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**Wednesday, November 2, 2005**

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**Chair**

**Mr. Brent St. Denis**

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## Standing Committee on Industry, Natural Resources, Science and Technology

Wednesday, November 2, 2005

•(1535)

[English]

**The Chair (Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.)):** *Bonjour, tout le monde.* Good afternoon, everyone.

I'm pleased to call to order this November 2 meeting of the Standing Committee on Industry, Natural Resources, Science and Technology. We're here to begin the process of clause-by-clause on Bill C-19, which amends the Competition Act. Before we start that business, we have a few little items.

I thank you, Ms. Scott, for being here with your colleagues to help members through this. I doubt we will finish today. That's why we agreed to start today, and we'll talk at the end of the meeting about whether we want to continue tomorrow, depending on how you feel about it today.

As a reminder, at about five o'clock we'll stop to have a look at Marlene's resolution that was passed last week.

I understand Minister Dion is no longer available for Tuesday, and we'll have to deal with that. His parliamentary secretary is available, so maybe we'll talk about that at the end of the meeting, colleagues.

We should have a business meeting in the very near future, as there are only so many days before Christmas and quite a bit to do, including some appointments we're being asked to consider.

Also, we have a number of organizations that have asked to appear, or reappear in some cases, on Bill C-19. During the clause-by-clause stage, I will ask members to propose witnesses. We will have a discussion, and I'll ask you either to support it or not support it, as opposed to during the witness stage of a bill. Prior to clause-by-clause, the clerk and I, in consultation with members, try to get as many people on as we can.

Louise, has everybody received the list of groups that have asked to appear?

Okay, so sometime, maybe by the end of this afternoon, we'll talk about possible witnesses, and we can discuss that.

Werner, did you want to raise something?

**Mr. Werner Schmidt (Kelowna—Lake Country, CPC):** Yes, I wanted to raise my concern that we have before us certain amendments that are major in terms of their impact on the whole suggestion of the amendments on Bill C-19, and raise some of the concerns of some of the persons who have a direct interest and will be affected by the provisions of Bill C-19.

Mr. Chairman, I believe it is completely out of order for us to consider clause-by-clause until we have heard those witnesses and their concerns. We have listened to the witnesses on the other issues. To settle now without any public announcements of what these amendments are, or making them available to people who are directly affected, is presumptuous on our part, completely out of order, and completely undemocratic for us to move ahead as if that didn't matter.

Mr. Chairman, I believe it matters considerably. I respectfully move that we disband with the suggestion of doing clause-by-clause at this point, until we have heard the witnesses.

**The Chair:** Werner has made a motion that basically we suspend Bill C-19 clause-by-clause.

Before I ask for the comment, in the knowledge that the committee is free to hear witnesses during clause-by-clause, would that satisfy your concerns? Should the committee, as a group, agree to have more witnesses? It would not require the suspension of Bill C-19. You simply schedule that into the Bill C-19 consideration.

I just want to throw that in as we discuss your motion.

**Mr. Werner Schmidt:** Mr. Chairman, the point here is that any amendment, no matter how apparently innocuous it appears to be, will or certainly could have the potential of affecting other amendments and subsequent amendments. So now we have a major amendment that could affect the whole bill, and there may be other amendments that are also affecting the bill.

Mr. Chairman, I think it is completely out of order for us to move ahead, suggest we can now take these clauses out, and say we will have the witnesses before we deal with them. I think it's tantamount to suggesting the whole bill is somehow not affected, except these individual clauses will affect only that part.

Mr. Chairman, we know from a variety of the amendments that it affects not only one section, but a large part of the act itself.

**The Chair:** James, on Werner's motion—

•(1540)

**Mr. James Rajotte (Edmonton—Leduc, CPC):** On the motion.

**The Chair:** —to suspend Bill C-19 hearings clause-by-clause.

**Mr. James Rajotte:** Yes, Mr. Chairman. I would actually like to read into the record some of the concerns that have been raised by various organizations. They are very concerned, especially about amendments G-1 and G-2.

On amendment G-2, in terms of studies on the state of competition: “The Commissioner may carry out a study on the state of competition in any sector or subsector of the Canadian economy.” It proceeds from there. It's a very dramatic amendment to this bill.

Groups such as the Canadian Real Estate Association, in a letter to you of November 1, state:

These amendments were not made public until October 27th. They were introduced at the “11th hour” as part of the Government's “energy relief package” and included significant policy changes to the Competition Act. Of particular concern is a proposed amendment to provide the Commissioner of Competition with the power to initiate general “market studies” into the state of competition in *any* sector or subsector of the economy....

