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## **Standing Committee on Transport, Infrastructure and Communities**

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**Chair**

**Mr. Merv Tweed**

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## Standing Committee on Transport, Infrastructure and Communities

Thursday, March 26, 2009

• (1530)

[English]

**The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)):** Good afternoon, everyone. Welcome to the ninth meeting of the Standing Committee on Transport, Infrastructure and Communities, pursuant to the order of reference of Wednesday, February 25, 2009, in regard to Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act.

Joining us today from Indian and Northern Affairs Canada are Mr. Patrick Borbey, assistant deputy minister, Northern Affairs, and John Kozij, director, strategic policy and integration directorate.

As we discussed earlier, you'll make your presentation, and then we'll certainly have some questions from members around the table.

Patrick, I would ask you to start.

[Translation]

**Mr. Patrick Borbey (Assistant Deputy Minister, Northern Affairs, Department of Indian Affairs and Northern Development):** Thank you very much, Mr. Chair.

[English]

Mr. Chair and members of the committee, it's a pleasure to be here to talk about the northern strategy.

My understanding is that in the context of reviewing the bill there is a desire to understand a little bit more in terms of the broader context of the government's northern strategy. That is the purpose of my presentation, which you have in front of you. I'll try to go through it as quickly as possible to allow time for questions.

[Translation]

I apologize if I'm going a little fast. We can come back to certain points during the round of questions.

• (1535)

[English]

If we skip to slide 2 right away, you'll see that this is basically a summary statement about INAC's role in the north. The minister has some fundamental responsibilities under the DIAND Act, and these are significant and far-reaching in terms of the north.

The most important in terms of resources and staff, if I can say that, is to exercise a provincial type of role in water, oil and gas management, and resource management, including the overall responsibility for the regulatory system in the north.

We also have a federal type of role to play in social and economic development, including the recent announcement of the creation of an economic development agency for the north. We've been running economic development programs in the north on behalf of the federal government.

We do have a role to play in terms of overall coordination of the activities of federal departments, boards, and agencies in the territories. That gets into some of the issues around the northern strategy.

[Translation]

We also have a responsibility to encourage scientific research in the Canadian Arctic. I will come back a little later to our role in the field of science. Our department does not play a major role in this area, but it does nevertheless carry out some important activities.

[English]

We also have an important role to play in circumpolar international affairs, working with our colleagues from DFAIT. Of course, the Arctic Council is the privileged body that we are a member of and that we work through.

Overall, our minister has the lead for the northern strategy. Our deputy minister chairs a committee of deputy ministers that meets on a regular basis to review the progress of and future priorities for the northern strategy. We also have a governance structure below the deputy minister level, with a number of committees, to ensure that all departments and agencies are working in a coordinated way. We can get into that a little bit later on if that's of interest.

Our minister does co-sign cabinet documents related to northern issues.

[Translation]

On the following page you will find a brief overview of Canada's integrated northern strategy.

[English]

On this page, you'll see the quote from the Speech from the Throne and the four pillars that have been established.

First, with respect to Arctic sovereignty, our objective, of course, is to protect our sovereignty. This is becoming an important issue as more international interest in the region is generated.

The second pillar is economic and social development. Here, it's to ensure that the territories do benefit from that kind of development and that the regulatory system is there to help ensure, in a sustainable way, that development takes place for the benefit of northerners.

Under environmental protection, the big driver there is climate change, of course, and the impact it's having on the Arctic. Forty per cent of our land mass in Canada is in the territories. We need to make sure that it's protected for future generations.

Finally, under governance, there are dual objectives, but they're very closely related. One is to help shepherd the northern territorial governments to continue their progression towards province-like status and, at the same time, work to continue to negotiate and implement land claim and self-government agreements to help aboriginal governance also evolve.

Those are the four pillars. We always remind everyone that science and technology underpin all four of these pillars.

[*Translation*]

The next slides will provide some contextual information about each pillar.

[*English*]

I'll give you a little bit of contextual information.

Under the sovereignty pillar, there's certainly a lot of focus on disputes or on the issue of competition, maybe, with other arctic nations. But at the end of the day, those disputes, those issues, are very well managed. They come down to three categories, if we can say that.

First is the Beaufort Sea. There's a disagreement with the U.S. as to how the demarcation between Canada and the U.S. is determined. So there is what we call a wedge of disagreement in the Beaufort Sea. It's a fairly small area, but it's an important area.

The second area is Denmark. We have a small island, called Hans Island, which you've all heard of. There is a disagreement about who owns that island. Just north of Hans Island, in the Lincoln Sea, the demarcation between Canada and Denmark is another area on which we have to come to an agreement.

The last area, which is the one that probably writes the most articles and that academics really focus on is who controls or owns the Northwest Passage—the famous Northwest Passage. Of course, Canada claims sovereignty over the Northwest Passage, including full jurisdiction to enact laws and regulations to govern its use. Other countries feel the need to express disagreement, mostly motivated by their wanting to ensure that in the future they can benefit from free right of passage through the Northwest Passage.

That doesn't mean that there are not other security or safety issues in the north. We know, of course, with the increased activity and increased use in the Arctic, that there are other risks. We have cruise ships increasingly going into our waters, so there are all kinds of issues that need to be considered, such as search and rescue and shipping safety. I know that's an important consideration for this committee.

● (1540)

[*Translation*]

In terms of economic development, much has been said about the enormous potential that resource development represents in the North. Clearly, the current economic downturn has curbed people's enthusiasm somewhat.

[*English*]

The opportunities are still there. We still have to think long term. But there has been short-term pain in the territories. Some mining operations have ceased. Others have scaled back. The diamond sector is hurting right now. We have also had reduced levels of exploration and development. Some projects, which we thought were well on the way towards opening a mine at some point in the near future, have been delayed a bit. So there is a certain impact. But the long-term prospects remain positive in terms of commodity prices rebounding and demand continuing to increase.

It was interesting to note recently that the Germans have provided a \$1.2 billion loan guarantee to Baffinland, the owners of a very important iron ore deposit on northern Baffin Island. It's a project that, once developed, could be worth approximately \$4 billion in development costs. It would bring thousands of jobs to Nunavut. Again, the future market for steel is strong, even with the current situation.

[*Translation*]

Nevertheless, economic development does present a number of problems.

