



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Transport, Infrastructure and Communities

TRAN • NUMBER 077 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, July 23, 2013

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Chair

Mr. Larry Miller

Standing Committee on Transport, Infrastructure and Communities

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•(1600)

[English]

The Chair (Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC)): We'll call our meeting to order.

Before my opening comments, I would like all of us to stand and take a moment of silence in recognition of the 50 deceased or missing.

[A moment of silence observed]

The Chair: Thank you.

As everyone is aware, this is the first meeting of the Standing Committee on Transport, Infrastructure and Communities since the tragic accident, the train derailment, at Lac-Mégantic in Quebec.

I can tell you that being on site last Wednesday—I toured with the minister, and we were very well received—had a very profound effect on me. There were a number of different things. It's not something that I would want to witness every day, nor is it something that I think any of us would want to witness. Going forward, I think I speak for everyone on this committee and in government when I say we want to make sure this kind of thing never happens again.

I saw a number of things down there that will stick with me for a long time: from a row of burnt-out foundations with one little house standing in the middle of them—it was very surreal—to majestic oak trees that are nothing but blackened wood sticks sticking out of the ground. The heat was so intense that the rocks used for a breakwall down around the lake itself are ready to crumble. Any pavement that was in that area was totally burnt off, while any cement—sidewalks and what have you—is burnt to the point where, when you walk on it, it's more like walking on a thin layer of sand than actually walking on cement.

When you first look at the tank cars where the main derailment and explosions were—and this thought was echoed by one of the investigators there—you think there are 15 or 20 cars, until you start looking and really counting the mangled mess. There are 70 some there. I saw wheels off train cars sitting out in the middle of a parking lot or a vacant field. Those things weigh tonnes, and you have to imagine the force of the explosion that blew them there.

Going forward, ladies and gentlemen, I think it is fair to say that we never want to see this kind of thing again. If you get a chance to support anybody there, I would certainly think that would be welcomed. But at the same time, it was made very clear by different people—some business people, the mayor, the local MPP—that the

last thing the people there want or need is for us to be interfering or taking the investigators away from doing their job down there.

I know, Mr. Rousseau, you're a neighbouring member of Parliament to the riding—and I did run into Mr. Rousseau down there—and it was good of you to be there and show your support.

That's the end of my comments.

I'm going to have a speaking list here, and I have Mr. Watson first of all.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

Thank you, committee members who are gathered here today.

Mr. Chair, just for purposes of guiding discussion, I'd like to move a motion, and we'll have discussion around that. I move “That, the committee conduct a study on rail safety when more findings of the TSB investigation into the disaster at Lac-Mégantic are available.”

I believe we have that in both official languages for the committee's benefit.

The Chair: Could you give...?

Mr. Jeff Watson: I can read it in French as well, if you'd like.

The Chair: I do have a copy here. We should make sure that a copy, if possible, is distributed to all the members—or does everybody...? No?

Mr. Jeff Watson: Rather than having a general discussion, I felt it would be productive to have a motion to actually discuss.

Mr. Chair, should I continue?

The Chair: Continue.

•(1605)

Mr. Jeff Watson: Obviously, we are dealing with a very devastating situation here, a tragic accident in Lac-Mégantic. First of all, I think all of us at the table here express not only our condolences to the families and friends of those who have lost loved ones, but also our solidarity with the community as it comes to grips with what has happened and looks to the future, and what that can look like for the community. I think the government has, from the beginning, with the Prime Minister and other ministers who have been on-site, demonstrated that not only can we act but that we will do so as emerging evidence supports it.

The question today, though, and why we've been called back, is whether we should commence a study immediately and continue through the summer and, presumably, into the fall and some period of time afterwards, and whether or not it is necessary to have that study at this particular time. I would point out by way of history of the committee—a committee that I've been on since 2007—that this standing committee has shown in the past not only its capacity but also its will to act when it comes to studying things that are important, including rail safety.

Mr. Chair, if you'll remember, in 2008 this committee undertook an important study and report into rail safety in Canada. The question that the committee had to grapple with, though, if you'll remember contextually, was the series of high-profile train derailments, several of them, in the years leading up to 2007. These involved fatalities. They involved damage to the environment. The government at the time, and Minister Cannon who was the transport minister then, appointed an independent panel to look into rail safety and to make recommendations to the government. This committee wanted to conduct its own study as well.

We made the decision—and at the time it was a minority Parliament, so it wasn't a government decision—that it would be best to wait until more evidence was in. The study then commenced and the committee produced a report, as I recall, that was not only firm in its recommendations and its findings about rail companies in the undertaking of their safety responsibilities, but also in regard to the regulator itself, Transport Canada. That committee report had significant buy-in.

Mr. Chair, as you know, in deciding whether to commence a study now, this committee should also be concerned whether that would draw important resources out of the field, where they belong. There are a number of separate investigations under way, many involving government officials from the Transportation Safety Board. The independent Transportation Safety Board is obviously leading the scientific investigation into the causes of the tragedy at Lac-Mégantic. By its account, Transport Canada is very actively involved on a daily basis with them.

Separate from the investigation by the Transportation Safety Board, Transport Canada itself is looking into questions of, and gathering evidence as to, whether the rail company has been compliant with existing regulations. As I understand it, Environment Canada may be doing the same. As we all know, when it comes to having hearings, government officials are always front and centre, and rightly so, in those investigations.

•(1610)

Right now, though, I think it's important, and I think we could all agree, that those resources are best deployed in the field in the short term. That doesn't keep politicians from speculating about the cause. I don't think speculation is fruitful at this particular point.

The Transportation Safety Board itself is saying, and I think in their press release they have said, they are going to follow the science in this, the evidence, and as Ms. Tadros said, be careful not to draw premature conclusions about the causes of that tragedy.

Notwithstanding that, they have produced two urgent safety advisories to the minister, who promised at the time that Transport

Canada would undertake an expedited review of those matters. Today we understand that the government has taken some action in issuing some emergency directives around issues related to the TSB's letter.