The letter continues:

As you aware, the Government launched an extensive consultation process in June 2003 to obtain public comment on proposed legislative changes to the Act. As part of this process, the Competition Bureau hired the Public Policy Forum...to conduct national consultations. Over one hundred written submission were received and many stakeholders took part in roundtable sessions held by the PPF across the country.

The PPF...was hired because the Government wanted a transparent public process to address significant changes to a complex and technical piece of legislation. During this process, a majority of respondents strongly opposed a similar market study power on the basis that it was unnecessary, costly, and served no clear constructive purpose.

The Government accepted the will of the majority of respondents and decided not to include a market study power as part of the amendments to the Act when they were introduced in late 2004.

Given this, we are deeply concerned that:

- (1) The Government is amending its own bill immediately prior to clause-by-clause consideration without consultation;
- (2) The provision for market studies is now being reintroduced at the last minute, despite strong opposition by the public during the consultation process; and
- (3) The Government has provided no evidence demonstrating that the Commissioner currently lacks the necessary tools to investigate competition issues in particular sectors, nor has it apparently considered the likelihood of significant negative economic consequences, in particular to small business, resulting from such an amendment.

Mr. Chairman, I find it astounding that we'd actually do this. We held a public consultation. You and I were part of the discussions at this committee in terms of the Competition Act. They were very extensive consultations. This is not the way to do competition law or amend competition policy in this country.

If the government wants to introduce these amendments, which is their right, then we should hear from these witnesses again. We've involved them in a consultation. We've said that we were going to listen to their opinions. Their opinion was not to include this. At the eleventh hour, the government then reverses its decision on that and decides to include this. It's incumbent upon us as a committee, as parliamentarians, to first hear from these witnesses and from any witnesses.

There are a whole series of witnesses we should hear from, including the Running Room, the Retail Council of Canada, the Canadian Association of Petroleum Producers, the Chamber of Commerce, and the Canadian Bar Association, before we even proceed to discussion of these amendments and before we even proceed to discussion of clause-by-clause of this bill.

**The Chair:** Do you mean all of them or some of them?

**Mr. James Rajotte:** I mean all of them.

**The Chair:** Okay. We're discussing a motion.

The precise wording, if you'll allow me, Werner, would be “that the committee hear further witnesses before proceeding to clause-by-clause on Bill C-19.”

To be clear, is that the intention?

**Mr. Werner Schmidt:** That's right, yes.

**The Chair:** Do you have any comments, Jerry?

**Hon. Jerry Pickard (Chatham-Kent—Essex, Lib.):** Mr. Chairman, the amendments that are being put forth are consistent with legislation that exists in other countries. As a matter of fact, when I look at some of the competition sections in the U.S., and certainly in Europe as well, there are penalties that are far higher than we have here.

When listening to witnesses, we heard from small business. Small business was very much in favour of having amendments and issues here.

We've heard both sides. I don't think anybody at the committee level can say there was not a very strong difference among big business, small business, and most of the businesses that we see every day.

To me, these amendments are certainly worth while to put forward to the committee. I believe they're something that the majority of consumers in this country and the majority of small business would benefit from.

Quite frankly, there has been a motion on the table. I think we should go forward with a vote on the motion and move forward.

•(1545)

**The Chair:** We'll take a couple more interventions and then we'll call the vote on that.

Paul and James, and then seeing nobody else.... Maybe we'll limit it to that, if that's okay.

Well, Larry, perhaps you can jump in after James.

Paul.

[*Translation*]

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** I have a point of clarification. Is this motion in order?

**The Chair:** Yes.

**Mr. Paul Crête:** I would like us to consider the following possibility. If we do indeed have to call back some witnesses, then let's make that a priority and set aside all other matters.

We might want to consider setting a date for clause-by-clause, let's say, Thursday 24th November or 1st December. That way, we can be sure that the House will be sitting and that we will be able to table our report.

We have to strike a balance here. We have taken several months to hear from all sorts of witnesses on this Bill. The Government has pledged to amend the legislation to include an investigative power. To a certain extent, this particular area of the Government's proposal seems to me to be a priority.

Of course, nothing precludes us from bringing in additional witnesses potentially affected by these amendments. However, I would like us to set a specific date now for clause-by-clause consideration of the Bill so that we can vote on it and refer it back to the House before the Christmas recess. Consequently, we cannot schedule clause-by-clause for the last Tuesday in December. It has to be on a day when there is a strong chance that Parliament will still be sitting, i.e. Thursday 1st December.

I think that members of the committee would support an amendment to the motion along these lines. I would like the mover of the motion to tell us whether he is prepared to consider such a proposal.

