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—
Chair

Mr. Bob Mills

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•(0905)

[English]

The Chair (Mr. Bob Mills (Red Deer, CPC)): Could we get started, please.

Just for the record, pursuant to the order of reference of Wednesday, October 4, 2006, Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol is the item for debate today.

Pursuant to Standing Order 75(1), consideration of the preamble and clause 1 will be postponed to the end of the proceedings, and we will begin with clause 2.

Does everyone have copies of the amendments that have been proposed? I think the clerk has handed those out, and everyone should have copies.

So we're all set? Yes.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I have a question, Mr. Chair. Regarding the order of it, is it required that the preamble always be done at the very end?

The Chair: It's always at the end, yes.

Mr. Maurice Vellacott: In terms of sequence, can there be any prefatory comments made that reference the preamble?

The Chair: There is a standing order that says that clause 1 and the title and preamble are treated at the end, yes.

Is everyone ready? Does everyone have the copies of the amendments? We'll begin with clause 2.

(On clause 2—*Definitions*)

The Chair: Is there any discussion on clause 2?

Mr. Mark Warawa (Langley, CPC): Is it clause 2 or—?

The Chair: It's clause 2 of the bill.

Mr. Mark Warawa: So the preamble and title are both at the end?

The Chair: They're at the end, yes.

So we're beginning with clause 2.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Chair, just to make sure I understand, all of the amendments are arranged sequentially, including both opposition and government, and everything else?

The Chair: That's correct, and they'll be dealt with clause-by-clause, so that we will begin with clause 2, clauses 3 and 4 to clause

11. Where the amendments fit in is where we will deal with them. We of course can discuss every clause, and if there's no discussion, we will then pass that clause and move on.

Is everybody onside, ready to go? We'll begin with clause 2, then.

Is there any discussion on clause 2? Mr. Warawa.

•(0910)

Mr. Mark Warawa: Mr. Chair, in light of the witnesses' testimony, I think if you went by percentage, 95% to 99% of the witnesses said that what this bill, Bill C-288, is attempting to achieve is not achievable. We have heard comments to the effect that this would have been relevant in 1998 but is not now. The last witness we heard from in the group of witnesses concerning—

The Chair: Excuse me, Mr. Warawa. A point of order, Mr. Bigras.

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you.

I guess we're currently looking at amendment G-3. Is that correct?

An hon. member: No.

Mr. Bernard Bigras: No? Are we having a general discussion about clause 2?

[English]

The Chair: No, we're discussing clause 2. We do not have a motion at this point to discuss, so we are looking at just clause 2 without the amendments.

Mr. Warawa.

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

My question is going to be whether the author of the bill, Mr. Rodriguez, is still intending to proceed to clause-by-clause. That will be fine, but it will be quite surprising to me in light of the testimony that we've received. Even as recently as the beginning of this week, on Tuesday, we heard damning witness testimony against Bill C-288. And to look at the expressions on the face of the Liberal members, I assumed they would have been removing this bill as being irrelevant and not achievable.

So just for clarification, is it the intent of Mr. Rodriguez to proceed to clause-by-clause?

The Chair: Mr. Rodriguez, did you get the question?

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): I did, but what about him?

[*English*]

The Chair: The answer is yes.

Mr. Mark Warawa: That's fine. We will proceed to clause-by-clause. Obviously Mr. Rodriguez was not listening to the witnesses, but we will proceed.

The Chair: Are there any other comments on clause 2?

[*Translation*]

Mr. Pablo Rodriguez: Out of respect for the Committee, I will not comment.

[*English*]

Mr. Mark Warawa: We're going to ask for a recorded vote, Mr. Chair. We will not be supporting clause 2.

(Clause 2 agreed to: yeas 7; nays 3)

(On clause 3—*Purpose*)

The Chair: Is there any debate on clause 3?

Mr. Godfrey.

Hon. John Godfrey: How are we dealing, then, with the amendments to clause 2?

The Chair: They haven't been moved, so we just carry on until someone moves the amendments.

Go ahead, Mr. Warawa.

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

We find ourselves at the issue of what it would mean for Canada to meet the Kyoto target. Earlier, during the testimony of the witnesses, Mr. Jayson Myers stated the two opinions on how legislators can meet the Kyoto target: either reduce the economic output by 30%—roughly \$300 billion in lost productivity—or purchase an equivalent amount of reduction internationally, at a cost of \$5 billion a year for the period 2008 to 2012.

I quote Mr. Myers: “You would have to have widespread replacement of energy sources, widespread improvement in vehicles currently on the road, and widespread replacement of industrial machinery. It's not going to happen in five years.”

Our strong opposition to Bill C-288 rests on its link to the short-term reduction targets of the Kyoto Protocol based on the negative impact this would have on the Canadian economy and on the environmental process. Our government's proposed legislation is simply a much better approach to Canada's making its contribution to addressing climate change in the short, medium, and long terms. Our plan will achieve concrete results through mandatory enforceable regulations with short-term, medium-term, and long-term targets. The short-term targets will be announced by spring 2007. Regulations establishing mandatory standards will replace the voluntary approaches that have failed—by the Liberals—in the past. We will ensure that regulations are enforced and that their objectives are achieved.

Mr. Chair, for those reasons, I will not be supporting this. I think the appropriate way to handle this would be to delete this entire clause, but I don't believe we can do that, so I will be voting against clause 3.

I do have a question for Mr. Rodriguez, through the chair. His new leader, Mr. Dion, has said that Canada is unable to meet its Kyoto targets. In fact, he said, “I will be part of Kyoto, but I will say to the world I don't think I will make it. Everyone is saying target, target.”

From this quote, my guess is that Bill C-288 has put you offside with your party leader. What is the Liberal position on meeting the original Kyoto target under the new leadership of Mr. Dion?

● (0915)

The Chair: Mr. Rodriguez, the floor is yours.

[*Translation*]

Mr. Pablo Rodriguez: Despite the ridiculous and occasionally insulting character of the current government's strategy, I would like to respond briefly.

Mr. Dion has said that if this visionless, heartless government, which has no interest in the environment, stays in office for long, we definitely will not be able to meet our Kyoto targets in the coming years. However, if we replace it immediately, we will be able to. That is our intention, Mr. Chairman.

[*English*]

The Chair: Thank you, Mr. Rodriguez.

Are there any other comments on clause 3?

Mr. Mario Silva (Davenport, Lib.): Mr. Chair, with all due respect, this is not question period right now, where people are going to be asking a series of questions on whatever topic they want. We're here very specifically to deal with the clause-by-clause. I would ask you, please, to stick to that and make sure the questions are relevant too.

The Chair: Mr. Silva, what I will attempt to do is give some latitude at the beginning of this. Obviously I would ask all members to deal with the bill that's at hand.

Basically, let's try to get through this. That's what we're here for today; we are examining the clause-by-clause. As I say, I'll give some latitude. If you feel you don't want to answer a question, please just simply say, no comment, and we'll move on.

Mr. Warawa.

Mr. Mark Warawa: I think the question that I ask is not ridiculous. What I did was quote the new leader of the Liberal Party and I wanted clarification on that party's position. That party is basically supporting this bill. The leader said the target will not be reached. The witnesses we've heard at this committee said they won't be reached. Again, I think it's a very relevant question. Should this bill go forward if his own leader says it's not achievable? I think it's a relevant question, and he didn't want to answer that.

● (0920)

The Chair: I believe he did answer it, Mr. Warawa.

Mr. Pablo Rodriguez: Mr. Warawa, I'm not going to spend the whole day answering this.

The Chair: Is that your reply, Mr. Rodriguez?

Mr. Pablo Rodriguez: I would like to be very clear, because he's misquoting Mr. Dion. If we replace this government in the short term, of course we can meet our Kyoto objectives. But if they're still there for a long time and we spend time doing nothing, then nobody can reach it. His words were very clear—and I was there. If we replace the government in a short period of time, yes, as he said, we can meet our Kyoto objective. So this bill is very good for that.

The Chair: Okay. Could we get back to clause 3? That's the one I'm looking for.

Any other comments on it?

Shall clause 3 carry?

Mr. Mark Warawa: A recorded vote, please.

The Chair: Mr. Warawa, can we use the results of the previous vote or would you like each vote recorded?

Mr. Mark Warawa: A recorded vote, please.

(Clause 3 agreed to: yeas 7; nays 4)

(On clause 4—*Binding on Her Majesty*)

The Chair: Are there any comments on clause 4?

Mr. Harvey.

[*Translation*]

Mr. Luc Harvey (Louis-Hébert, CPC): As regards clause 4, Canada needs a national approach with the active participation of the provinces and territories, in order to meet the challenge of reducing greenhouse gas emissions and atmosphere pollution. That is why our government has listened to the provinces and has invested in public infrastructure and mass transit programs. That had to be done, because it's a good policy.

The federal government cannot be the only leader when it comes to lowering greenhouse gas emissions. All levels of government, including the municipalities, have to be rowing in the same direction. A national approach with short- and long-term targets will benefit Canadians and the economy. Our government has put forward a plan which will result in real reductions in greenhouse gas emissions and less air pollution. We have to work on developing that plan in order for the provinces, the territories, the industry, Canadians and Quebeckers to be able to participate fully.

For those reasons, we will be voting against this clause of the bill and are proposing that it be repealed.

[*English*]

The Chair: Are there any other comments on clause 4?

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: I just want to remind my colleague that we are on clause 4, which reads as follows: 4. This Act is binding on Her Majesty in right of Canada.

I don't know why you would want to vote against clause 4 and Her Majesty the Queen.

[*English*]

The Chair: Mr. Bigras, could you direct that through the chair to Mr. Harvey, please? And if Mr. Harvey cares to answer it, he can.

Mr. Harvey.

[*Translation*]

M. Luc Harvey: We want this clause to say

[*English*]

that the act is binding on Her Majesty in Right of Canada or a province.

[*Translation*]

In other words, we want to add the words “or a province” in English and “ou d'une province” in French.

[*English*]

The Chair: Mr. Harvey, could you repeat that, please?