Those interim measures will ensure that action is taken until such time as rules can be finalized around those regulatory issues. I think the government can and will continue to act in the interim, but I'm not sure that the committee at this particular time, without further findings from the Transportation Safety Board, should be undertaking the study at this point. That doesn't mean there won't be a study. I think the answer from this side of the table is not a “no”; it's a “not yet”. I think we have to let the evidence show us the way forward.

If I could crystallize this, Mr. Chair, I think these hearings are taking place, whether or not the opposition is backing away from that now, in the shadow of Lac-Mégantic. Is this committee going to be seized with letting an investigation take its course, one that would be based on evidence, or are we going to try Lac-Mégantic in front of a committee based on speculation? I think the latter would be a very disastrous course for anyone. If we're going to demonstrate the seriousness of this committee, Mr. Chair, then we should wait until we have more findings from the Transportation Safety Board investigation.

I'll leave it at that for now. That's why I'm moving the motion.

The Chair: Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): I have an amendment, that I will read out in full, to Mr. Watson's recommendation.

The Chair: Just before you go, Ms. Chow, is everyone familiar with the main motion or do we need it read?

Ms. Olivia Chow: It has been circulated.

The Chair: You have that, okay.

Carry on.

Ms. Olivia Chow: So I have an amendment to it.

Before I move my amendment, I just want to say two things.

I can't imagine the horror and the sadness that has descended upon that town—and thank you, Mr. Chair, for being there. We can do a lot to support the families there, whether it's through the Red Cross or by visiting them as tourists.

I also want to thank the first responders who have been on the ground and are working around the clock. I can't imagine it's an easy task; I imagine it's life-altering for some of them. They've perhaps even put their lives on the line to do what needs to be done. Of course, there are a lot of officials who are investigating.

I believe it is the responsibility of the government, and of course all elected members of Parliament, to make sure that the food we eat, the water we drink, and the trains that come through our communities are in fact safe. That's what a government is for—to make sure there are regulations in place that industry can follow.

I say this in the context of having looked at all the recommendations that have been made in the past from investigations of past derailments. I'm not talking about this specific derailment at Lac-Mégantic, but about other serious derailments, whether the one in Burlington, where three people died and some were seriously injured, and others slightly injured and traumatized, or other derailments large and small. There was one in Calgary, Alberta, where thank gosh that train didn't go into the Bow River. There have been other derailments too.

After the derailments, especially major ones, the Transportation Safety Board, which has experts on the ground, usually issues a report a year later with its recommendations. Recently, it came out with an annual report that highlighted previous recommendation on a watch list that have not been implemented by Transport Canada.

I don't think we need to wait till the investigation is finished. I believe we have enough information before us—and I will detail it in a few minutes' time—to begin to look at some previous recommendations, such as implementing additional backup safety defences to help ensure that signal indications are consistently recognized and followed, that there be voice recorders in locomotive cabs, that safety assessments be carried out at level crossings on high-speed passenger rail along the Quebec-Windsor corridor, and that positive train controls be in place, meaning automatic braking systems. These are the recommendations that the Transportation Safety Board has made over and over again through the years to improve rail safety.

Also, the Auditor General's office has a list of recommendations. When it did a study in 2001, it looked at the transportation of dangerous goods. It's a report by the Commissioner of the Environment and Sustainable Development from the Auditor General's office.

You have the key findings in front of you. Let me say that to date there is no quality assurance program, there is no clarity in terms of the roles and responsibility within Transportation Canada for dangerous goods inspections, and there is no system to measure and report on compliance with laws regulating the transportation of dangerous goods.

• (1615)

These three key things are critical to improving rail safety, and they have not been done.

Do they relate to the Lac-Mégantic tragedy? I don't know. We don't need to make that assumption, whether they do or do not. But it is our responsibility to make sure that the expert advice is followed now. We do not need to wait another six months or a year or however long the Lac-Mégantic investigation is going to take. I think we can do that work now.

That's why I move that in the recommendation in front of us, which reads “That, the committee conduct a study on rail safety”,

etc., immediately after the word “safety”, I would like to insert a portion of my letter, which is in front of you, that first:

a) The Transportation Safety Board recommendations on rail safety that the agency has not deemed fully satisfactory in terms of the actions taken by Transport Canada[;]

b) The December 2011 findings by the Commissioner of the Environment and Sustainable Development for the Office of the Auditor General on the transportation of dangerous goods;

c) Examine if phasing out and replacement of unsafe tanker cars like the DOT-111/CTA-111A design is required.

And second:

that the Standing Committee on Transport, Infrastructure and Communities requests witnesses to appear in front of the committee from the Transportation Safety Board of Canada, the Office of the Auditor General, Transport Canada, rail companies and representatives of rail workers, the Federation of Canadian Municipalities and as well the Honourable Minister of Transport.

Furthermore, that the Standing Committee on Transport, Infrastructure and Communities request...copies of the following documents from Transport Canada—the General Operating Instructions and other Safety Management System and audit documents for all Transport Canada-licensed freight rail operators;

And that this Study be conducted throughout August and September of 2013, and a report of this study be prepared and reported to the House of Commons in October 2013.

Further, that when more findings of the TSB investigation into the disaster at Lac-Mégantic are available, the committee conduct the second part of this rail safety study, and report to the House of Commons its findings.

So effectively I've cut this rail safety study into two parts. The first part looks at what has been recommended in the past. When specific recommendations come to us from the TSB from the Lac-Mégantic investigation, we will then do the second part of the study. I see no reason to delay the first part, especially as we are hearing from mayors across Canada. Today, for instance, I saw another request from Vancouver. The Canadian Federation of Municipalities has been saying it wants to see precisely what the protocols are regarding the safety management systems, especially those under which MMA has been operating. They want to see all the documents. They want to make sure that these protocols are connected with the emergency crews in the municipalities, because when there is a derailment, guess what, it's the municipal workers who put their lives on the front line. The Calgary mayor said as much.