[*English*]

There are barriers. There are gaps we need to address. Some of them have to do with lack of adequately trained human resources. So there are skill gaps.

There are issues we need to address, particularly when it comes to aboriginal people taking full advantage of the economic opportunities. We've made some progress, but there's still much to be made.

There are also, of course, communities that are preoccupied with and worried about the pace of development and whether the decisions that will come through the regulatory system will be balanced and take into consideration the long-term impact on the environment, the wildlife, and the ability to maintain traditional lifestyles. That's certainly a consideration.

I would also add another consideration, which is infrastructure development and the gaps in the north. Again, when moving from west to east, some of those gaps become even more glaring, whether it's roads, air links, harbours, or ports. What we come to take for granted as southern Canadians is much more difficult in the north. That has an impact both on communities and people and on economic development.

[*Translation*]

I will now turn to environmental protection.

[*English*]

Again, this is just a reminder of the very delicate nature of the environment in the Arctic and the opportunity we have to ensure a good balance between development and conservation. So through the establishment of new protected areas—the Nahanni National Park or conservation areas; marine conservation areas, as are being planned for the Lancaster Sound area.... Climate change is having an impact not only on the environment and wildlife but also on people and their ability to be able to live as a community.

That was evidenced last year with Pangurtung, a small community on Baffin Island, where unseasonable thaws and excessive rains ended up washing out two bridges and cut the community in half, basically. That community did not have access to basic water and sewer services during the time of that crisis. We can see the impacts of climate change on the infrastructure in the north and on the lives of northerners.

We are also concerned about the presence of trans-border pollutants in the food chain, and at the top of that food chain are the northerners whose diet still relies heavily on traditional foods. Of course, those pollutants come from everywhere in the world.

Our other concern is the lack of baseline information. We don't know enough about the Arctic; hence the need for good science. Baseline information can help ensure that the regulatory system works smoothly, that we can track the impacts of development over a long period of time. Certainly that's an area that we need to continue to invest in more.

Under governance, again, we have made significant progress over the last 30 to 40 years in terms of the transfer of responsibilities from the federal government to the territorial governments. In the Yukon we actually have fully transferred the responsibility for the management of lands and resources and waters so that the federal government is no longer in that business except for some very small residual roles, things such as cleaning up contaminated sites and the minister's overall responsibilities for the acts and for appointments to boards, for example. So there are still some residual responsibilities, but the Yukon is fairly autonomous in managing its own affairs.

We still have to proceed with devolution in the Northwest Territories and Nunavut. There are talks progressing at various paces between the federal government and the two other territories.

As I mentioned before, there's also aboriginal land claims settlement and self-government. We have self-government well in place in the Yukon, with 11 out of 14 first nations now self-governing. We have three first nations in the southern part of the Yukon, in the Kaska region, that do not yet have settled land claims or self-government.

In the Northwest Territories, we've also made significant progress. The Inuvialuit are covered by a land claim, as are the Gwich'in, the Sahtu, and the Tlicho, and we have negotiations that have been going for some time with the Decho and the Akaitcho as well as the South Slave Métis.

On the Nunavut side, of course, the Nunavut land claim agreement, which created the territory of Nunavut, is the biggest land claim in the history of, probably, the world. The Inuit are now the owners of significant resources through that land claim agreement. Of course, we have a government that is going to be celebrating its 10th anniversary very soon.

There's still much work to be done, including making sure we keep our eye on the ball in terms of implementation issues.

● (1545)

[Translation]

As far as science and technology are concerned, I would simply remind people that Canada has done some important work in recent

years. We have established ourselves as the leader in the field of Arctic science. We invested resources in the International Polar Year, [English]

the International Polar Year, which is concluding in the next couple of weeks.

In terms of the research phase, we still have much work to do on outreach, data management, and making sure that the results of the research translate into program or policy responses. That was the \$156 million that was invested by the Canadian government. We also have made the decision to build the arctic research station, and we're making progress in that area.

[Translation]

In the last budget, it was also announced that \$85 million would be spent over two years to improve existing scientific infrastructure in the Arctic. There is still a substantial amount of work to be done on the scientific front.

[English]

On page 7, this is a bit of a summary, under the four pillars, of the various commitments and actions that have been taken by this government. You see under each of the pillars there is a lot going on. All of these initiatives have important implementation challenges.

[Translation]

Right now, the biggest challenge is ensuring that we continue moving in this direction and collaborating, whether it be with the federal government, aboriginal groups, territorial governments or other partners, to successfully carry out all of these initiatives.

[English]

There are probably still gaps in the framework. There are areas where we'd like to be able to do more, and we'll continue to work on those with our colleagues from other federal departments.

I hope that gives a good overview. I think I am pretty well on time.

**The Chair:** We won't even go that way.

Mr. Kennedy, please.

[Translation]

**Mr. Gerard Kennedy (Parkdale—High Park, Lib.):** Thank you, Mr. Chair.

Thank you for your presentation. I have a question for you and perhaps you can provide me with a few explanations.

● (1550)

[English]

I'm most interested to know. These principles are familiar; a previous government articulated them on December 14, 2004. There have been other references to the north. Then we have some program elements. We asked the question last time of the Minister of Transport, but he wasn't able to answer it, but we're hoping maybe it will be answered at the bureaucratic level.

We've been told by the people from transportation it is DIAND that has the lead. What are the goals and outcomes we want here? In other words, we don't want it just to become 2005 to 2009 to some other future date. How do these things integrate, and what are we trying to accomplish? The general words have been there. We know roughly what devolution looks like. There are some ideas about economic development, but have we got to the point that we actually have a plan? In other words, do we know how many northerners are going to be employed? Do we know which businesses and how quickly we hope to get results from them? Do we know we need only one icebreaker and not three, which was originally promised?

How were those kinds of decisions arrived at, if we don't know what our outcomes are? Otherwise, frankly, it has the feeling of a symbolic move forward. For example, we're told that in the arctic waters there is not a lot of activity going on where we're extending our environmental protection, so not a lot needs to happen right away.

Perhaps there is some integrated document, something you could point us to, so that we could be assured that we really are talking here about goals and outcomes. We want to know that the government and the ministry, in its coordinating role, have put everybody on a program that will have tangible results in six months, in a year, in five years, and we will all recognize those, so that these are not just disparate things that are done because it's good for the north.

