



House of Commons
CANADA

Standing Committee on Finance

FINA • NUMBER 010 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, February 24, 2009

—
Chair

Mr. James Rajotte

Standing Committee on Finance

Tuesday, February 24, 2009

•(1000)

[English]

The Chair (Mr. James Rajotte (Edmonton—Leduc, CPC)): I call the 10th meeting of the Standing Committee on Finance to order. The order of the day, pursuant to the order of reference of Wednesday, December 2, 2009, is Bill C-10, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures. This is the clause-by-clause consideration of Bill C-10.

Members, I just want to make a couple of points. We do have two legislative clerks with us, if we require their expertise on procedure. I think they've been helping members with their amendments. It's a very large bill, so it may take some time to go through. I will go through each clause, and when we come to a clause where there is a proposed amendment, I will ask the member to move the amendment. Then I will give the ruling on the amendment, whether it is admissible or not. Of course, members can appeal to the committee.

Also, for members' information, we do have officials from the Department of Finance here in the room. If there are any questions on any particular subject, please indicate that to me and I will call the relevant officials to the table for any information they can provide to us.

So I'm going to proceed fairly slowly, as we do have a large bill. I want to make sure that we know exactly what we're doing.

We'll start clause-by-clause consideration pursuant to Standing Order 75(1).

(Clause 1 allowed to stand)

(On clause 2)

The Chair: I will just indicate to members that I do not, as of yet, have any amendments for clauses 2 to 223.

Are there any members who wish to speak to any of the clauses between clauses 2 and 223?

Mr. Mulcair.

[Translation]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Chairman, in order to facilitate the work of our committee and to avoid delaying anything unduly, I would like to tell you that the New Democratic Party will be requesting a recorded vote for each clause.

[English]

The Chair: Do you want a recorded vote on every single clause?

[Translation]

Mr. Thomas Mulcair: Yes, Mr. Chairman.

[English]

The Chair: You want a recorded vote on all 471 clauses?

[Translation]

Mr. Thomas Mulcair: Yes, Mr. Chairman.

[English]

The Chair: Okay.

Shall clause 2 carry?

•(1005)

[Translation]

Mr. Thomas Mulcair: I am requesting a recorded vote.

[English]

The Chair: Mr. Menzies.

Mr. Ted Menzies (Macleod, CPC): Is a delay tactic such as this not votable? We watched this in the softwood lumber debate, and it was simply a ploy to slow up the process. I thought that most politicians here recognized the need to get this through. If one member of the committee wants to hold up this entire committee for an opportunity to grandstand, can we vote on this, Mr. Chair, whether or not all of this needs to be by recorded vote?

The Chair: Thank you, Mr. Menzies.

I do have Mr. Pacetti, and then I'll go to you, Mr. Mulcair.

Mr. Pacetti.

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): I have no problem voting on each clause. But I think if you perhaps looked at bunching them or putting them in tighter groups, it would probably be more conducive. Then you can just carry over the votes to the next clause, as we normally do in the House.

I think if you ask for the consent of the committee for that, if you seek it, you will find it.

The Chair: Mr. Mulcair.

[Translation]

Mr. Thomas Mulcair: Mr. Chairman, it is for the express purpose of accelerating our work that I like the suggestion made by Mr. Pacetti to group together the clauses requiring no amendment.

[English]

But because it is a question that was raised by Mr. Menzies and you allowed him to speak to it, and I assume you're going to accord me the same privilege, I will say that not only was Mr. Menzies' personal attack totally untoward, it was also misguided. I'm not going to be made to feel guilty as a member of Parliament for doing the job I was elected to do, which is to see how Parliament spends its money. It's not our fault that your government suspended Parliament and prorogued it for two months. The attribution of undue intentions on our part is of course unparliamentary, and Mr. Menzies should apologize, but I know he won't.

But I will tell you this. We're going to do our jobs and we're going to do them with our heads held high. We think it's scandalous that the Liberals are supporting the Conservatives on issues that take away women's rights, take away environmental protections, take away union rights, and do nothing for the unemployed. So yes, we will be forcing votes on these issues because we think that the Canadian public wants to know what groups are able to stand up for them. They'll know that the Liberal Party of Canada has completely caved in and no longer represents anything in terms of principle.

Thank you, Mr. Chairman.

The Chair: Well, I allowed it, and I allowed Mr. Menzies to make his point as well.

As the chair, my understanding is that if members ask for a recorded vote on each clause, there will be a recorded vote on each clause. My sense, though, is that Mr. Pacetti asked that we group certain clauses together, particularly where there are no amendments put forward by any party, and that Mr. Mulcair was open to that suggestion.

Mr. Pacetti, is this on a point of order?

Mr. Massimo Pacetti: No, but if we're back on the motion by Mr. Mulcair, I have another friendly comment, if I may.

At the end of the bill, we're going to be voting on the bill in its entirety, so I think Mr. Mulcair can also make his point at that stage. I don't think he needs to, necessarily, but that's what I offer as my suggestion and my point.

Thank you, Mr. Chairman.

The Chair: Members are free to debate amendments, but they're also free to make statements on any clause they wish.

Now, for the information of the committee, the chair does not have any amendments between clauses 2 and 223.

Mr. Mulcair.

Mr. Thomas Mulcair: I think it would be appropriate, Mr. Chairman, since this will be our first vote on the bill, to give a little bit of background on these clauses, their insertion generally into this Bill C-10, and the process we're going through today.

Having just accepted graciously the suggestion that we group those clauses that don't form the object of any amendment right now, it's worth bearing in mind that Bill C-10 is the continuity of the fiscal and financial update that was brought in on November 27 by the Conservative government. It should be borne in mind that at the time

there was a strong parliamentary reaction by all three opposition parties for three reasons. One, the update withdrew women's rights by taking away the ability to effectively contest issues involving equal pay for work of equal value. Two, it removed the party financing that had been put in place in the wake of the Liberal sponsorship scandal, which was, as we all know, the biggest political corruption scandal in the history of Canadian politics. Three, it took away union rights and the ability to bargain collectively and effectively. So those three subjects brought the opposition parties together and we were ready to defeat the government.

What's interesting to note as a prologue to our discussion here today is that of those three key issues, only one was solved. The budget no longer takes away the Liberals' party financing. I say the Liberals because the Liberals depend more on public financing proportionally than any of the other parties. The two other issues, women's rights and union rights, are still being taken away by this bill. What is fascinating to watch—and we're about to make proof of that—is that the Liberals are going to vote for it every step of the way. Now that they've gotten what they wanted for their own purposes, they're abandoning women, they're abandoning the environment, and they're abandoning social and union rights.

• (1010)

The Chair: Thank you.

Is there any further discussion on clauses 2 to 223 inclusive? We will have a recorded vote that will apply to those clauses.

(Clauses 2 to 223 agreed to: yeas 5; nays 3)

(On clause 224)

The Chair: Members, we will go now to amendment BQ-1. Will it be Monsieur Carrier? I will just indicate that I do have rulings on certain amendments, so I will ask at this point, does the member wish to move the amendment?

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Yes, please.

[English]

The Chair: Monsieur Carrier, I have to give a ruling on this amendment.

Bill C-10 provides for new schedules concerning weeks of benefits. The amendment BQ-1 seeks to amend the bill so that schedule 8 remains in effect after September 11, 2010.

House of Commons Procedure and Practice states, at page 655:

An amendment must not offend the financial initiative of the Crown. An amendment is therefore inadmissible if it imposes a charge on the Public Treasury, or if it exceeds the objects or purposes or relaxes the conditions and qualifications as expressed in the Royal Recommendation.

In the opinion of the chair, the amendment proposes a new scheme that seeks to alter the terms and conditions of the royal recommendation; therefore, I rule this amendment inadmissible.

Because amendment BQ-4 is consequential on BQ-1, this ruling applies to it as well. Therefore, amendments BQ-1 and BQ-4 are inadmissible.

The chair's rulings are not debatable, but members can challenge the ruling if they so choose.

Monsieur Crête.

[Translation]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): I do not want to challenge the decision, but I simply want to make sure that I have understood correctly. You consider our desire to have the five additional weeks of employment insurance benefits made permanent to be out of order. That means the benefit which will be given to the unemployed will be valid for a maximum period of two years. If I understood you correctly, we cannot make this measure permanent as part of our consideration of the bill. In order to do this, we would need new legislation that would be presented by either a member of Parliament or the government.

• (1015)

[English]

The Chair: You cannot make it permanent without having a royal recommendation.

Mr. Paul Crête: Okay.

The Chair: The question, then, is whether clause 224 shall carry. We want a recorded vote.

(Clause 224 agreed to: yeas 8; nays 3)

(On clause 225—*Subsection 55(7)*)

The Chair: Again I'll ask the member whether he wishes to introduce amendment BQ-2. I'll just provide a hint to my friend, Monsieur Carrier, that there may be a ruling on this as well.

Does the member wish to introduce this amendment?

[Translation]

Mr. Robert Carrier: Yes.

[English]

The Chair: The ruling is very similar. Bill C-10 provides for new schedules concerning weeks of benefits. The amendment BQ-2 seeks to amend the bill so that benefits are received, following schedule 8, after September 11, 2010.

House of Commons Procedure and Practice states at page 655:

An amendment must not offend the financial initiative of the Crown. An amendment is therefore inadmissible if it imposes a charge on the Public Treasury, or if it exceeds the objects or purposes or relaxes the conditions and qualifications as expressed in the Royal Recommendation.

In the opinion of the chair, the amendment proposes a new scheme that seeks to alter the terms and conditions of the royal recommendation, and therefore, I rule the amendment inadmissible.

[Translation]

Mr. Paul Crête: Mr. Chairman, you said that BQ-1 and BQ-4 were covered by your first decision. Does it cover another article, another amendment, or will BQ-3 be ruled in order, in this case? In order to avoid doing needless work, it is better to know now whether other clauses will be affected by this decision, which limits the benefits agreed to during the recession to a short period of time,

whereas people will probably be impacted by the recession for a longer time than that forecast by the government.

[English]

The Chair: Thank you for the question, Mr. Crête.

BQ-4 was consequential to BQ-1. That's why I linked the two of them together. In response to your question, I appreciate that.

BQ-2, BQ-3, BQ-5, and BQ-6 are all inadmissible because of the same argument with respect to the royal recommendation. They all require the royal recommendation. I was going to go through them one by one, but if you so choose, that argument applies to all of them.

[Translation]

Mr. Paul Crête: Could we do this immediately for BQ-2 and BQ-3 and deal with the others later on? These ones come much later in the bill and I need to rethink them.

[English]

The Chair: Okay. So BQ-2 and BQ-3 are inadmissible.

The question is on clause 225. Well, we have from clause 225, because BQ-2, BQ-3, and BQ-4 are all inadmissible, to clause 299 in which we do not have any further amendments.

• (1020)

[Translation]

Mr. Thomas Mulcair: In order to help you with your deliberations, to make the job easier for you, I said at the beginning of the meeting that you should be assuming that the NDP will always be requesting a recorded vote. Given that one of the objectives is to not delay work needlessly, you could perhaps simply take my general request into account. However, if you want me to make this request each and every time, I will do so.

[English]

The Chair: Okay. The request is for a recorded vote on every one even if we do group them.

We'll have a recorded vote, then, from clause 225 to clause 299.

(Clauses 225 to 299 agreed to: yeas 8; nays 3)

(On clause 300—*Maximum payment of \$2,000,000,000*)

The Chair: We have the first amendment with NDP-1.

Mr. Mulcair, do you wish to move the amendment?

[Translation]

Mr. Thomas Mulcair: Mr. Chairman, I move that Bill C-10, in clause 300, be amended by replacing line 35 on page 285 with the following:

Treasury Board, except those requiring contributions from other levels of government, a sum not exceeding two

[English]

The Chair: Thank you.

The amendment is in order. Is there any further discussion?

[*Translation*]

Mr. Thomas Mulcair: I would like to provide a little context for the proposal before you. The best way to do so is to distance ourselves from the wording. I will come back to it later on to explain the technical reason for the amendment. I am now speaking more generally.

Yesterday, the Minister of Finance appeared before this committee. He tried to put a really big one over on us. He claimed that there was an increase in government expenditures of over 3.4 %, that is to say that we are in the process of spending 3.4 % of our gross domestic product in order to stimulate the Canadian economy. He said this was in order to align ourselves with the G-7 and the G-20. If that were true, it would indeed be the case and we would be in the process of aligning ourselves with the groups in question. There is a French expression to describe this. In English, it is something else. In French, we would call this freeloading.

The Minister of Finance is trying to benefit from the work that is being done in other jurisdictions around the world at this time. In fact, when he tables these figures in order to explain the percentage of GDP that is currently being spent to stimulate the Canadian economy, he includes things over which he has absolutely no control, and which are in the end artificial.

Let's look at the facts. Here, we are beginning with clauses that refer to Treasury Board rules, and the minister has already announced that this will mean that the provinces and municipalities will be obliged to make investments equal to those of the federal government in order to benefit from these initiatives. We see the gimmick. He takes a very significant sum of money as a baseline—tens of billions of dollars—and then he says that this money will be spent to stimulate the Canadian economy. However, it is conditional. It is contingent upon the provinces, who often do not have the money to do so, or the municipalities, who in certain cases do not even have the right to deal with the federal government, contributing matching funds.

