



House of Commons  
CANADA

# **Standing Committee on Environment and Sustainable Development**

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ENVI • NUMBER 033 • 2nd SESSION • 39th PARLIAMENT

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**EVIDENCE**

**Monday, May 26, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Monday, May 26, 2008

• (1550)

[English]

**The Vice-Chair (Hon. Geoff Regan (Halifax West, Lib.)):** The meeting will come to order. This is a meeting of the Standing Committee on Environment and Sustainable Development. We are undertaking the study of Bill C-474 of Mr. Godfrey. We're delighted that Mr. Warawa and Mr. Godfrey have arrived, and have done, I gather, a bit of negotiating in relation to some amendments. I trust that this delay will help to shorten the meeting in some fashion.

Before we begin, I want to ask if we have agreement to the following motion, which the clerk has offered to the committee regarding what will happen on Wednesday in view of the fact that Minister Baird is not available since he'll be travelling.

The motion would be:

THAT THE COMMITTEE consider the Main Estimates 2008-2009 and invite the following to appear before it on May 28, 2008,

[Translation]

The Associate Deputy Minister of Environment Canada (supported by his officials); and

The President of the National Round Table on Environment and Economy (supported by his officials); and

The chief executive officer of the national parks agency (supported by his officials);

[English]

and President of the Canadian Environmental Evaluation Agency (supported by officials); and

That the Department and Agencies be allotted 8 to 10 minutes for presentation.

That is the motion, and I think my reading of that would mean that they'd each get eight to ten minutes for a presentation. I know some people may have some views on that, and I look forward to hearing them.

Would someone like to propose this motion so we can have what I would hope would be a very quick discussion on it? It is available on paper, and it is being circulated as we speak.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** I so move.

**The Vice-Chair (Hon. Geoff Regan):** Thank you very much, Nathan.

Mr. Cullen has moved the motion. Is there any discussion on the motion?

Mr. McGuinty.

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Chair, just on Friday this week I heard that the minister wasn't coming. Didn't we have a work plan? Did the parliamentary secretary or the full-time

chair get confirmation that the minister was coming to the meeting on Wednesday?

**The Vice-Chair (Hon. Geoff Regan):** I'd have to ask the clerk.

Was there any confirmation the minister was coming on Wednesday?

That may be a matter for the parliamentary secretary to respond to, but your question was whether there was confirmation to the committee about whether the minister was coming.

**The Clerk of the Committee (Mr. Normand Radford):** Mr. Chair, there was no confirmation. In fact, there was a reverse of a confirmation. I was informed that the minister was travelling and that unfortunately he would not be able to appear on Wednesday, in which case we then presented three options to each party to look at.

**Mr. David McGuinty:** My recollection was that we had a work plan that we had all agreed to, and that included the minister showing up on Wednesday, which is the last possible day for him to appear to report the main estimates back to the House. Then I heard late on Friday that he's apparently not available. I'm not sure what's transpired here, but it's rather remarkable.

Chair, could I then raise the question here about who would come? I think offline you informed me—at least, in a discussion just moments ago, for those who did not hear it—that the deputy minister is not available to attend on Wednesday. I think from our side here the official opposition strongly supports the notion of having officials here on Wednesday.

I have a personal concern here, as a member, that we look at potentially four speakers speaking for ten minutes each out of the two-hour session. That seriously encroaches on time for questions, and for answers, and I would propose instead that there be a single overview or presentation made by the associate deputy, Mr. Shugart, I understand, on behalf of the three other agencies, even though the National Round Table on the Environment and the Economy does not report to the Minister of the Environment and ought not to be reporting to the Minister of the Environment. It's a PCO-based institution, not a part of Environment Canada. I'm not sure why it's even on this list, for that matter.

But hopefully my colleagues would agree that maybe a 10-minute overview from the associate deputy would be sufficient so we could have the time we would probably like to have to ask those questions.

**The Vice-Chair (Hon. Geoff Regan):** Is that a motion to amend?

**Mr. David McGuinty:** It is a motion to amend.

• (1555)

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Thank you, Chair.

It was a few weeks ago that I reported to the committee that the only day the minister was available for the estimates was on the 28th. So as of three or four weeks ago, that was the plan.

As we all know, things have to be very fluid and are very fluid here. The minister is in Kobe now and will be meeting with the Prime Minister in Germany for the COP 9 meeting. Unfortunately, he's not going to be able to be with us.

I do have a question, through you, Mr. Chair, regarding Mr. McGuinty's amendment. My focus was more on the minister not being able to be here. Did I understand, in his amending motion, that he does not want the NRTEE to be represented?

**The Vice-Chair (Hon. Geoff Regan):** I didn't hear that. Mr. McGuinty indicated that the National Round Table on the Environment and the Economy doesn't report to the Minister of the Environment, as he understands it. It's a Privy Council institution. Therefore, he's asking why it was appropriate. He did not say it should not be here.

What he said was that he's proposing in his motion to amend that the associate deputy minister would be the only person to make a presentation of up to ten minutes. That's what he's proposing, rather than having four people each make eight- to ten-minute presentations.

**Mr. Mark Warawa:** He's suggesting only one witness.

**The Vice-Chair (Hon. Geoff Regan):** No. He's saying rather than having the first 40 minutes taken up with presentations....

**The Clerk:** Mr. Chair, perhaps we can do the following. We will check to make sure that the estimates concerning the National Round Table on the Environment and the Economy are in front of this committee. If they are not in front of this committee, then it would be appropriate not to invite them. If I have permission from the committee to do that, that would be fine.

**The Vice-Chair (Hon. Geoff Regan):** Is that agreed?

Mr. Warawa, did you hear that?

**Mr. Mark Warawa:** No, I'm sorry.

**The Vice-Chair (Hon. Geoff Regan):** The clerk was just saying that he will check on whether or not the estimates of the National Round Table are in fact before the committee. If not, it wouldn't be appropriate to have them here on Wednesday, obviously, on the estimates, but if they are, then we would leave them on the list.

The question is whether or not that's agreeable to the committee. *Est-ce qu'on est d'accord?* We're talking about that question alone.

It seems obvious.

**Mr. Mark Warawa:** Would we have the ADM and CEOs?

**The Vice-Chair (Hon. Geoff Regan):** The question is whether or not you have a representative of the National Round Table on the Environment and the Economy. If their estimates have not been sent to us by the House, then it wouldn't make much sense to have them when we're doing our job on the estimates.

That's the point, and that's what the clerk is suggesting he find out and act accordingly on.

**Mr. Mark Warawa:** So on the amendment by Mr. McGuinty, who will be witnesses?

**The Vice-Chair (Hon. Geoff Regan):** He didn't change the witnesses at all. His amendment basically said that the associate deputy minister would be the person to make the presentation on behalf of all of the witnesses, for eight to ten minutes.

**Mr. Mark Warawa:** And why would we not allow each witness an opportunity to testify?

**The Vice-Chair (Hon. Geoff Regan):** As I indicated earlier, he mentioned that rather than taking up as much as the first 40 minutes of the meeting with all these presentations, you could have one presentation from the associate deputy minister—I gather the deputy minister is off on paternity leave—who is acting as deputy and who is overseeing all of this. That's the idea.

**Mr. Mark Warawa:** It's quite common that we have half an hour of witnesses, and then the next hour and a half is an opportunity for us to ask questions of the witnesses. So what's being proposed is that you have 10 minutes of witness presentation time instead of 30 to 40 minutes. That 10 minutes would be for one person and would be instead of half an hour of witnesses.

**The Vice-Chair (Hon. Geoff Regan):** He's proposing 10 minutes. But again, this is a matter for the committee. It's a motion to amend.

Mr. Bigras.

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I think that Mr. McGuinty's proposal makes sense because the witnesses will still be present. Nothing will prevent the members of the committee from putting questions to any of the witnesses present. But let us limit the evidence to 10 minutes from one witness only, the associate deputy minister. After that, there can be specific questions on the issues that the other witnesses have worked on.

I think that makes sense. It will allow member to ask more questions than if each of the witnesses made a 10-minute presentation. So I support my colleague Mr. McGuinty's motion.

• (1600)

[English]

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa.

**Mr. Mark Warawa:** Thank you for the clarification. What's being proposed is clear to me now.

I don't support that. We have three witnesses: Parks, Environment—

**The Vice-Chair (Hon. Geoff Regan):** We possibly have four, depending on what happens.

**Mr. Mark Warawa:** —and the environmental evaluation agency.

If they don't want to hear from the National Round Table, I don't have a problem with it. If we keep the witnesses to a half hour, which is the norm, that gives plenty of time for questioning. When we give them the seven or ten minutes, it often is not that long. To start off by saying we're not going to hear from the witnesses that are there, that we're going to deal with them on a question-by-question basis and the only chance they will get to speak is when we ask them a question...I don't favour that.

I don't want to waste a lot of time on this. I want to get back to Bill C-474 and finish up with that.

Let's call the question. I think it's out of the norm, and I don't think it's fair.

**The Vice-Chair (Hon. Geoff Regan):** Fine. I gather you're asking for the question. Obviously there isn't a procedure for that, but it looks as though you're ready for the question.

Mr. Jean.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** I just don't understand. My understanding is that there are different witnesses with different topics. Certainly it would seem to appear that some sort of compromise would be appropriate if other members don't want to hear from them.

How can one person give testimony for all three or four departments? Wouldn't it be appropriate, if you're trying to shorten the time period, to ask for five minutes and then have questions and comments on each? They might have something relevant and unique to give testimony on. Isn't that what it's about—hearing testimony and then asking questions on the testimony and other evidence?

**The Vice-Chair (Hon. Geoff Regan):** Mr. Jean, normally we have the minister, and he'd be the only person making the presentation and others would be there to help answer, right?

**Mr. Brian Jean:** That's not necessarily true.

**The Vice-Chair (Hon. Geoff Regan):** That's what we've had in the past.

Mr. Cullen has a comment.

**Mr. Nathan Cullen:** The intention is to allow more time for questioning, and not encumber the witnesses and not allow them to present something.... If time is the consideration, why don't we just reduce the amount of time that each presenter can present? We can move it down to five minutes and then get on with it.