[English]

**The Chair:** Before I go to James and Larry, what you're saying, Paul, is that you would be open to some witnesses, even if we start clause-by-clause, as long as we agree to some being—

[Translation]

**Mr. Paul Crête:** No. I want us to set a date for clause-by-clause consideration of the Bill, say 1st December. Therefore, between now and then, the Committee will make consideration of the Bill and hearing from witnesses a priority. In the event that we fail to get everything done by the 1st December, then we would still proceed to clause by clause. At least that way, we will have heard from as many witnesses as time allows.

Basically, what I am suggesting is a sub-amendment to Mr. Schmidt's amendment. As a result, the Committee would delay clause-by-clause consideration until the 1st December after hearing testimony on the new amendments. We do, however, have to table our report in the House before Christmas.

[English]

**The Chair:** Do you understand Paul's proposal to your subamendment?

**Mr. Werner Schmidt:** I think so. It's an amendment, right?

•(1550)

**Mr. Paul Crête:** Yes.

**Mr. Werner Schmidt:** The amendment is to hear the—

**The Chair:** It's to suspend clause-by-clause but fix a date on which we do clause-by-clause—

[Translation]

**Mr. Paul Crête:** 1st December.

[English]

**The Chair:** —with witnesses beforehand, based on presumably the agreement of the committee. That's Paul's amendment to your—

**Mr. Werner Schmidt:** I understand that.

**The Chair:** By December—

[Translation]

**Mr. Paul Crête:** I would also like to suggest that we report to the House on the evening of 1st December as soon as we have completed clause-by-clause consideration.

**The Chair:** Are you suggesting that we take a whole day for clause-by-clause?

**Mr. Paul Crête:** I am suggesting that we stay until we get it done.

[English]

**The Chair:** Next is James, then Larry, and Marlene.

[Translation]

Mr. Coderre, do you need clarification?

[English]

**Hon. Denis Coderre (Bourassa, Lib.):** On a point of clarification—

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** On a point of clarification—

[Translation]

**Hon. Denis Coderre:** Paul, I am trying to get a handle on what you are suggesting. You want us to table the amended Bill in the House before it rises for Christmas, right?

**Mr. Paul Crête:** We would table the Bill in the House as soon as we have completed clause-by-clause consideration on 1st December. I want to avoid clause-by-clause dragging on for two weeks before the Christmas break.

**Hon. Denis Coderre:** Look, this is important.

[English]

For the record, Mr. Chair, I think everybody knows all the points of view.

[Translation]

I think we are really dragging things out here. At the end of the day, we all know the position of all the stakeholders on this issue. The fact is that the Government has always been very clear and both you and the other stakeholders including the various organisations involved have all made their positions clear no matter what those across the way might claim. We have heard a cross-section of views. I think we are simply wasting time just to pander to the Conservatives.

**Mr. Paul Crête:** I hear what you are saying. I want this Bill passed as soon as possible. However, we have added new sections on which we have not heard any testimony. As a result, and in an attempt to avoid a situation where people are complaining that they should have appeared before the Committee but where not given the opportunity to do so, we should earmark two or three weeks to hear from witnesses. Remember, the House is not sitting next week.

I am suggesting we complete clause-by-clause consideration and report to the House all on the 1st December. This would put pay to any criticism as to us not hearing from a sufficient number of witnesses. I agree that this does delay things somewhat but I am willing to accept that fact in order to accommodate Conservative requests. This approach will ensure the Bill has sufficient credibility.  
[English]

**Hon. Denis Coderre:** I would just ask the analyst or the clerk: with the new amendments provided, do we believe that with all the points of view we've promoted since the beginning there are areas where we truly need to have other witnesses to clarify them?

**The Chair:** I'm going to suggest, without even asking the clerk, that this is a very political question for the clerk.

**An hon. member:** With a capital P. It's partisan.

**The Chair:** Yes, this is really among us. I don't think the clerk needs to feel obligated to answer that, with respect, Denis.

Let's continue with the comments. I have James, Larry, Brian, and Marlene.

[Translation]

**Mr. Paul Crête:** We require an answer from the Conservatives.

[English]

**The Chair:** Okay.

Did you offer an opinion on Paul's proposal, in the sense of trying to get a resolution of this? Do you have a comment, just before I go to James, on Paul's proposal?

**Mr. Werner Schmidt:** No. I think he's made the amendment. It's an amendment to the motion, a formal amendment. We can vote on the amendment later.

**The Chair:** Okay.

James.

**Mr. James Rajotte:** Maybe I'll respond to some of the points across the table, the view that this is just to satisfy the Conservative Party of Canada.

Mr. Chair, you're in receipt of the same letters I am; I assume all committee members are. I read extensively from the Canadian Real Estate Association letter. They're not the same organization as the Conservative Party of Canada; I would expect members to know that.