We will therefore move, over the course of the morning, a series of amendments to ensure that the municipalities in particular, and the provinces will be able to benefit from real economic stimulus without being forced to contribute matching funds by the federal government.

That is why you were obliged to state that this amendment was in order: we are not asking for more to be spent than was provided for in the budget. We are staying within the set amounts, but we say that we must stop claiming that an equal amount will be added to this sum at the provincial or municipal level. That is a fiction; stop it. Take this money that is in your budgets and ensure that it will flow and be spent quickly.

I come back to what my colleague Mr. Menzies was saying earlier when he stated that this must happen quickly.

• (1025)

[*English*]

If my colleague Mr. Menzies is sincere in his wish to see this spending take place, he's going to vote in favour of this amendment, Mr. Chairman.

From Mr. Flaherty's speech yesterday, it's clear what the government is doing. This fiction of over 3% GDP spending to stimulate the economy is just that; it's an intellectual fraud perpetrated on the population, because the sums they put up, the \$10 billion or so in infrastructure and other spending they refer to, is conditional upon the municipalities or provinces ponying up a similar amount. That's why the amendment here is being declared receivable. We're not asking the federal government to spend a dime more than what's been provided for in the budget. What we are saying is that the money can flow.

Everybody has used the new buzzword “shovel-ready”. None of these guys has ever held a shovel, but that doesn't matter; it has to be shovel ready. You can see them out there with their bulldozers.

Those projects can indeed start being built, and the construction can begin, if this money doesn't have strings attached. Right now it's pure fiction. They're assuming that provinces or municipalities are going to spend money they don't have. What is provided for in the budget is money the federal government does have, and we want that money to flow. We want it to go to infrastructure and other programs where it can count.

The amendment being proposed by the New Democratic Party to section 300 is to replace the line in section 300 that provides that the Treasury Board will set conditions. We're going to add this: “except those requiring contributions from other levels of government”.

We keep with the same amount, in this case \$2 billion, to provide funding for infrastructure projects primarily related to infrastructure rehabilitation. This is one of the first amounts, a specific \$2 billion for infrastructure rehabilitation, and the NDP is proposing we take away the strings the government has attached so the money will actually be spent.

The Liberal Party has pointed out and has done the research to prove that in the past year money that was targeted for infrastructure spending in Canada was not spent. In fact, only 4% of targeted infrastructure money actually made it out the door. That, of course, is a problem of competence in public administration, but it's beyond that. It's an indication of the fact that these are just numbers on a piece of paper if we keep strings attached to them.

What we're trying to do, Mr. Chairman, is to make sure that what everybody seems to agree on, that the economy needs to be maintained, that stimulus spending is part of the solution, actually occurs.

The Conservatives are playing sleight of hand here. This is a shell game. They're saying they're putting \$2 billion on the table, but the provinces and municipalities are going to have to pony up and that's going to be a condition of getting access to the money. It's never going to make it out the door. The provinces and municipalities don't have that money, but they have the projects, the so-called shovel-ready projects.

As for the projects ready to be built yesterday, we had the Canadian Urban Transit Association here in committee. They provided us with a very long list of projects ready to go in cities across Canada. It's an important area in which to be spending. Here we're talking about infrastructure rehabilitation. A lot of things can be done with that as well, Mr. Chairman, but the money will not flow, the projects will not be built, and more importantly, Canada will simply be slipstreaming. It will simply be following in the wake of the current being produced by the other economies that are actually spending the 2% to 3% of GDP to stimulate their economies. This is what the Conservatives are actually up to. There's no real intention on the part of the Conservatives to spend this money because this type of condition they're putting in ensures that it will be like a lot of their other promises in the past; it's not going to happen.

I'm thrilled to know that for once the Liberals are actually going to vote for something, because of course having done the excellent work they did last week—and I find it's important in politics to be able to recognize when something is done well by another party—the Liberals actually did something well. They did their homework, they crunched the numbers, and they were able to prove that 96% of the money that was promised last year was never spent. I'm sure, Mr. Chairman, this time the Liberals, having done that homework, having proved that the Conservatives can't be trusted when they put up numbers on infrastructure spending, are actually going to, for once, find their spinal column and vote for something. In this case, it's not for a single penny more of expenditure so they can be relieved. It can't be considered a confidence motion because we're not requiring the government to spend another penny.

• (1030)

The only thing we have to fear is fear itself. I suspect that if they don't vote for this, Mr. Chairman, the Liberals will be proving that they actually fear fear itself, because there is no logical fear here. I know how afraid they are of being wiped out by the NDP in the next general election. That's why they won't be calling it any time soon or they won't be joining with us in defeating the government any time soon. Whether or not that election ever comes before Michael Ignatieff becomes eligible for his pension...no, he'll never become eligible for his pension. He's never worked in Canada, but that's an aside. Let's just say that, sticking with the subject of clause 300, the Liberals finally have a golden opportunity to show that they have principles, that they didn't do all this for their own self-interest, that their voting 53 times in the House with the Conservatives is now over. On an issue where they've done their homework, where they've proven that the Conservatives can't be trusted and that we're doing something to make sure the money actually flows to the provinces and to the municipalities on infrastructure, we're convinced, Mr. Chairman, that the Liberals are finally going to find their hands, the ones they have been sitting on for three and a half years throughout the Dion-Ignatieff reign. They're finally going to follow Mr. McCallum's leadership and they're going to vote to make sure the money flows.

Thanks, Mr. Chairman.

The Chair: Thank you, Mr. Mulcair.

We'll go to Monsieur Crête.

[*Translation*]

Mr. Paul Crête: Thank you, Mr. Chair.

I would like to ask a question of Mr. Mulcair in order to better understand the substance and the impact of this amendment.

From what I understand from Mr. Mulcair's presentation, the Minister of Finance prides himself on making an impact on the economy implying the commitment of parties such as the provinces and municipalities, without necessarily being able to ensure the availability of those funds. Moreover, based on past history, the reality will be this: funds will be promised, but at the end of the day, there will not be any impact on the economy. That at least is what I understand.

I would like to know if the passage of the NDP's amendment could mean that the money could be spent without the agreement of the provinces, the municipalities, or any other body with which they have an agreement. If that is the case, I would like to know how, in his opinion, this money might be spent by the federal government in such a way as to respect the various areas of jurisdiction.

[*English*]

The Chair: Monsieur Mulcair.

[*Translation*]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

My colleague Mr. Crête raises an excellent question. I can tell him about an experience I had when I was a minister in the Quebec provincial government. I found myself facing an immovable obstacle in the person of the former Liberal leader, Mr. Dion, on the issue of the \$326 million which represented Quebec's share in the area of climate change, if you recall. Ontario had received \$550 million and Mr. McGuinty was very proud to explain the way in which he had obtained this amount. When Quebec asked for its share, you should have seen the conditions that the federal government suddenly wanted to impose on the province. Furthermore, it absolutely wanted to deal directly with municipalities. These being creatures of the Quebec parliament, however, it was out of the question that the federal government deal directly with them or choose the programs.

Of course, this would depend on the attitude of the province concerned. In fact, some of them would have no problem with it. All I can say is that Quebec legislation would continue to apply. The absolute ban on municipalities dealing with the federal government remains in place, and the Province of Quebec will take care of what happens within its borders. Could the federal government repair one of its own bridges? Yes, but within the limits of what they can do today.

In summary, we wish to amend clause 300 by replacing line 35. It currently reads as follows:

300. There may be paid out of the consolidated revenue fund, on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, a sum not exceeding \$2 billion to provide funding for infrastructure projects primarily related to infrastructure rehabilitation.

The change would amend line 35 which would then read as follows:

300. On the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, except those requiring contributions from other levels of government, a sum not exceeding \$2 billion [...]

In summary, and in answer to my friend and colleague Mr. Crête, the intention of this amendment is quite simply to make it impossible for the federal government to make this expenditure conditional on matching contributions from the provinces or municipalities.

I would be so bold as to conclude by saying that the problem is, at the moment, that the federal government presumes to be able to spend the municipalities' and provinces' money. They are so certain of it that these funds are included in the figures that the minister provided us with yesterday, when he appeared before the committee. He boasted of the fact that the stimulus package represented more than 3% of GDP. It is this assumption that is arrogant and that goes against the federal compact. He is telling us that the provinces and the municipalities will spend these sums.

That is why we are removing those strings. The money should be divided among the provinces on a proportional basis for projects that will be determined.

●(1035)

The Chair: Very well, thank you.

Mr. Crête.

Mr. Paul Crête: I would like to ask another question in order to get some clarification.

What this means is that if we had a scenario such as the one suggested by the NDP and its amendment, we might not have seen the bottleneck in the spending projected in the budget, where the money was not spent. Perhaps the slowdown in the economy that we have seen might have been dealt with much more effectively if, over the last two years, the money that was provided for in these programs had been spent, rather than announcing the expenditures and then not making them because an agreement was not reached with the provinces or because the provinces do not have the same financial means. That is what led to this result. It's rather depressing. I feel it is almost shocking that we are faced with this reality. For the past two years, many expenditures have been announced for infrastructure but we have not seen the expected results, because the necessary agreements were not concluded and the money was not spent; and yet today we hear from all sides that construction must start quickly so that we can replace the lack of consumer spending that is a result, for example, of the decreased economic activity in the United States, that carries on through to Canada.

Mr. Thomas Mulcair: Once again, Mr. Chairman, Mr. Crête has summed up the situation very well. It is for these reasons that I was so optimistic that the Liberals would rediscover the use of their hands and vote with us on this subject. It was in fact the Liberals who proved the Conservatives' mismanagement of the expenditure of these funds. Let us remember that within last year's budget, 96% of the money was never spent because there was so much bureaucratic red tape and incompetence on the part of the government. We will see that a little later on today. We'll come to that.

Some people have had the gall to suggest that the fact that they are protecting the environment is what is holding up these projects. It is outrageous to make such an unsubstantiated statement. On the other hand, while they are at it, in order to further their extreme right-wing agenda which is against the rights of women, unions and social rights and the environment, the government is benefiting from the

economic crisis. We can never be certain what the Liberals will do in such a situation. Allow me to remind our Conservative colleagues of this: the infamous \$326 million that the Liberals, out of obstinacy, refused to pay out to Quebec that has finally been transferred. And by whom, do you think? By the current Conservative government. If the Liberals could not see the wisdom in this money being spent, who knows what they think? There may be enough thoughtful Conservatives who understand that it is in the interest of the economy. They're always droning on about how stimulating the economy is in everyone's interest. If they truly wish for these funds to be spent and allocated to good projects, they really should vote with us.

As for the Liberals, it must be said that one can never really count on them, Mr. Chairman.

●(1040)

The Chair: Very well, thank you.

Mr. Carrier.

Mr. Robert Carrier: Mr. Chairman, the arguments set out by my colleague Mr. Mulcair appear acceptable to us. At the end of the day, the objective is to ensure uniformity in the federal government's spending powers across the entire country. I would like to move a subamendment or a friendly amendment. In fact, we are very concerned regarding Quebec's responsibilities in terms of establishing priorities.

The end of the amendment which has been tabled would read as follows:

In accordance with the terms and conditions approved by the Treasury Board and in accordance with the priorities set out by the provinces.

This is the subamendment we are moving in order to ensure that the government's spending power takes the provinces' priorities well into account.

The Chair: Very well.

[*English*]

I'm going to ask you to repeat your amendment. My understanding is that it's after the word "to".

[*Translation*]

Mr. Thomas Mulcair: We must work with the French version.

Mr. Robert Carrier: In the French version it would read as follows:

[...] in accordance with terms and conditions approved by the Treasury Board and in accordance with the priorities established by the provinces.

The idea is to always take into account the priorities established by each of the provinces. For us, in the Bloc Québécois, it would ensure that Quebec's priorities are being well considered. It also applies to all provinces. I do not know if my colleague will agree to the addition to his amendment.

[*English*]

The Chair: I have a ruling on the subamendment.

The subamendment is inadmissible because it introduces a new concept into the bill. The introduction of provincial priorities is a new concept that is beyond the scope of Bill C-10 and is therefore inadmissible. If you refer to *House of Commons Procedure and Practice*, page 654, it says: "An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the bill." Therefore your subamendment is inadmissible.

The chair's ruling is not debatable, but the member can choose to challenge it if he wishes.

Monsieur Carrier.

•(1045)

[Translation]

Mr. Robert Carrier: Mr. Chairman, I take issue with that decision. It's surely not contrary to the intent of the infrastructure program that the provinces be concerned by the setting of their priorities.

[English]

The Chair: Mr. Carrier, it's not debatable. Do you wish to challenge the ruling of the chair?

[Translation]

Mr. Robert Carrier: I challenge your decision, because we consider provincial priorities to be essential.

[English]

The Chair: The motion, then, is that the chair's ruling be sustained. We'll have a recorded vote.

(Ruling of the chair sustained: yeas 8; nays 3)

The Chair: Mr. Pacetti, on a point of order.

Mr. Massimo Pacetti: Can the record state that this is your first challenge and you survived it? Welcome to the finance committee.

The Chair: Thank you. It's a little more exciting than the industry committee, I must say, in certain ways.

Is there any further discussion with respect to NDP-1?

Monsieur Mulcair.