I'm thinking this debate is taking too long. There is other work that we need to do today.

**The Vice-Chair (Hon. Geoff Regan):** You're suggesting that we do five minutes per presenter?

**Mr. Nathan Cullen:** Sure. That would allow them to at least highlight some of the specifics they would draw the committee to.

**The Vice-Chair (Hon. Geoff Regan):** That would take a maximum of 20 minutes.

**Mr. Nathan Cullen:** Yes, and that gives us about an hour and forty minutes in which to deliver questions to them. Is that the scenario?

**Mr. Mark Warawa:** That's a nice compromise. I think the starting comments from Mr. McGuinty were that maybe we

shouldn't have NRTEE here at all. If we did that, then we would have three witnesses, and we could give them seven minutes each.

**The Vice-Chair (Hon. Geoff Regan):** I'll tell you what. Why don't we say 20 minutes approximately for the witnesses to make presentations, which will be divided according to how many we have, whether that's three or four.

The clerk is 99% sure that NRTEE, the National Round Table, is within our responsibility.

[Translation]

**Mr. Bernard Bigras:** I understand, but there is a motion on the table. We would have to ask the mover.

**The Vice-Chair (Hon. Geoff Regan):** That is correct. We need to know if Mr. Cullen is making a subamendment or an amendment that Mr. McGuinty could accept.

[English]

Mr. Cullen, are you asking me to propose that to Mr. McGuinty?

**Mr. Nathan Cullen:** I am asking you to propose that as a friendly amendment.

**Mr. David McGuinty:** Yes, it would be five, five, five, and five.

**The Vice-Chair (Hon. Geoff Regan):** There you go.

Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** I thought we were talking 20 minutes here. That was your suggestion, Mr. Chair, respectfully.

**The Vice-Chair (Hon. Geoff Regan):** Yes.

**Mr. Maurice Vellacott:** It was 20 minutes total, and if we only have three witnesses, then I'm not sure what you're dealing with.

**The Vice-Chair (Hon. Geoff Regan):** I think we have four. We're pretty sure we have four, but if it's three, then it will be for seven minutes each. If it's four, then it will be for five minutes each. It will be 20 to 21 minutes. That's what I think is before us now by agreement.

Is it the will of the committee to accept this?

(Motion agreed to)

**The Vice-Chair (Hon. Geoff Regan):** Thank you very much.

Let's go on now to the meat of the matter, so to speak.

Mr. Godfrey.

**Hon. John Godfrey (Don Valley West, Lib.):** I realize I need the unanimous consent of the committee to return to a motion put previously. I have discovered after consulting lawyers at the Auditor General's office that one of the motions we passed towards the end of the day last time, which was originally known as L-12, has a word that needs to come out. The word is "including". To remind people, L-12 is now in front of you as L-14.2.

•(1605)

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey, colleagues, just to be clear, you have two packages: the original package of amendments and the new package of amendments, which Mr. Godfrey has submitted, I believe, today. At the front of that is amendment L-14.2, which he is now proposing to replace, if you accept that we would go back to clause 8, which is already carried—and we'd have to have unanimous consent for that—

**Hon. John Godfrey:** I'm proposing to remove one word. It currently reads “The Minister shall at the same time submit the draft of the Federal Sustainable Development Strategy to the Commissioner for review and comment”—and then come the words “including as to whether the targets and implementation strategies can be assessed, for which the Minister shall allow a period of not less than 120 days”.

The Auditor General wants us to remove the word “including” because it suggests that the commissioner might review and comment on things other than the assessability. This makes it certain that it's only about the assessability. So if we have unanimous consent to revert to that, I would propose to eliminate the word “including” to make it clear that it's all about the assessability.

**The Vice-Chair (Hon. Geoff Regan):** Colleagues, we've already passed clause 8. Mr. Godfrey is seeking unanimous consent to return to clause 8 in order to move this motion. Is there unanimous consent?

**Some hon. members:** Agreed.

(On clause 8—*Preparation*)

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey, would you like to propose your motion?

**Hon. John Godfrey:** I propose that we amend subclause 8(3.1) as you see under amendment L-14.2, just by removing the word “including” between “comment” and “as to”.

**The Vice-Chair (Hon. Geoff Regan):** Basically, you're proposing amendment L-14.2?

**Hon. John Godfrey:** I'm proposing amendment L-14.2.

**The Vice-Chair (Hon. Geoff Regan):** That's in place of the earlier amendment.

Is there any discussion on this? Hearing none, those in favour, please signify by raising your hand.

(Motion agreed to [See *Minutes of Proceedings*])

**Hon. John Godfrey:** We have to re-pass clause 8 as amended.

(Clause 8 as amended agreed to)

(On clause 10—*Regulations*)

**The Vice-Chair (Hon. Geoff Regan):** We're dealing with amendment L-15, which is on page 31 of your main booklet of amendments.

Mr. Warawa.

**Mr. Mark Warawa:** Chair, I don't know if procedurally this would be an appropriate motion, but I'd like to repeal clause 10.

**The Vice-Chair (Hon. Geoff Regan):** We haven't passed clause 10 yet, right?

**Hon. John Godfrey:** It's to give you a heads-up as to why we're doing this.

**The Vice-Chair (Hon. Geoff Regan):** Do you not wish to proceed with the amendment?

**Hon. John Godfrey:** We don't have to proceed with the amendment because the activity we're describing under clause 10 will now be captured under clause 11.

**The Vice-Chair (Hon. Geoff Regan):** Okay. One way to do this is that when I ask if clause 10 is carried, you would say no. Are we ready for that?

Mr. Cullen.

**Mr. Nathan Cullen:** My apologies to the committee for not having been in some of these discussions. Could I have a little bit more rationale from the mover?

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey

**Hon. John Godfrey:** I apologize for the delay in starting the committee, because Mr. Warawa and I and some folks were trying to save some work here to get our ducks lined up.

Essentially, what we're going to do is put into clause 11 the material that was contained in clause 10. But in order for you to have a better idea of what we're up to, I think it would be useful to show you that motion.

The issue here is that we are trying to make sure that what we do earlier in the bill will be consistent with what we do when we amend later in the bill the Auditor General Act. So we have to keep going backwards and forwards to make sure we're consistent. I think it will become clearer when we get you the proposed clause 11, which will incorporate clause 10, and that will, I hope, make things—

•(1610)

**Mr. Nathan Cullen:** Are we able to see this proposed clause 11?

**Hon. John Godfrey:** It's being printed as we speak.

Do we have a copy?

**Mr. Mark Warawa:** It's not in both official languages, so I will be reading it out and giving a copy of it to the clerk. Trust me.

**Hon. John Godfrey:** This is challenging. Listen carefully.

**The Vice-Chair (Hon. Geoff Regan):** Mark, we're going to need a copy.

**Mr. Mark Warawa:** Yes.

**The Vice-Chair (Hon. Geoff Regan):** Okay. There it is. That's quick action.

Mr. Godfrey.

**Hon. John Godfrey:** I'd like to see a copy of that, too, actually.

**The Vice-Chair (Hon. Geoff Regan):** You're interested also, are you? How about that.

**Hon. John Godfrey:** We're dealing with the constraint of having just developed this on the fly.

**The Vice-Chair (Hon. Geoff Regan):** There's another copy for you.

To Mr. Cullen, before we dispose of clause 10, did you want to hear this proposed clause 11, or do you—

**Mr. Nathan Cullen:** I understand there are negotiations going on, but procedurally it's a bit odd, because it is, in effect, a trust exercise to remove a clause that we previously supported for something I haven't seen yet.

**The Vice-Chair (Hon. Geoff Regan):** Go ahead, Mr. Warawa.

**Mr. Mark Warawa:** Procedurally, Chair, we could stand clause 10 and then go on to clause 11 and come back and repeal....

**Hon. John Godfrey:** If we just stand it, then we reserve the option of returning to it. Let's do that.

**The Vice-Chair (Hon. Geoff Regan):** I think there will be agreement here, I suspect, to stand clause 10.

[Translation]

We are going to come back to clause 10 later. At the moment, we are going to deal with clause 11.

Mr. Godfrey, the floor is yours.

[English]

(On clause 11—*Departmental Sustainable Development Strategies*)

**Hon. John Godfrey:** Clause 11 will be replacing all of the proposed amendments I put forward and that I think the government put forward on clause 11. There is still the Bloc clause, but I hope this will help as well.

Here's what it now says—

**The Vice-Chair (Hon. Geoff Regan):** Just a minute, Mr. Godfrey, if you don't mind.

That would mean we would strike, on page 32, amendment G-14; on page 33, amendment L-16; on page 35, amendment L-17; and possibly, depending on what the Bloc decides—and we'll see what their reaction is—we'll look at amendment BQ-1 after that. Okay?

Please proceed.

Oh, there are also amendments L-15.1 and L-15.2, which you proposed today.

**Hon. John Godfrey:** I submitted those earlier in the day.

**The Vice-Chair (Hon. Geoff Regan):** Those would also be set aside, and those would also not be proceeded with.

Mr. Godfrey.

**Hon. John Godfrey:** So it's actually Mr. Warawa's amendment.

**Mr. Mark Warawa:** Just give me one second, Chair, because I don't believe amendment G-14 has been struck. You mentioned that.

**The Vice-Chair (Hon. Geoff Regan):** No, what I said was that the problem is it has to be moved in any case.

**Mr. Mark Warawa:** Correct.

**The Vice-Chair (Hon. Geoff Regan):** So if we don't need it, we won't proceed with it. That's the idea.

**Mr. Mark Warawa:** So for the moment, maybe we can deal with amendment G-14.

**The Vice-Chair (Hon. Geoff Regan):** Okay.

**Mr. Mark Warawa:** And then we'll go on and move this additional amendment.

**The Vice-Chair (Hon. Geoff Regan):** Let's start with amendment G-14.

**Mr. Mark Warawa:** Amendment G-14 is self-explanatory. We've moved from "National" to "Federal", and that's what this does.

**The Vice-Chair (Hon. Geoff Regan):** So you're sticking with amendment G-14, or is that incorporated in the new one?

Are you saying to us that the motion you're going to propose will not need us to proceed with amendments G-14, L-15, L-15.1, L-15.2, L-16, and L-17? That's my understanding.