**Mr. Patrick Borbey:** Maybe I didn't do as good a job as I should have, but I tried to articulate some of those goals and objectives and outcomes that we'd like to achieve under each of the pillars.

For example, under the environment, we want to be able to better understand what's going on with respect to climate change and what the measures are that we need to take to help deal with the impacts and adaptation to climate change. On some of that, we need to do more research, more science, and we need to analyze the results of the work we did under the International Polar Year, so you can see how science integrates with that objective.

Under economic development, there are strong links between economic development and our ability to streamline the regulatory process to make it work in the north. The regulatory process in the north is a combination of the creation of all the different land claims and self-government agreements. Now we have to step back and look at it and see whether it is producing results. Is it meeting modern standards with respect to achieving those results? That's another area—

**Mr. Gerard Kennedy:** I wonder if I could interject, because my time is limited.

I'm looking for some very specific things: industries that have been chosen and then some plans with respect to that.

The north has a particular challenge. I originally come from the near north, not the far north. I had a discussion when I was a visiting scholar at Ryerson University with the finance minister from Nunavut, and they were looking for our help to train their people to work on a deal with India around diamond polishing and so on. There didn't seem to be, frankly, an authority on economics. I would

think this strategy would take a position vis-à-vis climate change the way some of the people are advocating.

For example, you have concerns, obviously, about the polar cap, but what needs to happen? What does southern Canada...and what indeed does a climate change strategy need to produce concretely to make a difference in terms of the integrity of the north?

I gather, by and large, things are happening much more quickly, disrupting traditional hunting patterns and so on much more quickly than anybody imagined. Have those things not transmitted down to specific, quantified outcomes that we're looking for on economic development and so on?

I think I understand the general relationships you're alluding to, and I'm sure the chairman wants to move on. Is there a specific document that gets down to the nitty gritty of where this government has put their foot down and said these are the things that will produce these kinds of results?

Discrete actions by themselves are not a plan. It's a question of what the outcomes are that we're trying to generate. Where do I find those outcomes? How do I know that the plan works? I can't judge it if there are no outcomes that we're shooting for.

**Mr. Patrick Borbey:** Basically what I've presented is, in essence, the summary of the plan. It's the summary of actions that have been taken in a coordinated fashion by departments that all have an interest in the north. They are all interrelated.

On economic development, which businesses will emerge in the future? We don't know which ones in particular, but we do know there are about 25 projects that are at various stages of development in the north. All of them involve mining and oil and gas. We know that's going to be the backbone of the economy in the north in the future.

I talked about a project that's worth \$4 billion. There is a private company that is going to have to, through its own financing, see whether that \$4 billion is going to be invested. We think that with the resources there, we want to work with that company to ensure that the labour skills are also going to be developed to support that. It is close to a community, Pond Inlet, that's extremely well involved in the project.

We think the work we've done on the settlement of the land claim there and the fact that the Inuit own subsurface and surface rights gives them the possibility, through the land claim, of negotiating impact benefit agreements that are going to lead to the benefit. All these together at some point will lead to a project that, like Ekati, like Diavik, will produce some results.

We can't predict what the economic situation is going to be five or ten years from now, but we do think it is going to continue to be positive. We do continue to hope that there will be a Mackenzie gas pipeline, that the resources we know exist are going to be brought to market, to the benefit of northerners.

We have also invested, through this strategy, in better geoscience. At the end of the day, again, going back to science, better knowledge of what exists up in the 40% of our land that comprises the Arctic will lead to more investment by the private sector, more exploration, and hopefully more finds and more development. You look at each one of the pillars and you can make that kind of integration.

• (1555)

**Mr. Gerard Kennedy:** It sounds likely, I guess, but what I worry about is this. How do you know that they're actually in sync, that you're going to deliver the mapping information in time to understand the impact of some of the undersea drilling, that you're going to have everything you need to know when that Mackenzie pipeline, as a deal, does come together? That's what I would expect, frankly, would be more concrete, more clear, and more available to us. I think we need to see that by 2009 there needs to be this kind of development. It needs to be complete and so on if this is a serious integrated plan. Is there even a budget that brings together all the money spent in the north and that says what their role is in producing these various outcomes?

Personally, as someone who previously served as a minister, I have trouble if I hear about a project here and a project there and there is nothing that brings them together. Is there even a way to tell how much money is being spent in the north? Is there something that DIAND pulls together? We heard you say they have signing authorities and so on. Does that get done? Is there an accountability outcome for the north like there is for some departments and ministries?

**Mr. Patrick Borbey:** We play a small part in terms of our role. It's an important coordination role, but there are a lot of departments active in the north.

**Mr. Gerard Kennedy:** I'm just trying to find the one in charge.

**Mr. Patrick Borbey:** In terms of overall coordination, the one in charge is our minister.

**The Chair:** Monsieur Laframboise.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Thank you, Mr. Chair.

On page 4 of your presentation, regarding sovereignty, you note that Canada has some active disputes in the Arctic. Could extending the limit from 100 to 200 nautical miles potentially lead to more disputes? Do you see any other potential sources of conflict or have you already identified all of them?

**Mr. Patrick Borbey:** As I see it, this is unlikely to happen. I'm not an expert in international law, but I do believe that countries have a right under international law to declare a 200-mile limit around their coastline. All that Canada is doing, in my estimation, is exercising its rights. I do not see this as potentially causing a dispute.

No one economic activity will be directly affected by this decision. It merely sets some parameters in the event that development and shipping increase in the future. This way, the regulatory framework will be in place to ensure compliance with our laws.

**Mr. Mario Laframboise:** Transport Canada informed us that it had a development project in the works at the very edge of the 100-

mile zone. I understand that extend the limit gives us the legitimacy to intervene. However, could this operation prove to be a source of conflict?

**Mr. Patrick Borbey:** No. The project in question is being carried out in the Beaufort Sea. Canada wants to respect its differences of opinion with the U.S. I prefer the word "differences" to "dispute". A permit was not issued to allow exploration in the zone that is the source of a dispute between the U.S. and Canada. That is the first part of my response. We respect the fact that there is no agreement on this matter.

Regarding the 100 nautical mile limit, the permits that have been issued in the past two years to allow exploration in the Beaufort Sea have resulted in significant investment on the part of Canadian industry. These projects are being carried within this zone, which is not affected in any way.