[Translation]

Mr. Thomas Mulcair: Mr. Chair, despite your decision, which I am not going to challenge, as you said yourself, I nevertheless hope to convince my colleagues that not being able to guarantee that the priorities of the provinces will be taken into account... this list would normally be taken into account. I hope that my colleagues will support this proposal. To give a concrete example, the City of Montreal can in no way afford to match these amounts. Mayor Miller of Toronto clearly stated that he cannot afford to meet federal demands. Much of that money simply is not there.

I think it would be a serious mistake not to accept the amendments proposed by the NDP, especially since it does not incur any new expense for the government. Try as they might, the Liberals won't find anything wrong with this clause. All we're saying is that we want the money to be delivered with no strings attached.

In closing, Mr. Chair, we would like our colleagues to support this proposal.

[English]

The Chair: Thank you.

Mr. Pacetti, on the same point.

Mr. Massimo Pacetti: Thank you, Mr. Chairman.

[Translation]

There are some things I am willing to let pass, but not others. In recent weeks, I met with the directors general of the City of Montreal. They want the budget to be adopted and they are ready to do their share in order to obtain the funds required for infrastructure.

I do not think it is a good idea to speak on behalf of other people when what you're saying is false, Mr. Chair.

[English]

The Chair: Is there any further discussion? If not, I'll call the vote on amendment NDP-1.

(Amendment negated: nays 7; yeas 1)

(Clause 300 agreed to: yeas 8; nays 3)

(On clause 301—*Maximum payment of \$495,000,000*)

•(1050)

The Chair: We have amendment NDP-2.

Mr. Mulcair, do you wish to move this?

Mr. McKay has a point of order.

Hon. John McKay (Scarborough—Guildwood, Lib.): Could we seek to know from the mover of amendments NDP-2, NDP-3, NDP-4 and NDP-5 whether we could group these votes, as they're essentially all the same vote and essentially on all of the same arguments?

The Chair: Mr. Mulcair, Mr. McKay is proposing to group NDP amendments 2, 3, 4, and 5, arguing that they deal with the same subject matter.

Mr. Thomas Mulcair: As you'll notice, Mr. Chair, clause 300 deals with infrastructure spending related to rehabilitation. Clause 301 is more specifically dealing with sums provided for provinces and territories under the provincial-territorial infrastructure-based funding program for infrastructure projects. How could I ever deprive our Ontario MPs of the ability to vote against David Miller, to vote against infrastructure spending in Ontario and in the major cities of Ontario? I think everybody in Ontario should see what a bunch of spineless, unprincipled people the MPs from Ontario are.

The Chair: I'll take that as a no.

Mr. Mulcair, do you wish to move amendment NDP-2?

[Translation]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

Our second amendment seeks to amend clause 301 which is currently found under the title "Provincial-Territorial Infrastructure Base Funding Program."

Clause 301 reads as follows:

There may be paid out of the Consolidated Revenue Fund, on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, a sum not exceeding \$495 million to provide payments to provinces and territories under the Provincial-Territorial Infrastructure Base Funding Program for infrastructure projects.

We propose amending lines 2 and 4 as follows:

There may be paid out of the Consolidated Revenue Fund, on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board—except those requiring a contribution from another level of government—a sum not exceeding \$495 million to provide payments to provinces and territories under the Provincial-Territorial Infrastructure Base Funding Program for infrastructure projects.

You will understand, Mr. Chair, that this topic is different from the preceding one. This is why they must be dealt with separately. Once again, the people who advised you on these matters have told you that these amendments are fully authorized. The people listening to us may wish to understand why some of the amendments proposed were never debated. It is because by proposing an amendment that incurs additional expenditures for the government, we are violating one of our own rules. A committee is not entitled to order a new expenditure.

However, our committee is entitled to amend the conditions set out to make this money available. This program provides for \$495 million for the provinces and territories. That is a substantial amount. As has already been said, if we look at their past record, we cannot rely on the Conservatives to deliver the funds that they promise under these programs. Statistics have shown that only 4 per cent of past funding has been paid out of the public purse. It is possible to improve the provinces' financial situation with federal monies and that's what we're trying to do here today, except that the Conservatives insist on setting yet another condition, namely, that the municipal and provincial governments match federal funding. But that's completely unrealistic, because most municipalities simply cannot afford to do so.

I'm going to give you a very specific example, that of my home town: Montréal. Mayor Tremblay stated categorically that he simply does not have that money. We're not talking about a direct transfer of funds for this purpose: the condition is that he come up with money that he does not have. Once again today, we witness obstacles being put in the way of a project for which funding will not be able to flow.

Mayor Miller of Toronto said the same thing. It is crystal clear from his reaction to the budget that these amounts will never see the light of day. Once again, we can see how the Conservatives try to burnish their image. With the figures they spout, they're trying to make us believe that they will meet G7 and G20 requirements and spend over 3 per cent of our GDP to stimulate the economy, but that's not the case.

With the proposed amendment to clause 301, the NDP is seeking to eliminate the requirement that the provinces and municipalities match federal funding. We feel that this is the best way to ensure that the funds allocated — and we're not changing the amounts — are actually spent.

• (1055)

[English]

The Chair: *Merci.*

Is there any further discussion on this amendment?

Monsieur Laforest.

[Translation]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): The Bloc Québécois members are not in favour of this amendment for a specific reason. It might have been interesting, but the Quebec government's jurisdiction is not guaranteed in a situation like that. As long as we don't have that assurance, we will consider this amendment to be insufficient.

The Chair: Mr. Mulcair.

Mr. Thomas Mulcair: I said it delicately and a little bit indirectly when we talked about clause 300. However, since the term jurisdiction has been used, I want to be as clear. The amendment we are proposing, if adopted, would ensure that the money would really be spent. If our proposal is rejected and nothing else is added with regard to jurisdiction, then nothing will be done to ensure that the money is truly spent. I think that the Bloc is making a mistake with this here today.

It is always important to ensure that the rights of the provinces, pursuant to the federal compact, be respected at all times, in all respects the same way that Quebec has prohibited municipalities from dealing directly with the federal government. We believe these things go together.

I ask my Bloc colleagues to think about the meaning of the amendment on the table. Our proposal changes nothing, except the fact that, if passed, we will have taken out the obligation of municipalities or provinces to contribute matching funds. As I said earlier, nothing changes with regard to jurisdiction. Under existing agreements, jurisdiction would remain with Quebec, which will always prohibit direct dealings with the municipalities. I think this is a good idea, which is somewhat paradoxical, given the extensive research done by the Liberal Party and made public by Gerard Kennedy last week. It proves, with statistics and analysis to back it up, that 4% of the billions promised last year in the budget have never seen the light of day.

It's an excellent reason to vote in favour of this amendment in order to ensure that the money will really be spent. It would be unfortunate not to do so because you cannot make another clarification for technical reasons. You are presuming there will be a problem, but there might not be. That said, this clarification would not create one either way. However, it is clear that if this amendment is not adopted, the condition that the City of Montreal provide matching funds will remain. The money will therefore never be spent and the City of Montreal will not be able to complete its projects. Whatever the case may be, the City of Montreal will always be subject to Quebec legislation, legislation passed by the Quebec National Assembly, which prohibits the municipalities of Quebec, including the City of Montreal, from dealing directly with the federal government.

I am appealing to the good sense that I know my Bloc colleagues have and I'm asking them to vote in favour of this amendment. We would be abandoning municipalities in Quebec if we do not vote in favour of the amendment.

• (1100)

The Chair: Thank you.

Mr. Carrier.

Mr. Robert Carrier: Thank you, Mr. Chair.

I share the opinion of my colleague, Mr. Mulcair. Clearly, the priorities of the provinces concerned must be considered in terms of what the federal government is planning.

You said earlier that all of the Liberal and Conservative members voted against specifying or repeating that the provinces would be setting their own priorities. This demonstrates the importance that this be recorded to ensure that it is not forgotten. The federal government, given its importance and overall budget, is often tempted to ignore provincial jurisdiction. That is why it is important to mention it, since it people seem reluctant to agree that it be written down.

The Chair: Thank you.

Mr. Mulcair.

Mr. Thomas Mulcair: It might have been useful to add that if we could have, but we can't. You have ruled the amendment out of order. Let's deal with things as they are. We would have liked to do that in line with provincial priorities and the maintenance of project control, but we can't.

What we can do, however, is not impose an obligation on the City of Montreal to find amounts that it does not have in order to access federal funding. Let's at least take away what we can take away. It's like saying that, because you cannot repair both the doors and windows of a house in which both need to be repaired, you won't at least repair the windows. We could repair one defective element in this bill. If I understand correctly, the Bloc's argument is that, since we cannot repair two things, we will not even repair the one thing we can repair. I don't think that argument holds water.

What we should do, rather, is help the City of Montreal. I know that is not the Bloc's first concern. I would also like to help the City of Toronto. Mayor Miller has been very clear on this—he needs to have the money flow as well.

[*English*]

So, Mr. Chairman, I think we have to do everything we can to make sure the money actually flows. Mayor Miller of Toronto has been very clear on this matter, that he won't be able to come up with the funds to match the federal funds. A lot of the provinces are in the same boat. So once again we're faced with the following situation, where the federal government is putting up a large number, saying that it represents Canada's stimulus spending to meet the G7 and G20 requirements, but they're making it conditional; there are strings attached, and we think that's a mistake. What we're trying to do with clause 301 is to remove some of those strings to make it possible for cities like Montreal and Toronto to have access to that money.

And I'll say in ending that it's very clear from the fact that a lot of this money goes to the current Minister of Transport, Mr. Baird, and—I hope this doesn't come as a shock to you—he is just slightly partisan. I know this might come as a bit of a surprise, but he's ever so mildly partisan, and he has made it clear before certain groups, including groups that work in areas such as urban transit, that they'd better come from an area that has some Conservative MPs if they want to see any of the money. So with this slush pot they're putting

together, we could, at the very least, make sure some of it flows to the cities, like Montreal and Toronto, that won't be able to match the funds if we don't make this change.

That's why we maintain our suggestion, Mr. Chairman, that clause 301 be amended as we suggested, that is to say, that clause 301 be amended to take away the requirement for cities or the provinces to match the funds, and that the money spelled out in clause 301 actually flows to infrastructure projects in conformity with the provincial-territorial infrastructure base funding program.

The Chair: Thank you.

(Amendment negatived: nays 7; yeas 1)

(Clause 301 agreed to: yeas 8; nays 3)

(On clause 302—*Maximum payment of \$250,000,000*)

• (1105)

The Chair: We have amendment NDP-3.

Mr. Mulcair, do you wish to move amendment NDP-3?

[*Translation*]

Mr. Thomas Mulcair: Thank you, Mr. Chairman.

The third amendment moved by the New Democratic Party amends clause 302 of Bill C-10, which covers the communities component of the Building Canada Fund. It would amend line 15 on page 287. Clause 302 reads as follows:

302. There may be paid out of the Consolidated Revenue Fund on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, a sum not exceeding \$250 million to provide funding for infrastructure projects in communities that have a population of less than 100,000.

After replacing line 15 on page 287, the amended clause would read as follows:

302. There may be paid out of the Consolidated Revenue Fund on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, except those requiring contributions from other levels of government, a sum not exceeding \$250 million [...].

Mr. Chairman, I am convinced that my Bloc Québécois colleagues will support this amendment, because this covers communities that have fewer than 100,000 people. Under current National Assembly legislation, those communities are officially prohibited from dealing directly with the federal government. Quebec will thus find its prerogatives intact.

I hope that my colleagues from Ontario, who represent regions with communities comprising less than 100,000 people, will agree and see the wisdom of this amendment. Once again, we are assuming that municipalities, towns and communities comprising fewer than 100,000 people can provide significant amounts to match the amounts provided by the federal government. Two hundred and fifty million dollars is quite a sum. That money will have to flow. However, as we have already said, if the funding is provided on condition that those small communities match it, we can safely bet that the money will never flow, and will never leave government coffers. That would once again support our belief that the Conservatives are simply claiming that they will spend enough money to come up with a figure that stands at over 3% of GDP, but do not really mean to spend any of it.

Here, an assumption is being made about the money that communities, cities and provinces will spend. The government has also claimed that it has saved some \$8 billion by cutting spending in departments—that is a joke, Mr. Chairman, because Conservatives are the worst public administrators in Canada's history. In just three years, before tabling this budget, they had already increased government spending by \$40 billion a year, over 23%, without any concrete results for Canadians. It goes without saying that even more spending is provided for here, Mr. Chairman. Once again, there is no vision and there are no real results.

In addition, the government is now talking about \$250 million that will go to communities. Yet, we already know that those communities are in no position to provide their own share of the funding, a share they must put up before the money can actually flow.

In defence of those communities with a population of less than 100,000, the New Democratic Party begs its colleagues from the Bloc Québécois and the Liberal Party to understand that the money will never be spent if they do not support our amendment. Our amendment is in order because it does not incur additional government spending. What we do want, however, is for the federal government to actually spend the money, and to stop making that spending conditional on municipalities' or provinces' matching the funds.

• (1110)

[English]

Mr. Chairman, to sum things up in English, right now we're looking at the communities component of the Building Canada Fund, \$250 million for communities with a population of fewer than 100,000 people. I think that in a municipality with less than 100,000 people it's quite obvious we're going to be dealing with the type of situation we've already described. The federal government is putting up a big number, \$250 million, but it's not going to get spent.