• (1620)

They deserve or have the right to know, as of now. We have the power to summon these copies. They have the right to know what is coming through their neighbourhoods, what kinds of dangerous goods are being shipped through their neighbourhoods. They have the right to know what protocol is in place and how they fit into that protocol. They have the right to be consulted, and that's what we should work toward. That's why we are asking for these documents.

As to the question of whether we will take people away from the investigation on the ground, absolutely not. I'm not asking the Safety Board staff on the ground investigating to come. Transport Canada should be implementing those previous recommendations. We want them to come and tell us what they are doing and how long will it take for these recommendations to get done.

Why won't Transport Canada wait until after the investigation is complete before issuing new directives? Today, two or three hours ago, Transport Canada issued new directives. They didn't wait. They issued emergency directives because they saw the need to do so. They saw the need to reverse the previous position, of having only one operator, back to having two.

Remember, Transport Canada gave the approval to move from two operators to one operator. They are now reversing it even though the Transportation Safety Board did not say they had to do that. Last Friday, they did not say that "thou shall" or "you should reverse it". Transport Canada at 2:30 said they are reversing it. They are saying they need to have two operators. The New Democrats have been saying that for a few weeks now. They didn't wait until the investigation was over. They made that emergency directive because they knew what needed to be done and that's why they took action.

We have the road map, not from politicians; we have in front of us the Auditor General's report and the Transportation Safety Board annual report. We have the road map already. There's absolutely no reason for us to wait. I hope my colleagues will support my amendment and allow us to start to work now. We have the responsibility to tell Canadians that we are working together to improve rail safety.

Thank you, Mr. Chair.

• (1625)

The Chair: We're going to suspend. Ms. Chow, your amendment may exceed the scope of the motion, and we're in conference with the clerk. There would not be a problem with it as a motion itself, so if you would just bear with me for a second.

• (1625)

_____ (Pause) _____

• (1625)

The Chair: I would ask the members back.

In consultation with the clerk, I do have to rule the amendment out of order. There are three or four reasons, but one is that the main motion by Mr. Watson says "conduct a study on rail safety when more findings...are available", whereas this amendment is totally contrary to that and says we should do it immediately. That would change the scope of the motion itself.

As I said, the amendment as a motion itself would be a different thing. To add it as an amendment here, I have to rule as out of order.

Ms. Olivia Chow: Mr. Chair, if you would allow me, rather than getting caught in...You don't want me to speak again to move my motion. If you would allow me, I will put what I have just done as a separate, stand-alone motion after we deal with this motion, of course.

The Chair: That's what I was going to say. I have to point out to you now that your motion would have to be with notice, meaning with 48 hours. With unanimous consent we can come back to that. In the meantime—

Ms. Olivia Chow: Mr. Chair, Mr. Watson's motion did not have 48 hours either. I did not challenge it because you didn't raise it. If you want to raise it, I can raise it too. Neither of the motions had 48 hours. However, given that this meeting was called precisely to have a study, I move—if you want me to do that, to make it formal—that

with unanimous consent both of these motions be allowed to stand, notwithstanding the 48-hour rule.

• (1630)

The Chair: We have a proposal for unanimous consent. Do we have unanimous consent to deal with the motions?

Mr. Jeff Watson: I'm not even sure.... Could you what the motion is, Mr. Chair.

Ms. Olivia Chow: My motion is to get unanimous consent to waive the 48-hour rule regarding Mr. Watson's motion, and my motion as well, because neither was given with 48 hours' notice. In other committees, normally when we call a meeting to deal with certain issues, motions moved during that time don't take 48 hours. But if the chair requires the 48 hours' notice, I move that we waive that rule, which will require unanimous consent, so that we can debate our motions and not have been called here for nothing and have to pack up and go home without debating anything.

The Chair: Just to clarify, it wasn't a requirement of the chair. I was simply pointing out the wording there that was introducing the motion.

The clerk just passed on some information. We have to, because we Mr. Watson's motion. As for your motion to deal unanimously with it today, we have to deal with one motion at a time, and then we can deal with your motion after that.

Am I clear?

Ms. Olivia Chow: I see.

I move the motion to allow both motions to stand.

The Chair: Mr. Holder.

Mr. Ed Holder (London West, CPC): It's not my understanding that when a motion is on the floor, one can then introduce a second motion without first dealing with the initial motion.

Ms. Olivia Chow: Mr. Chair, my motion was circulated before the beginning of the meeting, so you have to rule that you either allow one or you allow both, or you allow neither.

Mr. Ed Holder: On a point of order, Mr. Chair, I want to come back to and acknowledge that the chair recognized Mr. Watson and that a legitimate motion has been put forward. It seems to me—and I look to the chair's ruling on this—that this is the motion that we should deal with. I think it's substantive. I think it's eminently reasonable. I'm not sure why the vice-chair from the opposition has such objections to dealing with this.

Her amendment, which you have ruled inappropriate or out of order, is one thing, and now as a result of that it would appear that what she's trying to do is to then make it a coincident motion. I don't think that's allowed under the rules.

I think we recognized Mr. Watson, and I think his motion has to be dealt with.

Thank you.

Ms. Olivia Chow: On a point of order, Mr. Chair, the rules, according to the Standing Orders, say that a very substantive motion requires 48 hours' notice. Mr. Watson's motion didn't have 48 hours, as you just pointed out.

The Chair: Correct.

Mr. Olivia Chow: That's why I was moving a motion to waive the requirement so that we can debate Mr. Watson's motion. That was what I was trying to do. At the same time, you have seen my motion in front of you. Let's not waste time and get bogged down with parliamentary rules. I know them as well as you do, so let's waive the requirements for the 48 hours.

If five minutes later, Mr. Holder, you want to move a motion related to studying rail safety systems, let's do it. Let's just get on with this.

Mr. Jeff Watson: The motion I moved relates to the business at hand, and I don't believe it requires the requisite notice. Neither would her motion or her amendment require any additional notice if she wanted to move it as a separate motion. It relates to the business at hand.

The Chair: Based on your comment, Mr. Watson, you're saying that no unanimous consent is required.

• (1635)

Mr. Jeff Watson: I'm saying that our motion is in order, and if she wants to move her motion afterward, it's in order as well.