[*Translation*]

Mr. Luc Harvey: I will read the clause for you: This Act is binding on Her Majesty in Right of Canada.

We would like to add, after the word “Canada”, the words “or a province”.

[*English*]

The Chair: You're amending this clause, then, Mr. Harvey?

• (0925)

[*Translation*]

Mr. Luc Harvey: The explanation is that

[*English*]

the clause means that all the requirements in the act apply to the federal, provincial, and territorial governments. The federal department, for instance, must comply with the act.

The Chair: Do you have that in writing, Mr. Harvey, so we can make sure we have what you're amending correctly, so I can read it?

To be clear, Mr. Harvey, are you amending this, or is this only the explanation?

Mr. Luc Harvey: This is an amendment.

The Chair: Can we give Mr. Harvey a minute to—?

[*Translation*]

Mr. Luc Harvey: This is not an amendment, sir.

[*English*]

The Chair: It's not an amendment? That was an explanation of the point....

Mr. Rodriguez.

Mr. Pablo Rodriguez: Yes. I simply want to know, Mr. Chair, if Mr. Harvey is going to fire his speech writer.

The Chair: I don't believe he wants to answer that question, Mr. Rodriguez.

Are there any other comments on clause 4?

Mr. Mark Warawa: A recorded vote, please.

(Clause 4 agreed to: yeas 7; nays 4)

(On clause 5—*Climate Change Plan*)

The Chair: Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Mr. Chair.

Subclause 5(1) calls for the minister to prepare a climate change plan until 2013 that describes the measures Canada's taken to meet the Kyoto Protocol. In her September report and in testimony before this committee on October 3, the Commissioner of the Environment and Sustainable Development said that it has become more and more obvious that Canada cannot meet its Kyoto Protocol commitments to reduce greenhouse gases; in fact, instead of decreasing, greenhouse gas emissions in Canada have increased by 27% since 1990. And she urged the government to come up with a credible, realistic, and clear plan with short- and long-term goals to reduce greenhouse gas emissions.

As my colleague Mark Warawa said earlier, we have done just that. Canada's new government has a plan. Our plan will achieve concrete results through mandatory enforceable regulation with short-term, medium-term, and long-term targets. The short-term targets for 2010 to 2015 will be announced in the spring of 2007. Regulations establishing mandatory standards will replace the voluntary approaches that failed in the past, and we will ensure that regulations are enforced and their objectives achieved.

Mr. Chair, we need to take action to reduce greenhouse gas emissions. That's why our government wants to adopt a target-setting approach for greenhouse gas emissions based on emissions intensity improvements, a plan that will yield a better outcome for the Canadian environment than under the plan previously proposed on July 16, 2005. Under the notice of intent, the government stated that in the mid-term 2020 to 2025 targets, there will be absolute reductions that will support the establishment of a fixed cap on emissions.

That's why, Mr. Chair, I'll be voting against clause 5.

The Chair: Mr. Cullen is next.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Chair, the committee has an amendment to this clause, but we're moving it into subparagraph 5(1)(a)(iii).

The Chair: Your amendment is in clause 6.

● (0930)

Mr. Nathan Cullen: Yes, but we think it might be better and more intelligent to put it into clause 5.

With the committee's indulgence, it would be under subparagraph 5(1)(a)(iii). It would be an addition to "spending or fiscal measures or incentives". There would be an addition to this, and it would read —

The Chair: Just make sure everyone has that.

It sounds like we're okay now. Can we just start over again, please, Mr. Cullen?

Mr. Nathan Cullen: Of course.

Initially, we had suggested this in another clause of the bill. It seems to make more sense in clause 5. Where it would go is in

subparagraph 5(1)(a)(iii), and we would add in a piece, which would be 5(1)(a)(iii.1), that would read:

measures to provide for a just transition for industry affected by greenhouse gas emission reductions

The Chair: Do you have that written down?

Mr. Nathan Cullen: Yes. It should be in the package that committee members have.

The Chair: Just so we have it clear, this was the one for clause 6, and you want to put it on page 4. Is that correct?

Mr. Nathan Cullen: Yes. I believe committee members will have reference 2575238.

The Chair: Okay, we'll get this sorted out. Just one second.

Mr. Nathan Cullen: The reference number is 2575238. It reads:

(f.1) respecting spending or fiscal incentives, including a just transition fund for industry;

The wording is slightly altered and placed into subparagraph 5(1)(a)(iii). It's the exact sentiment that was put forward in my original amendment, but moved over to clause 5.

The Chair: We'll just sort this out, if you can just give us a minute. We're looking at page 16 of the amendments, and we're just getting the exact placement so we have it correct here.

Could everyone turn to page 4 of the bill and look at subparagraph 5(1)(a)(iii), which would be line 10 in the English, line 11 in the French. That would now read, on line 11:

measures to provide for a just transition for industry affected by greenhouse gas emission reductions

And then, of course, it carries on.

Is that correct, Mr. Cullen?

Mr. Nathan Cullen: That's correct. Thank you, Chair.

The Chair: I will repeat that.

Hon. John Godfrey: The whole subparagraph 5(1)(a)(iii) now reads:

spending or fiscal measures or incentives, and—

The Chair:

—measures to provide for a just transition for industry affected by greenhouse gas emission reductions, and

Then it goes on to subparagraph 5(1)(a)(iv). Does everybody have that now?

Some hon. members: Yes.

The Chair: We're now discussing and debating the amendment put by Mr. Cullen.

Are there comments on that amendment? Mr. Bigras.

● (0935)

[*Translation*]

Mr. Bernard Bigras: Thank you, Mr. Chairman.

I am speaking now on behalf of my party. We have always believed that it is inappropriate for businesses that are already causing pollution to benefit from tax incentives or tax measures.

You may recall that the Environment Commissioner told us that very often, federal government departments — and I'm thinking in particular of the Department of Finance — do not comply with the strategic environmental assessment. That means that Parliament passes bills that provide significant fiscal incentives to polluting industries. Three years ago, we passed a bill to give \$250 million to the oil industry.

My concern with respect to this amendment is that it will strengthen the polluter-paid principle, whereas we believe it should be the polluter-pays principle.

So, I would like to move a friendly amendment to that amendment. We could delete the words “including a just transition fund for industry” and add, after the words “or fiscal incentives”, the words “for green or clean industries”.

The subparagraph would thus read as follows: spending or fiscal measures for green or clean industries

[English]

The Chair: It does say fiscal measures, not incentives, Mr. Bigras. I'm not sure about the French, but in the English, it does say “measures”.

Mr. Cullen, did you want to clarify that?

Mr. Nathan Cullen: Yes, this is an important clarification.

The original submission talks about a “just transition fund”. That is not what's being proposed now. It's:

measures to provide for a just transition for industry affected by greenhouse gas emission reductions

I appreciate the concern that Mr. Bigras raises. It's not an intention or a motion to suggest that we subsidize or pay those who are polluting. But we heard from many in the industry who are looking to make the transitions that if Bill C-288 is brought into full force, there was a relatively strong consensus that within some industries there would be a pretty big impact. We don't necessarily know what the impact would be, but it would be measurable.

Creating some allowance for workers in particular to move from industry to industry, into a more sustainable industry, for example—the measures would be directed in that way, not to allow industry to continue to pollute, but to allow them to transition away from their polluting practices without significantly harming one industrial sector or another. It's something for us to consider seriously, as members of Parliament, in passing a bill. If it overly targets one section or area of the country in too negative a way, the resistance within our communities will be strong.

We've seen this before in other pieces of legislation that allow for workers to move from the textile industry, for example, in southwestern Ontario, in Quebec, into other industries that we know we want to promote.

The Chair: I believe Mr. Godfrey is first, and then Mr. Rodriguez.

Hon. John Godfrey: My understanding of the whole paragraph (a) is that it says that when you have a climate change plan, there should be a description of any measure the government may decide to take. It doesn't have to do all four. It doesn't even have to do the most recent thing that is being suggested by Mr. Cullen.

But among the things it might consider would be such a transition fund. If it does that, this has to be a part of the report on the climate change plan. It doesn't mandate spending; it doesn't insist that there be such a fund. But this is the description of the kinds of things that, if the government chooses to undertake them, it has to report on as part of its plan.

The Chair: Thank you.

Mr. Rodriguez.

[Translation]

Mr. Pablo Rodriguez: Is Mr. Cullen prepared to substitute the word “workers” for the word “industries”?

[English]

Mr. Nathan Cullen: In a sense, part of this is an olive branch to some of the industrial groups that came before us, to suggest that there is a possibility for them to transition themselves into greener economies.

• (0940)

[Translation]

M. Pablo Rodriguez: What do you think of the word “communities”?

[English]

Mr. Nathan Cullen: The problem with the use of the word “communities” is that this can very much broaden to include somebody who may not be affected by anything in Bill C-288 suddenly having access to a just transition fund, and that's certainly not the intention.

Using the word “workers” may have more specific relevance. This person was affected; their job was removed; and the company is looking to transition to another form of energy production, manufacturing, or something. That might make more sense, but I would hesitate to use “communities”. That really broadens it as to who is affected. It could go on and on, and that's not the intention of the amendment.

The Chair: Mr. Bigras.

[Translation]

Mr. Bernard Bigras: What always bothers me is that the tax system ends up serving the polluting industries. I remember that according to the Liberals' Green Plan, the large industrial emitters were to be responsible for lowering their greenhouse gas emissions by 45 megatons. However, if polluting companies in the major industrial sectors adopted technology funding measures, a 6-megaton reduction would be possible.

In a way, I would say that an approach that allows businesses to finance these technologies through the provision of greenhouse gas emission credits is a better idea than using tax instruments.

Where I'm from, we have a lot of trouble accepting the idea that tax instruments should serve a polluting industry, which is making huge profits. In any case, that industry has the capital it needs to make the transition. There is no possible comparison between the textile and manufacturing industries and the oil industry. There is a significant gap between them.

[English]

The Chair: Mr. Cullen, I think you wanted to reply to that.

Mr. Nathan Cullen: Yes, and a friendly amendment to look at workers. If that's more poignant and more directed at the people affected, then that's fine with us.