Most of those municipalities can't pony up the cash to meet their part of the obligation. Provinces have already said that money won't be there. And to assuage my colleagues from the Bloc, I would remind them that existing provincial legislation in Quebec, duly enacted by the National Assembly of Quebec, provides that those municipalities are not allowed to deal directly with the federal government, so any concern that they might have regarding jurisdiction is obviated.

I think the City of Montreal, as much as the City of Toronto in the previous example, deserves their money; the smaller towns and cities of Quebec, Ontario, B.C. and all the other areas of Canada that so sorely need this money—there are a lot of municipalities that fall into this category of under 100,000—deserve the support. They don't have the money to meet this new requirement that they match funds with the federal government. That's why we're proposing it be removed. The amount, of course, is being maintained; there just won't be any strings attached anymore, Mr. Chair.

The Chair: Thank you.

Monsieur Laforest.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chair, for the same reasons I mentioned earlier, the Bloc Québécois is opposed to this amendment. We have no guarantee that Quebec will have full control of this type of project under this clause.

We noted that despite existing laws and regulations, as Mr. Mulcair said, the Conservative government nevertheless intends to deal with the municipalities. So we are not reassured. That is why we will be voting against this amendment.

[English]

The Chair: *Merci.*

Monsieur Mulcair, did you want to respond?

[Translation]

Mr. Thomas Mulcair: Thank you, Mr. Chair. Yesterday, our friend Mr. McCallum, on behalf the Liberals, tried to get the minister to say that everything, every comma in the bill, should be seen as a question of confidence. That would mean that the government would feel free to go to see the Governor General to call an election—I suppose that is what he is hoping for. With a leader as weak as Mr. Ignatieff, I would not blame him for doing so.

However, the Liberals are inventing fears. There are some matters in a budget that are not questions of confidence. Removing such a condition is acceptable in your opinion, Mr. Chair, because this does not involve any expenditures. So the Liberals can vote for that.

However, yesterday, the Liberals managed to invent some fears when they questioned Mr. Flaherty on this. They are afraid to be afraid. If they're not afraid enough, they will invent a fear so that everyone continues to be afraid and to provoke the Conservatives. I dare say that my friends in the Bloc are inventing a fear this time, because all we are trying to do here is to remove the requirement placed on municipalities with a population of less than 100,000 to spend an amount equal to the amounts to be spent by the federal government.

If we make this change, the municipalities in question—and there are many of them in the various regions—will be able to get these funds without having to contribute the same amount of money. We can almost understand for the other levels of government. In the case of the provinces, or more generally the federal government, we could follow their argument that this was not clear. However, they cannot argue that in the case of clause 302. It is legally impossible to claim that in clause 302 there is a concern about a lack of respect for provincial prerogatives and jurisdiction. It is impossible to seriously claim that there is such a concern with clause 302, because Quebec has legislation which absolutely prevents municipalities from dealing with the federal government. It is written quite clearly, in black and white. That cannot be changed. They cannot change that. So there is no reason to be afraid.

So this is a case where the Liberals are inventing fears in order to support the Conservatives. They are afraid of defeating the government; that is quite a feat! This is unique in Canadian political history. We have an official opposition that has become the official abstention here today. We have seen them do it. They are afraid of being afraid, of failing to live up to their own record of voting with the Conservatives. I think their record of abstaining today will be equal to their record of voting with the Conservatives in the past. It is sad and pathetic to see people elected to stand up for their communities just lying down and playing dead. We knew they were sell-outs, but we didn't know that their price was zero.

However, I'm looking again at clause 302; that is what we are talking about here. I will call on my colleagues in the Bloc Québécois to realize that municipalities with fewer than 100,000 people will not get any money at all for their projects if we do not pass this amendment. I do not think we have to get into far-fetched constitutional arguments to vote against an amendment that would simply make things easier for these municipalities. We are trying to make things easier for them. That is the objective. This would remove the condition that the government could impose through Treasury Board regarding matching funding. I have the right to present this motion because it does not involve any additional expenditure of money. I would suggest that my friends in the Bloc think about clause 302, which is different from clauses 300 and 301, and vote for the amendment.

Who knows? There may be some hope. Life is all about hope. The Liberals may find their backbone and vote with us to remove from municipalities the requirement to match federal funding in order to have access to these funds which, as the minister constantly reminds us, are being spent.

• (1115)

He says that this is real money. He cries it from the rooftops. He says he has complied with the demands of the G7 and G20, but he has not, and this has been proven here today.

[English]

The Chair: *Merci.*

We'll have the vote on NDP-3.

(Amendment negated: nays 8; yeas 1)

(Clause 302 agreed to: yeas 8; nays 3)

(On clause 303—*Maximum payment of \$200,000,000*)

• (1120)

The Chair: Clause 303 is on page 287. We have an amendment, NDP-4.

Mr. Mulcair, do you wish to move the amendment?

[Translation]

Mr. Thomas Mulcair: Yes. Thank you, Mr. Chair.

This amendment has to do with the Green Infrastructure Fund. Clause 303 reads as follows:

303. There may be paid out of the Consolidated Revenue Fund, on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, a sum not exceeding \$200 million to support infrastructure projects that promote a clean environment.

This time we would replace line 24 with the following:

303. There may be paid out of the Consolidated Revenue Fund, on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, except those requiring contributions from other levels of government, a sum not exceeding \$200 million to support infrastructure projects that promote a clean environment.

In light of the chainsaw massacre that the Conservatives are about to inflict on the century-old Navigable Waters Act, I think that at the very least we must ensure that these sums, however small, provided for in clause 303 not come with any strings attached. We therefore suggest that this money be made freely available, with no restriction.

Unfortunately, if we do not pass this amendment, the money will never be spent, except in the form of patronage from Minister Baird.

We are therefore suggesting that the requirement for matching funding from the municipality or another level of government be removed. We are asking that the money for green infrastructure start flowing. We would have liked the budget to do more along these lines.

In Brundtland's view, sustainable development may be defined as one generation's obligation not to pass on an environmental, social or economic debt to a future generation. However, unfortunately, this budget is passing on a heavy financial debt to future generations. At the very least, there should have been provision for green infrastructure, which would have benefited future generations. However, this was not done. The sums mentioned in clause 303 are tiny.

So we are moving an amendment that would prevent the federal government from making this funding for green infrastructure conditional on matching funding. Our objective is to get the money flowing. As with the amendments to preceding clauses, we want to ensure that the money will actually start flowing.

[English]

Mr. Chairman, in summary, the amendment is proposed to clause 303, which right now reads:

There may be paid out of the Consolidated Revenue Fund, on the requisition of the Minister of Transport, in accordance with terms and conditions approved by the Treasury Board, a sum not exceeding two hundred million dollars to support infrastructure projects that promote a clean environment.

We find that unfortunately we're already bequeathing to future generations a heavy financial burden, because we're going into debt with this budget, so they have to pay it off. The very least would have been for us to come up with some real spending on the environment through green renewable energy, clean renewables. Something that future generations would at least be able to take advantage of if we're going to be leaving them with this debt. What we have in fact is a rather paltry sum of \$200 million in section 303, and this is why we've been proposing the conditionality be taken out in these various sections.

The problem is that when you say in clause 303 “in accordance with terms and conditions approved by the Treasury Board”, of course the government has already announced that those terms and conditions will include the obligation to have matching funds. So what we in the NDP are saying is that we'll take out that condition, so we're saying “Treasury Board, except those requiring contributions from other levels of government”, whether they be municipal or provincial. We want the money to actually flow. We don't find the money sufficient, but we do think that at the very least, if the government is going to be putting up this number of \$200 million for spending on green infrastructure, it should not be conditional on similar spending by the municipalities or the provinces.

That's why the NDP's amendment 4 seeks to remove from clause 303 this condition, which the Treasury Board could impose, that there be similar contributions from other levels of government.

Now, you've already ruled that these amendments are acceptable under the provisions governing the workings of these committees as we look at a budgetary statute, because we are not asking that new money be spent. If my amendment had sought to change \$200 million to \$250 million you would have ruled it out of order. I'm not asking the government to spend more money, although I would like them to, but that's not the purpose of this amendment. The purpose of this amendment is to ensure that the paltry \$200 million that is there on the environment...I say it's paltry not because \$200 million is an unimportant sum but because in relation to the overall needs of the environment and our obligations toward future generations it is very minor. We want to make sure that, despite the fact that it is minor, it actually gets spent.

• (1125)

[Translation]

In closing, since in this case there can be no link of any sort with relations between the federal government and Quebec, I hope my colleagues in the Bloc will support this amendment to remove the conditionality of green funding. If we start talking about jurisdiction or trying to deal with constitutional disputes, the same objection can be made to everything. If the objective is to help Quebec generally, then ultimately, we must be practical.

We just saw the Bloc vote against an amendment that would have allowed funding to go to municipalities with populations of less than 100,000. I hope that in the case of the environment, the Bloc will not vote against this amendment, which seeks to ensure that the money will actually be spent. In the case of the Liberals, we can always hope for a miracle. For once in their lives, I hope they will not give in and simply play dead as they do every day. I hope they will summon up a little courage and behave not like the official abstention, but rather the official opposition.

[English]

The Chair: Thank you.

M. Carrier.

[Translation]

Mr. Robert Carrier: Mr. Chairman, I don't want to talk as much as my colleague from the NDP, and I don't want to give a speech, but all the same, I would like to remind him, since he mentioned the Bloc's position, that we want the government to pay out the money

as quickly as possible, and that this funding be used to spark the economic recovery that we need so badly. However, that's no reason to create chaos and have all the various orders of government investing in all possible fields, just to create an economic recovery.

The provinces have their own areas of jurisdiction. It is important for the provinces to establish their own priorities with regard to infrastructure, and that's why the cost of these projects concerns them. Green infrastructure projects are even better, since they are intended to both protect our environment and encourage sustainable development. Once again, these projects involve the municipalities, which are the creatures of the provinces. So it's important for the provinces to always have their say when the time comes to set priorities, and that the federal government make a contribution. This is not a whim on our part; this is essential if we wish to maintain agreement between the orders of government and respect each level's area of jurisdiction.

[English]

The Chair: *Merci.*

I will call the question then on the amendment NDP-4.

(Amendment negated: nays 8; yeas 3)

(Clause 303 agreed to: yeas 8; nays 3)

• (1130)

The Chair: Colleagues, I have clauses 304 to 311, where I do not have an amendment.

(Clauses 304 to 311 agreed to: yeas 8; nays 3)

(On clause 312—*Maximum payment of \$500,000,000*)

The Chair: We have three amendments for clause 312. We'll start with NDP-5.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Chairperson, thank you.

You have the amendment before you. In effect it will—

The Chair: Ms. Wasylycia-Leis, I am advised that I have to give a ruling first on the Bloc amendments.

Ms. Judy Wasylycia-Leis: Okay.

The Chair: Colleagues, for clause 312 we have three amendments. We have NDP-5, we have BQ-5, and we have BQ-6. I'm assuming the Bloc wants to read both amendments. Monsieur Crête had asked how I had ruled earlier on the previous Bloc amendments. The ruling of the chair will be the same with respect to the royal recommendation, and I can read that:

Bill C-10 provides \$500 million for the renovation and retrofit of social housing. The amendments BQ-5 and BQ-6 seek to amend the bill so that this sum is increased.

House of Commons Procedure and Practice states at page 655: “An amendment must not offend the financial initiative of the Crown. An amendment is therefore inadmissible if it imposes a charge on the Public Treasury or if it exceeds the objects or purposes or relaxes the conditions and qualifications as expressed in the Royal Recommendation.”

In the opinion of the Chair, the amendment proposes a new scheme which seeks to alter the terms and conditions of the Royal Recommendation, therefore I rule the amendment inadmissible for both BQ-5 and BQ-6.

As I've stated before, the ruling is not debatable, but members can challenge the chair on the ruling.

Monsieur Laforest, you'd like to challenge the ruling?

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, I challenge your ruling. The two amendments are not identical. Our sixth amendment does not change the amount in question. I realize that you are giving a ruling similar to the others for amendment BQ-5, but BQ-6 amends the clause by replacing the words “backlog in demand for the construction, renovation” and not the amount. That's very different.

• (1135)

[*English*]

The Chair: No, and I'll clarify that. BQ-5 seeks to amend the bill so that the sum is increased from \$500 million. BQ-6 seeks to amend the bill to provide for new construction. In both cases the amendment proposes a new scheme that seeks to alter the terms and conditions of the royal recommendation, and therefore the amendment is ruled inadmissible. That is the ruling of the chair.

Monsieur Laforest has indicated he wants to challenge the ruling. Therefore, it will be that the chair's ruling be sustained. We'll have a recorded vote.

(Ruling of the chair sustained: yeas 8; nays 3)

The Chair: The chair's ruling is sustained.

We will now move to amendment NDP-5. This amendment is in order, so we'll let Ms. Wasylycia-Leis introduce the amendment.

Ms. Judy Wasylycia-Leis: Thank you, Mr. Chairperson.

First I'll move that Bill C-10, in clause 312, be amended by replacing line 29 on page 289 with the following:

except those requiring contributions from other levels of government, a sum not exceeding five hundred million

The Chair: Thank you. Would you like to speak to the amendment?

Ms. Judy Wasylycia-Leis: I'd love to speak to this amendment.