• (1600)

**Mr. Mario Laframboise:** Amending the Act at this point in time, given what is happening offshore, would put you in a position where you demand that all requests be addressed to you, so that permits could be issued once our sovereignty over the 200 nautical mile zone has been established. In this particular case, could you ask to receive reports on the number of permits issued and so forth, or are you going to let things be, given that it happened in the past?

**Mr. Patrick Borbey:** It all depends on the nature of the activity. I'm not sure that the same conditions apply to oil and gas development and to shipping. A system is already in place to govern the exploration operations of oil companies, for instance. This system, which is based on other laws, is rather air-tight. Should there be any danger of a spill, for instance, the National Energy Board takes the matter in hand and ensures that steps are taken to correct the problem immediately or to intervene.

**Mr. Mario Laframboise:** Obviously, the aim of Bill C-3 is to prevent pollution in Arctic Waters. What exactly does this mean? Once this bill has been adopted, are you planning on letting world countries like Denmark, the United States and Russia know that they will have to comply with this Act when they navigate in Canadian waters? Will you be issuing notices? What's going to happen?

**Mr. Patrick Borbey:** I believe they all know that Canada's sovereignty extends to 200 nautical miles offshore and that once they enter Canadian waters, Canadian laws apply. We're simply correcting a problem that stems from the difference between the initial 100 nautical mile limit that was provided for and the proposed extension of our sovereignty to 200 nautical miles. I really don't see this as an issue.

Vessels that wish to enter Canadian waters must also abide by the NordReg regulations, compliance with which is currently voluntary. We are working to make compliance mandatory. As far as I know, 90% or more of vessels comply with the regulations. So then, this amendment should not cause much of a problem. Some may comment or draw a connection between this issue and the matter of the Northwest Passage, but it's really not an issue for us.

**Mr. Mario Laframboise:** If I understood you correctly, you stated that your department is overseeing all of this.

**Mr. Patrick Borbey:** Our department is responsible for the Northern Strategy on behalf of the government. Our job is to coordinate efforts to ensure that departments carrying out activities or having responsibilities in the North respect this comprehensive strategy.

**Mr. Mario Laframboise:** Surely some kind of scientific measure is used to establish the 200-mile limit. How does this work? Is it an arbitrary calculation? Are you the ones who decide how this limit will be determined?

**Mr. Patrick Borbey:** This is really not my area of expertise. You would have to put that question to the experts at Transport Canada, Fisheries and Oceans or Foreign Affairs.

**Mr. Mario Laframboise:** Thank you. I'll do that.

Regarding the environment, you note on page 5 of your presentation that there is a lack of baseline information about Arctic environment. That surprises me quite a bit. Are you referring to climate research? Exactly what kind of information are you lacking?

**Mr. Patrick Borbey:** I would say that because of a lack of facilities, we cannot collect information over a long period of time. In the past, there were no facilities to take readings. In conjunction with the International Polar Year, we managed to install some buoys which hopefully will provide readings for certain areas of the Arctic Ocean for many years.

Once we have collected some basic data over a period of five or ten years, we will be able to observe and understand long-term changes taking place. Right now, unfortunately, too many readings are taken only once. We make the effort to take readings over the course of one season, but we don't do any follow-ups.

From a regulatory standpoint, this data could be important. Factors affecting water quality in the Arctic can be quite different from the standards set for waterways in the south, given the wealth of scientific data on these bodies of water. However, not much is known about Arctic waters because this region is not accessible and collecting data has not been a priority. The International Polar Year was an opportunity for us to give priority to collecting data and we hope to continue on this path.

•(1605)

**Mr. Mario Laframboise:** What kind of information can you glean from buoy readings?

**Mr. Patrick Borbey:** The readings give us information about water temperature and salinity, the condition of the ice, the presence of nutrients in the water, the food chain, the health of whales and other marine mammals, just to name a few things.

**Mr. Mario Laframboise:** Do you have enough staff to conduct follow-up operations?

**Mr. Patrick Borbey:** We play a very small role where science is concerned. We have small teams. Currently, we are involved in the project to build a research station. We played a coordination role during International Polar Year which is now coming to an end. We rely most heavily on departments that have a scientific mission, notably on Fisheries and Oceans, Environment Canada and Natural Resources Canada, as well as on Canadian universities and colleges and in some cases, on aboriginal organizations that have developed

significant scientific capabilities. They are really the ones responsible for doing the work in the field.

[English]

**The Chair:** Thank you, Mr. Laframboise.

Mr. Bevington.

**Mr. Dennis Bevington (Western Arctic, NDP):** Thanks, Mr. Chair.

Welcome to the guests. I was certainly interested in your presentation. Over the years, INAC has been a bit of a yoke to any northerner who lived in the territories. I'm interested in some of the things you've said.

You have a provincial-like role in water, oil, and gas management, including a regulatory role. But to the principle of oil and gas management, do you consider, as you're in a trust position for the people of the Northwest Territories, that you manage the oil and gas with that trust as the primary goal of your management?

**Mr. Patrick Borbey:** I work for the federal government and that's where I take my directions. I understand that we do have to manage those responsibilities in a way that's compatible with the aspirations of northerners, so that means we have to do a lot of consultation, have a lot of involvement.

There are some areas, in the Northwest Territories, for example, where there are some responsibilities for wildlife that have already been devolved. So we do have to work together.

**Mr. Dennis Bevington:** Under mineral development, which is one of the aspects under consideration, if you're developing a mine in the Northwest Territories, and you set up a mine plan with a certain tonnage, and the benefit to the Northwest Territories is more employment and business opportunities during the life of the mine, would you not be concerned if things were not going according to the plan? Would you not have some responsibility to step in if the situation was endangering the benefits to the people of the Northwest Territories? I can point to two mines in the Northwest Territories in which this might be a consideration. This has been going on for about 10 years.

Have you taken any steps to ensure that the benefits that were set up for the people in the Northwest Territories in mining development were properly taken care of by your department?

**Mr. Patrick Borbey:** The process to establish a new mine is complex and long, as you may know from experience with the mines that have opened or are going to open in the Northwest Territories. What's important to note is that we have responsibility for the regulatory regime.

•(1610)

**Mr. Dennis Bevington:** You also have responsibility for the ongoing mineral development—ensuring that the mines live up to their promises. You are a mineral development agency for the Northwest Territories.