The only thing I would suggest is that we're not comparing the oil and gas sector to the textile industry, but keeping in mind that under Bill C-288 it's certainly more than just the oil and gas sector that's affected. I'm thinking of certain mining operations or anyone who produces any greenhouse gases.

So if it's workers, and if that's acceptable to Monsieur Bigras or others, we'd be willing to accept that amendment.

Hon. John Godfrey: Workers instead of industry.

The Chair: So you're accepting that friendly amendment, Mr. Cullen?

Mr. Nathan Cullen: Yes.

The Chair: Mr. Vellacott, I believe you had a comment.

Mr. Maurice Vellacott: There's still a little bit of vagueness. It's maybe becoming a little clearer than it was before, but that's a bit of an issue for me at this point, so I may ultimately decide where I vote on this one.

Mr. Bigras raises some good points. It's something that maybe the Liberal members want to respond to as well, because it does get into this whole issue of punishment and carbon taxes and so on.

Mr. Rodriguez's new leader has been unclear on the subject of carbon tax. In fact, Mr. Rodriguez knows the failed leadership candidate, Mr. Ignatieff, supported...it was clear he favoured a carbon tax. He failed, that's right, but he was in favour of a carbon tax. It's a bit of an unclear policy of the new leader, Mr. Dion, so I'm not sure whether the Liberals are going to vote on this one, because they seem to encourage punitive measures, carbon tax, those types of things. So we'll see where the vote goes on this one.

The Chair: Are there any other comments?

Let me read the amendment we are debating, which we are now going to vote on.

Mr. Maurice Vellacott: I don't mind asking the question if he cares to answer it, but simply—

The Chair: Yes, Mr. Godfrey.

Hon. John Godfrey: If I understand the question, it was directed toward various leadership candidates, ones who either succeeded or didn't succeed in the leadership race, rather than to the matter at hand, which is this amendment. The amendment—

The Chair: Let me read the amendment, please, so everyone knows where we are.

It's line 10 in English, line 11 in French, and we are adding:

measures to provide for a just transition for workers affected by greenhouse gas emission reductions, and

And then we carry on.

Does everyone understand that amendment? Okay.

(Amendment agreed to: yeas 7; nays, 0)

● (0945)

The Chair: Are there any comments on clause 5?

Yes, Mr. Warawa.

Mr. Mark Warawa: I want to follow up on the question from Mr. Vellacott. It's relevant that we're back to the main motion, which is dealing with clause 5.

The committee needs very clear clarification of the intent of this bill. Throughout the Liberal leadership race, a number of things were said, and Mr. Rodriguez at that time was supporting Mr. Ignatieff. He said taxes would have to increase dramatically. He said taxes would rise to protect the environment, and Mr. Vellacott was asking about the carbon tax position.

We are now dealing with Bill C-288, and the question is relevant. Is it going to include increased taxation to Canadians? That was the position of Mr. Rodriguez when he was supporting Mr. Ignatieff. Is that the same position of Mr. Dion, the new leader? We need to know where Bill C-288 is going to take Canadians.

The Chair: Does anyone care to answer that question?

[Translation]

Mr. Pablo Rodriguez: Mr. Chairman, the fact that he was elected and is a member of this Committee does not give him the right to say whatever pops into his head.

[English]

The Chair: As I say, I would ask people to cooperate and stick to the clause-by-clause study, which is what we're doing. Hopefully, we can be civil about it and get the job done that we have to do.

Are there any other comments on clause 5?

Mr. Warawa.

Mr. Mark Warawa: Mr. Chair, I'm quite disappointed by the response from Mr. Rodriguez. Hopefully, he's taking his bill seriously. We have some serious concerns with Bill C-288. That's why we've been opposing it to this point.

But it's a legitimate question. I'm sure he is not intending this as a meaningless bill. That is a legitimate question—what is his intent?—and this clause deals with that. Is part of this plan with Bill C-288 to provide increased taxation to support his plan?

The Chair: Mr. Godfrey, do you wish to comment?

Hon. John Godfrey: This bill does not apply to any specific government; that is to say, it doesn't say Conservative government or Liberal government. It simply says that Canada has made an international obligation under the Kyoto treaty. The Minister of the Environment herself, in Nairobi, indicated that Canada was not withdrawing from the Kyoto agreement.

As has been pointed out by the Conservatives opposite, there was the statement of the Commissioner of the Environment, which was reiterated yesterday, that what we need is an integrated plan if we're going to be in the Kyoto agreement. We need a plan to show how we're going to get there. We need accountability measures. She found these useful.

The government members have indicated that there will be a plan forthcoming. That plan presumably has to have some relationship, if it's going to be about greenhouse gases, with the commitment that the Minister of the Environment herself made toward the Kyoto process.

I find it entirely logical that in the interest of greater accountability, which apparently is one of the hallmarks of the government, to be completely consistent if we're going to honour our Kyoto obligations, if we're going to have a plan, we'd better have a monitoring mechanism to see how all of that works. And that doesn't depend on any particular political party or any particular political leader. It simply follows up on the suggestions of the Commissioner of the Environment in her September report. That's what this is about.

• (0950)

The Chair: Thank you, Mr. Godfrey.

Mr. Vellacott.

Mr. Maurice Vellacott: The very interesting amendment that we passed here....These are fair and legitimate questions we've been putting to the members on the other side, because we want to find out what the intent is. Words are one thing, but what's the spirit of it, I guess, behind that? On the previous amendment, there was something about emissions that way.

Mr. Rodriguez, a question that I'm very curious about is this, and you may choose not to respond. But certainly people have said in recent days, individuals—Liberal candidate Mr. Ignatieff—have said that there's a trade-off between jobs and the environment. So I guess, Mr. Rodriguez, in view of your bill, Bill C-288, do you agree that there will be a trade-off between jobs and the environment and that's why we have this particular amendment in the bill?

The Chair: Mr. Rodriguez, do you care to answer that?

[Translation]

Mr. Pablo Rodriguez: The Conservative Party has always pitted the economy against the environment. If you choose the economy, you forget about the environment. If you choose the environment, you forget about the economy. Nowadays—

[English]

Mr. Mark Warawa: On a point of order, Mr. Chairman, you've asked us to be civil. At this point, I'd ask, through you, are the comments of Mr. Rodriguez being civil? I would think not. We need to cooperate. Please keep the comments civil.

The Chair: I believe Mr. Rodriguez is attempting to answer the question.

Again, I ask members, let's try to get back to what we're talking about here, and that's Bill C-288.

Mr. Rodriguez, perhaps you could finish your thought, and then we'll go to Mr. Warawa.

[Translation]

Mr. Pablo Rodriguez: I will answer his question directly. He asked me whether there is a trade-off between jobs and the environment. If he asked that question, I guess it's because he believes there is.

What I'm saying, and what others and our modern area and the 21st century are saying is that—

[English]

The Chair: Yes, Mr. Vellacott.

Mr. Maurice Vellacott: Just to correct the record, it wasn't what I said; it was what Mr. Ignatieff said. It's a trade-off between jobs and the environment. That was his statement, Mr. Ignatieff's, the former candidate's, not mine.

[Translation]

Mr. Pablo Rodriguez: Mr. Chairman, are you going to allow people to talk about leadership for two hours, or do you want us to examine this bill? It's up to you to decide.

[English]

The Chair: Well, my decision is that I believe we should be discussing this bill. I think that's what members are here for, and I just don't think constant reference is necessary. I think we've all got the point very clearly, and I think we should carry on to discuss this bill. I think it's my job to be here to make that happen. So let's keep it to the subject matter, please.

Mr. Warawa, did you have a comment?

Mr. Mark Warawa: Well, did he finish?

• (0955)

The Chair: I believe he did.

[Translation]

Mr. Pablo Rodriguez: What I'm trying to say is that the environment can create opportunities right now, and even extraordinary avenues for economic development in the future. We have to stop seeing the environment as a threat to economic development.

[English]

The Chair: Okay, I think that's rather clear.

Go ahead, Mr. Warawa.

Mr. Mark Warawa: Thank you, Mr. Chair. I'll try asking the question through you to Mr. Rodriguez again.

We are on clause 5. The title of clause 5 is "Climate Change Plan", and there are a number of parts to clause 5. They have laid out their plan, and my question is again about this plan. What is the intent?

Now, we heard very clearly from him and the people...Mr. Ignatieff was quoted, who he was supporting. He very clearly said that they support a carbon tax, higher taxes for Canadians. It's a very clear, direct question. Is part of his climate change plan, part of Bill C-288, to increase the taxes of Canadians?

, he didn't answer that question, Mr. Chair. Mr. Godfrey answered for him and, in a vague way, shared with this committee.... It sounded as though, yes, it is part of their plan. He's trying to justify increased taxes for Canadians for a carbon tax or an environmental tax or whatever they want to call it. And I just want to make it very clear to Canadians that this is part of the Bill C-288 plan: to increase taxes substantially for Canadians.

Now, would he be willing to do a yes or no, or is he going to ask Mr. Godfrey to answer for him again?

The Chair: The question is to Mr. Rodriguez, but Mr. Scarpaleggia has also asked for the floor, and again, I would ask you to be brief so we can get on with clause 5.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): You know, asking for these kinds of details at this stage is ironic, given that the minister has tabled Bill C-30 and hasn't tabled any details about regulations. So I think this is an academic issue, and frankly, we should get on and vote on this.

The Chair: Mr. Rodriguez, did you have a final comment? No?

(Clause 5 as amended agreed to: yeas 7; nays 4)

(On clause 6—*Regulations*)

The Chair: On clause 6, I believe we have a BQ amendment, if people could turn to page 15, and that's on page 5 of the bill.

Basically, if you will notice the amendment, it's that Bill C-288, in clause 6, be amended (a) by adding after line 32 on page 5 the following:

(a.1) limiting the amount of greenhouse gases that may be released in each province by applying to each province Article 3, paragraphs 1, 3, 4, 7, 8, and 10 to 12, of the Kyoto Protocol, with any modifications that the circumstances require;

Are there any comments? Mr. Bigras, would you like to start off, please?