**Mr. Mark Warawa:** You're absolutely right, Chair.

**The Vice-Chair (Hon. Geoff Regan):** Okay.

**Mr. Mark Warawa:** Maybe procedurally I would be amending or subamending—

•(1615)

**The Vice-Chair (Hon. Geoff Regan):** But before you do, I gather that procedurally we would normally strike all these others.... Actually it's just a question of not moving them, isn't it?

Okay, we'd have to ask each of you to say you're not going ahead with these other amendments. But why don't you read it so that people are clear? Don't move it at the moment—move it shortly—but read it for the moment.

**Mr. Mark Warawa:** Okay. I move that Bill C-474, in clause 11, be amended by replacing lines 1 to 16 on page 7 with the following:

11(1) each minister presiding over a department named in Schedule 1 to the *Financial Administration Act*, or an agency named in Schedule 1—

**Hon. John Godfrey:** You can't assume we're going to strike down the existing schedule 1 until we get there.

**Mr. Mark Warawa:** It will have to be amended after the fact.

**Hon. John Godfrey:** Yes, that will have to be cleaned up afterwards.

**Mr. Mark Warawa:** At this point it's reading "Schedule 2", but it will be amended later to "Schedule 1".

So after the comma it reads:

or an agency named in Schedule 2 of this Act shall cause the department or agency to prepare a sustainable development strategy containing objectives and plans for the department or agency that complies with and contributes to the Federal Sustainable Development Strategy, appropriate to the department or agency's mandate and shall cause the strategy to be laid before the House of Commons within one year after the Federal Sustainable Development Strategy is tabled in that House under Section 9.

(2) A minister to whom subsection (1) applies shall cause the department's sustainable development strategy to be updated at least once every three years and shall cause each updated strategy to be laid before the House of Commons on any of the next 15 days on which that House is sitting after the strategy is updated.

(3) The Governor in Council may, on the recommendation of a minister presiding over a department not named in Schedule 1 to the *Financial Administration Act*, direct that the requirements of subsections (1) and (2) apply in respect of the department or agencies.

(4) The Governor in Council may, on the recommendation of the minister, make regulations prescribing the form in which sustainable development strategies are to be prepared and the information requirement to be contained in them.

So that will be replacing what we have as G-1, and procedurally—

**The Vice-Chair (Hon. Geoff Regan):** With respect to the last line, “to be contained in them”, should that be “required”?

**Mr. Mark Warawa:** You're right, “required to be contained in them”.

**The Vice-Chair (Hon. Geoff Regan):** Thank you, Mr. Warawa.

Having heard that, now I'll ask if those who submitted the various amendments would indicate that they're not going to proceed.

I think you've already indicated that you're not going to proceed with G-14, so I can strike that.

The next one on my list is L-15.1.

Mr. Godfrey.

**Hon. John Godfrey:** Sorry, let me check. I have a couple of minor suggestions. Just hang on a second.

This is a technical issue, and I'll ask folks whether this makes sense or not. The suggestion I'm getting for the first line is:

Each minister presiding over a category 1 department within the meaning of the Auditor General Act

—and then you carry on with—

named in Schedule 1 to the *Financial Administration Act*

• (1620)

**Mr. Mark Warawa:** What is category 1?

**Hon. John Godfrey:** We have a definition...hang on a second.

**The Vice-Chair (Hon. Geoff Regan):** Can anybody tell us what departments are named in category 1?

**Mr. David McGuinty:** The list is in the Financial Administration Act, isn't it?

**The Vice-Chair (Hon. Geoff Regan):** By the way, here's the Auditor General Act in front of me, and it says:

“category 1 department” means

- (a) any department named in Schedule 1 to the Financial Administration Act,
- (b) any department in respect of which a direction has been made under subsection 24(3)

It directs that the requirements of subsections (1) and (2) apply in respect of the department. This is about what strategies you have to table in relation to the Auditor General's work.

The Auditor General Act continues:

- (c) any department set out in the schedule;

That isn't all that helpful to me, I'm afraid, but I appreciate the effort.

Mr. Warawa.

**Mr. Mark Warawa:** Could we have a moment just to consider the suggestions of Mr. Godfrey?

**The Vice-Chair (Hon. Geoff Regan):** Mr. Cullen.

**Mr. Nathan Cullen:** I'm trying to appreciate the circumstance of people having to make changes as they go, which have a domino effect on the rest of the bill. It seems—and this is meant to cause no offence—it's a bit of a waste of time for the rest of the committee members when people are both trying to understand what the implications are and at the same time trying to explain to the rest of the committee what it is that we're actually going to end up voting on. I don't know if it's possible to take a five- or ten-minute pause. If so, I'll be reassured, but I'm not feeling reassured right now that we're not going to go through a lot of very complicated and twisted explanations over the next hour, and it seems not fruitful for us to spend our time this way.

**The Vice-Chair (Hon. Geoff Regan):** Thank you.

I'll go to Mr. Bigras, but before I do, I'll just say that my sense here is that this clause is the main product of the discussion that was held before this meeting. I hear what you're saying.

Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** Mr. Chair, I feel that committee members have been waiting patiently since 3:30 p.m. so that the government and the opposition can negotiate and come to an agreement. But I see no agreement; I just see that things are more complicated than they were 20 minutes ago.

I have no problem with negotiations between the official opposition and the government. But I remind you that there are two other parties around the table and that they have the right to understand what is being discussed. I recommend that we adjourn the meeting until things can be sorted out. My impression is that two parties out of four are being left out. I find that unacceptable.

[English]

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey.

[Translation]

**Hon. John Godfrey:** First, my apologies to my colleagues in the other parties. These negotiations really are not about matters of substance; rather, they are technical questions to ensure that the two bills correspond.

I personally support the idea of suspending the session for 5 or 10 minutes so that we can solve the problem. I want people to clearly understand that this is technical in nature. The problem is that it is written in English only. We cannot distribute a document in English without having a French translation.

• (1625)

**The Vice-Chair (Hon. Geoff Regan):** That is correct; the committee cannot distribute a document if it is not bilingual.

**Hon. John Godfrey:** But we could distribute it ourselves.

**The Vice-Chair (Hon. Geoff Regan):** You decide among yourselves. But those are the regulations, as Mr. Harvey has just said.

[English]

**Hon. John Godfrey:** Could we have a five-minute suspension while we try to—



**The Vice-Chair (Hon. Geoff Regan):** Before I can do that, Mr. Warawa asked for an opportunity to speak, and then I'm prepared to have a five-minute suspension.

Mr. Warawa.

**Mr. Mark Warawa:** Thank you, Chair.

I just wanted to comment to Mr. Bigras.

Yes, there are four different political parties represented in this committee. Regarding the negotiations that were ongoing, if I were in his place, Chair, I would be a little bit frustrated and concerned too. The reason Mr. Godfrey and I were discussing is that we were looking at very similar amendments being proposed to Bill C-474, and we were trying to put them together. So his input is very appreciated and very valued.

**The Vice-Chair (Hon. Geoff Regan):** If we agree, then, we will have a five-minute suspension.

The committee is suspended for approximately five minutes.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- 
- (1630)

**The Vice-Chair (Hon. Geoff Regan):** Colleagues, we'll come back to order, if you please.

The clerk has offered me a good suggestion here, and apparently it's worked well in other meetings with complex amendments.

[Translation]

We can start by looking at Mr. Warawa's amendment and the subamendment that Mr. Godfrey has just made, then Mr. Bigras' amendment. We could then let Mr. Godfrey and Mr. Warawa explain...

[English]

We'll ask them to walk us through the rest of the bill so that we'll all have an understanding of where we're going here. Then we'll go back and start moving those amendments one at a time. As indicated to me by the clerk, this has been helpful on other committees where you have a whole range of amendments that are affecting one another. So if you agree, we'll proceed now.

Mr. Godfrey, is that a friendly amendment about each minister presiding over a category 1 department, within the meaning of the Auditor General Act, etc.?

**Hon. John Godfrey:** No. We're going back to the original wording because we think it covers the.... Sorry about that.

**The Vice-Chair (Hon. Geoff Regan):** So we still have them reading what Mr. Warawa read.

**Mr. Mark Warawa:** There are some corrections.

**The Vice-Chair (Hon. Geoff Regan):** What are the corrections, Mr. Warawa?

**Mr. Mark Warawa:** We had in (2) "A minister to whom".

**The Vice-Chair (Hon. Geoff Regan):** So that's instead of "a minister who".

**Mr. Mark Warawa:** Correct. Then in the last line of (3), after "(2)", the word "apply" would be inserted.

**The Vice-Chair (Hon. Geoff Regan):** So it would be "apply in respect of the department or agencies".

**Mr. Mark Warawa:** In the last line of (4), instead of "requirement", it would be "required".

**The Vice-Chair (Hon. Geoff Regan):** Mr. Cullen.

**Mr. Nathan Cullen:** On a point of helpfulness, we're now making some changes to the amendment that was proposed earlier. I'm not sure if other committee members have the new text. Has this been given out? It's very difficult to have a text read to us and then amended in the reading.

**The Vice-Chair (Hon. Geoff Regan):** I appreciate that.

**Mr. Nathan Cullen:** I'm not the sharpest knife in the drawer.

**The Vice-Chair (Hon. Geoff Regan):** No, it's pretty tough.

Mr. Warawa is asking for more copies. They might be helpful once they arrive, but I suspect they'll be in only one language when they come. I know they're working hard on the translation as well.

**Mr. Mark Warawa:** They also will not be officially distributed.

- (1635)

**The Vice-Chair (Hon. Geoff Regan):** I'm asking for debate on the motion proposed by Mr. Warawa to amend clause 11. It contains four subclauses, as Mr. Warawa has read.

**Hon. John Godfrey:** The attempt here is to incorporate in one clause the requirements that were in clauses 10 and 11. The specific importance of clause 11 is that it is key to things we do later in the bill. We make reference to objectives and plans for the department or agency. That phrase exists in amendment G-16 to clause 18. So we need to have some objectives and plans that can be dealt with later on, otherwise there's no reference to objectives and plans.