**Mr. Patrick Borbey:** But the pace of that development is in large part dictated by the regulatory system.

**Mr. Dennis Bevington:** So if they were exceeding their regulatory....



**Mr. Patrick Borbey:** Then we have an inspection role to play.

**Mr. Dennis Bevington:** Perhaps you could report back to me on what's happened with that over 10 years.

**Mr. Patrick Borbey:** You need to be specific about what you have in mind. The other issue is the benefit agreements that are negotiated between aboriginal people, in particular, and the mining companies. These are also an important measure of accountability.

**Mr. Dennis Bevington:** They are all time sensitive. All of the agreements made in the Northwest Territories depend on the length of the mine life. The royalties and taxation, which return to the federal government, are not time sensitive. In fact, the faster you take the stuff out of the ground, the more money the federal government makes out of those mines. This department seems to have a conflict with regard to natural resources issues in the Northwest Territories and other places.

I'm going to go on to another question on regulatory issues. When the McCrank report came back, its first recommendation was to institute land use plans. We have the Mackenzie Valley Resource Management Act. But the act's land use plan has never been implemented in a way that would allow it to work along with the regulatory system. Do you not agree that this is the primary problem with the regulatory system in the Northwest Territories?

**Mr. Patrick Borbey:** I don't know if it's the primary problem, but it's certainly an important one. We have been making progress. In unsettled areas, it's very slow progress, but we have land use planning committees in place in most of those areas. I agree that we have to accelerate that work. With good land use plans, you can streamline some of the issues that would normally be considered through the regulatory process. So I'm in agreement with your point.

**Mr. Dennis Bevington:** If you're in agreement, then I would expect that the rhetoric would not be about the complexity of the regulatory system. Instead, it would be about the fact that the regulatory system in its complexity has never been implemented. Without the land use plans, regulatory work is very difficult in the Northwest Territories.

I have another question. Within the NWT Act, there's no mention of highways. It's my understanding that the federal government still controls the development of new highways in the Northwest Territories. Is that your understanding?

**Mr. Patrick Borbey:** Sorry, I can't answer that right now. I will have to come back to you.

**Mr. Dennis Bevington:** That would be good, thanks.

**The Chair:** I would ask that you send that back through me.

**Mr. Dennis Bevington:** Many of these issues are not related to the offshore, but they are related to the northern strategy that you presented here. That's why some of these issues are quite important to northerners.

In respect of research and development, in preparation for the responsibility for the extended pollution limit, and for pollution control in the north, are you now engaged in an active program to deal with oil spills in the Arctic?

**Mr. Patrick Borbey:** Yes, we are, and on a number of fronts.

We have a fairly robust program with the Arctic Council. An oil and gas assessment was done last year, and it was released by the Arctic Council. Canada was an important contributor to that. That certainly does help to improve the body of knowledge about the risks and the sensitivities of the Arctic. I did bring a copy, and I can give the website link. This is only the summary. The body of work that's behind that is quite substantive.

We're also working on the completion of the Arctic marine shipping assessment, which is due to be released following the ministerial meeting at the end of April, in Toronto. So again, that's a way that Canada contributes and works with its arctic neighbours on improving the body of knowledge about those issues.

We also have a protocol between us, the Coast Guard, Environment, DFO, the other players, which we negotiated a few years ago, in terms of clarifying roles and responsibilities should there be a spill. In fact I brought a copy of that because I thought it was relevant to the discussions of this committee. We have copies to distribute.

It's a fairly detailed protocol, which clearly outlines the responsibilities and interventions that have to be done as soon as an oil spill, or any spill, is detected. Although, thank God, we haven't had oil spills, we've had other types of spills that have put the marine environment at risk and we've had to intervene.

• (1615)

**The Chair:** Thank you.

Ms. Hoepfner.

**Ms. Candice Hoepfner (Portage—Lisgar, CPC):** Thank you very much, Mr. Chair.

I'd like to take the opportunity to mention a couple of things and then have you comment.

I think this integrated strategy is important. My colleague talked about the fact that the previous government also had these pillars in place. Unfortunately, we didn't see anything move forward. I think it's important, as Parliament and as this committee, that we, as you said, keep the momentum going. That's what this act is proposing to do.

I would like you to comment on how the momentum can continue when it comes to economic development, specifically natural resources. You talked about a bit of a delay now.

We know that exploration is delayed because of the economic crisis. If we can proceed, as we'd like to, with this act and we do not get bogged down in more reports and regulations and red tape, where can we go, as far as economic development, for our people in the north?

**Mr. Patrick Borbey:** That's a big question.

As I mentioned, there are probably 25 projects or more that are currently under development. This is just in the mining sector. Then we have the potential that's associated with the Mackenzie gas pipeline. We have the Alaska gas pipeline. And we also have the exploration going on in the Beaufort Sea, which hopefully will lead to some future discoveries.

We also have discoveries in the high Arctic Islands. At some point the technology and the capacity will be there to bring that natural gas to market. Again, that does link into the issue of climate change and how quickly the ice cap is receding and when it will be safe to ship resources, out of the Arctic Archipelago in particular.

At this point, while we're hoping to have a good economic recovery, we are helping through the stimulus package outlined in the last budget. We're trying to intervene in some areas, to help deal with some of the adjustment, as well as the renewal of the strategic investments in northern economic development, and the creation of a new economic development agency for the north, which will also help galvanize the efforts toward diversifying the economy of the north. We're doing some of those things.

We're also continuing to try to move forward on claims. That is also an important contributor to economic stimulus, both for the first nations who settle their claims and get the benefits associated with that as well as bringing certainty to industry so they can go ahead to explore and develop a resource.

We are also working on simplifying, improving, and completing the regulatory system, in addition to the elements such as a land use plan to go with that, in response to Mr. McCrank's report. So those are some elements.

I talked a bit about geoscience. Again, the more information we can make available to Canadians about the resource potential, the better. That will stimulate some investment. I'm told that for every dollar in geoscience investment, it generates at least \$100 in exploration activity.

So again, those are things we can do. Those are some examples of the federal government's role.

**Ms. Candice Hoepfner:** Thank you. I appreciate that.

I think if I hear you correctly, it's moving forward on this act. If we can actually move forward with the Arctic Waters Pollution Prevention Act, we can see some of these things come to fruition. Is that correct? That's what we really need to see happen.