The argument is that substantive amendments have been made, in particular amendment G-2, to give the commissioner more powers to carry out studies of the state of competition of any sector or subsector of the Canadian economy. It does not in any way relate to what the parliamentary secretary was talking about involving fines applied in other countries, in other jurisdictions. That was part of Bill C-19 originally, and it's part of that legitimate debate.

This issue is about the amendments that have been made that were initially in a proposal the Public Policy Forum studied that was put out and was rejected in those open consultations; then the government withdrew that discussion, only later to introduce it at the eleventh hour in Bill C-19.

That is why, in answer to Mr. Coderre's question, we need to hear witnesses.

Again, just responding to his point about this being a Conservative motion, the Public Interest Advocacy Centre, based here in Ottawa—I would assume the member would fully acknowledge that this is not an organization similar to the Conservative Party of Canada—is asking that they respond, because in their view we've heard from too many business groups and have not heard from consumer or public interest groups like them.

So again, there's someone from the other side of the ledger asking to be heard before this committee. I think Monsieur Crête's amendment is a sensible amendment, and we can hear from these witnesses. I think we should hear from as many as possible and then do clause-by-clause on December 1.

•(1555)

**The Chair:** Let's go to Larry.

**Hon. Larry Bagnell (Yukon, Lib.):** I'm going to be very quick, because I think it's rude to keep our witnesses waiting. I think Paul had a reasonable compromise.

It's not unusual to propose amendments. It happens at every committee, from every party, as we're putting bills through. We could also write to the witnesses, those who want another few minutes for this particular topic, and we should discuss the amendment when the amendment comes up. If any parties are against it, we can discuss it.

But think of the overwhelming intent of this exercise. I think the public in Canada want a strong competition bureau so that they don't have to worry about huge collusion or about being taken advantage of. The private citizen doesn't have much understanding or knowledge of the facts and just wants that assurance. I think the public will generally be supportive of the direction we're taking.

**The Chair:** Larry, thank you.

I have Brian, Marlene, then Paul.

**Mr. Brian Masse (Windsor West, NDP):** Thank you, Mr. Chair.

I think that pretty well sums it up, and I think we should move to a vote. We do have guests here, and I think it's reasonable. These amendments are pretty significant, and we do actually have the time to do it.

**The Chair:** Marlene.

[Translation]

**Hon. Marlene Jennings:** I would just like some clarification before I deal with the amendment.

Mr. Crête, you are suggesting that we delay clause-by-clause consideration of the Bill until 1st December in order to hear further witnesses. I believe the 1st December is a Tuesday, isn't it?

**Mr. Paul Crête:** It falls on a Thursday.

**Hon. Marlene Jennings:** So, under your suggestion, the Committee would continue its clause-by-clause consideration until it has dealt with the whole Bill. Does that mean then that if we fail to complete clause-by-clause in the two hours scheduled for it that we would continue for as long as it takes to deal with the whole Bill? Am I also right in thinking that the Committee would vote on reporting to the House? I just want to make sure that I have understood correctly.

**Mr. Paul Crête:** Yes.

**Hon. Marlene Jennings:** As far as the main motion is concerned, I am prepared to support it provided that the Committee carries Mr. Crête's amendment.

We have experienced similar situations in the past...

[English]

**The Chair:** The main motion of Mr. Schmidt.

[Translation]

**Hon. Marlene Jennings:** Last June, the Standing Committee on Agriculture and Agri-Food was dealing with a Bill and at the clause-by-clause stage a member of the Committee tabled an amendment, which was carried unanimously.

Officials were subsequently forced to acknowledge that the amendment had had an unforeseen impact much to the embarrassment of the Committee and members of all political stripes. Everyone involved claimed that they had been unaware of these repercussions. The constituents who had put forward the amendment in the first place had never imagined that it would have such an impact either. As a result, both the Government and the Committee were unable to move forward since the Bill had been referred back to the House. In such circumstances, the Government has to try to clean up the mess created by the Committee.

Consequently, I intend to vote in favour of the main motion as amended by Mr. Crête in order to avoid this type of situation here.

•(1600)

[English]

**The Chair:** And that will give us a good opportunity to segue this afternoon into your motion to deal with amendments.

Paul, then Jerry.

[Translation]

**Mr. Paul Crête:** I would just like to make one clarification and provide some additional detail.

The motion that I tabled sets out a specific schedule for clause-by-clause consideration of the Bill, i.e. 1st December, between 9AM and 11:59 PM. Once clause-by-clause has been dealt with, the Committee will proceed to the vote so that we can report to the House.

I would just like to point out that we will support the main motion if my amendment passes. If it fails, my party will vote against. I just wanted to make that point clear. Mr. Schmidt has said that this is a votable amendment.

