmental Assessment Act, the proposed budget in the amount of \$ 39,750, be adopted.

The Chair: Is there any discussion on that?

Madame St-Denis.

[*Translation*]

Ms. Lise St-Denis: Perhaps I am not used to all this. In terms of witness expenses, why are we asking \$1,950 for three people when they come from Montreal and \$10,200 when they come from Calgary?

Perhaps there is the air fare. Could you tell me? Maybe it makes sense for Vancouver. So it is the air fare. That's it.

[*English*]

The Chair: Thank you, Ms. St-Denis.

These are estimates. We could move the number of people around to any city. This is a typical estimate sheet when witnesses are being called. The hope is that the amount the committee spends in the review will be substantially less, that we will be very frugal, and that we will use video conferencing as often as possible. This is a typical template that's used in such a review. The numbers for who is coming from where can be moved around. We need a budget and this is just a template.

Ms. Leslie.

Ms. Megan Leslie: Thank you, Mr. Chair.

I hope I'm also on a list to ask a question later about something else.

First, I'm wondering if you can help me understand what happens if the committee does decide at a later date to travel.

Maybe I'll ask that question first.

● (1300)

The Chair: If the committee decides to travel, the committee would have a different budget, which would have to be voted on. This is a budget where we can go up to \$40,000 without having it approved by the Liaison Committee. This is for just under the \$40,000.

Ms. Megan Leslie: Can I ask a follow-up question?

Can we adjust anything that we approve, obviously, at the will of the committee?

The Chair: Yes, at future meeting.

Ms. Megan Leslie: Thank you.

The Chair: Are there any other questions?

All in favour of approving the budget? Any opposed?

(Motion agreed to)

The Chair: Was there one other item?

Ms. Leslie.

Ms. Megan Leslie: Thank you, Mr. Chair.

I still have a lot of questions for the agency. I know we haven't yet scheduled anything for next Thursday, so I'm wondering if everybody would agree to bringing the agency, if available, back for further questioning.

The Chair: Do we have consensus? Do we have agreement to call them back for next Thursday?

Some hon. members: Agreed.

Ms. Megan Leslie: Could I ask one follow-up question?

The Chair: So we have consensus. We won't bother with a motion, then.

Ms. Leslie.

Ms. Megan Leslie: Great.

I have one follow-up question. I was wondering if we could ask the clerk to ask the agency whether they're able to answer questions about other jurisdictions. I don't want to waste time putting those questions together, if they do not think they can answer them. But I feel their VP of policy could probably answer those types of questions. If you could ask them and then let us know, that would be great.

The Chair: We will do that and report back.

With the time now at one o'clock, I will accept a motion to adjourn.

So moved.

The meeting is adjourned.

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