• (1620)

**Mr. Patrick Borbey:** We will, at some point. It will help. It also helps to ensure that people understand that development and activities such as shipping will only take place under conditions where we ensure that the environment is protected.

**Ms. Candice Hoepfner:** That's why we have an integrated plan.

I read a little bit about young people, and I think in the north we really need to provide hope. Can you comment a little bit on what kind of economic development will be impacting the young people in the north?

**Mr. Patrick Borbey:** Well, we know that there's a growing young population particularly in Nunavut. We know that right now

companies are investing and looking at developing resources. These are plans that will come to fruition in five to ten years. If we can find ways to ensure that the people who are starting high school today stick to it and graduate and get the technical skills, or go to college or university, then the opportunities will be there for them. Unfortunately, in the situation we have right now, a lot of specialized or professional labour that goes into the north to work in the mines or the projects is from southern Canada, because there is not a sufficient workforce. We need to help bridge that gap. That will be a huge contribution to the youth of the north.

There are some examples, and I will use the diamond mines. One of the chiefs of the Tlicho told me that before the diamond mines opened in their territory, there were one or two young people in university, and today they have over 200. So he sees that as hope for the future. We know that the mineral is a finite resource, but we know that investing in people is not a finite resource. This is something that will continue to bear fruit.

We also know, looking at the Yukon, that studies have shown that education outcomes have increased and have improved as a result of self-government. So again, those are factors that we look at as hope for the young people of the north.

**Ms. Candice Hoepfner:** I would imagine that protecting the traditional way of life and pride and those kinds of things are also tied in with that.

Am I all right for time? Okay, good.

Environmental protection is part of the four pillars. Some concerns have been raised about natural resources and how this will affect the environment. I'm wondering if you could tell us how the environmental protection part of this will make sure that doesn't happen and make sure the environment is protected.

**Mr. Patrick Borbey:** Certainly many Canadians and many northerners look at development through the eyes of the past. Unfortunately, one of my functions is to clean up contaminated sites that have been left by previous generations. We have Giant Mine and Faro Mine, which have left a pretty sad legacy and which we're cleaning up right now.

The system is such that those kinds of experiences would not be repeated. For example, when Giant Mine closed, they had no remediation plan, and they had no funds to deal with any of the remediation. Now I can guarantee you that when Diavik and Ekati close...a remediation plan for them has already been approved at all levels, and there are significant bonds being held by the federal government to ensure that remediation will take place. So there are measures of that nature, as we've learned from the lessons of the past. The standards have changed. Certainly we need to continue to improve. We also take every single incident very seriously. There are incidents. There are spills. There are problems that happen from time to time in production. They are fully investigated, and measures are taken immediately to deal with the issues. So we try to work very closely with the industry, but we are also concerned about making sure the government plays its role to ensure that longer-term protection.

The fact that the regulatory system is co-managed with aboriginal people is also extremely important, because that reflects values that are tremendously important to first nations and Inuit people in the north. The fact that they are now owners of the resource does not mean they will allow it to be exploited in a way that's not compatible with their traditional lifestyles and the longer-term vision they have for their communities and their people.

•(1625)

**The Chair:** Mr. Bagnell.

**Hon. Larry Bagnell (Yukon, Lib.):** Thank you.

I just have two questions. One is going to be on CFCAS research that is being cancelled, and the other is on the Beaufort project. Before doing that I just want to make four quick comments.

Mario brought up a good point about data in the north. Anne McLellan announced \$150 million for the International Polar Year, but that's almost run out or almost over. We want to make sure that the data collection keeps going in the north. And the Arctic Council is proposing a whole new body, and I certainly hope you'll be supporting that so we will have permanent data there.

You mentioned search and rescue, and DND has a big problem there because there is not a single search and rescue plane north of 60, but we're dealing with an attitude that it's their problem.

You mentioned that dispute in the Beaufort Sea was well managed. I disagree, but we'll get into that with Foreign Affairs, too, because I think it's their file.

My first question relates to the Canadian Foundation for Climate and Atmospheric Sciences. I've dealt with this in two speeches now in the House of Commons. The fact is that their funding is going to be cancelled. We're going to lose 24 research centres, including PEARL right up in the far north of the Arctic, 400 scientists and hundreds of students, all of the climate change research, the research on drought, and the research in arctic communities, on which I have all sorts of e-mails from professors.

The facilities you're putting in are great, but as someone said in the House of Commons, it's going to be like having a parking lot, because there are no drivers for the cars. There will be all of these facilities and no scientists. It may not be your department, so I hope your department, as a champion of the north, is being responsible

and is lobbying to get those funds reinstated, so that this valuable organization and the research they're doing—the only research on violent arctic storms and climate change—will continue.

Do you want another question?

**Mr. Patrick Borbey:** Well, I just want to see what your question might be.

**Hon. Larry Bagnell:** Are you going to support efforts to get that money back?

**Mr. Patrick Borbey:** Well, what I'm going to do is to implement what the government has decided. I'm completing the implementation of the International Polar Year, and that has certainly created a spike, and we knew that spike was going to create some concerns.

**Hon. Larry Bagnell:** That's fine. That's enough.

Let me get to the other question, and maybe you know more on this.

Around the seventies there was a Beaufort project related to ice in the north. At our committee, the last time the minister was here he talked about the pristine north, that it had to be protected for the Inuit and that even the people in his riding wanted it to be pristine.

Then he went on to talk about a third of the world's remaining oil and gas being there, or a quarter of the oil, and about all of the development and everything. But when I explained to him that scientists have explained there is no way of cleaning up oil under ice right now, and I asked him what they were going to do about that, he had no answer, even though he's a former environment minister. I know you talked about development. You're from a department of northern development, after all. So everyone wants development in your government, I'm sure. But what are you doing to ensure that the science is done so that we can find some way of dealing with oil spills under the ice and the potential contamination, so the development everyone wants can go ahead? Is there a resurrection of the Beaufort project? Was there enough in that data? Do you have more studies under way? What are we going to do about oil spills under ice?

**Mr. Patrick Borbey:** There are two parts to the answer. First, under the Arctic Council's oil and gas assessment, that certainly is an area that was considered. Everything that has to do with spills, and spills under every single condition, was part of the research that was done, and Canada contributed to it. So I think there is a body of knowledge that's growing out of that, and it's shared internationally.