I am aware that Mr. Rajotte was sensitive to the amendment. I do not wish to appear provocative, but I just wanted to make sure

everyone is aware of the state of play. Consequently, if my amendment passes, we will support the main motion. If it is voted down, my party will vote against the main motion.

[English]

**The Chair:** Before I go to Jerry, the precise wording of your amendment to accomplish that, Paul, will have to provide.... I mean, I'm not sure it's possible to guarantee, when you start clause-by-clause, that you can be finished by.... We may have to say the best intentions.... I mean, something could happen to—

[Translation]

**Mr. Paul Crête:** Mr. Chair, I have, in the past, seen very well drafted Government motions imposing closure on debate at midnight. Once motions of this type are carried, they are cast in stone and the date and time cannot be changed. I have learned important lessons from these situations that I will carry with me for the rest of my life.

So, this is the rationale for my proposal, but it has to be the will of the whole committee. The motion states that clause-by-clause consideration must be completed by 11:59 PM on 1st December.

[English]

**The Chair:** Jerry, then John.

**Hon. Jerry Pickard:** Mr. Chair, with the discussion that has been going on, we're taking this down another two weeks in committee work. I guess my question has to be, are we intending to spend three meetings on witnesses, or how are we assigning that time period? Why are we taking it to December?

I guess, generally looking at it, if we're going to have a meeting with witnesses, why isn't it at the next meeting that we move this forward and get it out of the way? Otherwise, I think the process of everything that we have sitting in front of us is going to become part of the debate and part of the moving forward. It's going to be something that I think would become non-controllable in the next three meetings.

I guess the intent is to have a meeting, to have witnesses, and then go ahead with clause-by-clause. I think if that's the case we should move the clause-by-clause up, so after we finish the clause-by-clause we can go ahead with some of the other critical business we have on the table, or we set our meeting to the kind of critical business we need to do. We've got studies in gasoline, no response; we've got studies on competition, no response. I think we have to look at our agenda as well and make sure that we target whatever time period we're targeting.

If we're putting motions like this on the floor, we'd better be sure about what we're doing in the other meetings so that we don't come to a dead halt in moving forward. That is the danger that I see, and I believe every committee member should see, that we could grind the committee to a halt until December 1, if we aren't careful.

**The Chair:** Paul, if I may just before I go to John, we're negotiating here. The idea was that if the committee found it was satisfied before December 1, it could go to clause-by-clause, with the same rule that we would start and finish that day. It would be no later than December 1. So if the committee found itself—

**An hon. member:** Are we setting one meeting for whips?

•(1605)

[*Translation*]

**Mr. Paul Crête:** If the Committee passes this amendment unanimously, then there is no problem, but you never can tell how things will turn out. However, the mover of the main amendment will have to agree to this being worked in. I could include it in my amendment but I want to know whether they are prepared to support it or not.

Basically, I want to make sure that no member who has added names to this list will be able to say that because their witnesses are unable to attend the first Tuesday meeting that they will have to be heard at the second meeting. I do not want to give members the opportunity to say that if we set an earlier deadline, testimony can be heard after the fact.

I would prefer that we set the date as the 1st December, which is a bit further off, so that we all have it in our minds that there is a clear deadline for completion of consideration of the Bill. If however, we do find ourselves with a Tuesday or a Thursday where there are no witnesses, because, even though this is an important issue, they were unable to find the time to appear, we will use the time to deal with other business.

[*English*]

**The Chair:** It's understood by the chair that if the amendment and the main motion are adopted, if the committee agrees to deal with clause-by-clause before December 1, it could do so. We will deal with that at that time.

John.

**Mr. John Duncan (Vancouver Island North, CPC):** Thank you, Mr. Chair.

There are a couple of things I wanted to talk about. One of them is Jerry Pickard talking about the duties this committee suddenly faces. A lot of that has to do with the government deciding to really push on Bill C-19, which we had no idea it was going to do. The government has contributed to the difficulties we're having, so it can't point fingers at anyone else.

The other thing is the specifics of the amendment to Werner's motion. If it is going to specify a start and a finish time for clause-by-clause, I have two problems with that. Number one, suggesting that closure motions from the government can be crafted in such a way, and that we can therefore do the same thing, is the worst possible precedent to use as an opposition member. Secondly, all that could do presumably is work against finishing clause-by-clause, because if we end up with some legitimate discussion during clause-by-clause and we don't get the job done, we would have to report back with an incomplete report because we would be constrained by that very timeframe. I think this is contrary to the intention of the committee and indeed to the intention of the amendment's mover.

**The Chair:** Okay, John.

Denis.