On the language we've inserted here, these objectives and plans not only comply with the federal sustainable development strategy, they contribute to it. We wanted to get in the notion that it's not just simply minimalist; it actually proactively tries to contribute. So those are important things.

You'll see reference to schedule 2 in the act. It refers to agencies that, since the Auditor General Act was passed, have agreed to submit sustainable development plans. You'll see schedule 2 in amendment L-25. These are order in council decisions that were made after the Auditor General Act was passed. They say that the Atlantic Canada Opportunities Agency, the Canada Border Services Agency, the Canada Revenue Agency, CIDA, the Economic Development Agency of Canada for the Regions of Quebec, Parks Canada Agency, and the Public Health Agency have also agreed to submit sustainable development plans. If we didn't put them in here we would be asking for fewer sustainable development plans than we had.

**The Vice-Chair (Hon. Geoff Regan):** Would you mind reading that list again?

**Hon. John Godfrey:** Sure. It's in L-25, on page 49 in the new package of amendments.

Part of what we're doing here is just making sure this act is every bit as extensive in asking for sustainable development plans as the previous act, plus all of the additions that were put in later by order in council. So there are really these various purposes, which clause 11 is trying to get at. So that's the reference to schedule 2 of this act.

The other thing to be said is that we've also incorporated the idea that the Governor in Council may expand the list. That's subclause 11(3) in this:

(3) The Governor in Council may, on the recommendation of a minister presiding over a department not named in Schedule 1 to the *Financial Administration Act*, or agency named in Schedule 2 of this Act direct that the requirements of subsections (1) and (2) apply in respect of the department or agencies.

In other words, the list can be expanded down the road, just as it has been expanded since we passed the original act to include these seven agencies. So it allows for future expansion. And those three categories add up to what this act is about.

The fourth point is that the Governor in Council may make regulations to put this into action. So this covers off regulations. It's a multi-purpose activity, which allows the rest of the act to flow. It's a very crucial bit, as well as saying that every minister has to update every three years. That would be the overall rationale for this.

**The Vice-Chair (Hon. Geoff Regan):** Thank you, Mr. Godfrey.

Mr. Cullen.

**Mr. Nathan Cullen:** I have a specific question on proposed subsection 11(4), in terms of the need for.... Of course, the minister can make further regulations; they have that power anyway. I'm not sure why that needs to be here. But specifically, thank you for that more comprehensive look at it.

Now I'm trying to understand what the effects are on the rest of the piece of legislation and what has been lost because of this one comprehensive push through clause 11. Is there anything of substance that is no longer within Bill C-474 as a result of this?

• (1640)

**Hon. John Godfrey:** No, Mr. Cullen.

**Mr. Nathan Cullen:** Then to my first question around (4), that the government...why do we specifically need to name this? I've not seen that necessarily before. I assume the minister already has the power to make such regulations within the standing acts of Parliament. Why do we need to point that out in specifics?

**Hon. John Godfrey:** If you happen to have a copy of the original bill—

**Mr. Nathan Cullen:** I do.

**Hon. John Godfrey:** Look under clause 15, page 10.

Does this replace 15, or is it over and above...?

**The Vice-Chair (Hon. Geoff Regan):** This is through the chair, of course.

**Hon. John Godfrey:** Sorry, through the chair. The old clause 15 had a section at the very back called "Regulations":

The Governor in Council may make regulations for the purpose of achieving any of the goals of this Act.

Is this maybe a separate power of regulation? Okay. What we've got is....

Mr. Cullen questions, first of all, why we need the ability to make regulations. I think that's fairly standard form, that it forms part of the....

**Mr. Brian Jean:** The enabling authority.

**Hon. John Godfrey:** Yes, the enabling authority, that's what it is. So the only other question would be whether proposed subclause 11 (4), which is quite specific about the sustainable development strategies, means we still allow in place the old clause 15, which is the power to make regulations generally.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey, obviously your question was to Mr. Warawa, since you wouldn't be asking from behind Mr. Warawa, and I'm sure Mr. Warawa is anxious to answer.

**Mr. Mark Warawa:** Yes, I am.

He's quite right. Clause 15 is very general. It's a weak clause, saying the Governor in Council may make regulations for the purpose of achieving any of the goals of the act. What we're getting into is more specifics, so some may argue why clause 15 is necessary. But I think clause 11—the amendments from the Liberals and also from the government—is a compromise that achieves the same and provides detail.

**The Vice-Chair (Hon. Geoff Regan):** Okay. Thank you.

Mr. Cullen.

**Mr. Nathan Cullen:** Consequentially, then, if such a clause as this one has now been proposed as adopted...I'm just looking through the remainder of clauses to understand what the implications are down the road. Are they all gone? Are there portions of them gone?

**Hon. John Godfrey:** Would you like me to do the walk-through now?

**The Vice-Chair (Hon. Geoff Regan):** I talked earlier about a walk-through.

Mr. Cullen, is that what you would like?

**Mr. Nathan Cullen:** It's essentially what I'm asking for.

**The Vice-Chair (Hon. Geoff Regan):** It might be simpler going forward. I hope it will abbreviate the process as we go on.

Mr. Godfrey and Mr. Warawa, would you please provide that walk-through of what's happening here, as best you can?

**Hon. John Godfrey:** We are functioning from two different stacks of amendments here.

If clause 11 goes through, clause 12 will bring some minor amendments, but this is to do with performance agreements of senior officials in departments, and that would remain the same. I'm going off the original text here.

**The Vice-Chair (Hon. Geoff Regan):** Are we talking about amendment L-18 now?

**Hon. John Godfrey:** Yes, we're talking about amendment L-18, and we're going to be subamending that a little bit.

**The Vice-Chair (Hon. Geoff Regan):** It's on page 36 of the larger package.

**Hon. John Godfrey:** We're going to be losing the crown corporations there.

We then lose altogether clause 13. Clause 13 was written with the idea that there would be an independent environment commissioner, so all of that was set up about how they would be selected and petitions and everything else. So all of clause 13 goes.

That brings us to clause 14. This is where we replace all of clause 14 with the way in which the commissioner will be examining the sustainable development report to assess the fairness of the information contained therein and the progress in implementing the national sustainable development strategy. This is all about the commissioner's role. It sets out that he will report every three years the results—

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey, do you mean amendment L-20?

**Hon. John Godfrey:** Yes, I mean amendment L-20 from the original package.

So clause 14 tells you what the commissioner does.

• (1645)

**Mr. Nathan Cullen:** That is tracked as well?

**Hon. John Godfrey:** No, it ceases to be, as it is in the original text, about petitions, and it becomes all about.... If you look at amendment L-20 from the original package on page 40, that describes the activities of a commissioner once the report is received.

Clause 15 stands. It's the regulations of the original document.

Clause 16 is dealt with in amendment L—

**The Vice-Chair (Hon. Geoff Regan):** You have amendment L-22.1, which you've handed out today.

**Hon. John Godfrey:** Yes, that's L-22.1.

So amendment L-22.1 in the new package.... These are amendments to the Auditor General Act, so this lines up what we're doing in this act with what has to happen in the Auditor General Act, and this definition section lines up with these various ways in which we'll define who gets audited. "Category I department" means A, B, or C. It means either they're named in schedule 1 of the Financial Administration Act—we've decided afterwards we're going to do something about them and they get put in, and we've done that in clause 11—or they're in the schedule already.

So there are three ways, three kinds of agencies and departments that get done: the Financial Administration Act, the ones on schedule 2, and ones the government may wish to add later. That's what the new clause 16 is all about. It just makes that clear.

Clause 17, I think, stands as far as we know; we don't need the old clause 17 in the original draft.

Then clause 18 is the old G-16 in the original package on page 43, and it's all fine, isn't it? I think we decided that was all good, because having repealed sections of the Auditor General Act, these are the replacements. This just aligns the two acts to make them consistent, and that's it.

[Translation]

**Mr. Bernard Bigras:** I would like an opinion from the clerk. These are not cosmetic amendments, they are major amendments that sometimes change whole clauses. Can amendments like that be

made? It seems to me that we are rewriting the bill from beginning to end. Are we allowed to proceed like that?

[English]

**The Vice-Chair (Hon. Geoff Regan):** The committee has to consider each of the clauses, and the amendments should relate to the clauses. The clerk is suggesting we examine the amendments in each clause that relate to that clause and then consider the clause as a whole. Of course, sometimes we'll be amending the clauses in their entirety, as you say.

For example, clause 13 is about the Commissioner of the Environment and Sustainable Development. Amendment L-19, which is the amendment Mr. Godfrey proposed, is about the Sustainable Development Secretariat, so it's a different thing. But the clerk has advised me that if we're proceeding with amendment L-19, it should be proposed as a new clause with a separate decision on clause 13.

• (1650)

[Translation]

It is the same for clause 14.

[English]

That's the way we would proceed on this.

[Translation]

Does that answer Mr. Bigras' question? Good.

Let us move on.

[English]

Is there any further discussion on the amendment Mr. Warawa has proposed to clause 11?

(Amendment agreed to)

**The Vice-Chair (Hon. Geoff Regan):** Now we are ready for the Bloc amendment, BQ-1, on page 34. First of all, we'll let Mr. Bigras propose it. It is a new subclause in clause 11.

Monsieur Bigras.

[Translation]

**Mr. Bernard Bigras:** Mr. Chair, before I bring forward my amendment, I would like to know where it would go in. Would it be at the end? Then it would become clause 1.5. So we would be adding a new point to the two-headed Conservative-Liberal amendment.

It would add the following:

(1.1) When developing the departmental sustainable development strategy, the responsible minister shall comply with *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, as amended from time to time, published by the Privy Council Office and the Canadian Environmental Assessment Agency.

The aim of the amendment is to make sure that the directive from the Prime Minister's Office, which is almost 25 years old, is required by law. In broad terms, it requires departments to conduct an environmental assessment of their policies, plans and programs.

On several occasions, Canada's commissioner for the environment has indicated that a number of departments are not observing this directive. In one report, the commissioner indicated that the Department of Finance was dragging its feet on conducting the environmental assessment. This amendment is intended to make sure that the cabinet directive on strategic environmental assessment is followed.