Second, under the Mackenzie gas pipeline project, we have had a scientific program where we have invested a significant amount of money on those kinds of issues in preparing for the pipeline. For example, there was a symposium held in Alaska a year ago, last fall, where some of the research results were presented. A significant number of them dealt with issues of spills and how to deal with them—containing and cleaning up spills in conditions such as you described.

I can certainly make that available to the committee. I think there's an abstract, a summary of the research that was done, which might be helpful.

As I said, as well, I would recommend taking a look at this assessment, which I also think has some very, very good information in this area.

[*Translation*]

**The Chair:** Mr. Gaudet.

• (1630)

**Mr. Roger Gaudet (Montcalm, BQ):** Thank you, Mr. Chair.

Earlier, sir, my colleague remarked that the former Liberal government had had a similar initiative in place. How long do you expect to take to implement this bill and put this structure in place?

**Mr. Patrick Borbey:** Are you talking about a bill?

**Mr. Roger Gaudet:** Not about a bill, but about the whole structure. Several departments are involved. When can we finally assert our sovereignty and do what we want here at home?

**Mr. Patrick Borbey:** I think that is already the case.

**Mr. Roger Gaudet:** Yes, we can claim ownership, but a number of departments are involved in the mix and there appears to be more chiefs than Indians.

**Mr. Patrick Borbey:** We have a governance structure in place. The governance committee, which coordinates efforts in this area, is chaired by our Deputy Minister Mr. Michael Wernick. All of the deputy ministers and agencies that have a role to play in the development and implementation of this strategy sit on the committee, which meets about every six or eight weeks. Unfortunately, in the public service, coordinating committees must be struck. That's part of our job. I personally chair two such committees. The first committee focuses on science issues as they pertain to the Arctic and discusses major problems, as Mr. Bagnell pointed out earlier. The second committee is more generic. It focuses on what needs to be done in the North.

Mr. Kozij who is here with me today assists me with working groups that look into specific issues. For instance, with respect to shipping, organizations and departments that are interested in a particular issue or that want to make some recommendations to the government could get together. For example, that could include the departments of Fisheries and Oceans, Transport, Environment, our own department and the National Energy Board, if need be. These are the types of actions that we are coordinating. It may not always be easy, but that's what we do.

**Mr. Roger Gaudet:** Thank you.

[*English*]

**The Chair:** Mr. Mayes.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** Thank you, Mr. Chair, and thank you to the department for being here.

This is the transportation committee, and one of the keys for the north is transportation. I spent 26 years in the Yukon in the mining industry. Of course, the Yukon had the Alaska Highway and the Klondike Highway, and Whitehorse is not that far from a seaport.

Looking at the opportunity of having an arctic port and the location of that port, has the department done any work as far as an inventory of resources is concerned, and the best location for that port as it relates to activity in the Arctic Ocean or where there would be a good platform to work off, so that there would be a quick response to environmental problems or medical needs, or whatever?

Is there a little bit of a grid of transportation links that you can see? Have you put together some inventory of the resources that have been identified and then said, this is the best place for that port?

**Mr. Patrick Borbey:** I don't think there's one single place that would be perfect. It depends on what the purpose is. We do have a harbour that's being built at Pangnirtung to support an emerging fishery sector in Nunavut. That's an important investment. I know there are expectations that there will be more harbours elsewhere in Nunavut. We understand that it's a gap that will need to be looked at in the future.

There's also, from a military and coast guard perspective, the Nanisivik facility that's being brought back into service and will serve important roles there. It's in the middle of the Northwest Passage, so it's very well and strategically located.

Then there are a number of projects related to resource development that different proponents are putting forward. These are not yet at a very advanced stage, except perhaps, as you mentioned, the Bathurst Inlet port, which a number of mining companies or mining interests in that area have been putting forward. There's a consortium there that would like to see a road built to link the diamond belt, as well as some of the gold and other mineral deposits there, to Bathurst Inlet and provide that as an alternative mechanism. It's an alternative to the ice roads, for example, for the diamond sector.

That project has actually been tabled with the Nunavut Impact Review Board for review, but recently the proponents stepped back from it because of the current economic situation. They may come back to that one. That's a good example, but again, it's driven by private sector interests.

The other port possibility is in the southern Baffin area to serve the Baffinland deposit that I mentioned earlier. The deposit is in the middle of the northern Baffin area, close to Pond Inlet. The ore would need to be shipped by railway down to a port in that sound. I can't remember the name of the sound, but it's in the southern Baffin area. Sorry, but I don't have my map in my mind. Again, that is being driven by economic considerations.

Then, at some point in the future, we hope that the Arctic Islands natural gas deposits will be developed. That probably will require an LNG facility in port.

Into the future, those are the projects that we can see developing. There may be more coming out of other possibilities.

In terms of the federal government itself and a port that the federal government would sponsor, it's not really in the cards at this point.

•(1635)

**Mr. Colin Mayes:** With the challenges of the warmer winters and the challenges they're having with winter roads to do exploration and mine development, could there be more use of airlift and more airports in the area rather than looking at land transportation? That way, it actually has less impact on the environment. Maybe it would be cheaper in the long run.

Also, as we heard from the transportation ministry, there's a desire to have more air patrols around the Arctic to have a presence and to protect our sovereignty of that area.

**Mr. Patrick Borbey:** Certainly, air transportation is going to continue to be vital to the development of the north. It's the only reliable mode of transportation for 12 months of the year and it's very, very heavily used. The airports have been developed fairly well in the north so that higher-capacity planes can land. That's one of the considerations in science, for example, in terms of what kinds of facilities there are in various communities when we're looking at locations for the arctic research station.

It is, however, very expensive, and it's not the most friendly mode of transportation from the perspective of greenhouse gas emissions. Having that ice road to the diamond belt is very important. When it failed, there were some pretty serious consequences for those companies. They had to rely on some airlift for some of their equipment, and of course for fuel. That drove their cost structure way out of whack.

These are very important issues that will determine the pace of development in the future.

**Mr. Colin Mayes:** What I was alluding to was this. Do you have an integrated plan for airports or landing strips in the north? Did you work it into your plan for the economic development of those areas?