Ms. Olivia Chow: I should move it. That's fine.

The Chair: Okay. We have that on record.

We're going to deal with your motion, Mr. Watson, but I did have Mr. Holder on the speakers list. You're okay?

Mr. Ed Holder: I'll wait.

The Chair: Is there further discussion on Mr. Watson's motion?

Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chair.

Just by way of opening remarks, I join my colleagues in saying our sympathies remain with the people of Lac-Mégantic. This has been a terrible tragedy and a shocking loss of life. Canadians from coast to coast are shocked, and their hearts and their support are with the people of Lac-Mégantic.

The Transportation Safety Board, the police, and others are still investigating this tragedy, one of the most tragic in Canadian history. In fact, this morning we counted a total of almost nine currently ongoing or prospective investigations, Mr. Chair.

The Transportation Safety Board has 20 people on the ground in Lac-Mégantic full-time and 10 here in Ottawa. There is a criminal inquiry. There is a formal coroner's investigation. Transport Canada is investigating with respect to regulatory compliance. Environment Canada is investigating with respect to spills and tankers. Quebec's ministry of the environment and sustainable development is investigating. A class-action lawsuit has been launched by the people of Lac-Mégantic. The railway's own internal railway investigation is pending, and the Quebec government is possibly going to be pursuing a public inquiry.

I think as we go through this meeting this afternoon we cannot lose sight of the people of Lac-Mégantic. I know there are always procedural difficulties in a committee like this, but I think you have to remain focused on making sure the people of Lac-Mégantic get the support they need now.

I know our colleague from the NDP assures the committee that if we pursue an immediate study there will be no impact on those resources. I wish I could say that with the same absolute certainty.

I think the single next most important thing is that the ongoing investigations be thorough, complete, and professional. I don't think we can be calling witnesses to Ottawa, Mr. Chair, who are needed at the site of the disaster, for example. The residents of Lac-Mégantic and all Canadians deserve no less than to get all the facts and the truth of the matter. That's why we have to ensure that these investigations are unimpeded, that they are resourced properly, and that they are not obstructed, particularly with politics.

We need to make sure that the Transportation Safety Board, the police, the firefighters, the coroner's office, and all first responders have the resources they need. Are those resources sufficient? This committee can't answer that question. Is the federal government providing enough assistance? An announcement was made yesterday. If they have all the necessary resources, we must let them proceed without political intervention or disruption. I don't know if this committee can answer the question of whether the \$60 million announced yesterday is sufficient or not for the people of Lac-Mégantic.

Of course we can't prejudge the outcome of the current investigations, and only a fool would attempt to do so. To have hearings before they have completed their investigations may be premature. We have heard many questions raised here today. There are other questions that might be addressed in due course. Is the relief money for the victims and the businesses—the people of Lac-Mégantic—sufficient? I'm not sure we're in a position to answer that question, but it is a very important question that does have to be addressed immediately.

With respect to liability issues, is the \$25 million in place sufficient? The common consensus is it's probably not. Is the Canadian taxpayer going to be asked to pay for the cleanup if the company becomes insolvent? Has the government instructed Justice Canada to prepare the necessary and requisite legal opinions and not to wait? I understand. I think all Canadians understand the calls of the population for immediate answers. We cannot prejudge the conclusions.

• (1640)

I have full confidence—and I know everybody here does—in the Transportation Safety Board and the police investigation. Everyone has questions about this event. Once again, it might be premature to put forward any recommendations until the investigation is complete.

Let me also say that, looking forward, when I look at the motion that's here, we should be cognizant of the fact that the Transportation Safety Board has, unusually, written two letters to Transport Canada and the government with respect to unattended trains and trains carrying dangerous goods. This is new for the Transportation Safety Board, as far as I understand it, early in the midst of an incredibly important investigation. This is out of the ordinary. There are no conclusions here, but the question might be, what motivated the Transportation Safety Board to take this unusual step?

There have been recommendations made from other accidents over the past few years, as has been alluded to earlier. An inventory conducted by our analyst and researcher could be compiled this summer and would be helpful to all members of this committee. The question of the status or implementation of those recommendations is something that this committee, I think, has to turn its mind to in due course.

So I think we have to focus on what is emerging from the investigations, for example, the recent TSB statements, the measures that were released an hour-and-a-half or two hours ago. There is nothing wrong with these, in terms of being starting points, but once the investigations are done, or at least in mid-course or further along, we will be able to offer specific regulatory and legal responses. Because these investigations are going to be specific—I think we can anticipate that—we will have to respond to what the government is being called upon to do. That is where I think our role as legislators kicks in and really begins.

That does not mean that each of us cannot go forward and continue with our own internal assessment of what's been happening over the last several years. It does not mean that our analyst cannot be instructed to go forward and work with the Library of Parliament to provide us with a more fulsome picture of where we're coming from, how we arrived at the situation and, hopefully, to inform us of what we're going to learn from this terrible tragedy at Lac-Mégantic.

I think that's where we ought to be focusing, in terms of the motion that's been tabled by our colleagues in the Conservative Party. I don't think any more bickering about procedural rules is going to help the people of Lac-Mégantic. If the government can continue to ensure that all of those on the ground have everything they need to do their job, I think we can have some confidence as legislators that we've done what is immediately the most important thing.

The Chair: Thank you, Mr. McGuinty.

Mr. Aubin.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Thank you, Mr. Chair.

Given the discussion we've been having since the meeting began, I would like to share a few thoughts with my colleagues, respectfully, of course .

I think my colleague Ms. Chow did an excellent job of explaining the problem. We can well imagine that the eyes of the entire Lac-Mégantic community are on us as we discuss this issue, but that's only part of the picture. The truth is every resident of a town whose urban landscape is dotted by a railway now lives in fear because of what happened in Lac-Mégantic. Just as the brave people of Lac-Mégantic are rolling up their sleeves and working tirelessly to put their community back together, I believe the entire population expects the country's politicians to support them throughout the process.