You have heard from my colleague the finance critic for the NDP the general reasoning for this amendment throughout Bill C-10. You will understand that our concern is with the requirement on the part of the federal government to engage in cost-sharing arrangements with municipalities and provincial governments. You've heard that this places an unanticipated and most likely intolerable burden on our municipalities and provincial governments at a time when investment in infrastructure, and in this case particularly investment in housing, is so critical.

If there is ever an item or a matter pertaining to infrastructure and investment that will stimulate the economy and help people through the worst times of an economic recession, it is housing. I don't need to tell you, Mr. Chairperson, how much we've missed having a national housing policy in this country. Your government has made an attempt to start to put some money back after the Liberals basically destroyed any kind of national housing policy.

Let me take you back to 1993, when we dealt with the cuts. The 1995 budget, in particular, dealt with the cuts of the then Liberal

government under Prime Minister Jean Chrétien and the finance minister, Paul Martin. So many programs were gutted in order to deal with an economic downturn. In particular—I won't go into this too much—we noticed the biggest cut in the history of this country in terms of health and social policies. By the way, that was to a tune of about \$6 billion, and we are just now beginning to catch up, just now beginning to be back where we would have been back in 1995, without even considering the increase in the cost of living. Less noticed than the areas of health and education was the move by the federal Liberals to actually exit the field of housing completely, leaving Canada one of the only countries in the advanced industrial world that does not have a national housing policy. That's an embarrassment.

What we have said in this budget is that there must be a return to a national housing policy. While we acknowledge the small steps taken by the Conservatives, by this government, we are very worried that the amounts themselves are so small that they will not create the critical mass needed to turn around a deteriorating housing situation in this country, and that the moneys available once more require matching contributions by the municipalities and provincial governments at a time when either they are already stretched to the limit or when some provinces have started to make investments—such as my own. The Manitoba NDP government has started.... I shouldn't say they've started; it's been over a long period of time that it's been making significant investments in housing, and it desperately needs the federal government at the table—not negating or minimizing the work that's already been started, but supplementing and complementing that work.

So it's really critical, in our view, that the moneys that are available for housing, however small they may be, are there without necessarily requiring matching contributions by provinces and municipalities. You should know, especially when it comes to the area of social housing, that many have commended the federal government for beginning, for taking a small step towards covering social housing. But if you look at the amounts, you'll know they will address hardly the tip of the iceberg in terms of social housing needs in this country. And I hope you've heard from social housing coalitions about the importance of this area and just how minimal this is. So it's more important in that context to ensure that the money flows freely to support and complement provinces and municipalities and does not impose further restrictions on them.

• (1140)

In the case of the Manitoba NDP government, we are working actively to try to advance housing when it comes to people living with mental illness. And there are some projects under way, but there are so many more needs. So it would be absolutely counter-productive for the government to come forward with a proposal that says that the money set aside for a project dealing with housing for people with mental health problems has to be included in the overall amounts. It doesn't make sense when there is such a huge need.

This recommendation is actually a way to speed up the investment of money in housing so it's not hampered and tied up by municipal requirements and provincial government planning but, in fact, can flow quickly without all that bureaucracy and paperwork. It will ensure not only that are housing needs met but that we can actually stimulate the economy because we have moved quickly and expediently to address what is considered to be one of the most fundamental issues in terms of the present recession, or what some would call an economic depression.

Mr. Chair, I don't know how much you've heard from my colleague who spoke before me, Tom Mulcair; I hope I'm not repeating any of the arguments. I hope the Liberals understand the importance of this amendment, because they bear some responsibility for the cutbacks to housing in the first place. Secondly, they have expressed a desire to see the money flow quickly and to not repeat the pattern of the past in which, as they acknowledge, 95% or 96% of federal investment dollars did not flow or were not spent.

Here is another way to make sure we meet a very serious need as quickly as possible. And I can tell you, coming from an older neighbourhood in the north end of Winnipeg, that in the twelve years that I've been around—and I've witnessed the cutbacks of the federal Liberals, and now the very slow movement of the Conservatives—housing has been deteriorating rapidly. We're talking about old housing stock that needs a rapid injection of funds to help homeowners repair homes, to help non-profit housing corporations build new homes, and to help organizations involved in the aboriginal community, the disabled community, people dealing with mental illness, and seniors in particular. All of those groups need to have access to these funds.

In many cases, the provincial governments are ready to work with those organizations. There is goodwill in terms of the federal, provincial, and non-profit communities, and I would hope that we can advance this money and these issues as quickly as possible. And I hope that the federal Liberals, especially, will recant their past sins and agree with us that it's time to work together to develop a national housing policy. The way we do it is by spending this money, which some would consider a paltry amount of money, and getting housing stock revitalized and our economy stimulated.

Thank you. I hope that's been a fulsome explanation of my amendment.

Did you miss me?

• (1145)

The Chair: That was very fulsome, yes. Thank you for your intervention.

(Amendment negated: nays 7; yeas 1)

(Clause 312 agreed to: yeas 8; nays 3)

(On clause 313—*Maximum payment of \$200,000,000*)

The Chair: On clause 313, we have NDP-6.

Ms. Wasylycia-Leis, would you like to move that?

Ms. Judy Wasylycia-Leis: Yes, thank you, Mr. Chairperson.

I move that Bill C-10, in clause 313, be amended by replacing line 6 on page 290 with the following:

except those requiring contributions from other levels of government, a sum not exceeding two hundred million

The Chair: The amendment is in order.

Would you like to speak to that?

Ms. Judy Wasylycia-Leis: Thank you.

Mr. Chairperson, nowhere is the matter of inadequate housing so clear as when it comes to seniors. I'm sure all of my colleagues around this table have heard from our valued senior citizen members who feel that housing is not there when they need it. Nowhere is there more of a requirement to invest in housing than when it comes to seniors.

So this amendment deals specifically with the housing issues that I've raised before, but it specifically deals with the matter of senior citizens. So I would like you to look at page 133 of the Conservative budget, *Canada's Economic Action Plan*, where it refers to housing for low-income seniors, where it says that in fact investments are needed and should be, have to be, cost-shared with the provinces and the territories.

Again, Mr. Chairperson, we're going to put in place an unnecessary roadblock. We're going to slow down the flow of this money at a time when it's critically needed, when senior citizens are living in poverty. I am not saying all senior citizens live in poverty. I'm saying some of the greatest poverty we face as a nation is among our senior citizens, who have given so much to this country. In fact, some of the greatest poverty rests with our veterans, who have made sacrifices for this country. So it seems to me that if we honour those people, our seniors who built this country and our veterans who fought for it, then we ought to at least ensure that this money is available when they need it for quality housing. Why do we allow for any kind of bureaucratic process to slow down the flow of this money?

I would hope that my colleagues in the Bloc and the Liberals would agree with this at least. They may not have agreed with other amendments, but here is something that hits so close to home in terms of people who deserve to be treated with respect and who deserve prompt government action, who have waited a long time for the federal government to say yes, let's get involved in housing to some extent.

In fact, I remind my colleagues around the table that after the Liberals abdicated this field of housing, period, the only housing money that flowed among the federal, provincial, and municipal governments came as a result of Bill C-48 which, as you will all know, was the legislation pioneered by the NDP that diverted money—billions of dollars from corporate tax breaks—to areas like housing, urban transit, aboriginal communities, and the environment. So the only money that has flowed from the federal government over the last...I don't know how many years of any substance and significance has been that money.

Provinces have tried to invest that money, have tried to put it in trust, have tried to spread it out, and they have said very clearly to the federal government that they need the support of their federal partners on housing, especially when it comes to seniors' housing. We have huge line-ups and waiting lists, whether we're talking about independent living arrangements or supported arrangements. That kind of situation has to be met on an urgent basis, and so by specifying that we do this in accordance with Treasury Board rules and in accordance with the plan laid out by the federal government whereby it has to be cost-shared with provinces and territories, we're cutting off our nose to spite our face. We're denying the very people we set out to help.

This budget was supposedly there to help people in times of need. Who is hurt more than anyone else in times of economic recession? The elderly, people with disabilities, the poor, those who don't have huge savings with which to withstand the economic blows of the present times, those who have been hurt by some of these fraudsters out in the marketplace ripping off people and seniors. We're talking in the House right now, as we speak, about whether or not we need a national securities commission.

• (1150)

So here we have an opportunity to act. Here we have an opportunity to make the money flow quickly. I hope that my Liberal friends at least will support us on this one. I know they're propping up the Conservatives. I know that they've ceded 50 votes in favour of the Conservatives. They don't seem to blink when you sing happy anniversary to them for their fifty-third vote in favour of the Conservatives. I know it's hard for them, and they're holding their noses, and they're doing it out of political expediency, not for the good of this country. We know all that. But surely on this one issue they could at least support something as rational and progressive as this measure, which would be to allow money to flow quickly to senior citizens and to meet the housing needs, which in turn will help stimulate the economy.

Thank you, Mr. Chairman. I hope I made my case effectively.

• (1155)

The Chair: Thank you.

We're on amendment NDP-6.

(Amendment negated: yeas 7; yeas 1)

(Clause 313 agreed to: yeas 8; yeas 3)

(On clause 314—*Maximum payment of \$25,000,000*)

The Chair: We have amendment NDP-7.

Ms. Wasylycia-Leis, the amendment is in order.

Ms. Judy Wasylycia-Leis: Mr. Chairman, I would like to move that clause 314 of Bill C-10 be amended by replacing line 17 on page 290 with the following: except those requiring contributions from other levels of government, a sum not exceeding twenty-five million

You will note on page 290 of Bill C-10 that this is the clause that deals with housing for persons with disabilities, a matter very close to my heart and on which I could wax eloquent for hours, but I won't. I will keep this down to a few minutes, but I do want to emphasize it, because it is a very serious matter.

My colleague from the Bloc just reminded me that I should help explain what the amendment actually does.

What it in fact does is take out the sentence that comes in the way of the rapid flow of money to the group in question, in this case people with disabilities. It takes away the words "in accordance with terms and conditions approved by the Treasury Board", because those are the words that allow the government to continue down this path of demanding that the money be cost-shared, or that the money available be met equally by provinces or municipalities.

We have argued from day one that that is inappropriate on all counts. We have referred to the past experience of the federal government on this matter of allocating money for investment in serious infrastructure and other programs, only to see the money not flow because of all of these requirements of matching funds and bureaucratic red tape and federal government interference.

The Liberals have said this is a major issue. They're the ones who in this committee and in Parliament have waxed eloquent about the failure of federal dollars to flow for infrastructure projects. In fact, they've said themselves that in the past 96% of federal dollars have not flowed.

My colleague Mike Wallace asks me whether I believe them. Yes, I do believe them. In fact, time and again we've seen good projects sitting on the shelf, gathering dust while the need keeps growing, because of all of these requirements.

What we're simply saying is, let's allow the money to flow. Yes, set broad conditions; obviously set conditions when it comes to the targeted group that the policy is directed to, in this case people living with disabilities, for whom the need is huge and who feel totally left out of the government's plan to deal with the economic recession. They acknowledge that a few steps have been taken and that there have been some important programs, but nothing that meets the need at all of people living with disabilities.

I don't know about my colleagues, but I've had all kinds of letters—maybe it's because I am the critic for persons living with disabilities in my party—from individuals asking how it is that, under this budget, a middle-class or a wealthy person can get money to build a deck on their cottage, but that they can't get their home retrofitted to make it accessible for people with disabilities. Or they wonder, "How is it that I'm basically living hand to mouth in totally deplorable housing conditions—in a rooming house, with no standard of care, with no proper, decent living conditions—and there are no programs for me to access?" The issues are real. People living with disabilities—as is the case with seniors—are more vulnerable than most people at times of economic recession. They don't have the savings; they don't have the backing; many of them don't have relatives around looking after them. They're on their own. They fall between the cracks.

•(1200)

The small steps that are taken in this budget are not to be dissed; they are important. I don't think they're nearly enough. If you look at the amounts on page 136 of the government plans, housing for persons with disabilities—\$25 million in the first year, \$50 million in the next, and \$75 million in the next—it's pretty small potatoes in the scheme of things, but it's better than nothing.

But then to have that tied up in red tape without certainty that it will flow and to require that it be matched doesn't make sense. Where will the flexibility happen? How will it happen? If a provincial government such as Manitoba is engaged in a particular project dealing with housing for people with disabilities because they've had the vision or the fortitude to move in that direction and have made it a priority, and along comes the federal government and says, "We've got some money, but you've already started that project, so you're not going to get any help," why doesn't the federal government say, "Okay, province, you look after 100% of the cost of that project and we will look after 100% of the next project"? Why not? Why not, to ensure that the money flows and we can get somewhere in terms of this big need?

I hope I've answered the question of the Bloc in terms of what the amendment does. I hope I've made the case about how important this issue is. I hope there will be support at least on this particular matter. It is critical and it is important to remove these obstacles to the quick flow of money for housing needs of people with disabilities.

Thank you, Mr. Chairperson.

The Chair: Okay, I'm going to call the question.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 314 agreed to [See *Minutes of Proceedings*])

(On clause 315—*Maximum payment of \$100,000,000*)

•(1205)

The Chair: We have amendment NDP-8. The amendment is in order.

Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis: I move that Bill C-10 in clause 315 be amended by replacing line 28 on page 290 with the following:

except those requiring contributions from other levels of government, a sum not exceeding one hundred million

I have to explain this one because it's very critical. My colleagues need to understand just how serious this issue is and why we're making the amendment. This is not frivolous or vexatious. We are simply trying to get the money flowing as quickly as possible. However small or paltry it may seem in terms of overall housing needs in the north, the little bit of money that is here for the north has to flow quickly. I would hope that you will all talk to some of your colleagues from the north to know how important that is.