**Mr. Patrick Borbey:** With the distances, you have some 50-some communities that rely heavily on air transportation, that don't have road access. I mean, they all need that service. They all need those facilities. The resource development happens where the resource is and not necessarily where communities are. They also need to develop that capacity to be able to land fairly heavy aircraft. From an air transportation perspective, we need a number of airstrips spread across the north, rather than some hubs.

**The Chair:** I think everybody is aware that our subcommittee meeting today will not take place. Maybe we'll do one more quick round, if there are any other questions people feel they need to ask, and then I'll clear up the business for the week.

Mr. Bevington.

•(1640)

**Mr. Dennis Bevington:** You're not sure about the highway situation in the Northwest Territories, yet probably in the last three or four months you've received representation from the Premier of the Northwest Territories about those very things. He's written a letter to the Prime Minister. Has that not come down to your department for some kind of discussion to understand where the authority lies to do that?

**Mr. Patrick Borbey:** You asked me a question about who has the lead responsibility for highways. That's what I need to check,

because I thought there was more in terms of jurisdiction that you were seeking.

**Mr. Dennis Bevington:** That's right, and I'm curious because there's been so much representation in the last while to the federal government on highways. I'm kind of wondering why you're not up to speed on this.

**Mr. Patrick Borbey:** I came here to talk about an overall strategy.

**Mr. Dennis Bevington:** You mentioned infrastructure. Infrastructure is very important. As Mr. Mayes pointed out, it's very important how we develop the transportation links in there to deal with arctic sovereignty, to deal with resource development, and to deal with a whole bunch of issues.

To me, right now the most immediate job in the Arctic and in the north is to clarify how we're going to move people, goods, and equipment and how the north is going to develop with a transportation link.

**Mr. Patrick Borbey:** Absolutely.

**Mr. Dennis Bevington:** So you agree with me. This is an important subject that directly relates to the north, to any arctic strategy that links into how we transport goods and services there.

**Mr. Patrick Borbey:** I commit to you that I will clarify the jurisdictional question. My first answer would be that this is a territorial responsibility in terms of highways, but I will want to clarify that for you.

I also can clarify that the responsibility for infrastructure projects lies with Infrastructure Canada. Now we do work closely with them, and if there is a proposal for a highway, it would be referred to that department for study. Our minister would be interested, yes. Our minister would ask for advice and seek our views, absolutely. We would work with our colleagues from Infrastructure Canada if there were a project that was to be—

**Mr. Dennis Bevington:** I think it's a very important point. If you carry the provincial-like role in certain areas and you're not using that role to do the planning and the kind of development work that has to take place in the north, I'm trying to understand what you do, then, with your provincial-like role. What is it you accomplish?

That's a very serious problem for people throughout the northern territories, and it's been that way for many years. How do we express our interest in the development plans for our region when they're held by your department?

**The Chair:** I don't know if you want to go after that or just leave that alone. That's probably more of a statement than a question.

**Mr. Dennis Bevington:** I'm trying to get to where you think your authority lies for the development of the north and where you think the people who live there intrinsically, like other Canadians.... When you live in Alberta, you and other Albertans decide how things happen. I want to get to that point with you. Do you understand that the ultimate goal is that the people who live in the northern territories will make the decisions for themselves? If you're making a decision, it has to represent in many ways what we want. Is that a fair assessment of what your department does?

**Mr. Patrick Borbey:** Yes. As I tried to explain at the beginning, we have responsibilities, statutory responsibilities. Our minister, at the end of the day, has to play that role, has to make decisions. Recommendations are made by boards that are created to manage those responsibilities in the north. We have to advise the minister every step of the way, yes.

If a highway project were to go forward, and then go through the environmental assessment and permitting process, INAC certainly would be quite involved in that, as we are with the development of the pipeline, for example. When the pipeline is built, we will be the ones inspecting, all the way up and down that valley, to make sure that the conditions set by the boards and approved by the minister are followed.

**The Chair:** Thank you very much.

I would like to thank our guests for being here today. We appreciate your input. If there is any information that flows, please have it flow through Maxime and the chair. We'll get it out to the committee.

As previously discussed with members of the subcommittee, due to an illness, we will not have the subcommittee today.

On Tuesday we have three guests joining us, again on this issue: Émilien Pelletier, Chester Reimer, and Robert Huebert. I would ask members of the committee, if they do have any amendments, to start preparing them.

Again, subject to the direction of the subcommittee, we will hold a subcommittee meeting next Thursday.

You're away Tuesday, right? Okay.

So I would like the committee to start thinking about amendments. Perhaps as late as Monday we could have them in to the clerk. On Thursday of next week we will do clause-by-clause and also have a subcommittee meeting to give direction for the next series of meetings.

Mr. Bagnell.

•(1645)

**Hon. Larry Bagnell:** I know the clerk is trying to get someone from Foreign Affairs. Transport officials had said that Foreign

Affairs had written on this act to the other countries, and I think it would be very critical for us to know that. In fact, I only have the one question, so it wouldn't be a very long question.

I would just ask the parliamentary secretary if he could do anything in his power to try to free up an official—we don't need the minister—who could answer that question on the results of that.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** From Foreign Affairs?

**Hon. Larry Bagnell:** Yes.

**The Chair:** We have contacted everyone who was actually put on the list. The first question was for the minister, and he is unavailable.

I'll leave it to Mr. Jean, perhaps. We could do the question in a written form.

**Mr. Brian Jean:** That's what I was going to suggest, that if Mr. Bagnell would like to forward the letter to me, or to you, I'm certain—

**Hon. Larry Bagnell:** The Transport officials said that Foreign Affairs officials had dealt with other countries on this act that we're dealing with. We want to know what the results were of those dealings, what the other countries said, if there's feedback, that kind of stuff.

**Mr. Brian Jean:** If it's read into the record, Mr. Chair, do you want to do a letter to the...?

**The Chair:** We'll get some information back for the next meeting. If it isn't satisfactory, then we can pursue it from there.

**Hon. Larry Bagnell:** I can't believe the department can't send an official for 15 minutes.

**Mr. Brian Jean:** Well, I'm sure they can, but wouldn't it be better to get it in writing?

**Hon. Larry Bagnell:** Okay. We'll see if that's good.

**The Chair:** With that, I wish everybody a good weekend, a *bon weekend*, and we'll see you on Tuesday.

The meeting is adjourned.









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