That being said, we are more or less in agreement that we aren't going to rush the findings of the investigation under way as we speak, on the ground. Never was there any question of taking resources or money away from the investigation into the Lac-Mégantic disaster so the committee could undertake a more comprehensive study on transport safety.

Be that as it may, we seem to be dealing with some inconsistencies, or considerations, that we need to address. Take, for instance, the measures that were re-introduced at around 2:30 this afternoon. They were put in place for a period of six months, but everyone here knows that we probably won't have the report on the Lac-Mégantic tragedy in six months' time. Once that period is up, we'll be confronted with the same questions the people are asking right now, questions that are causing them to feel increasingly unsafe. Someone has to try to allay that fear, and if not the federal administration or this committee, then who? Isn't that our true mandate? I think enough pre-Lac-Mégantic reports on rail incidents have come out to allow us to start examining the situation and looking for answers to many of the questions that the Lac-Mégantic tragedy has brought to light.

Will the Lac-Mégantic report give us more insight into rail safety and shed more light on the issues? We'll respond accordingly at that point, and that is the reason for the second part of the motion. The motion, as presented, in essence focuses solely on Lac-Mégantic and suggests that we would wait for the report, because we can't do anything now. What that motion does is send all Canadians the message that they will have to continue feeling unsafe and asking questions that we might address at some point down the road if we have all the information.

And once we have all the facts on the tragic incident in Lac-Mégantic, does that mean we'll be able to alleviate the concerns of the other municipalities? They're asking how do they figure out what products are being transported through their region. They want to know what emergency measures the mayor can put in place, when they don't even know which goods are moving through their municipalities or who the first responders are. The bottom line is that there are numerous issues we could start discussing now to work together on finding solutions.

I was—and still am—hopeful that we won't spend this meeting hiding behind partisan politics and strategies. My hope is that we will listen and respond to the fears and concerns of not just the people of Lac-Mégantic, but also the residents of many municipalities across Quebec. They are looking to their politicians for guidance now, not in two years.

Some people are even speculating that the tragedy in Lac-Mégantic could have been prevented. I don't know. Perhaps the report will tell us. It's too early to draw any conclusions in that regard.

• (1645)

What is clear, however, is that we have a responsibility to do everything possible to prevent another accident of this magnitude or worse, even one that is less serious. And that means we must get to work now. What's more, because it's summertime and the House isn't sitting, we have more time. And people expect us to tackle these questions as a matter of priority. That is our job. I hope we can work out a schedule very quickly, instead of arguing about commas in a motion whose relevance, I repeat, extends far beyond the Lac-Mégantic accident.

Who are people supposed to rely on for peace of mind when they go to bed at night, for total assurance that they are now safe, no matter where they live in the country?

Thank you.

• (1650)

[*English*]

The Chair: Thank you, Mr. Aubin.

Mr. Adler.

Mr. Mark Adler (York Centre, CPC): Thank you, Chair.

I've been listening with great interest to both members of the NDP and the member of the Liberal Party. I've been here now for, I guess, a little over two years, and it's quite striking how the NDP never finds a way to rise above their partisanship and wants to play cheap political games with one of the greatest tragedies that ever happened in Canada.

The fact of that matter is that the scene of the tragedy at Lac-Mégantic is currently a crime scene. There are a number of investigations, including a couple of criminal investigations, currently under way. The NDP talks about recommendations from prior rail disasters. Those recommendations are quite clear. They're available to anyone who wants to read them. There's no need to have a committee to reread what is already in black and white. They should use their time to read those themselves. We at this committee,

however, should be waiting for the final results of investigations that will transpire in Lac-Mégantic.

We cannot afford at this point in time to hinder any investigation occurring right now at Lac-Mégantic. We cannot afford to take the experts who are currently invested in this crime scene away from that. We have a very limited number of these kinds of people who have these investigative skills in this country, and they are doing their utmost, some of them working without sleep, to conduct this work. It is imperative, an obligation of elected political officials, to wait for the investigation and to wait for the results and the recommendations that transpire from these various investigations.

Now is not the time to be studying—I see Mr. Nantel finds some humour in this, but I fail to see any humour whatsoever—but to let the proper authorities do so. We must have respect for not only the victims, who currently are not all accounted for, but also the families and friends of these victims. I say this is just not the right time for this. I say the NDP lacks any shame and common decency, and I am shocked and appalled that they would come forward and want to play cheap politics with one of the greatest tragedies that has ever occurred in Canada.

Thank you, Mr. Chair.

The Chair: Mr. Holder.

Mr. Ed Holder: Thank you, Mr. Chair.

I'd like to put a different slant on this, if I may. The hearts and compassion of all of us in this room, those around this table and others present, go to the families who lost members or others close to them at Lac-Mégantic. All of us feel that way. I think that's clear. I don't challenge the official opposition's motives in trying to get to the bottom of things and see things through.

Having said that, I think we're talking about timing. I thought Mr. Watson's motion was balanced and fair. I thought Mr. McGuinty's response to it was balanced and fair. It struck me that all of us are trying to do the right thing. We'll be measured by doing the right thing. The fact that we are back here in Parliament having this discussion rather than at Lac-Mégantic, which I know was an option suggested by someone earlier, I think shows some sensitivity, and I think it is appropriate.

We all try to make sense of something like this. When you lose people who are close to you, nothing can bring those folks back, but we have an obligation as members of Parliament to do our very best. Part of that comes back to the timing for us to consider this.

My deepest fear—and I think it was articulated well by Mr. Watson and Mr. McGuinty—is that anything that takes away from the work that needs to be done by those folks in the various studies that are taking place is inappropriate. I think we'd all agree it's inappropriate.

What has Transport Canada done? Mr. Chair, if you'll allow me, I think there are a few things we need to put into the record, because I think it is important that we acknowledge here that some actions are being taken. This comes from Transport Canada, which made an announcement about certain emergency directives to increase rail safety. As was referenced earlier, these were announced today. I need to share them with the committee. There are six points.