I had the privilege this past summer—and I can't speak from experience on the Yukon or the Northwest Territories—of travelling throughout Nunavut: Iqaluit, Pond Inlet, Pangnirtung, and Resolute. If there is one observation my colleagues and I made from that absolutely incredible voyage, it was of the need for an immediate injection of funds in housing. I wish I could give you a slide show of

the housing conditions and just show you how difficult the circumstances are for folks.

You've probably heard, and I am sure my colleagues on the Conservative side have heard, from the Minister of Health, the member for Nunavut. They appreciate the money. I know there was a big fanfare and a big announcement made this past week. The money that is part of this budget has already been announced, obviously. Fine, go ahead and announce it, but after all the hoopla and after all the press coverage, maybe it would be a good idea just to flow some of that money without obstacles, without matching funds, without requirements that the hard-strapped governments of the Northwest Territories, Yukon, and Nunavut have to match the funds.

I just received a letter from the folks we had met with in Iqaluit about housing, saying, if you can do anything, get this money going. Our territorial government does not have the wherewithal. It's stretched. They put that money into housing. You can't expect them to simply take the money that's available and require it be spent on a project already committed as opposed to something new that the province or territory wants to see happen.

How in the world, when it comes to the north, can we be this blind to the need and this caught up in red tape and bureaucracy? I do not know how to impress upon my colleagues the need in the north. I assume you've all seen it, heard from colleagues, or understand it. Then surely you understand that in the north, where the climate is difficult, where housing is so critical, when the temperatures can drop so low, when the climate is so volatile, we must at least provide an immediate flow of money for housing.

I don't know how else to make this point. I don't know how the Liberals can sit here and not support this. I don't understand how this isn't driving people to action. We are only looking at the Yukon and Northwest Territories receiving \$50 million each, and \$100 million for Nunavut, for housing that is in a crisis, for a housing situation that is reaching crisis proportions and where there is no greater apparent need for social housing.

•(1210)

For goodness' sake, if you talk about the distinctive needs of the territories, as this document does, then treat it with distinction, treat it as distinctive, flow the money, flow it quickly. Don't put in place roadblocks, don't put in place these requirements. Do what's right. I implore my Liberal colleagues to do that. I hope the Bloc will support it this time. And maybe my Conservative friends, who probably have talked to their colleague the Honourable Leona Aglukkaq and realize the significance of this, will support this motion, because it's that important.

Thank you.

The Chair: Thank you.

We'll call the question on amendment NDP-8.

(Amendment negated: nays 7; yeas 1)

(Clause 315 agreed to: yeas 8; nays 3)

The Chair: We'll have a vote on clauses 316 to 320. I don't have any amendments for those clauses.

(Clauses 316 to 320 agreed to: yeas 8; nays 3)

(On clause 321)

The Chair: We have amendment NDP-9.

Mr. Mulcair, if you'd move it, it is in order.

Mr. Thomas Mulcair: Mr. Chairman, we're going to move back to clause 317, even though our first amendment in the section on navigable waters is.... Our first amendment proposed is on clause 321. We will be calling for a recorded vote on clauses 317, 318, 319, and 320 before going to clause 321.

The Chair: We've already voted for all of those clauses.

Mr. Thomas Mulcair: I'm sorry, I missed that one. You can keep going.

The Chair: Okay, amendment NDP-9.

Mr. Thomas Mulcair: NDP-9 is at clause 321, Mr. Chairman. It provides that lines 11 to 24 on page 294 are to be deleted. Those lines, as you can see from consulting them, are as follows:

5.1. (1) Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.

(2) The work shall be built, placed, maintained, operated, used and removed in accordance with the regulations or with the terms and conditions imposed under section 13.

(3) Sections 6 to 11.1 do not apply to works referred to in subsection (1) unless there is a contravention of subsection (2).

It goes on:

322. (1) The portion of subsection 6(1) of the Act before paragraph (a) is replaced by the following:

And then that's the end of the English amendment.

Essentially, Mr. Chair, this is the heart of the Conservative attempt to gut the essence of the Navigable Waters Protection Act. This is a statute that we've had the benefit of in Canada for over 100 years. Essentially, what we're doing here is opening up completely to ministerial discretion the possibility of excluding classes. Now, what's particularly pernicious is that there's no explanation of what the details of that would be.

Now, this is interesting, because historically the Conservatives have always pleaded that parliamentarians should know, when they're coming before a parliamentary committee, what the actual shape of the regulatory changes would be so that they know what they're voting on. Now, of course, that's obviously a principle that applied to the Conservatives when they were in opposition but no longer applies to them when they're in power. We see here that the possibility is going to be enacted, if this goes through, to remove all protection for navigable waters, because we have no control over what the shape, scope, size, and relative importance of those exceptions would be. So they're asking for a blank cheque. Of course, they're confident that because it's their guy who's getting the blank cheque, no foul.

We don't view it that way. We think that the Navigable Waters Protection Act has been there for a reason, that Canada has done

relatively well compared to a lot of other countries in terms of protecting its waterways. We've been anything but perfect; we've had serious problems, especially in the southern part of this country, but all things considered.... I can talk for the state of things in Quebec. There are over 5,000 rivers in Quebec. As incredible as it might seem, there are over one million lakes in Quebec. Canada possesses an extraordinary richness in terms of the world's freshwater reserves. We have close to one-fifth of the world's fresh renewable water, although some people contest the definition of "renewable" in the sentence I've just spoken.

On the world stage we're very lucky with regard to fresh water, and a lot of analyses lead people to believe that because of global warming, because of demographic changes and increased desertification, we might be heading for a time when water will become increasingly important to be protected. That's why it's so galling to see the Conservatives, backed by the spineless Liberals, removing this protection for Canada's watercourses.

It was interesting to be here last night. I'm sure there was no untoward intention on the part of the Conservatives, but it was a shame that it was between 8:30 and 10 o'clock last night that all of the environmental groups were in here to speak against this atrocious attempt to remove protection of Canada's navigable waters. What was interesting is that there were about 200 people in the hall, representing everything from canoeing and kayak associations to people who work as water keepers and people working on rivers from across Canada, but most of them were from Ottawa, from Toronto, a lot of them from this province we're in right now, Ontario. People across Canada share the concern of what the Conservatives are up to here.

●(1215)

Essentially, we would delete the lines in question, the lines that would provide this new rule-making power that would essentially give a minister, especially the one who's there now, the ability to simply gut the protection that's provided for navigable waters in Canada.

[*Translation*]

Mr. Chairman, we move that Bill C-10, in clause 321, be amended by deleting lines 11 to 24 on page 294.

This amendment has to do with section 5.1, which would be added to the Navigable Waters Protection Act. Every time we talk about this act, we tend to forget that its name is not the Navigable Waters Act, but rather, the Navigable Waters Protection Act.

Here is what the Conservatives would like to add and what we would like to remove:

5.1 (1) Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.

(2) The work shall be built, placed, maintained, operated, used and removed in accordance with the regulations or with the terms and conditions imposed under section 13.

(3) Subsections 6 to 11.1 do not apply to works referred to in subsection (1) unless there is a contravention of subsection (2).

Since the amendment mentions an exemption to section 5, it is worthwhile to read that section to see what it is all about. This provision is the heart of the act, it's a general provision that reads as follows:

5. (1) No work shall be built or placed in, on, over, under, through or across any navigable water unless

(a) the work and the site and plans thereof have been approved by the Minister...

At the present time, Canada has a general system for protecting navigable waters. By adding subsection 5.1, we would be completely destroying this protection by giving the minister the power to allow exemptions or exceptions. In other words, the government could make this protection of Canadian navigable waters, which has existed for more than 100 years, completely meaningless. We think that this is a scandal.

We have to look at this against the backdrop of other information that came out in recent weeks about the government's clear intentions. The Minister of Transport, Mr. Baird, who appeared before this committee, did not try to deny it. Some information did leak out, and Louis-Gilles Francoeur, of the *Devoir*, was the first to put this information on the front page of the newspaper. The federal government intends to also tinker with the Canadian Environmental Assessment Act. Apparently their goal is to change the threshold. In the future, any infrastructure project worth less than \$10 million would not have to have an environmental assessment. From an environmental point of view, this is absurd. Obviously, in such a case, the important thing is not the value of the infrastructure project, but rather, the environmental value of the ecosystem. Even if you add fill to a precious wetland in order to build infrastructure worth \$9.9 million, that doesn't change in any way the fact that you have back-filled the wetland. This is a totally absurd way of seeing the issue, but that's how the Conservatives see it.

Let's take a look at what they are getting ready to do with the assistance of the unprincipled Liberals. They are serving up this dish, which they call the economic crisis. The crisis is real. They are presenting this dish, and they are making a stew with all the old fashioned extreme-right ideas that had been kicking around for decades. First they are going to tinker with the provisions of the act and take away the right of women to have equal pay for work of equal value. Then, they are going to attack the rights of unionized workers and social rights. They are stripping their employees of the right to bargain collectively. They serve it all up on a plate, and they say that if we don't do something about the economic crisis, the world will come to an end, and the sky will fall. They are saying that dealing with the economic crisis is the absolute top priority. They are using this concoction to bring in their far-right programs with the support and the guilty complicity of the Liberals.

And now they are attacking the environment. This is what we are dealing with. They are using an economic crisis as an excuse, saying that the funds for the projects have to go out. Last night, a senior official came to give a political speech. He said:

[English]

we're going to have a tiering.

[Translation]

What is interesting is the fact that it is not included in the budget. He might know the content of the regulations, but it certainly is not included in the amendments that are before us.

Senior officials are implicitly telling us that they are aware of upcoming changes in that area, whereas the elected representatives, who are supposed to be independent and make the laws governing this country, are shunted aside.

● (1220)

When they were in opposition, the Conservatives tore the shirts off their backs every time a bill included too many regulatory powers. All of the shirts in the Conservative caucus have been torn to bits. The Conservatives always asked why they should vote on provisions without knowing what would be in the regulations. It was one of their hobby horses, one of the great principles for which they fought without respite. But curiously, now that they are in power, that principle has been tossed away. However, the Liberals do not have that problem because they never had any principles in the first place. When they were in power, they did the same thing. Today, they are the opposition, and they still support the Conservatives.

But the NDP, Mr. Chairman, will stand up for its principles and oppose the outrageous actions of the Conservatives. They are trying to take advantage of a real economic crisis to insidiously pass their extreme right agenda, which stands against equality, in particular the equality of women, which stands against the environment and future generations, which stands against social and union rights, the unemployed, the most disadvantaged and poorest members of our society. In short, they stand against everything which has been built over entire decades in Canada. They are trying to do this even though they are a minority government, and they are succeeding because the Liberals are too weak to stand up to them.

The first amendment we are proposing to the Navigable Waters Protection Act would reinstate the protection which has always existed under section 5, that is, in the general provisions. We cannot let unelected officials do the work of the government, that is, the executive, as far as this matter is concerned.

As members of Parliament, we are also here as legislators. We therefore have the right to know what those provisions contain. Since we do not know what the government's real intentions are, no parliamentarian worthy of that title can support the Conservative amendment. Since last night, we know that senior public servants know more about the government's real intentions than do the lawmakers themselves. I find that unacceptable. Therefore, I am in complete disagreement with what is happening. I hope that other members of Parliament will support us and defeat the amendment to weaken the protection of navigable waters.

● (1225)

The Chair: Thank you.

Mr. Laforest.

Mr. Jean-Yves Laforest: Thank you, Mr. Chairman.

Last evening, we also heard representations from groups which travel along the navigable waterways of Quebec and Canada. Based on what we heard, it is very clear that the bill should never have been included in the budget. I completely agree with my NDP colleague: the budget is being used to adopt ideas and an ideology which have nothing to do with the budgetary process.

Given the fact that this should never have been included in the bill in the first place, it is clear that we will support the NDP amendment, which aims to restrict the scope of the proposed changes. If the amendments were adopted, there would be negative repercussions. The amendment would give the minister extraordinary powers, which is something that should never happen. This goes against the principle of holding consultations first with citizens and all those who travel along our waterways.

For those reasons, we support the amendment.

[English]

The Chair: Thank you.

We'll vote on amendment NDP-9.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 321 agreed to: yeas 8; nays 3)

The Chair: On clauses 322 to 326, we have no amendments.

Mr. Thomas Mulcair: Mr. Chairman, I'm going to request, given the importance of this particular section, that we go clause-by-clause and call the recorded vote for these few clauses leading up to the next amendment, which is on clause 327. There would be three or four clauses, but I think it is important enough for a recorded vote.

The Chair: I call the question.

(Clauses 322 to 326 agreed to: yeas 8; nays 3)

(On clause 327—*Orders and regulations by Governor in Council*)

• (1230)

The Chair: On clause 327, we have amendment NDP-10.

Mr. Mulcair.

