

House of Commons

Room 649D Centre Block
Ottawa, ON K1A 0A6
Tel.: (613) 992-2919
Fax: (613) 995-0747

**Chambre des communes**

Piece 649D, Édifice du Centre
Ottawa (ON) K1A 0A6
Tel. : (613) 992-2919
Fax : (613) 995-0747

Timmins

202-60 Wilson Avenue
Timmins, ON P4N 2S7
Tel.: (705) 268-6464
Fax: (705) 268-6460

Charlie Angus

Member of Parliament for Timmins - James Bay
Député de Timmins - baie James

Kirkland Lake

103A-30 Second Street
Kirkland Lake, ON P2N 3H7
Tel.: (705) 567-2747
Fax: (705) 567-5232

BY FAX 819-994-1768
The Information Commissioner of Canada
Place de Ville, Tower B
112 Kent Street, 22nd Floor
Ottawa, Ontario
K1A 1H3

November 15th 2016

Dear Commissioner,

I am writing to request that you investigate the government delaying my request for documentation surrounding the Department of Justice's decision to approve permits related to the Site C Dam on July 29th 2016 by 960 days, almost three years, and just shy of the next election.

The Environment Minister has stated this project has not met the level of consultation that should be had, and the Justice Minister has stated that projects like Site-C cannot be allowed to run roughshod over Aboriginal Title and Rights. Nevertheless, without any explanation the permits were approved by this government on the Friday afternoon of a summer long weekend. And since then the government has been doing everything it can to refuse to explain this decision to Canadians.

I am simply asking the government to be transparent with Canadians and specifically Indigenous Peoples so that we can all find out if the Minister of Justice and her department believe this project breaches Aboriginal Title and Rights or not? And if it does, then how did the government approve these permits being issued?

The Justice Minister has refused to answer questions in the house on the impacts of Site-C Dam on Aboriginal Rights and Title despite stating in 2012:

"The Country's reputation is at stake with approval of these projects like Site-C, like the Enbridge Pipeline. Our reputation as a caring and considerate and environmentally friendly nation internationally is going to be questioned and running roughshod over aboriginal Title and Rights including treaty rights is not the way to improve that reputation."

And, mere months before the government approved these permits for Site-C, Minister McKenna stated at a Parliamentary Committee that proper consultation had not been undertaken on the Site C project.

"So... this is a great example of a project where there wasn't the level of consultation and engagement that should have been had."

While I realize, the government regularly hides behind client solicitor privilege to refuse to disclose documentation, this government has already committed to proactively disclosing this information in the full implementation of all 94 calls to action by the TRC. This means, the government has already committed in call to action 51 to a full and transparent disclosure of what I am requesting:

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, **to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.**

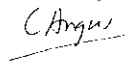
Approving permits for the Site-C Dam carries clear legal and moral obligations. Canadians deserve to know what steps if any, were taken by the government to provide the Prime Minister with the legal and moral confidence that the concerns his own Ministers have expressed have been addressed to push ahead with this project. And this is true not only for the Site-C Dam but for all projects like it including the recent LNG Project in British Columbia, the Muskrat Falls Dam in Newfoundland Labrador, and the numerous number of potential pipelines across Canada such as Kinder Morgan.

This should be a very straight forward request as this government has already committed to proactively publishing these legal opinions. Instead, I am receiving a delay of 960 days. I believe this delay will unfairly impede the ability of the opposition to undertake our work and is one additional place where whether intentionally or not the result is that the Minister will once again be provided an inordinate amount of political cover from having to answer to Canadians and Indigenous Peoples if Site-C breaches Aboriginal Title and Rights or not.

Therefore I would ask you to investigate this complaint submission under the *Access to Information Act*.

- a. Government Institution: DOJ
- b. Subject Matter: "All communications, correspondence, documents and briefings, including but not limited to messages both internal and external from the Department of Justice Canada relating to the permits that were recently approved for the site C dam on July 29th, 2016, including those related to the Environmental Assessment decision of November 2014 to the extent that they were considered in the permitting process."
- c. Institution control number: A-2016-00836 *In*
- d. Object of complaint: delay of 960 days

Sincerely,



Charlie Angus
MP Timmins-James Bay