Effective immediately, the emergency directive requires all rail operators to:

Ensure that no locomotive attached to one or more loaded tank cars transporting dangerous goods is operated with fewer than two qualified persons on a main track or sidings;

Ensure that no locomotive attached to one or more loaded tank cars transporting dangerous goods is left unattended on a main track;

Ensure, within five days of the issuance of the directive, that all unattended controlling locomotives on a main track and sidings are protected from unauthorized entry into the cab;

Ensure the directional controls, commonly known as reversers, are removed from any unattended locomotives, preventing them from moving forward or backward, on a main track or sidings;

Ensure that their company's special instructions on hand brakes are applied to any locomotive attached to one or more cars that is left unattended for more than one hour on a main track or sidings;

Ensure that, in addition to complying with their company's special instructions on hand brakes referred to in the item immediately above, the automatic brake is set in full service position and the independent brake is fully applied for any locomotive attached to one or more cars that are left unattended for one hour or less on a main track or sidings.

Mr. Chair, I'd like to offer this in English and French as part of the testimony today so we can get the precise wording in case my English isn't as good. The translation of my accent can be quite challenging. I'd like to submit that if I may.

Mr. Chair, what are we trying to do when all of this is said and done? If a government, and I mean all of us in government, is not responsible for the safety of Canadians, which is what it is expected to be, then we are not doing our job. I think Mr. Watson's motion is thoughtful. It doesn't presuppose that we are going to take away from the efforts and initiatives of the current review and investigations—and there are several—that are going on. I think that's our obligation as politicians who are elected to serve the people of this country. I think that's what we do. I hope we allow that to go on. There's nothing in what Ms. Chow said that might not be considered as we go forward with this.

• (1655)

Frankly, I think what all of us here are talking about is a question of timing. I think that's all we're talking in terms of. Let them do what they do, and then we bring all of this to bear. I think that's the thoughtful thing. I have a sense that it feels right; it balances the comments that everyone's made as we work towards doing the right thing.

I would hope that we would allow Mr. Watson's motion to pass and that we would be vigilant. We don't have a choice to leave this by the wayside. We have an obligation to be vigilant; Canadians expect no less than that. But I do think it is a function of timing and doing this right. It must be comprehensive.

I would like to make some suggestions about the official opposition's comments when they come back to this later. As opposed to presuming certain conclusions that might well come out of the reviews that are taking place and that might well be worth reviewing, frankly, if they are, I say we review them, and we study them hard. I think we have to do that. I just think at this stage that piece of it is not in the best interests of the people of Lac-Mégantic or Canadians.

Thank you, Chair.

• (1700)

The Chair: Thank you, Mr. Holder.

Mr. Nantel.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Thank you, Mr. Chair.

I want to start by thanking Mr. Holder for putting the discussion back on a constructive track, contrary to the tone taken by Mr. Adler, when he falsely accused me of finding some sort of humour in such a tragic situation. There is no doubt that we share the sorrow of the people who suffered in this tragedy, and that our thoughts are with all Canadians, all Quebeckers and all the people of Montérégie who are worried about the situation.

I would like to point out that, because it is absolutely necessary to let the key experts stay in Lac-Mégantic—and that goes without saying—it would be heresy to even consider pulling away anyone serving as a first responder or whose particular skill set is needed now. But it also goes without saying that the sooner we begin this study, the better off everyone will be.

I can tell you that the people in Boucherville, who were mentioned in a *La Presse* article the day before yesterday, are troubled by the fact that certain railway cars carrying unknown goods pass 20 feet away from a school. This isn't a matter of whether to move the railway line or not, but a matter of getting the necessary information.

The residents of Longueuil are a bit less anxious because they know they have a planning committee managing rail transport, and that's a good thing. Does every city have such a committee? Based on the recommendations of a study like ours, which should begin immediately, Transport Canada could open up the lines of communication with municipalities to ensure each of them is better informed about what's going on in their backyard. It could do that, couldn't it?

These are crucial considerations, to my mind, and I see no reason to oppose them. I think everyone can see the importance of examining the issue quickly. We're being accused of playing partisan politics, and yet Transport Canada made the decision to implement temporary emergency measures as a pragmatic and immediate response to the accident. It took action that needed to be taken now.

I wouldn't want to give Canadians who are following this committee's proceedings the impression that all politicians do is talk. On the contrary, let's get on with it and do our job, please.

[*English*]

The Chair: Thank you very much.

I now have Mr. Rousseau.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Thank you very much, Mr. Chair.

I want to thank everyone who travelled to be here today.

What I can speak to is the human element in all this and the serious concerns of the elected officials, mayors and Reeves of regional county municipalities in my riding. Railways that have been privatized in recent decades run through a dozen or so of the municipalities in my riding, sometimes in the centre of town, sometimes just on the outskirts. People have a lot of questions, and they could get answers to those questions right away. The fact of the matter is that all kinds of studies and reports have already been done but were simply ignored. They were never given any real consideration.

People are worried. One month before the Lac-Mégantic disaster, a spill occurred just a few kilometres away. About 3 feet of track was damaged, resulting in a toxic spill. In Farnham, the week following the tragedy, two wheels of a rail car came off the track but didn't cause any damage. Just a few days later, a tourist train collided with a vehicle at a railway crossing because the lights didn't come on.

All of that is weighing heavily on our elected representatives and people. They are seriously worried. I've been to the site of the tragedy twice, once with our leader. Six of the municipalities in my riding are close to Lac-Mégantic. I went to those areas to talk to people who had loved ones, family or businesses that were affected. All the small agribusinesses saw their revenues drop by 80% right after the tragedy. That was one part of the immediate collateral damage. Those people, too, are worried. They are worried about their income. Their concern doesn't have to do with rail safety but is still a legitimate worry.

What happens if an accident occurs right in the heart of downtown Sherbrooke? The mayors are extremely concerned and don't have the answers to their questions. The same goes for me and the members for other ridings in Quebec where the MMA rail company or other American companies have acquired railway lines in recent decades.

We're hearing about railway bridges that were built in the late 19th century. Municipal officials are saying they don't really know who does what or whether anyone even inspects these sites. People need reassurance, and that will only come from a study. We have to work together. We have to keep in mind the human tragedy that happened. How will the people react when the trains start running again? What will happen? Will we see barricades? What will happen on the ground if we don't reassure people?