**The Vice-Chair (Hon. Geoff Regan):** Thank you very much, Mr. Bigras.

Are there any other comments on this amendment?

Mr. Warawa.

[English]

**Mr. Mark Warawa:** Thank you, Mr. Chair.

The government does not support the amendment.

I appreciate the intent, but the cabinet directive constitutes direct instructions to both ministers and departmental officials that policy, plan, and program proposals must be assessed when important environmental effects, positive or negative, are expected. As such, the directive already would apply to departmental strategies submitted to the ministers for a decision. There's no need to include a legislative requirement to apply to cabinet directive; it's not a legal instrument.

So we will not be supporting the amendment.

• (1655)

**The Vice-Chair (Hon. Geoff Regan):** Is there any other commentary on this?

Mr. Cullen.

**Mr. Nathan Cullen:** Through you, Chair, I just want to understand the parliamentary secretary. Is he suggesting that this is already happening and doesn't need to be written in, or that such a writing into the bill would have no legal authority and is opposed that way?

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa.

**Mr. Mark Warawa:** I'm suggesting that it's not appropriate to have jurisdictional oversight over cabinet and the decisions of cabinet. Cabinet needs that discretion and accountability. I don't believe it is proper to legislate a requirement of cabinet directive.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Jean.

**Mr. Brian Jean:** Thank you.

I'm wondering if the clerk could identify whether there would be a conflict of laws in relation to this particular section. If it were indeed adopted, would there would be a conflict of laws relating to other legislation, or to a cabinet directive generally?

It seems it might be beyond the jurisdiction of the....

**The Vice-Chair (Hon. Geoff Regan):** Right. That's perhaps where we go to the....

Can someone give us an answer to that? That would really require a legal opinion. We have two lawyers here, but you're not sure of the answer to that.

I wonder if we could ask Madame Roy, who was kind enough to come today, if she can tell us the answer to that question.

**Mrs. Marie-Andrée Roy (Parliamentary Counsel (Legislation), Office of the Law Clerk and Parliamentary Counsel):** I would have to reread the content of that directive to provide you with any legal opinion.

**The Vice-Chair (Hon. Geoff Regan):** Would you come to the table, please, and repeat that so we can all hear? Thank you.

Madame Roy is the chief legislative counsel. Is that right?

**Mrs. Marie-Andrée Roy:** Oh, I'm just a drafter.

I would appreciate reading the document before providing you with legal advice on the matter.

[Translation]

I would also like to consult the people in the library to see whether or not there would be a conflict in law.

**The Vice-Chair (Hon. Geoff Regan):** When you say the document, you mean the cabinet directive.

**Mrs. Marie-Andrée Roy:** Exactly.

[English]

**The Vice-Chair (Hon. Geoff Regan):** Go ahead, Mr. Jean.

**Mr. Brian Jean:** It seems obvious on its face, quite frankly, that it would be in conflict with other laws that govern cabinet. It would seem to me that it would be. Certainly it shouldn't be the work of this committee to move forward with something that would be in conflict with other laws, if indeed it is.

I think at the very least we should wait and hear some opinion on it before it's adopted.

**The Vice-Chair (Hon. Geoff Regan):** Is there further debate on this amendment? No.

(Amendment negated)

(Clause 11 as amended agreed to on division)

**The Vice-Chair (Hon. Geoff Regan):** It was defeated on division.

**Mr. Mark Warawa:** Chair, do we want to deal with clause 10 now or deal at the end with all the clauses that were stood?

**The Vice-Chair (Hon. Geoff Regan):** It seems to me we could go back and deal with clause 10 now.

**Mr. Mark Warawa:** It's fresh in our minds now.

**The Vice-Chair (Hon. Geoff Regan):** That seems like a reasonable approach.

It was Mr. Cullen who asked about this to begin with. Are you agreeable to that, Mr. Cullen?

**Mr. Nathan Cullen:** It is appropriate now, if this has clarified what it is to remove or not to pass clause 10.

**The Vice-Chair (Hon. Geoff Regan):** I'm going to ask if clause 10 shall carry. My understanding is that if you want to withdraw it—and the wishes of Mr. Godfrey and Mr. Warawa are that you say no—that clause would no longer be, because it has been replaced.

(Clause 10 negated)

**The Vice-Chair (Hon. Geoff Regan):** This is a tough, tough day for you.

(On clause 12—*Performance-based contracts*)

**The Vice-Chair (Hon. Geoff Regan):** First we have amendment L-18, which is on page 36 of the main package.

We'll have Mr. Godfrey.

• (1700)

**Hon. John Godfrey:** I wanted to say to Mr. Cullen that there was some ambiguity about the phrase in the original bill, which said, "Performance-based contracts with the Government of Canada". It could be understood to be one of two things. It could be a contract with an employee or it could be a contract with a construction company, or something, anytime there was a performance-based contract with an outside operator.

To clarify that language, we have used the phrase "Performance agreements of senior officials in departments and Crown corporations shall include provisions". If I may be allowed to, I want to delete "and Crown corporations", because we now understand crown corporations to be covered by departmental responsibility. So I am proposing that it say "Performance agreements of senior officials in departments shall include provisions".

**The Vice-Chair (Hon. Geoff Regan):** I think what you're saying, Mr. Godfrey, is that you're moving that Bill C-474 in clause 12 be amended by replacing lines 17 and 18 on page 7 with the following in clause 12: "Performance agreements of senior officials in departments shall include provisions".

**Hon. John Godfrey:** That is correct.

**The Vice-Chair (Hon. Geoff Regan):** Go ahead, Mr. Warawa.

**Mr. Mark Warawa:** Just procedurally, before we deal with Mr. Godfrey's motion, which I believe comes after ours.... You are on line 20.

**The Vice-Chair (Hon. Geoff Regan):** Are we ready for the question on Mr. Godfrey's amendment?

Mr. Cullen, and then Mr. Warawa.

**Mr. Nathan Cullen:** This is appreciated. If I understand Mr. Godfrey.... There's been some conflict on this in the past with crown corporations, particularly under the Auditor General—what the AG is able to go after and what the commissioner can look at and what they can't. I just want to get some assurance that in fact that has been looked at. In saying that the performance agreements will stretch far enough to include...because if we make that mistake at this point it will open up a whole raft of unaccountability further down the road.

I guess I'm just looking for a little more assurance to make sure that—

**Hon. John Godfrey:** Because we understand that federal sustainable development strategies now apply to departments, and through departments to crown corporations, we've struck out references to crown corporations earlier on. So this is simply consistent with that. But the understanding of the reach of a minister is that it goes down to a crown corporation, and I think by logic, any official in a crown corporation who would be ignoring a departmental directive would be doing so at his or her peril.

**Mr. Nathan Cullen:** Okay. That's fine.

Thank you, Chair.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa.

**Mr. Mark Warawa:** The government does not support the amendment. In terms of contracts with senior members of government, their contracts are already negotiated annually. Negotiating was to be contained in these contracts. It would unduly constrain how the government manages and limits its ability to respond effectively to changing priorities. That is one issue. The government has to have that ability.

This clause is not, in effect, a tool of increasing accountability. Performance agreements are agreements between the deputy minister and the Clerk of the Privy Council. They are not mechanisms to ensure political accountability. They represent the personal contribution of an individual to departmental priorities.

Rather than ensuring a level of political accountability for the federal strategy's implementation, what this clause would do is politicize the performance contracts of senior public servants. It's important to note that performance agreements and subsequent evaluations are confidential. It's a very important point for the committee to consider. There would be no way to know if the provisions for meeting the applicable targets in this strategy were included or met, because of the confidentiality of the agreements.

I'd also like to reiterate that obligating the ministers responsible for crown corporations to prepare and table in Parliament a sustainable development strategy is inappropriate and unnecessary. Crown corporations will have vastly different capacities to prepare these strategies from a logistical and financial perspective.

I'd like to reiterate my concern here, which would obviously also pertain to the amendments proposed here that would further obligate crown corporations in terms of senior official performance agreements.

I think the real salient point is the confidentiality of those agreements. How could you determine if the person has met those targets and obligations if the agreements are confidential? It wouldn't be possible.

• (1705)

**Hon. John Godfrey:** If the parliamentary secretary doesn't want my amendment, that's fine. I'm just trying to understand. Does the original language stand, and then he wishes to change the words "National" to...? Are we going back to performance-based contracts, or are we trying to get rid of this altogether? I haven't quite understood.

**Mr. Mark Warawa:** You may not be looking at.... My understanding is that we were talking about performance-based agreements.

**Mr. Nathan Cullen:** Are you against the whole clause or just performance-based agreements?

**Mr. Mark Warawa:** Yes, against the whole clause.

**Hon. John Godfrey:** I am just curious as to why you then want to amend to "Federal Sustainable Development Strategies" if you're against the whole clause.

**Mr. Mark Warawa:** If the clause stood, we would have amended it to read "Federal", but we don't agree with the clause.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Cullen, did I see your hand?

**Mr. Nathan Cullen:** Yes. We clearly can have a difference of opinion in terms of the witness testimony we heard regarding the accountability mechanism required, so that department officials are able to ensure the to and fro between the minister and the politicians making the promises and what they are actually able to deliver. We heard from various witnesses that this was an acceptable avenue, to assure both the public servant that promises were being made with their inclusion and the elected official that their department heads were also agreeing to the steps that the politician was making in public.

I appreciate the parliamentary secretary's point, and difference of opinion is fine, but when I and others have repeatedly asked what accountability anybody has held on the file of sustainability over the last dozen years, the Auditor General herself and the Commissioner of the Environment himself were unable to find any case of anyone feeling any repercussion whatsoever.

So we're trying to go to the root of this and say that at the moment of contract, the sustainability clauses are included in that contract, so that when we go and look at the performance of the government and of the various departments and crown corporations, the two line up. Wouldn't that be a nice day?

There have been very few mechanisms proposed by anybody to this point to achieve that. So while there may be discomfort, or it's a different approach to arriving at this, it's very difficult to look at this bill with any serious option of hope if we're using the same mechanisms that have failed us in the past. We need to find ways that the words actually match the actions and that the promises made by the elected officials are in some sort of convergence with the plans of those meant to carry out those promises, and that those are the people who are included in this performance contract clause.