**Hon. Denis Coderre:** Mr. Chair, when there's a will, there's a way.

[*Translation*]

I think that it is in the public interest that the Competition Bureau be provided with this authority as quickly as possible.

Let me remind you of the background to this issue. We are facing a problem with relation to gas and we are outraged by the behaviour of the oil companies. Yet, we are busy trying to accommodate each other and talking about the need to hear further witnesses.

I am all for having new witnesses appear before us, but I think that, to a certain extent, Paul's proposal is designed to protect the public interest. As such, this Bill, - and I am choosing my words carefully here out of respect for the interpreters - must be passed. We are not dealing with party politics here but rather with the public interest, with protecting ordinary Canadians and their quality of life. We have been arguing for quite some time now that the Bureau requires additional powers! Therefore, let's put our money where our mouth is? As my father would have said: "Let's deal with it and move on."

Just this once we are setting a deadline. We all understand changes will perhaps have to be made and that we will need to hear the point of view of some other bodies, but we are also cognizant of the fact that the main goal of the process is not to ensure that you are able to answer letters from people telling them that all members were given the opportunity to hear their witnesses. No, at the end of the day, the number one aim here is to have this legislation passed as quickly as possible because the current situation requires the Competition Bureau have additional powers.

Consequently, I understand the thrust of your amendment, Paul, and the fact that you want consideration of the Bill wrapped up no later than 1st December. However, if at the end of the day, as the Chair has said, the Committee ends up bringing in witnesses just to fill up five or six meetings, then I do not think it is worthwhile hearing testimony just for the sake of the exercise.

As a result, the Bill as amended will be tabled in the House no later than the 1st December.

I understand that this has to be a political issue, but if we do start to get bogged down Paul, I hope that you will be true to your word. I would also urge the Conservatives, if they have doubts over the amendment, to vote it down so that we can move on to more important matters.

•(1610)

[*English*]

**The Chair:** Before I go to Brad, in response to one concern about what we do between now and then, Denis, should the amendment and motion pass, I doubt we would spend every meeting on witnesses for Bill C-19. We have Bill C-55 and we have others things that, depending on the availability of witnesses, are going to be weaved into that time. There would be no time lost if things work out—

**Hon. Denis Coderre:** Mr. Chair, what I'm saying is that Bill C-19 is key, is vital. The time has come to proceed, in the sense that if we have some timeframe and if we have some loose, we'll proceed with clause-by-clause earlier.



What they want to be sure of is that we are satisfied that we have some witnesses, because there are some new amendments, but at the end of the game, everybody wants to make that pass. We vote for or against amendments, but I believe it's pretty clear here that we will proceed with it no later than December 1.

At the end of the day, if we have two meetings with all the witnesses and that's enough, let's start with the clause-by-clause and get over it. That's the issue, not to replace it with Bill C-55 or other things. We have to say that Bill C-19 is vital and key.

**The Chair:** It's clear that even with a fixed date the committee can do it sooner, because the committee can agree to do it sooner.

Brad, you're on the list, and then I'll call the questions.

**Mr. Bradley Trost (Saskatoon—Humboldt, CPC):** Just as one final point, I rather like Paul's amendment to Werner's motion. Just so we don't get tied up in the details or anything, we could reword it so that we sit from nine o'clock and then sit continuously until it's finished, so that we don't end up with a half-sawed-off report, or that we sit from nine until eleven, start again at 3:30 and then sit until... Come two o'clock in the morning, I think we'll all be reasonable by the next day if it's not finished.

So if there's any problem with any of the wording or anything like that, it's just a very friendly suggestion to make sure all the details are tidied up.

**The Chair:** It will be the season of goodwill anyway by then, I know.

Paul.

[*Translation*]

**Mr. Paul Crête:** Yes, but we need to set a cut-off point. I do not want us to set 9am as a start time without setting an end-time. I have been involved in filibusters in the past and I know just how long they can go on for. My amendment stipulates that the final vote on reporting back to the House will take place at 11:59pm on 1st December. This initiative will ensure that we will not start at 9am only to see the process drag on for three days.

I would just like to point out to Mr Duncan that the only precedent here would be a motion passed by a majority of committee members agreeing with this approach. You cannot claim it is being steamrollered through if the majority are not in favour. It is just a proposal and we are all free to either vote for or against it.

[*English*]

**The Chair:** Jerry.

**Hon. Jerry Pickard:** Mr. Chair, with Paul's permission, would it be appropriate to suggest that we make sure it's clear that we will complete it on or before December 1?

**Mr. Paul Crête:** Yes.

**The Chair:** To accept "on or before"? Okay.

**Hon. Jerry Pickard:** That way, it gives us the flexibility, but we guarantee it will be done by December 1.

**The Chair:** I'm going to read Paul's subamendment and call for a vote on it:

That the committee proceed to clause-by-clause of Bill C-19 on or before December 1, 2005; and that the committee dispose of the clause-by-clause at that meeting until completed, but no later than 23:59.