A sure way to reassure people is to do our duty as elected officials, and that means pulling together and studying a whole slew of reports that have come out in past years. The study on the disaster will produce other findings, but right now, people have a multitude of questions that aren't being answered. Rail transportation is our responsibility because it comes under federal jurisdiction. What we must do quickly is assume our responsibility and reassure Canadians.

• (1705)

I would appeal to the chair to have the committee conduct a study and gather information. All of us need to join forces and work together. I am calling on every member to put partisanship aside. Partisan politics have no place in this matter. We've got a human tragedy on our hands, and I want us to give Canadians across the country some reassurance, and quickly.

[English]

The Chair: Thank you, Mr. Rousseau.

Mr. Watson.

Mr. Jeff Watson: Briefly, Mr. Chair, I hope to inject a little clarity here.

I thought I understood by Ms. Chow's response to my motion that there was consensus that we could have a study when more findings were available from the TSB. She simply wanted to be able to bring forward a motion for a second, earlier study. Most of the debate I've heard from her colleagues has been around both motions instead of the singular one, or making the case in favour of what would be her proposed motion.

I'm hopeful, if there's consensus on this, we can move to a vote on this motion, allow Ms. Chow to bring forward her motion, and then discuss the merits of what she's proposing.

The Chair: I have one more speaker on the list here.

Mr. Menegakis.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Mr. Chair.

Mr. Chair, I don't believe there's a person on this committee, or indeed a person in this room or a Canadian from coast to coast to coast, who does not feel for the people of Lac-Mégantic. It is indeed a very tragic event, one of the biggest in our country. To suggest either directly or indirectly that there has been anything but focus on Lac-Mégantic from the onset of this tragic event I think would be way out of line.

To put things into perspective, I'll begin with the political side. Certainly the Prime Minister, the Minister of Transport, the local minister and local MP, the leaders of the opposition parties, you, Mr. Chair, as the chair of the transport committee, and other MPs from the surrounding area have visited the site. They didn't visit the site as tourists; they visited the site to assess the tremendous damage and the hurt of the people. Some of the bodies have not yet been identified. The potential environmental damage from this catastrophe is still to be determined. There are professionals, experts in the field, who have been on the ground from the beginning, including from Transport Canada and the Transportation Safety Board and from police services under the lead of the Sûreté du Québec. There are a lot of unanswered questions that we all want answers to. It's not that one politician wants more answers than others. I don't believe that one group or one party or one person feels more than another when it comes to the tremendous human tragedy that has taken place there.

It is our duty as legislators to act once we have all of the necessary information in order to act. I don't know how we can conduct any study now without speaking to some of those people who eventually will determine the cause of the tragedy. We don't know how it happened yet. To sit as a committee and come up with conclusions and to conduct a review without speaking to the actual people, those resources who are very much needed in the area right now, would be a huge disservice to the people of Lac-Mégantic. There is no question in my mind about that.

I find Mr. Watson's motion very thoughtful. I find that it leaves the door open. It asks the committee to conduct a study when there are more findings available so we that know where we should be focusing first. Those are the answers that the people of Lac-Mégantic want. Those are the answers that the mayors in the surrounding area want. Those are the answers that the mayor in my town of Richmond Hill, a town I represent here—we have trains going through with product—want. We want to know what happened, how it happened, and how it can be prevented in the future.

Not knowing what actually happened, not having an opportunity to speak to the people who investigated it, not having the results of the findings, without being in any way, shape or form demeaning to anyone in this room, I find it premature at this time.... I'm in full support of Mr. Watson's motion because I really believe it's going to give the best opportunity for the right action to be taken by parliamentarians on this committee.

Thank you.

• (1710)

The Chair: Thank you, Mr. Menegakis.

I am now going to call the question. Is it the wish of the committee for me to reread the motion?

Point of order, Ms. Chow.

Ms. Olivia Chow: Mr. Chair, I just want to ask for your ruling. I assume that if the motion now in front of us is adopted, it would not preclude my motion's standing, because we can certainly do two separate studies if we choose to.

Is that your understanding?

The Chair: I believe, based on Mr. Watson's comment—

Ms. Olivia Chow:—that was the case.

They could complement each other.

The Chair: Mr. McGuinty.

Mr. David McGuinty: Thanks, Mr. Chair.

Just before we call the vote—I think that's where you're moving procedurally—

• (1715)

The Chair: Yes, I am.

Mr. David McGuinty: —could I ask a question of clarification through you to Mr. Watson?

The Chair: Certainly.

Mr. David McGuinty: It speaks to the question of timing that Mr. Holder raised a few times.

Can you give us some idea of the parameter of “when” is? When are more findings of a TSB investigation likely to be released? Is he looking at the possibility? Is there an interim report to be released by the TSB, and what does he think might constitute sufficient findings to trigger the study going forward? That would be helpful for all of us to get a better idea of what's implied in the motion.

The Chair: Mr. Watson.

Mr. Jeff Watson: Thank you to our colleague on that.

Mr. Chair, as you know, the motion itself does not state that we have to wait for final findings from the Transportation Safety Board. It's simply that there would be more findings. Obviously, we will be meeting again when Parliament resumes in the fall. I think at that point we're going to be able to have a good look. I suspect we'll have...although I don't know for sure, as I can't climb inside the TSB's mind at this particular point on the specific timing of additional findings. But they have made a commitment to make them known as quickly as possible from my reading of their July 19 press release, I think it was. Or, certainly, in one of the letters they sent to the minister, they stated that they would be making everything immediately known as soon as they have it in terms of significant urgent safety findings. I think that's what we're looking at.

The Chair: If I could, Mr. McGuinty, based on that, I think it would be prudent for me to point out—and I think the date was last Friday, July 19—that the TSB normally would probably wait and have a report at the end of it, but they did issue some, if I could call them, “interim suggestions”. I think that probably led to some of the changes that were announced by Transport Canada today.