[*Translation*]

Mr. Bernard Bigras: Mr. Chairman, I am very pleased to table this amendment. The first part gives the federal government, through the Governor in Council, the option — and I want to emphasize the term “option”, since it has to tie in with line 29 in clause 6 — of limiting the amount of greenhouse gases that can be release, as provided for under the Kyoto Protocol, and specifically paragraphs 1), 3), 4), 7), 8) and 10) to 12) of Article 3.

As for the second part, insofar as the provinces pledge to comply with the 6 per cent reduction in greenhouse gas emissions, they will be free to decide how they want to implement the Kyoto Protocol. Of course, all of that depends on compliance with the commitments laid out in the Protocol.

[*English*]

The Chair: Are there comments on the amendment?

Mr. Godfrey.

Hon. John Godfrey: I note that the relevant phrase says the Governor in Council “may”, which means the Governor in Council isn't obliged to. It isn't a “should” or a “shall” or any of that stuff. So that's one issue.

I don't think there's probably a difficulty with the second part, which is (b) by adding after line 14:

Despite paragraph...each province may take any measure that it considers appropriate to limit greenhouse gas emissions.”

I have three concerns. One is whether in fact there is the suggestion that the federal government could impose an overall greenhouse gas emissions target on a province. That's one issue: do we have the power to do that? I'd be interested, actually, in hearing from a legal point of view whether we have a challenge here.

Secondly, I'm a bit concerned about what it might mean to our international trade obligations, and I'm thinking under NAFTA. It's one thing to take a sectoral approach and say that all cement plants across Canada are subject to the same emissions cap, for example. It would be quite different, it seems to me, under NAFTA to say that cement plants in Quebec are subject to a lesser greenhouse gas emissions cap than ones in Ontario and Prince Edward Island. So my second point is on international trade.

My third point, which is less a legal question, is whether this in some way undermines the possibility of having a national market for emissions trading when you have the same industry in different provinces with different standards.

Those are three questions I raise. My fourth question is, if there's any ambiguity, particularly on trade or the federal power, is there any danger, given that we put the word “could” in, that this whole bill could go down because we're offside on either the federal power issue or the trade issue?

That's really a technical question, and I'm wondering whether our legal counsel can give us some response to this.

• (1000)

The Chair: I would ask for a response, although it is out of her purview to do this. But I'll let her tell you.

Ms. Joann Garbig (Procedural Clerk): Thank you, Mr. Chairman.

I just confirmed that we're able to provide advice on any matter of the rules, practices, and procedures of the House. Questions of legality and constitutionality are outside of that area and not a matter of procedure.

Hon. John Godfrey: Can you tell us this? If there is some ambiguity, does the fact that we say “could” save us from difficulty, or does it jeopardize us?

Ms. Joann Garbig: I'm neither qualified nor here in any capacity to offer legal advice—just procedural, not legal.

Hon. John Godfrey: I just think it would be helpful to have answers to those questions.

[*Translation*]

I don't know whether Mr. Bigras wants to respond to that. I am not just raising these questions to be ornery.

[*English*]

The Chair: Do you want to reply, Mr. Bigras?

[*Translation*]

Mr. Bernard Bigras: There is no doubt in my mind that coming from Mr. Godfrey, whose new leader, Stéphane Dion, has always opposed a territorial approach, these questions are certainly not prompted by a desire to be ornery.

First of all, we did receive a legal opinion on this and had it validated by the Library of Parliament on December 7. It states the following: [...] it seems that the

provision could be constitutionally valid in that it falls under either the criminal law power (91(27) of the Constitution Act, 1867, or the jurisdiction of the Parliament of Canada to legislate for peace, order and good government in Canada (national dimensions theory) (introduction to section 91 of the Constitution Act, 1867).

We took the trouble of asking for a legal opinion to validate our amendment before even tabling it with the Committee. We figured that some members might raise constitutional arguments.

Indeed, with respect to the credits trading system—

I don't know whether Mr. Godfrey is listening, Mr. Chairman—

•(1005)

[English]

The Chair: Excuse me. We have a point of order.

[Translation]

Mr. Bernard Bigras: I am perfectly willing to answer Mr. Godfrey's questions, but it would be nice if he were listening to the answer. I'm not doing this just to try and impress people.

With respect to the second question—

[English]

The Chair: In our discussion, this is a decision that will have to be made by the committee, in terms of some of those constitutional questions. Of course, if there's doubt, that might affect your vote. But that's a decision you're going to have to make.

I believe we'll go to Mr. Vellacott, and then to Mr. Cullen.

Mr. Maurice Vellacott: It would be pretty clear that to support the Bloc amendment, because we believe that having a good plan in place regulating climate change is about having.... Then you get to the constitutional issues, the national—

The Chair: Point of order.

[Translation]

Mr. Bernard Bigras: Yes, I have a point of order, Mr. Chairman.

[English]

The Chair: Yes, Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Godfrey asked at least three questions, and I would like to have an opportunity to complete my answers before you recognize another member of the Committee.

[English]

The Chair: I apologize, Mr. Bigras. I didn't realize you weren't finished.

[Translation]

Mr. Bernard Bigras: The second important question asked by Mr. Godfrey had to do with the credits trading system. He wanted to know whether this amendment could compromise that system. The answer is no. In fact, the amendment actually refers to paragraph 3 (12) of the Kyoto Protocol, which deals specifically with the emission credits trading system. We decided to include it in our amendment because we, too, want to ensure that an emission credits trading system will be put in place.

In fact, Mr. Godfrey talked to me several days ago about the potential problems that this amendment could pose with respect to international trade. I would like to know what his reference is in that regard. If he can demonstrate to me that this amendment could contravene WTO rules or certain other international trading rules, I

will be very pleased to discuss it with him. However, I do not want to engage in a discussion without there being some substance to it.

[English]

The Chair: Mr. Bigras, I'm going to go to Mr. Vellacott, then Mr. Cullen. Then if Mr. Godfrey wants to answer your question, he certainly can.

Mr. Vellacott, are you ready? You could start again, please.

Mr. Maurice Vellacott: Right. I appreciate his completion there.

As I was saying before, we can't support this particular Bloc Québécois amendment, simply because regulating climate change is far too important. It's about having some national standards to ensure that all Canadians have the benefit of clean air, clean water, and clean land. No matter what province they have these in, they should have equal protection. It's not about hiving it off for one province or the other. We think there should be the national standards to ensure that all Canadians have that benefit.

So it would be difficult in light of that to support this amendment, which doesn't appear to do this. We'd like to see it done nationally.

The Chair: Okay. We go to Mr. Cullen.

Mr. Nathan Cullen: It seems a bit of a crossroads with respect to this bill. I'm not blessed or cursed with the joy of being a lawyer, and trying to understand—

Mr. Mark Warawa: Mr. Chair, I have a point of order. We have an environmental NGO that is coaching the Liberal Party. I just want to get a ruling. Is that appropriate?

The Chair: I believe that's appropriate. Anyone can bring in people, whoever they want to bring in the room, to help them. Obviously it's for the members to ultimately make the decision and vote.

Mr. Cullen.

Mr. Nathan Cullen: Fear not the environmental community, Mr. Warawa. They're good people.

The question I have, at NAFTA.... I'm not sure we're going to get advice on NAFTA, unless Mr. Godfrey or others have particular legal counsel on it right now.

In terms of that first consideration and concern, I think there's some validity to it. In reading the amendment as it is, I think maybe there's other wording or another place to achieve what Mr. Bigras is intending.

It seems to me that in limiting the amount of greenhouse gases released by each province, and by applying it to each province, it sounds, with that wording, that the jurisdiction then falls to the federal government, in either some negotiation or conversation or potentially. Maybe the ability of the federal government to suggest to each province that this is your limit and you will go by that limit is a wording question. As written, that would be challenging, politically. That's the question we have in front of us.

With respect to the constitutionality, Mr. Bigras has some advice suggesting that it is constitutional. We've received some advice otherwise. This is the problem with lawyers in constitutional matters: you run down a rabbit hole pretty quickly.

I am concerned. I'm not sure I've seen enough clarity that if this were invoked I could return to British Columbia and say, no problem, the feds won't come and tell you what your limits should be. I'm trying to understand if that's not the case.

I'd be open for more arguments.

• (1010)

The Chair: Mr. Cullen and Mr. Bigras, I will let you bring this to a close. You can sum up all these questions that were being posed.

I believe Mr. Godfrey is next, then Mr. Scarpaleggia.

Hon. John Godfrey: We're obviously trying to work forward in a positive way, Mr. Chair. I think we might want to reflect on some words that would reassure us on the constitutional side. I believe there are some discussions going on right now, and we may come up with words that would make the point that this has to be done within the Constitution.

Certainly it's interesting that the assertion of federal authority found in the Hydro-Québec case may give us the cover we need. Mr. Bigras was kind enough to share the constitutional reference from the Library of Parliament. He reminded us of that issue that we talked about in terms of the use of the word "toxic"—giving us that power, or "peace, order, and good government", for the federal government to take necessary measures.

We could also remind ourselves that we're not the only legislative players in this process. The committee can move a set of amendments that would then be subject to further amendment at various other stages of the process, whether it's at third reading or in the Senate. We don't have to come up with a definitive answer. If we could find a form of words that simply said "within constitutional limits", I think that would probably cover off the concerns I raised about international trade. That's really a constitutional measure as well, as to who is responsible for negotiating international treaties.

We may be working towards a solution. I think I'm rather inclined to support this amendment, perhaps amend it a bit to provide greater clarity on the constitutional side, but reassure that there are various safety nets down the road that could help us out and give us a more definitive answer than we can provide today.

The Chair: Thank you, Mr. Godfrey.

Mr. Scarpaleggia.

[*Translation*]

Mr. Francis Scarpaleggia: Mr. Chairman, my question is really addressed to Mr. Bigras.

It seems to me that we should be limiting the greenhouse gas emissions, not of a province, but rather of the industries operating inside that province.

I would like to ask Mr. Bigras about the intent of his amendment. Why does he want the limits imposed on plants or companies in a given industry sector to vary from one province to the next?