Difference of opinion is fine, but it's unfortunate. I think we could arrive at some consensus here.

**The Vice-Chair (Hon. Geoff Regan):** I think Mr. Jean is next, and then Mr. McGuinty.

**Mr. Brian Jean:** I was just wondering whether the committee had heard evidence in relation to the percentage of senior management who would be on performance-based contracts. It seems to me that all this would do is in essence change contracts to not be performance-based, at least so far as fitting into the criteria of the legislation goes.

I sympathize, and I understand exactly what Mr. Cullen is saying, but the reality is that holding those individuals to account on the basis of that, because of the confidential nature of their contract, seems, quite frankly, very difficult if not impossible to do.

So I see what you're aiming for, and I can understand why witnesses would say that. But how do you get around the fact that it's confidential? Indeed, the cumbersome part of the contract may not fit in with the Auditor General's report or other reports to show whether or not they're accountable. I see it as very cumbersome as far as the

management goes, and quite frankly impossible as far as fulfilling the confidentiality part of the agreement goes.

**The Vice-Chair (Hon. Geoff Regan):** Mr. McGuinty.

**Mr. Brian Jean:** Nobody answered my question about the percentage of senior management that would be under performance-based contracts.

**The Vice-Chair (Hon. Geoff Regan):** I took it as a matter of debate. I don't know if there's anyone here who is able to answer, but if someone else on the committee wishes to answer, they could speak in debate and offer whatever answer they may wish. But Mr. McGuinty is next in line and has the floor now.

• (1710)

**Mr. David McGuinty:** Mr. Chair, on that specific question, my understanding is that these performance-based contracts are signed exclusively with deputy ministers and associate deputy ministers in line departments. I don't think they extend to presidents and CEOs of crown corporations, because their contracts usually are negotiated with their boards of directors who hire and appoint them and set the terms and conditions.

What's interesting in the position put forward by Mr. Warawa is that if in fact that is the consistent position of a government, what he's put forward would mean that every single item in the Accountability Act that is about to drive up or is supposed to be driving up government accountability cannot find its way into a performance-based contract.

Look, performance-based contracts with the Government of Canada, negotiated between the clerk and deputy ministers, have a whole series of essential elements in them: everything from person years that are filled, to budgeting, to parliamentary relations, to the estimates process, and on and on it goes. My understanding is that they are fairly generic between a clerk and over 28 line department deputies and the associates that underpin them. You may be talking about 40 or 50 contracts. I don't know why the fact that a performance-based contract isn't disclosable ought not to mean that the notion of including provisions for meeting targets referred to in the national sustainable development strategy can't form part of the contract.

There are many elements in a performance-based contract right now, negotiated between the deputy minister and the clerk, that are not disclosable. But I'm sure that contract is rife with all kinds of measurables, all kinds of targets that we'll never know about. So I don't understand the logic or the argument here. The fact that they already have contracts with terms and conditions that stipulate targets in one form or another, which aren't releasable—we can't compel their release—ought not to mean that this committee and Parliament can't ask those deputies to take on more confidential targets, which happen to flow directly from the national sustainable development strategy.

I don't understand the logic, Mr. Chair.

**The Vice-Chair (Hon. Geoff Regan):** Thank you.

Mr. Cullen.

**Mr. Nathan Cullen:** First, to Mr. Jean, because I think it's the easiest to answer, the assumption from the testimony of witnesses, as Mr. McGuinty has outlined, is that virtually all assistant deputy ministers go through some contract agreement.

**Mr. Brian Jean:** It's performance-based.

**Mr. Nathan Cullen:** Yes, outlining the various categories we hear about.

Second—this is in terms of Mr. Warawa's point, and I would hope he would reconsider—there is an insinuation, perhaps, of politicizing what does and doesn't happen under that contract by parliamentarians. There's no insinuation of that, because we knew these were confidential between the people who are drawing up the contract. There is nothing in this clause that says you then, therefore, must make it public, and in making it public, you can then drag a deputy minister here and burn their feet.

If we're doing all this work on accountability with respect to sustainable measures, I don't know why we wouldn't also ask that this be included. It makes some logic. I'm not sure what the ideological point of difference is. We do this on all sorts of things. If we're trying to putting a green lens on what it is that government does, then the application of this to the contract itself is one of the places where the civil service would understand it being a serious moment when contracts are negotiated in the future.

Maybe the position is being worked out in our midst, I don't know. But there's no attempt at politicization of the bureaucracy in this. This is just asking that it be included. We're looking for any measure we can find, and there are very few at our disposal.

**The Vice-Chair (Hon. Geoff Regan):** Thank you.

Is there any further debate?

Mr. Godfrey.

**Hon. John Godfrey:** Yes. I'm not hung up on the difference between what I've got here, “performance agreements of senior officials”, and “performance-based contracts of the Government of Canada”. That's not the point of debate. The point of debate is whether there's that kind of accountability at all.

I guess we can vote on this amendment. I don't think it changes anything substantial between “performance-based contracts” and “performance agreements of senior”. I think we should just vote on it.

**Mr. Nathan Cullen:** That's not the contention.

**Hon. John Godfrey:** Technically we have to vote on this amendment, right?

**The Vice-Chair (Hon. Geoff Regan):** Are we ready for the vote?

I can see what's going to come here.

Those in favour of Mr. Godfrey's amendment L-18, so signify.

It's a tie vote, five to five.

Some of you who have seen tie votes in the House, which I've seen, will know that when that happens, as in committee, the Speaker, or in this case the chair, does not decide on the basis of his own opinion, but in keeping with procedure. The procedure would

be to maintain the status quo. In other words, the chair votes to maintain the status quo.

So if we were talking about whether a clause that is already in the bill should stay in it, the chair would vote for the clause. If we're talking about an amendment that would change what already exists, the chair must vote against.

So the motion is defeated.

(Amendment negatived)

• (1715)

**The Vice-Chair (Hon. Geoff Regan):** Now we are on amendment G-15, on page 37.

Mr. Warawa.

**Mr. Mark Warawa:** Thank you.

It changes the word “National” to “Federal”, which would clear up other parts of the bill and make it consistent.

**The Vice-Chair (Hon. Geoff Regan):** Is there any discussion? I suspect there shouldn't be too much discussion on this.

(Amendment agreed to)

**The Vice-Chair (Hon. Geoff Regan):** I think we're ready for clause 12.

Is there debate on clause 12 as amended?

Shall clause 12 carry as amended?

You've done it to me again, haven't you? It's a tie. But this time, as I indicated already, since the clause itself is already in the bill, I will have to vote in favour of the clause carrying.

(Clause 12 agreed to)

(On clause 13—*Appointment*)

**The Vice-Chair (Hon. Geoff Regan):** Now, we have a situation here. The question is whether you wish to proceed with amendment L-19, which is on page 38.

Mr. Jean.

**Mr. Brian Jean:** I have a point of order. I didn't really understand the reasoning of the chair. I just want clarification. Of course, there's no legislation now, so the status quo is that there is not that clause in the act. I understand it's in the proposed act, but it's not the status quo.

Could the clerk or the chair confirm that this is indeed the case?

**The Vice-Chair (Hon. Geoff Regan):** I'm acting on the advice of the clerks, and it's not news to me, actually, but because the House passed this at second reading and sent it to us, therefore now we're dealing with the question of whether or not clause 12 in general, even though it's been amended, should carry. So on the question of whether or not this clause should carry—where the clause is existing in the bill that has been passed at second reading in the House and sent to us—the procedure is that in a tie, the chair votes yes. I think you'll see the clerks nodding to indicate that this is the case.

**Mr. Maurice Vellacott:** This is the very same form of the bill.

**The Vice-Chair (Hon. Geoff Regan):** I don't think it has to be the same form.

Are you nodding to indicate I've expressed myself appropriately?

**Ms. Joann Garbig (Legislative Clerk, Committees Directorate, House of Commons):** Yes.

**Mr. Nathan Cullen:** Not well; just appropriately.

**The Vice-Chair (Hon. Geoff Regan):** There you go.

Mr. Vellacott.

**Mr. Maurice Vellacott:** I have a question on the same point of order. I need to understand, because it's pretty important in directing it this way. Are we saying this is in the very same order it was when it came from the House, because that would be maintaining the status quo, but if we've made changes already, we're not...?

**The Vice-Chair (Hon. Geoff Regan):** The status quo is that there is a clause 12, and that's the point. When we come to the point of whether the clause as it now exists should carry, then the main principle is the fact that the clause already existed. That's the advice I've received.

The bad news is, if there's a challenge to the chair, I'm going to win that one.

**Mr. Maurice Vellacott:** Yes, I know. Anyway, that still doesn't answer my question. I'm saying I understand your attempt at the logic or reasoning there, and that's what I'm asking you, and I guess I'm asking the clerk by that same token. If this is in fact not in the same form as it came from the House, then all we're dealing with are proposals. The status quo...we haven't even approved that into this place. That's what I'm saying.

**The Vice-Chair (Hon. Geoff Regan):** As I understand it, the procedure contemplates that you are going to have a process of amending the bill, and when it comes to voting on amendments to particular clauses, you saw what happened.

**Mr. Maurice Vellacott:** Then why would you not support the previous one, because that was proposed in the very same...?

• (1720)

**The Vice-Chair (Hon. Geoff Regan):** As I explained, when I first voted no to the amendment, that was because that would change the existing thing, which is not voting for the status quo in this sense. If you were to defeat the whole clause, when the clause was sent here, even if it had been amended, that would not be in accordance with the status quo; that would be a different direction. That's the advice I have, and that's my understanding from previous experience.

When you're finished, Mr. Vellacott, Mr. Jean will be next.

**Mr. Maurice Vellacott:** That's right. I'm almost coming to the impression that one could use that kind of logic to go any which way you want on this kind of thing, because of the nature of it.

I'm not challenging, Mr. Chair, believe me. I think you could win on this one.

**The Vice-Chair (Hon. Geoff Regan):** When I spoke at the beginning, before voting on the amendment, I expressed what I had heard. I'm following the advice of the legislative clerk, and it is my understanding as well that this advice is correct. If you want to raise

the matter with the table, in the House, with the Speaker, that's up to you, obviously.