*D'accord?*

**Some hon. members:** Agreed.

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

**The Chair:** Now, your motion as amended would be that we suspend clause-by-clause study of Bill C-19 and that we proceed to....

I'm sorry. First, there's Werner's motion that the committee hear further witnesses before it proceeds to clause-by-clause on Bill C-19. All in favour?

Okay, let's talk about witnesses, because the clerk and I will need some guidance. We're going to schedule witnesses as best we can between now and then. Clearly, we're going to have several at a time when we can, and as your chair I would like to schedule....

And unless the committee members have need of Ms. Scott and her team, we could excuse them.

On that question, we'll go to Brian.

• (1615)

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

They've come here today ready to present. I don't know whether they would like to have a discussion about some of these amendments already, but I think it would be a good use of our time.

**The Chair:** Is there a will to spend a bit of helpful time understanding the amendments that are on all sides of the table before we talk about witnesses, while we have Ms. Scott here and in terms of efficiency?

We're not doing clause-by-clause, we're simply here in a formal meeting, and I'm just asking whether you'd like to take advantage of the opportunity to discuss. Jerry could speak about the government's amendments and you could discuss your amendments while we have Ms. Scott here.

**Mr. James Rajotte:** That's clause-by-clause.

**The Chair:** Is that clause-by-clause by another name?

**Mr. Werner Schmidt:** It's a euphemism for clause-by-clause.

**The Chair:** Paul.

[*Translation*]

**Mr. Paul Crête:** Mr Chair, I would like to thank them for being so patient. Things should work better than this. Please accept our apologies.

Even if we do move on to the consideration stage in order to get a handle on each other's arguments, we still have to hear from witnesses. We wanted to meet them before so, I suppose that means we are keen to hear what they have to say now.

[*English*]

**Mr. Werner Schmidt:** Mr. Chair, there's one comment that I'd like to make, and I'd like to support Paul.

Thank you very much for coming, but it really reminds me of Winston Churchill. He made a comment that there are two things the public should never, ever see, and they are the making of sausages or legislators making a law.

**The Chair:** I have a sense of the room on this one.

Ms. Scott, we're going to thank you and your colleagues for being here, and we look forward to having you back at some other time. You know the latest date will be December 1, but it could be earlier, subject to the committee's decision. You're excused. Thank you.

At some point, we're going to discuss your motion, Marlene, but we'll first talk about witnesses for a little bit, because the clerk and I will need to schedule these over the next short while.

We'll hear comments on witnesses, starting with Paul, John, and Brian.

[Translation]

**Mr. Paul Crête:** I would like to know whether we have already set the timetable for the consideration of Bill C-55. I had a look at the sheet earlier on. Have we already scheduled specific matters we have to deal with? I was thinking, for example, of Minister Emerson's appearance on the 15th. We have to meet with him.

[English]

**The Chair:** The only item that is carved in stone, so to speak, is Minister Emerson for one hour on the 15th on sectoral strategies for automotive, aerospace, marine, and shipbuilding. That's the only fixed one. He could be asked to change his date, I'm sure, or we could have him in for an hour and have witnesses for an hour as well. I think the best solution might be to use that hour for witnesses.

Paul.

[Translation]

**Mr. Paul Crête:** Everyone has to be treated fairly. We have made a decision today...

[English]

**The Chair:** Colleagues, it's a business meeting now. Do you want to go in camera, or do you want to stay on the record?

We're discussing witnesses and things of a committee business nature, so let's go in camera. Anybody who is attached to an MP, we're pleased to have you here, but otherwise we have to ask you to leave.

Brian.

**Mr. Brian Masse:** Are we on witnesses for Bill C-19?

**The Chair:** Yes.

**Mr. Brian Masse:** Can I make a suggestion that we e-mail the witness lists in by noon tomorrow, so that we don't have to get into a big discussion about that?

**The Chair:** We have nine that have been distributed.

•(1620)

**Mr. Brian Masse:** That's for Bill C-55, is it not?

**The Chair:** No, that's Bill C-19.

[Translation]

**Mr. Paul Crête:** Mr. Chair, this list contains the names of individuals who have previously asked to appear before us. However, at the time, the Committee had decided not to hear from any more witnesses. People are going to be aware that we have now opted to re-start the testimony process. All members of the Committee should be afforded the opportunity to draw up a witness list because, after reading this current list, I see that approximately 99 percent of those on it do not support the amendments. For them, this is one way of showing their opposition to the initiative.