My second question relates to clause b) of this amendment. Do the provinces not already have the power to take any measure they consider appropriate to limit greenhouse gas emissions? I'm thinking of Quebec, for example, which has already developed and implemented an excellent plan.

Do you not think paragraph b) of your amendment is somewhat unnecessary?

[*English*]

The Chair: Mr. Bigras, a number of questions have been raised. If you can try to clarify them as much as possible, that would be greatly appreciated by the members.

[*Translation*]

Mr. Bernard Bigras: Mr. Chairman, I would be very pleased to compare my legal opinion with another opinion. But I have no choice but to conclude that the one I have is the only one available, and it comes from Parliament.

I just want to point out that this legal opinion is based on a judgment involving Hydro-Québec in a criminal law matter. Our legal opinion as a whole is based on a ruling by the Supreme Court in the late 1990s.

My third point has to do with defining a specific area of application — in this case, a province. There is a need to ensure a certain equity in terms of greenhouse gas emission reductions. There has been a 7 per cent reduction across industry sectors in Quebec since 1990, which cannot be said for industry sectors in the rest of Canada. That approach, as reflected in the second part of our amendment, would give the provinces the opportunity to lay out their own action plan on climate change.

That way, we probably would not be imposing as strict rules on some industry sectors in Quebec, which have already reduced their emissions by 7 per cent; on the other hand, there would be stricter rules for other economic sectors in Quebec, such as transportation. That is where we would have to focus our efforts in Quebec. Under this amendment, the provinces would be responsible for reducing their greenhouse gas emissions by 6 per cent within their borders, but they would be free to determine how to meet that target and to implement whatever regulations they deem to be appropriate.

I was listening to Mr. Vallacott's comments earlier. I realize that we need to have a national plan and national targets, but this amendment will not do away with or replace what is already in the bill: it only adds an option, and I want to stress that point. In no way is it our intention to impose or implement this approach all across Canada. Our intention is clearly not to follow the European model, which is a territorial, province-by-province approach, but rather, to allow the provinces to pass their own regulations, to make an international commitment under the Kyoto Protocol, and to put strict standards into practice.

• (1015)

[*English*]

The Chair: Thank you, Mr. Bigras. I would just like to point out a couple of things.

First of all, the Library of Parliament does not give a full legal opinion on any item. They simply give their opinion based on what they read. In terms of a solid legal opinion, I don't think that would be correct.

Secondly, Mr. Godfrey has pointed out that there are, of course, some other safety nets here when we get into the legal realm of constitutional law. They basically are report stage, third reading, and of course the Senate, at which time more of the legal constitutional issues can be dealt with. Our job here is to approve an amendment or oppose an amendment, to have a vote on that, and to move on. I don't think any of us here are constitutional lawyers or qualified to get into that.

I just clarify that to try to hopefully bring this to a close.

Mr. Cullen, you did have a comment at this point.

Mr. Nathan Cullen: I'm battling with this one, because we're trying to keep strong intentions toward making this bill effective and possible, but I still have two problems. One is that as a fundamental, in listening to folks much brighter than I am on how to make this thing possible, the territory approach is not the best approach. It walks us into a conversation and a constant fight between the feds and the provinces, and the provinces and the provinces. If Quebec's industry is performing better than other industries in Canada, a sectoral approach, an industry-by-industry approach, will still do the Quebec industry well. If they're 7% below in all those things Mr. Bigras has said, then Quebec has nothing to worry about.

As a concept, approaching climate change and greenhouse gas emission reductions by province opens this up. I'm not so sure about the constitutionality one way or the other. I agree with you, Chair, that at this table we don't seem to have the current advice to know. If it throws the bill into jeopardy, though, I have concerns.

More importantly, as a theme and an approach to how we're actually going to fix this problem, it feels to me that we'll get distracted by provinces setting limits either in conjunction with the federal government or by themselves, rather than through the industrial approach, which was what most of the witnesses talked about. This allows the cement manufacturers to compete all together. It allows all the energy producers to compete against each other, with hard targets. That was a way to actually move the entire country forward, including Quebec.

I just don't think the provincial approach is one. As much as I'd like to support Mr. Bigras and his efforts, I just can't see approving it.

• (1020)

The Chair: Thank you, Mr. Cullen.

Mr. Godfrey.

Hon. John Godfrey: First of all, I'm going to remind everybody that the clause begins with "may"—"The Governor in Council may"—so there's no obligation on the Governor in Council to take a territorial approach. I'm also going to suggest that when it comes time to vote on the amendment, I would put forward a subamendment—just to give everybody a heads-up here—that would mean paragraph (a.1) would begin: "Within the limits of federal constitutional authority" and then "limiting the amount of greenhouse gases", etc. Simply for greater certainty, I'm proposing that as a subamendment.

Mr. Pablo Rodriguez: You mean, within the government—

Hon. John Godfrey: I don't know where the best place to insert that would be.

The Chair: We will have to deal with Mr. Bigras' motion that's on the floor, but the subamendment will come first.

Hon. John Godfrey: Maybe you can give us an idea of where those words might best be inserted.

- _____ (Pause) _____
-

The Chair: Mr. Godfrey, would you like to bring our committee up to date?

Hon. John Godfrey: In order that we do not create a new amendment but modify the existing amendment, right there where it says "the following"—

The Chair: Is everybody following? We are now on page 15 of the amendments. We're looking at a revision that we will talk to Mr. Bigras about, but let's hear Mr. Godfrey first, please.

Hon. John Godfrey: It would now say:

(a.1) within the limits of federal constitutional authority

and then continue.

• (1025)

The Chair: Can you go very slowly please, Mr. Godfrey.

Hon. John Godfrey: Sure. Again, it reads:

within the limits of federal constitutional authority

It then proceeds:

limiting the amount of greenhouse gases that may be released in each province

The Chair: Mr. Bigras, can you accept that as a friendly amendment?

[*Translation*]

Mr. Bernard Bigras: Yes.

[*English*]

The Chair: Are there any other comments on this amendment?

Just to review what is it going to say, then, this will be in line 32 on page 5, and it will say:

(a.1) within the limits of federal constitutional authority, limiting the amount of greenhouse gases that may be released

and so on as written.

Mr. Cullen, are you with us on that one? Did you hear what we did?

Mr. Nathan Cullen: Yes, I heard the amendment.

We've seen this before in bills where there is concern over constitutionality, so the bill gets written into it words similar to what Mr. Godfrey has said, "within constitutional means". The courts will look at the substance of the bill, and if that substance is deemed unconstitutional, it threatens the whole process.

I'm really trying to get there on this one, sincerely, but I honestly believe this undermines our national efforts.

The Chair: Are there any other comments on this amendment? Shall the amendment carry?

Mr. Mark Warawa: I'd like a recorded vote.

The Chair: It will be a recorded vote.

(Amendment agreed to: yeas 6; nays 5 [See *Minutes of Proceedings*])

The Chair: I believe your NDP one has been moved up.

Mr. Nathan Cullen: Yes, it's dealt with.

The Chair: It's gone.

Are there any other comments on clause 6 as amended?

Yes, Mr. Vellacott.

Mr. Maurice Vellacott: I'm looking over this particular clause about regulations. The first line states that the government "may" make regulations. That's problematic for me and my colleagues. They "may" make regulations related to measures, to standards, to enforcement. On the use of the word "may", obviously a good grammarian would know it suggests that the government may or may not, or may use other policy instruments to achieve these aforementioned measures and standards and enforcements.

Our government has put out a plan that would in fact make it mandatory, required, to strengthen the ability to reduce air emissions nationwide, to reduce air pollutants and greenhouse gases. The intent of this particular clause is to give the government the authority to implement regulations and other measures to control greenhouse gas emissions by building on the extensive authorities that already exist in the Canadian Environmental Protection Act, 1999.

The new government legislation on clean air would in fact provide a much stronger basis than what we have before us here today when it says "may". Among other things, for example, the government legislation, contra what we have here, would require ministers of the environment and health to establish national air quality objectives, to monitor them, and to report on their attainment. It would authorize the development of regulations to reduce outdoor and indoor air pollutants and greenhouse gas emissions. It would authorize the development of emissions trading schemes, which have proven very effective in the United States of America and also in Europe. And it would give the government extensive information-gathering and reporting powers expressly tailored to greenhouse gases and air pollutants. I would think my NDP colleague Mr. Cullen would probably be agreeable to the fact that we need to make it more forceful, by way of not just simply a "may".

Our government's proposed legislation as well, contra this particular piece here, would enable the federal government to enter into equivalency agreements that recognize provincial or territorial licensing or permitting regimes as equivalent, so long as those regimes are as stringent in terms of environment and health protection as national regulations are. That's our government's approach, which is something members from the Bloc Québécois should support, as it would enable the Province of Quebec to regulate its own polluters. But for that, the Quebec government would need to put in place legislation and appropriate regulations. I would be hopeful that Mr. Bigras and Mr. Lussier would support that at the time, because it's much stronger and it respects provincial jurisdiction as well.

The government plan, also contra this bill, would enhance the Energy Efficiency Act. It would give the federal government the authority to provide stronger energy efficiency standards for a wide range of consumer and commercial products, such as household

appliances and electrical goods. That actually would directly impact on the health and the environment of all Canadians, which is something I believe and others around this room would agree that Canadians do want to see. We're waiting to see that implemented.

Finally, contra this particular proposed legislation, the government's proposed legislation, Bill C-30, would amend the Motor Vehicle Fuel Consumption Standards Act to modernize government's ability. Bill C-288 doesn't do that. Bill C-30 would allow the government authority to regulate new motor vehicle fuel consumption. It is important to set that fuel consumption standard to help to ensure greenhouse gases from the vehicles that we buy.

The time for alternatives really has passed. The previous administration tried some voluntary approaches, and that's what we have here again in the word "may". Unfortunately, they failed. We need a much stronger mandate than that, and the government plans to have regulations that do in fact put the onus, the liability, on the regulated community. To make those emission reductions that contribute to clean air, the air quality objectives must be set by ministers under the act, in a mandate fashion. In addition, under the notice of intent, the government is committing to set greenhouse gas emission reduction targets for the short and mid-term, 2020 to 2025, and also for the long term, up until 2050.