**Mr. Maurice Vellacott:** Okay. I'll leave it for now.

**The Vice-Chair (Hon. Geoff Regan):** Thank you.

Mr. Jean.

**Mr. Brian Jean:** Thank you, Mr. Chair.

I do defer to your greater wisdom, and also to the clerk's, but it seems bizarre in a way. I'm just wondering if there has been precedent in this particular case with legislation that's been put forward before, because I haven't seen it. But the status quo, in my mind, is the same as Mr. Vellacott has suggested, which is that there is no legislation now; there is no clause now. That would be the status quo.

I'm just wondering, with the legislative clerk...I understand the status quo has to be maintained, but from my perspective, the status quo is zero right now.

Has this particular issue been raised in other legislative initiatives before?

**The Vice-Chair (Hon. Geoff Regan):** I'm sure it has.

**Mr. Brian Jean:** "I'm sure it has" isn't confident; I'm sure it hasn't.

**The Vice-Chair (Hon. Geoff Regan):** That's the indication I'm getting.

Look, the question really is whether there's a point of order, and I do not find there's a point of order because I think I've answered your question.

**Mr. Brian Jean:** It must have been a point of order to answer it, so....

**The Vice-Chair (Hon. Geoff Regan):** I don't find it a valid point of order, so I think we should get back to the matter at hand, if you don't mind. I don't find the objection valid, so let's continue, if you don't mind, with clause 13.

Mr. Godfrey, do you wish to propose L-19?

**Hon. John Godfrey:** Let me just get back to where we are here.

**The Vice-Chair (Hon. Geoff Regan):** What you may wish to do is propose it as a new clause following clause 12.

**Hon. John Godfrey:** No, I don't wish to propose L-19.

**The Vice-Chair (Hon. Geoff Regan):** Okay. You don't wish to propose L-19.

**Hon. John Godfrey:** I guess we're going to be getting rid of clause 13 as we know it.

**The Vice-Chair (Hon. Geoff Regan):** So you're proposing that we get rid of clause 13, and those who wish to get rid of it will vote no to the following question: shall clause 13 carry?

(Clause 13 negated)

(On clause 14—*Petitions to the Commissioner*)



**The Vice-Chair (Hon. Geoff Regan):** Now we have L-20 at page 40.

Before we go ahead, Mr. Warawa.

**Mr. Mark Warawa:** Chair, I would ask that clause 14 be stood. There will be core amendments in clause 18 that will deal with clause 14.

**Hon. Geoff Regan:** Is it agreed that clause 14 be allowed to stand?

(Clause 14 allowed to stand)

(On clause 15—*Regulations*)

**The Vice-Chair (Hon. Geoff Regan):** I see reference to L-21, but it is a separate proposition, not part of clause 15, I understand. It would be clause 15.1. So first we deal with whether or not 15 shall carry.

Clause 15 reads:

The Governor in Council may make regulations for the purpose of achieving any of the goals of this Act.

Is there any debate on clause 15? Shall clause 15 carry?

(Clause 15 agreed to)

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey, I believe you want to propose a new clause 15.1, and we're therefore at L-21 on page 41 of the old package.

**Hon. John Godfrey:** This was very much at the suggestion of the Auditor General's office, that we provide some transitional provision because of the changes that are going to be made to the Auditor General Act. This is coming into force and all the rest of it. This is simply a technical amendment to allow the transition period when we're altering that act by this act.

• (1725)

**The Vice-Chair (Hon. Geoff Regan):** Does this have repercussions later in the bill?

**Hon. John Godfrey:** Yes, because we're then making further amendments.

**The Vice-Chair (Hon. Geoff Regan):** For instance, you're referring to section 19, which is not yet part of the bill.

**Hon. John Godfrey:** Correct.

**The Vice-Chair (Hon. Geoff Regan):** That's an important point.

There's a question about 11(2), which refers to "The directions made under subsection 24(3) of the *Auditor General Act*", etc., "remain in force and are deemed to have been made under subsection 11(2) of this Act". Is that still...? That's 15.1. Is 11(2) still the right clause for that to refer to? That's the question. Having changed clause 11, we have to look at Mr. Warawa's amendment.

**Hon. John Godfrey:** That's right.

**The Vice-Chair (Hon. Geoff Regan):** So should it be (3), which of course is that "The Governor in Council may, on the recommendation of the Minister," add that minister's department or agency? Does that mean that your L-21, instead of saying in the last line, "been made under subsection 11(2)", would say "made under

subsection 11(3)"? That would be what you're going to move, isn't it?

**Hon. John Godfrey:** Correct.

**The Vice-Chair (Hon. Geoff Regan):** Do you wish to move the amendment, Mr. Godfrey?

**Hon. John Godfrey:** Yes.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey has moved his amendment L-21 with that one change to 11(3) instead of 11(2).

Debate?

Mr. Warawa.

**Mr. Mark Warawa:** Chair, I'm going to ask if we can have a five-minute break to discuss this. I'm concerned about clause 19, which is the schedule, is it not?

**The Vice-Chair (Hon. Geoff Regan):** Clause 19 is an amendment.

If you're asking for a suspension for five minutes—

**Hon. John Godfrey:** Do we have an understanding that we'll be carrying on today?

**The Vice-Chair (Hon. Geoff Regan):** If we're asking for a suspension, it's a given that we'd carry on. I can't adjourn until there's an indication of agreement to adjourn, in any event, as Mr. Mills has acquainted me with in the past.

So we'll suspend for five minutes. This is to do with clause 19, and I hope we'll end up getting out of here before too long.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

•

• (1735)

**The Vice-Chair (Hon. Geoff Regan):** The meeting will come back to order.

We're at amendment L-21.

Mr. Godfrey, did you already move amendment L-21? Yes, you did.

**Hon. John Godfrey:** Perhaps Marie-Andrée will come forward on this, because of what we're doing here.

**The Vice-Chair (Hon. Geoff Regan):** We'll ask Madame Roy to come forward—

[*Translation*]

**Mrs. Marie-Andrée Roy:** Yes.

[*English*]

**The Vice-Chair (Hon. Geoff Regan):** —and answer a really challenging skill-testing question.

**Hon. John Godfrey:** I believe that with respect to amendment L-21, which is the transitional provision, you now think that in light of what we are going to do it will not be necessary. Is that correct?

[Translation]

**Mrs. Marie-Andrée Roy:** Clause 15.1 was added to target departments designated under the Auditor General Act. But in the new provisions that you brought forward today, you add a schedule to Bill C-474 that reproduces the list in the schedule to the Auditor General Act. That being the case, clause 15.1 is no longer necessary because that will now be done under the new act.

**Hon. John Godfrey:** Okay. So I will withdraw it.

[English]

**The Vice-Chair (Hon. Geoff Regan):** *Merci beaucoup.*

So you are withdrawing your amendment—

**Hon. John Godfrey:** Yes, L-21, because it is now covered elsewhere.

**The Vice-Chair (Hon. Geoff Regan):** Is that agreed?

(Amendment withdrawn)

(On clause 16)

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa wishes to speak.

**Mr. Mark Warawa:** Chair, we have core amendments in clause 18 coming up. We stood clause 14. I'm going to be asking that we stand clauses 16 and 17 and move on to clause 18.

**The Vice-Chair (Hon. Geoff Regan):** Is that agreed?

**Some hon. members:** Agreed.

(On clause 18)

**The Vice-Chair (Hon. Geoff Regan):** On clause 18 we begin with amendment G-16 on page 43 of the large package.

Mr. Warawa, would you like to move this amendment?

**Mr. Mark Warawa:** I would love to. Thank you so much.

**The Vice-Chair (Hon. Geoff Regan):** The amendment is so moved.

On debate, Mr. Warawa, would you care to illuminate further?

• (1740)

**Mr. Mark Warawa:** Yes, I'm just getting ready.

Obviously we support this amendment. The requirement for departments to prepare sustainable development strategies is better placed within this proposed legislation than in the Auditor General Act. Therefore, section 24 of the Auditor General Act should continue to be repealed.

Amendments to clause 11 of the bill introduced the language from section 24 of the Auditor General Act, which strengthened the language that was there originally—for instance, by requiring that departmental sustainable development strategies be tabled in Parliament.

This amendment kills two birds with one stone, so to speak, by both repealing section 24 of the Auditor General Act and amending section 23 of that act, to clarify the role of the Commissioner of the Environment and Sustainable Development vis-à-vis the federal strategy, and secondly, to correct references to the repeal of section

24 of the Auditor General Act, which should now refer to clause 11 of the federal sustainable development act.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa, I'm advised that as amendment G-16 proposes to replace both sections 23 and 24 of the Auditor General Act, in fact they should be taken separately. The committee should decide on amending each of those sections of that act separately.

I think you already have amendment G-17, which would effectively deal with section 24. If you replace section 24 and then repeal it, you have a problem. It's an effective repeal. It should be two decisions.

Can you propose to replace section 23 for now? If you move amendment G-16 and take out the reference “and 24”, then you could do the other as a separate amendment. Okay?

**Mr. Mark Warawa:** Let's do that then.

**The Vice-Chair (Hon. Geoff Regan):** Okay. So moved, I gather. Is that agreeable?

[Translation]

Is that clear, or not?

[English]

**Hon. John Godfrey:** So it is “Section 23 of the Act is replaced by the following:”

**The Vice-Chair (Hon. Geoff Regan):** Yes.

Is there debate?

(Amendment agreed to [See *Minutes of Proceedings*])

**The Vice-Chair (Hon. Geoff Regan):** The change takes out the words “and 24”.

Now we're on to amendment G-17.

Mr. Warawa, would you like to propose it?

**Mr. Mark Warawa:** I would like to move amendment G-17.

**The Vice-Chair (Hon. Geoff Regan):** Is there any debate on amendment G-17?

(Amendment agreed to [See *Minutes of Proceedings*])

**The Vice-Chair (Hon. Geoff Regan):** Now we're on amendment L-23 on page 46.

**Hon. John Godfrey:** Which I am withdrawing.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Godfrey is not moving it, so we'll cross that off.