[Translation]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

Amendment NDP-10 is similar to the earlier amendment—it seeks to avoid giving the minister discretionary authority so large that he or she would be able to completely gut an act whose purpose is to protect navigable waters. Clause 327 refers to an enabling provision—one that allows the regulatory authority to make regulations regarding the implementation of the act. Subclause 12 (1) reads as follows:

12.(1) The Governor in Council may make any orders or regulations that the Governor in Council deems expedient for navigation purposes respecting any work to which this Part applies or that is approved or the plans inside of which are approved under any Act of Parliament or order of the Governor in Council and may make regulations:

- a) prescribing the fees [...]
- b) respecting the grant [...]
- c) prescribing the period [...]
- d) respecting notification requirements [...]

And finally, the following will added:

e) establishing classes of works or navigable waters for the purpose of subsection 5.1(1);

We can see what is going to happen. This new enabling provision will make it possible to put into the garbage can the protection that has existed until today under the Navigable Waters Protection Act. Actually, this will throw the garbage can into the navigable waters, and there will be nothing we can do about it.

[English]

Section 12.1 is the enabling provision of the statute, Mr. Chairman. At the present time, it provides that:

The Governor in Council may make any orders or regulations that the Governor in Council deems expedient for navigation purposes respecting any work to which this part applies or that is approved or the plans and site of which are approved under any Act of Parliament or order of the Governor in Council, and may make regulations

Then it prescribes a number of subjects with regard to fees, grants, or suspension of approvals, and prescribing the periods respecting notification requirements.

But here is what's new, and this is preoccupying for us:

establishing classes of works or navigable waters for the purposes of subsection 5.1(1)

As we saw before, proposed section 5.1 is the move the Conservatives are putting on the Navigable Waters Protection Act to gut it, to remove all meaning of navigable waters protection in Canada. It's going to set up these categories. Here we're saying it's the Governor in Council. So Minister Baird, the Minister of Transport, will arrive with a list of sizes of projects and all sorts of things that will no longer be subject to the protection of this act. He'll have that rubber-stamped by his colleagues around the cabinet table and that will become the law.

People sometimes don't realize that we evoke the notion of laws and regulations as if they were the same thing. Today we're looking at the overall framework of the law, but the detailed application of the law has to come in the form of regulations. It's interesting that when the Conservatives were in opposition they used to rail against the fact that all too often, as legislators, we were being asked to pass bills where the substance was going to come in the form of regulations. Well, the difference is that the law sets out the large picture and the regulations give the detailed application.

Here they're adding a new power for regulation-making. But in this case, exceptionally, the regulation-making is actually going to amend the substance of the act.

If you look at what I mentioned before, the other headings in proposed section 12 are the normal type of thing you do by regulation. You prescribe fees: how much it costs to make this demand or this request. You say how long it's going to be enforced and things like that. That's the type of detailed application you don't normally trouble Parliament with; you give a regulatory power to somebody to take care of that.

But here the regulatory power isn't to prescribe fees or look at a time limit; the regulatory power will eviscerate the law. It will take out any real meaning in the statute for the protection of navigable waters. That's what's being granted here as a power.

Last night we had an officer from the department before us who explained that as far as he was concerned we were building in a new “tiered approval process”. Those were his exact words. Well, if you look through this, you won't find a tiered approval process. Obviously the senior bureaucrats have already decided what we're going to do. They're taking it for granted. I find that a bit offensive in terms of respect for our institutions. I think that parliamentarians are actually the ones who get to decide what goes into our statutes and what happens.

I've always believed—and I've been both in government and in opposition—that parliamentarians have a right to know the substance of what they are being asked to vote on. Here we're being deprived of that right. We don't know the substance of what we're being asked to vote on. We don't know what's going to be in an eventual regulation adopted under proposed section 12, under this new paragraph (e). We simply don't know what the “classes of works or navigable waters” for the purposes of the new section 5.1 will be. That's this new exception section. We don't know what it is. Apparently the bureaucracy knows. We don't. I find that offensive.

• (1235)

[Translation]

Usually, the act sets out the most important rules governing the issue at hand, in this case the protection of navigable waters. Until quite recently, section 12 provided for a number of matters that could be determined by regulations: the fees payable, rules regarding the granting of permits, the period during which an approval was valid. That is the type of detail that we normally do not bother Parliament with. These implementation details are properly handled through the regulations. We often talk about both acts and regulations. But there is actually a big difference between the two. Parliament deals with legislation, but it delegates the authority to set out the details for the implementation of the legislation. That is why we refer to this as an enabling provision.

This provision sets out the various subjects for which new rules can be established. However, what is extremely disturbing is that this will create a full new authority to establish, without restriction, the classes of works and navigable waters to which subclause 5.1(1) applies. That provision reads as follows:

Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements [...]

This is the new system that the Conservatives are putting forward. The successive sincerity of the Conservatives on this matter is constantly amazing. I have never seen people who can say one thing when they are in opposition—namely that it is unacceptable for Parliamentarians to be required to vote on legislation when they do not know the details of it—and who can close their eyes to the whole situation when they are in power and become puppets and accept absolutely anything their government puts forward. I find that very disturbing.

Fortunately we heard from the lawyer, Mr. Amos, from the University of Ottawa yesterday evening, and another from Lake Ontario Waterkeeper, in Toronto. Had we not heard from those two well-respected legal experts, I think the government would have gotten away with this. It sent in someone from the department to say that he really did not see what the problem was. A Conservative

member of Parliament, a woman, asked whether this would change anything about canoeing on the Ottawa River for people. Questions of that type cannot be invented. The answer was not very surprising—it was “no”.

As far as the Conservatives are concerned, there is no problem. It is wild, but it is true. You had to be there. It is too bad, they had scheduled the meeting from 8:30 p.m. to 10:00 p.m. So people could not really get a true sense of it. A very colourful, likeable farmer from a rural region in Ontario came in to talk about the Drainage Act in Ontario, Fisheries and Oceans, and so on. That law comes under provincial jurisdiction; Fisheries and Oceans had nothing to do with what was being said. What should have been talked about was the anecdote he heard from the owner of a small tractor. We never saw any document that stated that the Navigable Waters Protection Act contained a real problem. This is called defending your arguments by means of anecdotes. There is nothing we can use as a basis to move forward.

Fortunately, there were some groups that were concerned about navigable waters in Canada. They saw what the Conservatives were up to, probably because of the fine work done by Louis-Gilles Francoeur of *Le Devoir*. He was the first one to sound the alarm about the real intentions of the Conservatives regarding environmental assessment. Let us just say that these assessments and the issue we are discussing at the moment go together.

This will have a serious impact on construction capacity. There are no doubt some developers and mayors behind this. I am not taking anything away from them—most of them are extremely dedicated people. Let us be honest here: mayors tend to see wetland as a missed opportunity to broaden their tax base. Until now, there was a federal statute that prevented abuse.

• (1240)

Mr. Chair, I want to take a couple of minutes to talk about this issue, to dispute the Conservatives' assertions that all of this is because these things take too long. Apparently this is supposed to have something to do with speeding up the process, with making it more flexible. We are told that the problem is that there are too many approval processes and environmental assessments.

When I was the Quebec Minister of the Environment, I was often fed exactly the same argument. I remember being with my former colleague in natural resources, and we heard this same assertion from the executives of Hydro-Quebec. They told me that environmental considerations were preventing them from carrying out their projects. I therefore told them to give me concrete cases, not anecdotes. With a great deal of difficulty, they managed to come up with one or two such cases. Do you know what we did? We got out the books. We looked at the steps of the project from start to finish. The project had taken six years, and the environmental assessment, three months. There is no doubt that the social approval component, the analysis of the impact on ecosystems, the engineering work, and so on took up the most time.

Let us take a look at the situation in which we find ourselves. We are imposing a tremendous debt on future generations. The proposed budget will result in a huge financial debt that future generations will have to pay down. Rather than being even more prudent in environmental matters and doing everything we can to build things that will at least be beneficial to future generations, we are leaving them this debt and we are scrapping the environment at the same time. This is the very opposite of sustainable development. It is about our generation's obligation to respect the right of future generations to have what we ourselves had. We enjoyed the benefits of a Navigable Waters Protection Act. But the Conservatives, with the Liberal as accomplices, are going to scrap this protection. That is what is scandalous about the matter we are considering here today.

Mr. Chair, we are getting right to the heart of the matter. This clause is absolutely crucial. It will enable the Conservatives to eviscerate the Navigable Waters Protection Act.

● (1245)

[English]

Not only are we leaving a massive debt on the shoulders of future generations—because the budget that we have before us, of course, as you know, is providing for a huge deficit, the biggest deficit since the last time the Conservatives were in power—but it's also taking away from future generations their right to have a clean environment like ours. That's the essence of sustainable development as expounded by Gro Harlem Brundtland, that we have an obligation towards future generations to make sure their standard of living, the place where they're living, their environment, how they're living, is no less favourable than the one that we enjoy.

Here we have to be doubly careful, because we are shovelling onto their shoulders a heavy financial burden for the future. They're going to have to pay off this debt. I don't know about you, but I'm going to be long retired before this thing ever gets paid back. At the same time, we're taking away the clean environment and the protection of navigable waters that our generation and generations before us have enjoyed. So what's on the table here today is doubly scandalous.

I hope that if they don't believe in anything else—we know they don't believe in union rights, we know they don't believe in women's rights—perhaps there's a faint beating heart in one of the Liberals who's going to be called upon to vote on this. We know the Conservatives don't give a hoot about the environment, but there was a time when there were at least a few people in the Liberal Party, even if they never did anything about it, who were able to talk a good game on the environment. So let's hope that on this article, this enabling provision for the Conservatives to gut navigable waters protection in Canada, there will be one Liberal with a conscience who will actually stop, for one vote, being a member of Her Majesty's official abstention and remember that they're supposed to be Her Majesty's official opposition, and actually screw up the courage to do the right thing to protect future generations' right to have the same environment we've been able to enjoy, and to vote against this nefarious amendment.

The Chair: Thank you.

Monsieur Laforest.

[Translation]

Mr. Jean-Yves Laforest: Mr. Chair, this amendment seeks to delete paragraph (e), which grants the power to establish classes of works. What surprises me in this sentence introduced in the budget bill is that it gives the government, a minister, extraordinary powers allowing him not only to specify the classes of works that would not be subject to the legislation, but also to establish navigable waters. Mr. Mulcair was saying that this goes to the heart of the attack against the Navigable Waters Protection Act and I fully agree with him on this. This very short sentence obviously entails major consequences.

We are in favour of the amendment.

● (1250)

The Vice-Chair (Mr. Massimo Pacetti): We are prepared to vote on NDP amendment 10.

(Amendment negated. [See *Minutes of Proceedings*])

The Vice-Chair (Mr. Massimo Pacetti): We will now vote on clause 327.

(Clause 327 agreed to: yeas: 7; nays: 3).

The Vice-Chair (Mr. Massimo Pacetti): We will now move on to clause 328 and amendment NDP-11.

Mr. Mulcair.

Mr. Thomas Mulcair: Thank you, Mr. Chair.

That Bill C-10, in clause 328, be amended by replacing line 17 on page 298 to line 4 on page 299 with the following:

328. Section 13 of the Act is repealed.

Let's look at proposed clause 13 in the bill:

The Minister may, by order, [...]

(a) establish classes of works or navigable waters; and

(b) impose any terms and conditions with respect to the placement, construction, maintenance, operation, safety, use and removal of those classes of works or works that are built or placed in, on, over, under, through or across those classes of navigable waters.

(2) An order under subsection (1)(a) is not a statutory instrument within the meaning of the *Statutory Instruments Act*; and (b) shall be published in the *Canada Gazette* within 23 days after the day on which it is made.

We are talking about a ministerial order. Without getting into too much detail there is a difference between a regulation from cabinet, which at least requires colleagues to give it their rubber stamp, and allowing a minister to act through an order.

Mr. Chair, this clause contains something of significance. Even if they have no principles, the Conservatives at this table should at least listen.

In the second paragraph, it says that the order is not a statutory instrument. A statutory instrument must be published and the public must be given some time in which to be consulted and to react to it. Here, it says that it will be "published in the *Canada Gazette* within 23 days of the day on which it is made." I don't know why they are using the terminology "in the *Canada Gazette*". It is obviously published in the official journals. It's strange that legislative drafters have returned to a mistake that Alexander Kovacs corrected in Ottawa 25 years ago.

Let's look at what they are doing. Not only, underhandedly, will they be giving the minister, through a simple order, the power to continue to undermine the protection of navigable waters, but they will decree that the minister's order does not have the same status as a statutory instrument within the meaning of the Statutory Instruments Act. So, the public won't know what the minister is doing for 23 days after the minister determines the regulation in question. It's quite scandalous.

•(1255)

[English]

Mr. Chairman, we're into the details of this series of dirty tricks that the Conservatives are trying to foist upon Parliament. Not only have they taken it upon themselves to provide order in council powers—so regulatory instruments that will actually have to go through cabinet and are subject to the Statutory Instruments Act—here they have gone a step further, and it's reprehensible. The minister will have the power under proposed section 13 to establish, by order, classes of works or navigable waters. He could exclude vast categories of rivers that are right now covered and protected by the Navigable Waters Protection Act.

What's even more shocking—it's unbelievable what they're up to here—it says in proposed section 13:

(2) An order under subsection (1)

(a) is not a statutory instrument within the meaning of the Statutory Instruments Act;

That means, in clear language—so the people following us can understand, Mr. Chairman—that the public will not even be allowed to know what's in the order.

I heard the brilliant and talented Mr. McKay say that nobody is listening to us. He's mistaken. Nobody is listening when they're speaking, Mr. Chairman.