Mr. Chair, in view of the obvious weakness in comparison to Bill C-288, we cannot support clause 6 of Bill C-288 because it misses the mark clearly. It is clearly an inferior piece of proposed legislation when compared to Bill C-30, the Conservative government's bill. We would very much prefer to have this entire clause 6 deleted from the bill, in view of its obviously lesser ability to do the kinds of things that need to be done for the protection of the environment and the health of all Canadians. We would definitely see that in the government's Bill C-30, as opposed to what we have before us now.

•(1030)

The Chair: Mr. Godfrey.

Hon. John Godfrey: That was a very interesting discussion into another bill altogether, Bill C-30. I would simply say that's not the bill we're talking about today.

Secondly, if the member were to cast his eyes down to paragraph 6 (c), he would see this particular clause actually does cover many of... for example, the whole automotive sector, with the phrase:

(c) respecting the use or production of any equipment, technology, fuel, vehicle or process in order to limit greenhouse gas emissions

So in general terms, it covers the more specific points he makes.

Thirdly, I would caution the member to be careful what he asks for, what he wishes for, because if he wants stronger regulation under Bill C-30, so that words like "can" are replaced with words like "shall", we *shall* be pleased to oblige him.

The Chair: Are there any other comments?

Mr. Maurice Vellacott: I'll reply to his comment. In deference to my friend, I appreciate that indication of support. I suppose it's kind of pre-emptive here in some sense, but in fact there is stronger language in Bill C-30. It will get the job done.

In terms of my discursion, as you call it, my whole point was the issue that the Governor in Council "may". There's too much latitude, we believe, when in fact we need a much stronger kind of approach, and it would be taken in the other bill.

In fact, that's why I made the contrast, Mr. Godfrey. I very much appreciate your support. I'm hoping you're serving on the committee, I'm not sure, but when you do—

Hon. John Godfrey: It'll be a hell of a bill by the time we're through.

Mr. Maurice Vellacott: I'm sure it will be, yes. I do thank you for that indication of early support.

• (1035)

The Chair: Are there any other comments on clause 6 as amended?

(Clause 6 as amended agreed to: yeas 7; nays 4)

(On clause 7—*Obligation to implement Kyoto Protocol*)

The Chair: Are there any comments?

Yes, Mr. Vellacott.

Mr. Maurice Vellacott: Thank you, Mr. Chair.

In respect to what we have before us in clause 7—there are three subclauses there—we do as members of the government side want regulations for greenhouse gases and also air pollutant emissions from all industrial sectors as soon as possible. It was referred to by my members previously, Mr. Cullen notably, a few minutes ago.

That being said, however, the reality is that it will not be possible in practical terms to develop requirements for both GHG and air pollutants for all industrial sectors—it would not appear to be possible—by 2008. Prescribing this as a deadline in the legislation would most certainly open up the Crown and all stakeholders to some very serious difficulties. That timeline severely limits the time for the Minister of the Environment or any other regulating minister to consider public comments and revise draft regulations accordingly. You'd get a rush to judgment, a rush in such a way that you'd probably have a disastrous Kyoto, because you'd get there really quick, and without the proper study, analysis, and systematic approach.

The way of doing things suggested in clause 7 is really not reasonable. I think we know what the proper timeframes to collect and consult and so on in this country require.

And I think it shows a disregard for a meaningful public consultation. Mr. Rodriguez appears not to have the degree of respect for public consultation that there should be when you're dealing with something this important, because we do need to get there.

It also seems to show no real knowledge of the federal regulatory process. I don't know who his advisers or speech writers were, if Mr. Rodriguez has that speech writer yet.

The timing difficulties related to making regulations are also complicated by subclause 5(5), by which the climate change plan tabled by the minister is referred to a committee of each house of Parliament for review. The practical consequence of that subclause 7 (1) is that the committee review of the climate change plan would not change the regulation-making proposals, as the timelines to make the regulations are so very short.

For that reason, we have obvious difficulty with this particular clause, because I think we'd all agree that we need to get at those issues—the air quality issues, including smog.

In fact, Mr. Dion, the new Liberal leader, has actually acknowledged that the Kyoto Protocol does not deal with all air quality issues, including smog. That's something that clearly needs to be dealt with, and our plan would do it. In fact, Mr. Dion, interestingly—and this is right in the ball park here—has said that the U.S. has better smog regulations than Canada has.

So we would not be able to support this clause 7, and we would like it deleted from the bill. Our proposal in Bill C-30 actually deals with the reduction of smog, improving the quality of the air we breathe. In fact, the Canadian Lung Association has supported our efforts in that regard. Again, as Mr. Godfrey has tipped us off here, it's clearly the very piece of legislation to be passing for the health of the Canadian public.

The Chair: Mr. Godfrey.

Hon. John Godfrey: I certainly wouldn't want my views misrepresented like that.

First of all, this bill is not about smog or polluted air; it is about greenhouse gases.

Secondly, Mr. Vellacott says there won't be enough consultation. I thought I heard the government say they were in consultation on more stringent measures for things like greenhouse gases already.

Thirdly, if there is some concern that there's not enough time, I would strongly urge through the parliamentary secretary that the Department of the Environment get on with it now and be prepared for when this legislation becomes law. That will give them a head start.

• (1040)

The Chair: Are there any other comments about clause 7?

Mr. Vellacott.

Mr. Maurice Vellacott: By way of response to Mr. Godfrey in respect to the timeframe, let's be realistic. With an election coming up probably in the middle of next year, by the time we get into 2008 we as a majority government are not going to have time. With the best of intent, you cannot have the time, within a short half-year period, to get that all done. I think the honourable member, having served in the capacity he did, should well know that, and it would be truthful to state so.

The Chair: Are there any other comments on clause 7?

Shall clause 7 carry?

An hon member: I'd like a recorded vote.

The Chair: We'll take a recorded vote on clause 7.

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

(On clause 8—*Consultation for proposed regulations*)

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott: Again, Mr. Chair, I'll be fairly brief on this one. Clause 8 is dealing with regulations and has three different bullet points. I think we'd all agree, or should agree at least, that the government needs to follow due process in exercising its regulatory authority, but this clause 8, as it is before us in its unamended form, doesn't follow due process, and we'll vote against it. Really, the preference would be to delete it entirely from the bill, to save the member opposite from embarrassment. As it stands, we'll be voting against it.

The Chair: Are there any other comments on clause 8?

(Clause 8 agreed to: yeas 7; nays 4)

(On clause 9—*Minister's statement*)

The Chair: We do have an amendment to clause 9. If you would turn to page 23, you'll see that the amendment replaces line 20 on page 7 of the bill. As you see, it says:

Protocol, pursuant to subsections 7(1) and (2); and

Mr. Rodriguez, would you speak to that amendment, please.

[*Translation*]

Mr. Pablo Rodriguez: Mr. Chairman, there is a problem with the translation: in the French version, it refers to subsections (1) and (2), whereas the English version only talks about subsection (1)1. I just want to be sure the two versions correspond. That's all.

[*English*]

Maybe you want to speak on this, Maurice?

Mr. Maurice Vellacott: Would you prefer it? Okay, yes, sure. What do you want to hear?

Some hon. members: Oh, oh!

Mr. Maurice Vellacott: No, I'll tell you about a dog named Kyoto.

The Chair: Mr. Vellacott—

Mr. Maurice Vellacott: No, in seriousness, I was—

The Chair: Mr. Rodriguez, I think there is an error there that can be corrected.

Mr. Pablo Rodriguez: Yes, that's the purpose of the amendment.

The Chair: The amendment corrects it.

Mr. Maurice Vellacott: My only comment would be that I think, if it's serious, as you've done on the environment, naming your dog Kyoto is not sufficient in this bill or any other bill.

The Chair: I'm not sure I see that in this bill or in this amendment.

Some hon. members: Oh, oh!

The Chair: Are there any other comments on the amendment? It's simply a technical correction.

(Amendment agreed to: yeas 7; nays 4)

● (1045)

The Chair: Are there any other comments on clause 9 as amended?

Mr. Calkins.

Mr. Blaine Calkins: Thank you, Mr. Chair.

Clause 9 deals with reporting. I think everybody would agree, Mr. Chairman, that regular reporting to Parliament is essential; however, there are many technical barriers to reporting expected emission reductions on a year-by-year basis. For example, complete emission data is not available usually until 18 months after the end of any given year. So the focus of reporting should be on the accountability of meeting the objectives of this bill, and not simply reporting just for the sake of reporting.

Again, I would hearken back to what my colleagues have been talking about all morning. The government does have a proposed legislative plan that provides a more comprehensive and a more tailored set of authorities in reporting relevant performance information regarding air pollution and greenhouse gas emissions. The reporting targets in this bill are as bad as the emission targets set out by the previous government. We've had people who have testified in front of this committee—

[*Translation*]

Mr. Bernard Bigras: I have a point of order, Mr. Chairman. I believe my colleague is already debating clause 10, which deals with reports, even though we are still on clause 9.

[*English*]

The Chair: We are on clause 9, Mr. Calkins.

Mr. Blaine Calkins: I'm aware of that, Mr. Chairman. But we're talking about getting information into the *Gazette*, and we're talking about the obligations of the minister. I think it's completely relevant.

The Chair: Carry on, Mr. Calkins.

Mr. Blaine Calkins: The reality is that we've had people who have testified in front of the committee. When I asked a question, I think it was Mr. Sauchyn who said setting unachievable goals was as bad a self-fulfilling prophecy as setting other goals that are too far in the distance. I believe it's the juxtaposition that was before the committee at the time. We're now setting goals in this particular clause that are only for the sake of setting goals and have no relevance.

I would only like to say that the government's proposals are new, and we're going in a different direction. We'll tackle the problem head on.

I would suggest that my colleagues and I will be voting no on this particular clause.

The Chair: Thank you, Mr. Calkins.

Mr. Godfrey.