I agree with Brian when he says that we should have a little time to put forward one or two suggestions. Each party should be allowed to propose witnesses so as to maintain some kind of balance. In Québec "Option consommateurs" is lobbying for investigation powers. We shall ask them to appear before us again.

[English]

**The Chair:** So you agree with Brian that your proposals should be submitted by tomorrow.

Before I go to Brad, as your chair, I need to try to plan this out with the clerk. My sense is that a maximum of two meetings would be sufficient if we have them in panels. We might have two or three at a time. We could go on forever, colleagues, but are there any objections?

James, I see your head nodding. Do you have objections to two meetings?

**Mr. James Rajotte:** Mr. Chairman, the point is that extensive consultations were done through the public process, and the result at the end of them was the government decided not to introduce these amendments. Now it has introduced these amendments at the eleventh hour.

We have a listing of the ones who have contacted you this far. Frankly, the clerk should contact all those who were engaged in that process and ask if they want to appear. They were involved in the process, but at the end of it the government reversed its word, frankly, so they should have an opportunity to present publicly.

Two hearings are not going to cover everyone. You can't compress this that much.

**The Chair:** But wouldn't you acknowledge that those letters are form letters, James? They're all the same. Clearly any one, two, or three of those folks could make the argument.

**Mr. James Rajotte:** You can have the Retail Council of Canada present on behalf of the Running Room and other small-business organizations, and you can have the Canadian Federation of Independent Business. But you need the Canadian Association of Petroleum Producers, you need the Canadian Chamber of Commerce, you should have the Canadian Bar Association, and you should have the Public Interest Advocacy Centre.

**The Chair:** Colleagues, I'm in your hands here.

Unless there's a revolt, I'm going to see what the list looks like tomorrow, but I'm going to try to do it in two meetings.

**Hon. Jerry Pickard:** Mr. Chair, you probably would be wise to get the direction of the committee so that nobody could argue later about your decision. Just put it up to a consensus. Are we in agreement that we'll try to do this in two meetings?

**The Chair:** Brad, Marlene, and then John.

**Mr. Bradley Trost:** I tend to be patient, but I get my turn eventually.

Just on the witnesses and so forth, rather than necessarily rushing in on a quick deadline, as has been pointed out, these are mostly people opposed. People supportive and the general public may want to make some recommendations.

Rather than just having lists of witnesses vetted by the MPs, maybe we should move the deadline back a little bit for submissions and people interested, etc. We have a break next week, so there's no rush to get everything done so that people can appear for our meeting on Tuesday.

I'm suggesting that we have a little bit more leeway in time in case there are more people in the general public, interest groups, etc., who are interested, as was pointed out on October 27—I think that's when it was—when the amendments that are somewhat controversial were proposed. If we put the deadline sometime a little bit into the break week, it might give just a little bit more time. Because of the break week, I don't think it will affect anything.

It's just an idea.

**The Chair:** There's a lot of work required by the clerk's staff to organize these things. Noon tomorrow or noon Friday may not make a difference, but it certainly should be this week. It would have to be this week, because there are a lot of calls to make and we'll have to work out the schedule.

Marlene, then John.

**Hon. Marlene Jennings:** I would suggest that if one looks at the calendar, we have a block scheduled for this committee tomorrow, November 3. The next one on November 15 is already booked up with the sectoral strategies and Minister Emerson. That leaves us

with the 17th, the 22nd, the 24th, and the 29th. That's a maximum of four industry committee meetings at which we could possibly hear from witnesses.

I don't know about you, but I don't want to spend all four of those meetings listening to organizations that we already know are either for or against. I would be more than happy to say we should use two of those meetings. One meeting can be used for those we know are going to be opposed, with one meeting for those who are going to be in favour of the amendments, whether they're government amendments or opposition amendments.

Let's move forward. In fact, let's choose the dates. By doing so—if we say, for instance, November 22 and 24—that then allows time to put the deadline. For instance, Brad's suggestion is that it be maybe Tuesday, November 8. If Tuesday, November 8 is the deadline for anyone who wants to bring forward names, then the clerks would have more than ten working days in which to actually set it up for the 22nd and the 24th.

That's my suggestion.

• (1625)

**The Chair:** We're still having difficulty. We need three minutes to turn off all the buttons.

**Hon. Marlene Jennings:** Then why did we continue the meeting?

**The Chair:** I just found out. Everything that was said was good stuff anyway.

We'll do that before we go to you, John.

**Hon. Marlene Jennings:** Of course it was. I always say good stuff.

**The Chair:** We'll take our three minutes.

**Hon. Marlene Jennings:** And I heard a yes.

**The Chair:** We're suspended for three minutes.

[*Proceedings continue in camera*]





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