Actually, it was quite interesting last night. There were several hundred people here. What I learned is this. A lot of these people in Ontario are left-leaning. They have an ecological vision of the world. They're socially open. What a lot of them told me last night is that until last night they used to vote Liberal. They used to see the Liberal Party as being slightly left-leaning, even though they have a right-wing guy now who they've gone and hired away from this. He spent, what, twenty years in the States pretending he was British and twenty years in Britain pretending he was American, right? So for the Liberals that makes him a great Canadian Prime Minister. That's quite something.

Now that people are starting to see that the masks are falling, that the Liberal Party doesn't even carry the word “liberty” in its name anymore, because on things like women's rights, on things like union and social rights, they're just not there.

Here, Mr. Chairman, we're looking at the ability of the government to take out everything that is essential in the Navigable Waters Protection Act and allow the minister, by order, an order that will not even be published.... Under the Statutory Instruments Act there used to be a rule that you had to publish and allow public consultation. People could react to the rule that you were thinking of putting in place. Here the public won't even get to see that rule until 23 days after the date on which it is made. Can you imagine? This is

the pure stuff of banana republics. The Liberals, once again, are going to vote with the Conservatives to remove the right of future generations to know the same level of environmental protection that we've known over the years.

That's the scandal of proposed section 13, and that's why the NDP is proposing its removal from the statute, Mr. Chairman.

[Translation]

The Vice-Chair (Mr. Massimo Pacetti): Thank you, Mr. Mulcair.

[English]

Are you ready for the vote on NDP amendment 11?

(Amendment negated: nays 4; yeas 2)

The Vice-Chair (Mr. Massimo Pacetti): Now, on clauses 328 to 392, a recorded vote has been asked for by Mr. Mulcair.

(Clauses 328 to 392 agreed to: yeas 6; nays 3)

(On clause 393—*Enactment of Act*)

•(1300)

The Vice-Chair (Mr. Massimo Pacetti): You have just been handed three amendments. I'll simply use the reference numbers: 3685933, 3685689, and 3685802. We haven't had much time to look at them, but from what I've been told, they're introducing new elements to the bill, so they are not receivable. That decision is not debatable. If you would like, you can challenge the chair.

Mr. Mulcair.

[Translation]

Mr. Thomas Mulcair: Point of order, Mr. Chair.

[English]

I would just like to understand your ruling, because there were three, and the third one was there in case you did rule that the first two were inadmissible. What we were seeking to do was include, after the Border Services group, who were exempted—

The Vice-Chair (Mr. Massimo Pacetti): Mr. Mulcair, which is the third one? Could you use the reference number on the left?

Mr. Thomas Mulcair: It's number 3685933.

So 3685689 and 3685802, in their respective cases, would have given the same protection to “persons who are employed as lawyers whose employer is, in each case...”, the same treatment as the Border Services group. In the second case, it would have given to the economics and social sciences services group the same treatment as the Border Services group. These are the people who appeared before us last night and explained to us that there was simply a slip-up, that they were the only ones given this treatment. And the Liberal Party was interesting last night. It was Mr. McKay, in fact, who used the word “sledgehammer” and said that they had a legitimate grievance, so I'm quite convinced that Mr. McKay is as anxious as we are to rectify that legitimate grievance.

So if numbers 3685689 and 3685802 are not acceptable, we propose to use 3685933.

The Vice-Chair (Mr. Massimo Pacetti): It's not debatable, but to appease you, because I can't answer the question, I'm just wondering if there's an official who can answer it.

Can I ask an official if there seems to be an oversight? I think the question is valid.

• (1305)

Ms. Hélène Laurendeau (Assistant Secretary, Labour Relations and Compensation Operations, Treasury Board Secretariat): I am Hélène Laurendeau, assistant secretary, Treasury Board.

I had a very quick look at the amendment and I can confirm to the committee that there was no oversight on how the groups were described. There may be some claims by various groups, but the ones that are described currently in the restraint act are properly described. The exceptions addressed the Border Services Agency only, because they had a classification reform that needed to be implemented.

The Vice-Chair (Mr. Massimo Pacetti): Thank you.

Mr. Mulcair, the choice is whether you challenge the chair.

Mr. Thomas Mulcair: Yes, I challenge the chair.

The Vice-Chair (Mr. Massimo Pacetti): The motion is that the chair's ruling be sustained.

(Ruling of the chair sustained: yeas 6; nays 3)

The Vice-Chair (Mr. Massimo Pacetti): Shall clauses 393 to 395 carry?

[Translation]

Mr. Thomas Mulcair: To facilitate this process, I'm going to tell you the same thing I told your colleague.

The Vice-Chair (Mr. Massimo Pacetti): That is not a problem. I will ask you the question; and the clerk can act accordingly.

The question is on clauses 393 to 395.

[English]

(Clauses 393 to 395 inclusive agreed to: yeas 7; nays 3)

(On clause 396—*Complaints before Canadian Human Rights Commission*)

The Vice-Chair (Mr. Massimo Pacetti): We're on NDP-12.

NDP-13, NDP-14, NDP-15, and NDP-16 will be ruled inadmissible because we're deleting lines in a clause and it simply means that it attempts to delete a clause. Since in all these cases, because we're attempting to delete a clause, you're doing something that normally would be done.... By deleting a line, you're simply deleting a clause and that is not admissible, so the amendments are ruled out of order.

[Translation]

Mr. Thomas Mulcair: Mr. Chair, with all due respect, I do not understand.

The Vice-Chair (Mr. Massimo Pacetti): Just a moment please, Mr. Mulcair.

[English]

Parliamentary practice does not permit to be done indirectly what cannot be done directly. Those are the words I was looking for.

Monsieur Mulcair.

[Translation]

Mr. Thomas Mulcair: Could you please explain it in a way that we can understand, since I have failed to understand a single thing you've said?

The Vice-Chair (Mr. Massimo Pacetti): We are not allowed to delete lines if our intention is to delete the entire paragraph. We cannot do indirectly what we cannot do directly. We cannot delete paragraphs.

Mr. Thomas Mulcair: I am not questioning your decision, this time, except to say the following. Adjustments will have to be made because what you've just said is exactly the opposite of what the people who helped us to prepare these amendments told us. People will have to communicate with each other because we, the parliamentarians, have some discretion. I don't like the fact that the fundamental right of an MP is subverted by a random decision. The individuals who prepared this for us told us that it was possible to do this. Clearly, the people working with you are saying the opposite. It's a bit frustrating for us, and I would ask you to communicate this reaction.

Just to clarify, then, we will proceed clause by clause and we will have a recorded vote on each clause.

• (1310)

The Vice-Chair (Mr. Massimo Pacetti): Up to clause 447. Okay.

[English]

(Clauses 396 to 408 agreed to: yeas 7; nays 2)

The Vice-Chair (Mr. Massimo Pacetti): Monsieur Mulcair.

[Translation]

Mr. Thomas Mulcair: Mr. Chair, I simply want to ensure that although you are just calling the clause numbers, the committee minutes will show how each person voted, for example in the case of the Liberals, who are voting with the Conservatives, and their names will be recorded. Is that correct?

The Vice-Chair (Mr. Massimo Pacetti): Yes.

Mr. Thomas Mulcair: You may proceed auctioning off the clauses. Go ahead.

The Vice-Chair (Mr. Massimo Pacetti): And the paperwork will be completed during question period, if you are in agreement, Mr. Mulcair.

[English]

(Clauses 409 to 444 inclusive agreed to [See *Minutes of Proceedings*])

The Vice-Chair (Mr. Massimo Pacetti): And the forestry sector is now pleased with Mr. Mulcair.

(Clauses 445 and 446 agreed to [See *Minutes of Proceedings*])

(On clause 447)

The Vice-Chair (Mr. Massimo Pacetti): Now we are going to amendment NDP-17, which is ruled admissible.

Mr. Mulcair, I'm not sure if you want to speak to this.

[*Translation*]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

Amendment NDP-17 proposes that Bill C-10, in clause 447, be amended

(a) by deleting lines 13 to 17 on page 422. Lines 13 to 17 read as follows:

447.(1) The portion of subsection 10(1) of the Act before paragraph (a) is replaced by the following:

10.(1) This Act, other than Part IV.1, does not apply in respect of

(2) Subparagraphs 10(1)(j)(ii) and (iii) of the French version of the Act are replaced by the following:

(ii) soit par l'unité qui est une entité étrangère à laquelle le surintendant des institutions financières a délivré un agrément l'autorisant à garantir au Canada des risques aux termes de la partie XIII [...]

The amendment also proposes deleting line 9 on page 423 to line 6 on page 425.

Here we have a series of amendments, related to the Investment Canada Act, which seek, in our opinion, to ensure that we continue to maintain a certain amount of protection for Canadian companies that would be lost if we dropped the ball and adopted this amendment proposed by the Conservatives and supported by the Liberals.

[*English*]

The Chair: Thank you.

The question is on NDP amendment 17. Monsieur Laforest, do you want to speak to this?

• (1315)

[*Translation*]

Mr. Jean-Yves Laforest: I would like the member proposing the amendment to give us more information about the extent of changes he has just proposed.

Mr. Thomas Mulcair: Mr. Chair, one of the concerns we have with the overall proposals made by the Conservatives regarding foreign investments is that it is weakening the system that was put in place in the past. For example, the project eligibility threshold is being increased. Previously a review could occur at a certain level. However, the threshold is now being increased which makes it more difficult to review foreign investments.

Furthermore, there are some things that are truly cause for concern. The example of Air Canada is often mentioned. If we allow foreign interests to take over Air Canada, I am not convinced that bankers, be they in Zurich or Tokyo, will be very interested in knowing whether Air Canada still provides services in Rimouski. We believe that the rules of the game are being changed in a way that is contrary to Canada's interests. Accordingly, we are going to propose an amendment to eliminate this possibility, that we see, of reducing protection already granted under existing legislation.

[*English*]

The Chair: We'll have the vote on amendment NDP-17.

(Amendment negatived: nays 5; yeas 3)

(Clause 447 agreed to: yeas 8; nays 3)

(On clause 448)

The Chair: We have NDP amendment 18.

I do want to make a ruling on this amendment. I want to be clear as to why I'm making this ruling. I'm going to actually quote from *House of Commons Procedure and Practice*. What this amendment does and what all the successive amendments from the NDP do—from amendment 18 to 35—is to seek to delete all the lines of the clause. On page 656, *House of Commons Procedure and Practice* states:

An amendment is out of order if it simply attempts to delete a clause, since in that case all that needs to be done is to vote against the adoption of the clause in question.

As members are aware, parliamentary practice states that members cannot do indirectly what cannot be done directly. Therefore, amendment 18 and all successive amendments until 35 will be inadmissible. I hope that's clear.

[*Translation*]

Mr. Thomas Mulcair: I would like to ask for a clarification, Mr. Chair.

Could you please look at amendment NDP-17?

[*English*]

I'll say it in English so you don't have to go through the translation.

Would you please take a look at amendment 17? Now, look at paragraph (b). We amended clause 447 by deleting everything from line 9 on page 423 to line 6 on page 425. For all intents and purposes, it's two full pages of text, right? We went through that and it was declared admissible by you. We just voted on it.

The Chair: That's correct.

Mr. Thomas Mulcair: Now we're going to something that is one page long and you're declaring it inadmissible. You're going to have to help me out.

• (1320)

The Chair: I will do so. It's because part of the clause was left in. Amendments 18 to 35 delete the entire clause, but amendment 17, whether you did so intentionally or not, did not delete the entire clause. That is why amendment 17 is admissible and amendments 18 to 35 are inadmissible. You cannot delete the entire clause.

Mr. Thomas Mulcair: I'm not going to contest your ruling, but because you're the chair of this committee, I will request that you clarify something for the parliamentarians, irrespective of our ideological and party differences. I will request that you clarify that with the people who are with you—not today, but for future reference—because the information, instruction, and advice that we get from the people who are helping us prepare these things, who are also officers of this Parliament, is contrary to the decision that you just made.

I'm not going to contest your decision, because you're doing it in the best of good faith, and I have no doubt about that, and you're basing it on the advice that you're getting here. All I'm telling you is that as a member of this Parliament, I was given advice contrary to the advice you were just given. I would like to have it clarified.

The Chair: I would be very willing to follow up with you, Mr. Mulcair, and seek to find out who gave you that information. We'll seek to rectify that in the future because, as the chair, all I did was instruct the people who serve, in order to apply the procedures of the House to the ruling—

Mr. Thomas Mulcair: I'm not even contesting your decision. I want that to be clear.

The Chair: Okay, I appreciate that.

Mr. Thomas Mulcair: I know your decision is made in good faith, based on the advice you've just been given. My only point is that we've been given different advice. Let's clear it up for the sake of all of us.

The Chair: Okay, let's clear it up. And I'd be happy to talk to you about that afterwards.

As I see it, we have no further amendments, so we have from clause 448 until clause 471 without amendment. We can have a recorded vote on clause 448 to clause 471.

(Clauses 448 to 471 agreed to: yeas 8; nays 3)

(Schedules 1 to 11 inclusive agreed to: yeas 8; nays 3)

The Chair: Shall the short title carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the bill carry?

(Motion agreed to: yeas 8; nays 3)

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

An hon. member: On division.

● (1325)

The Chair: Thank you, colleagues. *C'est tout.* Thank you very much.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>