Hon. John Godfrey: I catch the argument. The suggestion is that these are unreasonable goals. The actual text of subclause 9(1) says “the greenhouse gas emission reductions that are reasonably expected to result for each year up to and including 2012”.

The Chair: Are there any other comments?

Mr. Vellacott.

Mr. Maurice Vellacott: I was going to say I don't, by the logic of my member opposite.... There have been various ones. Your own party, and so on, have said that the kinds of things you guys are talking about are just so much blah, blah, blah. I think that in terms of some of the targets set here, you also have the very same kind of thing. My suggestion to you is that it's a lot more blah, blah, blah from the party. As Mr. Ignatieff said, I think Canadians would be very disappointed if this were the best that we could do.

Thank you.

The Chair: Are there any other comments on clause 9?

(Clause 9 as amended agreed to: yeas 7; nays 4)

(On clause 10—*Review of Climate Change Plan and Minister's statement*)

• (1050)

The Chair: On clause 10, as you can see, we have an amendment from Mr. Rodriguez.

Could you please address the amendment to clause 10, on page 24, Mr. Rodriguez?

[*Translation*]

Mr. Pablo Rodriguez: Of course, Mr. Chairman. The Auditor General had concerns and wondered whether the Commissioner of the Environment and Sustainable Development could really do what the initial bill was asking her to do. Just to respond to those concerns and so that she feels comfortable with the bill as a whole, we are simply asking the National Round Table on the Environment and the Economy to do what we were originally asking of the Commissioner of the Environment and Sustainable Development. It's a very simple amendment.

[*English*]

The Chair: Thank you, Mr. Rodriguez.

Are there any comments on the amendment to clause 10?

Mr. Cullen.

Mr. Nathan Cullen: I'm trying to understand the reporting components of this, and perhaps Mr. Rodriguez can clarify it. What is the difference in lag time between when the actual numbers come out on where our emissions are and when this bill calls for those emissions to be brought to Parliament?

The Chair: Did you hear the question, Mr. Rodriguez?

Could you please repeat it, Mr. Cullen?

Mr. Nathan Cullen: One of the struggles we've had with tracking government plans and spending is that there's a two-year or so delay within what the actual missions were and what we're dealing with in the present time. I understand the purposes of getting it away from the Commissioner of the Environment, and we're in agreement with that. But in terms of the reporting and the ability to act upon that reporting, if it takes two years at any given time in terms of delay—a two-year delay to get it back—if this bill is attempting to change that or alter the way....

There's the accountability component. I'm trying to understand what the government's plans are, reporting back on what the

effectiveness of those plans are, but we have a two-year lag—a minimum of a year and a half, but most likely two years at all times. How does the bill account for that lag in the Minister of the Environment then setting out new targets, if those targets are based upon reports that come from two years ago?

The Chair: Mr. Rodriguez, can you clarify that for Mr. Cullen?

[*Translation*]

Mr. Pablo Rodriguez: We're talking about two separate things, Mr. Chairman.

This amendment and this specific part deal with the fact that the National Round Table on the Environment and the Economy — rather than the Auditor General — should be conducting an assessment and analysis of the government plan to determine whether it is realistic, achievable and will achieve the targets that have been set. This is done within 30 days of the release by the minister of a statement under subsection 9(2). So, that is quite clear. Working proactively, she looks at it immediately and ascertains whether the plan is realistic or not.

[*English*]

The Chair: Yes, Mr. Cullen.

Mr. Nathan Cullen: So this is as much just an analysis of the capacity of the plan to meet the stated objectives.

[*Translation*]

Mr. Pablo Rodriguez: Yes.

[*English*]

Mr. Nathan Cullen: Okay.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Thank you, Mr. Chairman.

I will be supporting this amendment, but I have to say that I am concerned about the fact that it won't be the Auditor General performing this work. The fact is we know full well that the National Round Table on the Environment and the Economy often receives mandates from the government. I'm not saying that the National Round Table is not operating at arm's length from the government, but I certainly would have preferred to see the work performed by the Auditor General, who reports to Parliament and whose mandate is to provide independent analysis of what has been proposed by the National Round Table on the Environment and the Economy.

It's important to remember that the National Round Table was established by the government, that its members are appointed by the government, and that the government often gives a specific mandate to the National Round Table on the Environment and the Economy. I will still be supporting my colleague's amendment, but I would have preferred that the person responsible for making the reports be someone more independent.

• (1055)

[*English*]

The Chair: Mr. Godfrey.

Hon. John Godfrey: Well, the purpose of this amendment was, of course, to answer the concerns of the Auditor General herself about the limits of the commissioner. The commissioner, yesterday in her testimony, said that once the programs are in place and there are results to be audited, she would automatically come back into play in her capacity as Commissioner of the Environment. That's what she does, but she does it after the fact. She does not have the capacity or the right to give policy advice before something actually happens. She can't comment on prospective things; she can only comment on things that have been done and the auditing. Although there is no specific reference now in the clause to the Commissioner of the Environment, her role of auditing after the fact automatically continues, and I think she confirmed that for us yesterday.

The Chair: Mr. Rodriguez, did you have a comment?

[Translation]

Mr. Pablo Rodriguez: I just want to point out the difference between the two times when something actually happens. The first step is to assess the validity of the plan. The idea is to ascertain whether it will attain the objectives, and that work is performed by the National Round Table on the Environment and the Economy.

Then, once that evaluation has been completed, the Commissioner of the Environment and Sustainable Development does what was planned originally. The National Round Table is only involved in the first stage. The Commissioner of the Environment and Sustainable Development does not have the power, since she is not an auditor, to make a judgment about the future; her assessment is based on the past.

The National Round Table looks whether the plan can meet the objectives that have been set and, once the year is up, the Commissioner of the Environment and Sustainable Development reviews the situation as a whole.

[English]

The Chair: Are there any other comments on the amendment? A recorded vote? No.

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

The Chair: So we're back to clause 10 as amended.

Mr. Calkins.

Mr. Blaine Calkins: Mr. Chair, it's important to realize that we on the government side support the recommendations of the commissioner concerning accountability and transparency. As my colleague Mr. Godfrey has said, that is our hallmark, and I appreciate he recognizes that.

The aspects of Bill C-288, though, such as accountability and transparency that would accompany the filing of regular climate change plans before Parliament, are positive proposals we support, including the National Round Table on the Environment and the Economy and the process of developing climate change targets and timelines. In fact, the national round table is engaged in this activity currently in support of the government plan.

Therefore, the idea of using the national round table to provide advice to the minister for accountability and transparency is already in place in the government's proposed plan. The government has an integrated plan to deal with both greenhouse gases and air pollution.

On air pollutants, the government plan is to establish national objectives for ambient air, particulate matter, and ozone for the periods of 2025 and 2050.

The government's plan is also to establish national emission reduction targets that reach to 2050 for total emissions of sulphur dioxide, nitrogen oxides, gaseous ammonia, volatile organic compounds, particulate matter, and for the following sectors: the oil and gas sector; the electricity sector; base metals; iron and steel; aluminum; cement; chemicals; forest products; transportation; consumer products; and commercial, institutional, residential, and agricultural sectors.

On greenhouse gases, the government's plan will—

• (1100)

Mr. Nathan Cullen: I have a point of order, Mr. Chairman. With all due respect to Mr. Calkins, a reading of what is planned to be developed in Bill C-30, since we're talking about Bill C-288... I know the government wants committee members to work together. Reading out a list of what the government has proposed in a completely different bill seems to me out of order when we're talking about Bill C-288.

We've been through this a number of times. If we're looking to waste time, then this is a way to proceed. I'd encourage all the committee members to raise valid arguments in debate, but not to delve into other bills. Let's talk about what's at hand.

The Chair: Again, if you could try to keep it to Bill C-288, I think that's a reasonable request, and of course, one that we started out with. So try to relate it to clause 10, if possible.

Mr. Blaine Calkins: Thank you, Mr. Chairman.

I never did mention Bill C-30, but I'd like to thank the NDP member for pointing that out to the committee. I'm just trying to compare and contrast the government's plan, Mr. Chairman, with the plan that would be put forward by this bill. I think it's completely appropriate to be discussing the opposing points of view.

The government does have a plan to develop medium-term emission targets for 2020 to 2025 for the sectors I just mentioned. The advice should recognize the outlook for Canadian economic growth and the government's intention to build upon the emissions intensity approach with targets that are ambitious enough to translate effectively into a fixed cap on absolute emissions.

The national emissions target should be adopted within the range of a 45% to 65% reduction from 2003 levels by 2050 and should include scenarios for how this target could be achieved, including the role of technology and capital stock renewal. In providing this advice, the national round table should also examine the medium- and long-term targets and policy approaches under consideration or implementation in other countries.

That's a much more logical approach than rushing blindly ahead with this bill and with this clause within this bill, Mr. Chairman, and I would encourage my colleagues to think about that.

So I won't be able to support this particular clause in this bill.

The Chair: Are there any other comments on clause 10 as amended?

Mr. Maurice Vellacott: I really like the contrast, the other, better plan that was referenced here before—the government plan—because what we are finding in this Bill C-288 is that it doesn't do the job in terms of cleaning up in the country.

As one well-known person in our Parliament, Mr. Ignatieff, has said, “We'll clean up Kazakhstan, but we won't clean up downtown Toronto,” and that's the nature of Bill C-288. We need to have a more thorough plan. The government plan does exactly that in contrast to this very weak and failed kind of bill that's before us today.

The Chair: Are there any other comments on clause 10 as amended?

Mr. Pablo Rodriguez: There's another amendment—

The Chair: That's separate. That's a new clause, so we'll vote on clause 10 as it exists, and then we'll come to new clause 10.1 and talk about that one and vote on that one. We'll have a recorded vote.

(Clause 10 as amended agreed to: yeas 7; nays 4)

The Chair: Mr. Harvey has asked for a five-minute rest break. I would like the committee's agreement on that. We'll take five minutes, Mr. Harvey.

• _____ (Pause) _____

•

• (1110)

The Chair: Perhaps I could get everyone to take their places, please, so we can get back to the clause-by-clause.