Is there any debate on clause 18?

(Clause 18 as amended agreed to)

**The Vice-Chair (Hon. Geoff Regan):** We're on to clause 19, which is a new clause. I guess we're dealing with amendment L-23.1 on page 46.1 in the new package.

Mr. Godfrey.

**Hon. John Godfrey:** We need to be very clear on what we're talking about. This states quite simply, "The schedule to the Act is repealed." We now are referring to the Auditor General Act. That's where we have taken out the agencies. We produced a list of agencies to which this applied and we're putting them into this act; therefore, we have to take them out of the Auditor General Act. That's what this is about. The schedule to the act refers to the Auditor General Act, and it refers to those now seven agencies that we talked about previously, which we have to do something....

Let's see, what are we...?

• (1745)

**The Vice-Chair (Hon. Geoff Regan):** Just out of curiosity, how is it clear that the act you're referring to...? I suppose, for one thing, this one doesn't exist yet.

**Hon. John Godfrey:** Because it's still under the heading of the Auditor General Act.

**The Vice-Chair (Hon. Geoff Regan):** It's under the heading; that's fine. That's clear. We're good, from my perspective.

Is there debate on this?

Mr. Warawa.

**Mr. Mark Warawa:** I have a question of procedure.

Should we be repealing the schedule as we have it in the bill now and then going to this, or going to—

**Hon. John Godfrey:** No, it's a different—

**The Vice-Chair (Hon. Geoff Regan):** We've already voted to replace the schedule in the Auditor General Act, and here you are repealing the old one. Is that correct?

**Hon. John Godfrey:** That's right. It's repealing it. It's taking it out of the Auditor General Act because it's coming into this act.

**The Vice-Chair (Hon. Geoff Regan):** Ah, yes.

(Amendment agreed to)

**The Vice-Chair (Hon. Geoff Regan):** Now we're on to the stood clauses.

The first one we have is clause 5.

(On clause 5—*Basic principle*)

**The Vice-Chair (Hon. Geoff Regan):** We have amendment G-6 at page 12.

It's amendment G-6, page 12, of the larger package, is it?

**Hon. John Godfrey:** It's the original package.

**The Vice-Chair (Hon. Geoff Regan):** It's the original package. It's amendment G-6 on page 12.

Mr. Warawa, would you like to move this?

**Mr. Mark Warawa:** Bear with me for one moment, please.

**The Vice-Chair (Hon. Geoff Regan):** Are you proceeding with L-7 on page 13 or not?

**Hon. John Godfrey:** No.

**Mr. Mark Warawa:** I'm moving G-6, please.

**The Vice-Chair (Hon. Geoff Regan):** All right. Is there discussion on G-6?

(Amendment agreed to [See *Minutes of Proceedings*])

**The Vice-Chair (Hon. Geoff Regan):** I understand, Mr. Godfrey, that you're not proceeding with L-7 on page 13, so that's struck.

Sorry, hold on. Go ahead, Mr. Warawa.

**Mr. Mark Warawa:** Chair, I'd like to repeal subclause 5(2).

**The Vice-Chair (Hon. Geoff Regan):** It is the second subclause. You want to repeal subclause 5(2).

**Mr. Mark Warawa:** Yes.

**The Vice-Chair (Hon. Geoff Regan):** So you want to delete lines 15 to 35 on page 3 of the bill and lines 1 to 13 on page 4, for the assistance of those who are working on the wording of all of this.

(Amendment agreed to)

(Clause 5 as amended agreed to)

(On clause 14—*Petitions to the Commissioner*)

• (1750)

**The Vice-Chair (Hon. Geoff Regan):** Now we go to clause 14, and we have L-20 at page 40.

Mr. Godfrey, are you going to proceed with that?

**Hon. John Godfrey:** I'll just check here. Yes, I will proceed with this. There will have to be, in light of what we've been doing, two changes made to this. This is L-20 on page 40 in the original package.

First of all, the amendment says, under subclause 14(1), "The Commissioner shall examine the report referred to in section 13". It is not section 13, because we just eliminated section 13. Does that make sense?

**The Vice-Chair (Hon. Geoff Regan):** Yes, that makes sense.

**Hon. John Godfrey:** I don't know whether I have to get.... I'm now referring to an amendment we've already made. I can get specific and say subclause 6.1(2), or do I just say clause 6?

**The Vice-Chair (Hon. Geoff Regan):** It should just say clause 6, because we....

**Hon. John Godfrey:** You'll do the aligning of....

**The Vice-Chair (Hon. Geoff Regan):** We have an editor who will work this out, and we're authorized to do that.

**Hon. John Godfrey:** Okay, it is clause 6.

The other change I would make further down, in subclause 14(1), is to change "National" to "Federal".

**The Vice-Chair (Hon. Geoff Regan):** I see.

**Hon. John Godfrey:** It would say, "implementation of the Federal Sustainable Development Strategy".

**The Vice-Chair (Hon. Geoff Regan):** Okay.

Clause 14 as it exists is about petitions. This is about a different matter.

**Hon. John Godfrey:** That's right. That's why we've eliminated....

**The Vice-Chair (Hon. Geoff Regan):** You could propose it as a separate clause, following clause 13, and then we could....

**Hon. John Godfrey:** Whatever you like, because we just lost 13.

**The Vice-Chair (Hon. Geoff Regan):** Then we could eliminate the old clause 14. Does it follow 12 now? It goes right after the last amendment, which was clause 12, I think. So that proposes to do that, right?

**Hon. John Godfrey:** That's fine.

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa.

**Mr. Mark Warawa:** The government amendments to clause 18 address the relationship between the Commissioner of the Environment and Sustainable Development and the federal strategy. Requirements pertaining to the commissioner are better placed within the Auditor General Act through consequential amendments, as section 23 of the Auditor General Act already outlines the duties of the commissioner in terms of auditing and reporting.

A more sensible approach is to include section 23 of the Auditor General Act as a reference to the commissioner's responsibility pertaining to the auditing and reporting of the forthcoming strategy. So the government will be voting against this.

**Hon. John Godfrey:** What's the alternative?

**Mr. Mark Warawa:** We're voting against the amendment to replace the current wording with the wording laid out in the amendment. We will be voting in favour of an amendment to delete the original text in clause 14. We would like you to not move clause 14 as you proposed. We won't be supporting it.

**Hon. John Godfrey:** So we have lost clause 13 and we're going to lose all of clause 14?

**Mr. Mark Warawa:** It's referenced in clause 18.

**Hon. John Godfrey:** All right.

**Mr. Mark Warawa:** Could we have a break?

**Hon. John Godfrey:** I'm going to need a little time to sort this out.

**The Vice-Chair (Hon. Geoff Regan):** Okay. The committee will suspend for a few minutes.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- 
- (1825)

**The Vice-Chair (Hon. Geoff Regan):** This meeting will briefly come to order.

We are just about out of time. I'm sure our colleagues, Mr. Godfrey and Mr. Warawa, would love to have a little more time to work out some of these issues, and I understand. I know Mr. Godfrey is going to propose that the clerk try to seek time for an extra meeting this week to conclude this matter.

Mr. Watson is anxious to be here in July, he says. I think he may be on his own on that one. He's going to find it a lonely place to be.

Is that the situation, before we adjourn?

**Hon. John Godfrey:** We should find another time this week, because Mr. Warawa and I are anxious to get it done.

**The Vice-Chair (Hon. Geoff Regan):** Is it agreed that we seek an extra meeting this week to get this finished?

How much time do you think it will take? That's a dumb question based upon this....

**Hon. John Godfrey:** It's very close. We're just into some technical issues.

**The Vice-Chair (Hon. Geoff Regan):** Are there votes on Wednesday night?

Mr. Warawa.

**Mr. Mark Warawa:** I suggest we do it on Monday. That will give us plenty of time to make sure we can very quickly move through this on Monday.

**The Vice-Chair (Hon. Geoff Regan):** There are no votes on Wednesday evening. At 6:30 we have the finance committee of the whole regarding the main estimates. That's all I see.

Monsieur Lussier.

[Translation]

**Mr. Marcel Lussier (Brossard—La Prairie, BQ):** Objection. On Monday, we had decided to study Bill C-469 on blue-green algae.

**The Vice-Chair (Hon. Geoff Regan):** We have not decided on the agenda after Wednesday. We just got up to Wednesday.

Mr. Godfrey.

**Hon. John Godfrey:** Perhaps we could try to finish studying this bill as quickly as possible and begin the next study immediately.

**The Vice-Chair (Hon. Geoff Regan):** I hope that, by the next meeting, Mr. Godfrey and Mr. Warawa will have time to settle all these issues so that we can move forward quickly the next time.

[English]

**Mr. Mark Warawa:** To make it official, would you accept a motion that we meet on Monday to finish it up?

**The Vice-Chair (Hon. Geoff Regan):** It's a valid motion.

**Hon. John Godfrey:** It would be the subject of Monday's meeting, along with

[Translation]

the blue-green algae.

[English]

if there's time. That would be fine.

• (1830)

[*Translation*]

**The Vice-Chair (Hon. Geoff Regan):** Is that accepted?

[*English*]

**Hon. John Godfrey:** Is there any possibility of doing it this week, on Thursday?

[*Translation*]

**The Vice-Chair (Hon. Geoff Regan):** Is there any interest in doing that on Thursday?

[*English*]

**Mr. Mark Warawa:** You and I could meet on Thursday.

**Hon. John Godfrey:** We could meet before that, but I was wondering if we could actually meet as a group on Thursday.

**The Vice-Chair (Hon. Geoff Regan):** I'll be here on Thursday and Friday.

**Hon. John Godfrey:** Are you here on Thursday?

If we can find a space on Thursday morning, we could finish it off. Then we can get on with....

**The Vice-Chair (Hon. Geoff Regan):** Mr. Warawa, we could come back to Bill C-474 at the meeting on Monday. If we can agree upon a time earlier than that, we could do it then.

**Mr. Mark Warawa:** That would be fine.

(Motion agreed to)

**The Vice-Chair (Hon. Geoff Regan):** I'm delighted to say that the meeting is adjourned.

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

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

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