I would probably hope, and I would presume we all would too, that should the TSB have more suggestions or rulings like this, they will probably come out with them, due if anything to the expanse of the tragedy that happened down there.

With no other comments I'm now going to call the question.

All those in favour of the motion? Opposed?

(Motion agreed to)

The Chair: Carried unanimously.

Ms. Chow.

Ms. Olivia Chow: Mr. Chair, I don't need to repeat what I said earlier. I will move my motion again. It's in front of you. I don't need to read it out again.

I do, though, want to highlight a few areas, one of which is examining whether the phasing out and replacement of tanker cars like those of the DOT-111 design is required. I want to point out that several times the Transportation Safety Board has highlighted problems with these kinds of cars, once in Cornwall, once in Maxville, and another time in a derailment in Saint-Romuald, Quebec. A train was bound for Montreal and it derailed. They said very clearly that because these kinds of trains were used, that is, these tanker cars, there was a significant spill of hydrocarbons when the tank shells and the heads were breached, even though the derailment happened in a marshy area where the surrounding terrain was particularly soft. The TSB has also investigated and reviewed other instances of the vulnerability of this type of car being punctured even in low-speed accidents.

The Canadian Transportation Safety Board's findings were echoed by the U.S. National Transportation Safety Board. It also recommended, after reviewing six or seven derailments, that there should be "modification of bottom outlet valves on DOT-111 tank cars used to transport hazardous materials", etc., and that had that been done "the release of hazardous materials likely would have been significantly reduced, mitigating the severity of the accident." I point that out to say that whether it's now or later, I think Transport Canada needs to grapple with how to phase out the use of these DOT-111 cars.

The Transportation Safety Board further has said, looking at other recommendations, that it needs to "coordinate with the appropriate provincial authorities to require that tank trucks placarded for the transport of dangerous goods stop at all public crossings before proceeding." It had asked for "locomotive data recorders to include on board voice recording systems", and these requests have been ongoing since 1999. It also has asked for "other recommendations, including those on grade crossing regulations... ground hazard research...non-pressurized tank car construction standards", etc., one of which said that Transport Canada "has deferred railway crossing safety assessments of the Quebec-Windsor corridor to rail companies."

There are substantive recommendations from the Transportation Safety Board in front of us. They have said several times, in studying different derailments, that these things need to be done in order to improve rail safety.

I've already talked about the Auditor General's report. It is just not acceptable to my mind that we not see any results of the Auditor General's recommendations until April 2014, even though the deadline was supposed to be April 2013.

Whether it's having a quality assurance program, clarifying the rules and responsibilities regarding dangerous goods inspection, or developing a system to measure and report laws, all of these things need to be done now. So I am urging my colleagues to put aside their talking points and look at the recommendations in front of us and take the time.

● (1720)

In summer we do have some time. When the transport committee resumes at the end of September, if there's no prorogation, it will be looking at an infrastructure study. We do have some time between now and September 16 to consider some of these recommendations, which have been in front of us for several years now, and to ask Transport Canada what their timeline is to get these things done. It does not take people away from the front line, contrary to what my colleagues have said. It does not require any number of Transportation Safety Board investigators or police officers. We don't need police officers or any number of people in front of us who are investigating what is happening in Lac-Mégantic. That's not what we're talking about. I just want to say that over and over again. Let's not confuse what I'm proposing now...that we want this to be investigated in Lac-Mégantic. That's not what we are talking about. We are talking about the road map provided to us by the experts who are already in front of us, and we should work together to get it done.

I do hope that my Conservative and Liberal colleagues will come to the conclusion to support these recommendations.

The Chair: Thank you, Ms. Chow.

Mr. Watson.

Mr. Jeff Watson: Thank you, Mr. Chair, and thanks to the committee for adopting our previous motion.

I think much of this can be discussed in the context of a railway safety study.

I do want to point out, with respect to the motion that Ms. Chow has moved, that she would be calling members from the Transportation Safety Board to appear before this committee, and that Transport Canada appear in front of this committee. Further, documentation would have to be pulled by Transport officials and provided to the committee. To argue there's no diversion of resources, or that it wouldn't require a split focus, if you will, with Transport Canada or TSB rail experts I think is disingenuous. The question of resources in the interim, through the summer, is I think a pertinent question, even with Ms. Chow's motion.

Secondly, I think it has to be said that not only is the railway company being considered by the Transportation Safety Board, but the regulator itself is under investigation, or it is being examined. I point to the July 19 news release by the Transportation Safety Board of Canada, where it talks about issuing two safety advisory letters. Under "Regulatory oversight", it says, "We have collected data from Transport Canada in order to examine regulatory oversight." They are requiring documentation, not just relative to the regulatory environment for rail safety, but for the actions of the regulator itself and whether or not they're sufficient. I think the public can be satisfied with the independence of the Transportation Safety Board and that it is investigating all aspects of rail safety, including the regulator's responses.

The fact that Transport Canada is involved in this requires that their resources be devoted both to the TSB investigation as well as to other ongoing rail safety issues and to their own examination of whether or not regulatory compliance has been followed in the Lac-Mégantic situation.

This motion is requiring that the attention and the resources be divided in the short term. I don't think this is appropriate. It's not that these measures can't be looked at. I would suggest that they're better placed inside the rail safety study as it commences, and we can look at a lot of these particular elements. I think the resource issue will be less apparent as we get into that than it is in the imminent stages of an investigation right now.

So, again, it's not a "no"; it is certainly a "not yet". We'll consider these as we get to the rail safety study.

An hon. member: Call the vote, Chair.

● (1725)

The Chair: I have no other speakers on the list so I am now going to call the motion.

Ms. Olivia Chow: A recorded vote.

(Motion negated: nays 7; yeas 4)

The Chair: Is there any further business?

With that, I thank everyone for coming to Ottawa. I know it's a busy time in the ridings, and I think we'll all be following the investigation as it comes along.

We certainly wish the people of Lac-Mégantic the best in their sorrow and dealing with some of the closure.

So with that I will adjourn the meeting.

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