We are now discussing a new clause, clause 10.1, which you can find on page 28. This is proposed by Mr. Rodriguez.

Perhaps you could give us your reasons and discussion, please, Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: With pleasure, Mr. Chairman.

The addition of this clause is simply intended to ensure that the Commissioner of the Environment and Sustainable Development will examine the results at least once every two years. It would be preferable for the Commissioner to review them before that, but it will have to be done at least once every two years.

[*English*]

The Chair: Are there any comments on the new clause 10.1, any debate?

Yes, Mr. Harvey.

[*Translation*]

Mr. Luc Harvey: And what is the position of the Commissioner of the Environment and Sustainable Development in that regard?

The Canadian Environmental Protection Act stipulates that this has to be done once every five years. And even then, it only happened after six years the last time. Has the Commissioner been

asked whether, in her opinion, it would be possible to do this every two years?

[*English*]

The Chair: Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: We discussed everything relating to this section with the Auditor and her officials. There was one problem, but we corrected it. It had to do with proactive analysis. We were asking the Commissioner to determine whether or not the plan would meet Kyoto targets, and that posed a problem. However, in terms of reviewing the plan every two years to see whether or not it has met the targets, that did not pose a problem.

[*English*]

The Chair: Mr. Warawa.

Mr. Mark Warawa: Two days ago we had the commissioner here. She was one of the witnesses. This was not brought up; she was not questioned on this. So here we are with this on-the-fly type of legislation, which of course the Liberals are known for. One of the reasons the witnesses shared with us is that the Kyoto targets are not achievable.

I would not support this. It's not in the mandate of the commissioner. She was not questioned about this even as recently as two days ago.

Yes, we need more accountability on the environment, but this is, again, on the fly. This deals just with the climate change. If we want to discuss—not through Bill C-288—the accountability on the environment through the commissioner, that needs to be discussed thoroughly. On air pollution, we know that's a big, important issue for the health of Canadians. The quality of water and the land—there are a lot of issues that would invoke a healthy discussion.

To create a new clause in Bill C-288 on the fly, as the Liberals are famous for, I think is inappropriate, and I will not be supporting this.

The Chair: I have a considerable list here.

Mr. Cullen.

Mr. Nathan Cullen: As a point of clarification, are we looking at Liberal amendment 2, or are we looking at the original—

The Chair: We're looking at Liberal amendment 3 on page 28, at the addition of a new clause 10.1.

Mr. Nathan Cullen: Okay, I'll make comments afterwards, then.

The Chair: Okay, Mr. Godfrey.

Hon. John Godfrey: No, I'm going to cede to Mr. Scarpaleggia, who actually did ask the commissioner—

• (1115)

The Chair: Mr. Scarpaleggia.

[*Translation*]

Mr. Pablo Rodriguez: I simply want to say that—

[*English*]

Mr. Francis Scarpaleggia: I defer to Mr. Rodriguez.

[Translation]

Mr. Pablo Rodriguez: To answer Mr. Warawa, I would say that officials at the Office of the Commissioner of the Environment and Sustainable Development were obviously consulted about this, and it is not an issue.

[English]

The Chair: Mr. Scarpaleggia.

Mr. Francis Scarpaleggia: I asked the question quite pointedly at the last meeting and she responded in the affirmative.

The Chair: Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Chairman, I don't understand the government's argument. It's quite true that this is not included in the Commissioner of the Environment and Sustainable Development's current mandate, but she is an officer of Parliament and members of Parliament can certainly decide to give the Commissioner whatever mandate they so desire.

It may not be part of the Commissioner's mandate now, but if parliamentarians decide that it should, then it can certainly be added. I believe that is the whole purpose of this bill, and it is perfectly legitimate to propose this kind of amendment. No? I think he has a question.

[English]

The Chair: Mr. Warawa, do you have a comment?

Mr. Mark Warawa: In response to Mr. Bigras' comment, you don't do things like this on the fly; you do them properly.

As I said in my comments, should this reporting for proper accountability on the environment include pollution and air quality? Should we be looking at water quality and the pollution of the lands in Canada?

I said this should invoke good healthy discussion, but to have it inserted on the fly into Bill C-288 I don't think is good procedure.

The Chair: Mr. Rodriguez.

Mr. Pablo Rodriguez: As I said, to be very clear, it's not on the fly. It's been shown to the commissioner's office, and they agree with it. I would ask, what do you have against accountability?

The Chair: Just one moment, Mr. Warawa. We'll put you on the list.

Mr. Bigras.

[Translation]

Mr. Bernard Bigras: I understand what the Parliamentary Secretary is saying. It's quite true that it could be widened to include the pollution. Indeed, I invite him to table an amendment, when we review Bill C-30, to make that part of the role of the Commissioner of the Environment and Sustainable Development, and we can debate it then. I'm not saying I'm opposed, but I think the government's strategy since this morning has been to try and refocus the debate on Bill C-30, when in actual fact, we are examining Bill C-288.

[English]

The Chair: Mr. Harvey.

[Translation]

Mr. Luc Harvey: I want to come back to the question I asked earlier about the Commissioner of the Environment and Sustainable Development. The report on the Canadian Environmental Protection Act, or CEPA, was released 18 months late, in relation to the five-year objective. That means it took six and a half years for that report to be released, and yet people are saying it's not a problem and the Commissioner will be able to issue a report every two years.

One has reason to wonder whether that is really realistic because we know that the last time, it took six and a half years.

The other problem has to do with the method for counting CO₂ emissions. At this time, a number of industries do not have access to the technology.

I agree on the need to protect widows and orphans, as well as the environment, but I do have some very serious questions about this, particularly in terms of what there is an attempt to include in Bill C-288 to make it nice. I have the feeling that, as usual, it's going to be just smoke and mirrors — the kind of thing where there is movement, but not necessarily progress.

[English]

The Chair: Mr. Warawa.

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

In response to the two comments made, first from Mr. Bigras, absolutely, I do agree that Bill C-30 is far superior. Bill C-288 does not meet the targets that Canadians want in dealing with greenhouse gas emissions and pollutants. That's why I'm so excited about Bill C-30, and hopefully there will be good healthy discussion on that, and your support on that—or his support, speaking through you, Mr. Chair.

Mr. Chair, Mr. Rodriguez did make a comment that he's consulted with the commissioner. As I said, she was here as a witness two days ago and those questions were not asked of her regarding this motion. He said he has consulted her. I would ask, through you, for him to table her letter. He said she supports this. I would ask for her written response that she supports this, because I don't believe she does. I believe this is a policy on the fly, which the Liberals are famous for, and it gets the government into big trouble; it got them into trouble. We will not do that, Mr. Chair. We will do things properly.

• (1120)

The Chair: Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Chairman, I believe this is a very important clause. The fact is we have to ensure that Canada's national reports to the international community, through the subsidiary bodies of the Conference of the Parties, are consistent with the rules laid down by the international community under the Kyoto Protocol. In that regard, subparagraph 10.1(1)(b) is absolutely critical, since it deals directly with specific items under the Kyoto Protocol, such as meeting targets and carbon sinks. When the time comes to make a report on carbon sinks, will the report that is made to the international community be consistent with the conditions the community has set? Well, there is only one authority — namely, the Auditor General, who is independent — who can pass judgment on the type of report Canada makes to the international community. It simply a matter of ensuring that what Canada does is consistent with the rules laid out in the Kyoto Protocol. For that to happen, this must go through a non-partisan, non-government and independent authority. I believe the Commissioner of the Environment can play that role.

[English]

The Chair: Go ahead, Mr. Scarpaleggia.

Mr. Francis Scarpaleggia: Mr. Chair, I'm a little mystified. I just said a few minutes ago that the commissioner essentially approved this in response to a question I asked her two days ago, so if Mr. Warawa needs something in writing, I would suggest that he visit the blues.

The Chair: Go ahead, Mr. Godfrey.

Hon. John Godfrey: In fact, Mr. Scarpaleggia, if I'm not mistaken, when you asked her the question, initially she nodded, and you said, "I'd like to put it on the record that it's a yes", if I haven't been mistaken on the nature of the conversation. We can examine the blues, which might be of help. We will also attempt to get or may be able to get some written documentation to make the point further, but we did ask her, I think, in the presence of most of the people present in the room.

The Chair: Mr. Vellacott is next.

Mr. Maurice Vellacott: Well, I think that was a response to a different question.

But I think it's clearly irregular, Mr. Godfrey, as I think you know, to lay out the roles and responsibilities of these auditors and officers and so on almost on the fly in a bill like this, as my colleague has said. You do it in a more proper fashion. You spell out the role. It's a job description, if you will. It's not done by just tagging it onto a piece of legislation, as we have before us. I think it's certainly an irregular way of doing it. To write it up in the manner that's being done here is not the appropriate way of doing it. You get that role, that responsibility, that mandate for the commissioner in a separate piece, and not in the manner that you guys have done it.

The Chair: Is there any other discussion on new clause 10.1?

Hon. John Godfrey: I will just make the point that ever since the Auditor General sent her letter on October 23 raising these issues, we have worked—"we" being members of the opposition—with our advisers, both within our own shop and within the non-governmental organizations, to answer the challenge.

The two sets of amendments you have before you represent the fruit and the results of that consultation. At our meeting on Tuesday it was confirmed in testimony, which is retrievable, that these amendments were acceptable.

So this is not a slapdash, on-the-fly process. This represents a long period of discussion with many people, including the Auditor General's office and the Commissioner of the Environment's office. I think it's a mischaracterization of the effort that has gone into responding in an appropriate and responsible way to the Auditor General's letter.

The Chair: Go ahead, Mr. Warawa.

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

When did the clerk's office receive this amendment? It is a substantial amendment, a new clause. When did the clerk's office receive it?

The Chair: Could you answer that?

Mr. Eugene Morawski (Procedural Clerk): It was yesterday.

Mr. Mark Warawa: Do you have an approximate time?

• (1125)

The Chair: It says 13:24.

Mr. Mark Warawa: So we're talking less than 24 hours ago. This substantial clause, a new clause added to Bill C-288, was introduced less than 24 hours ago, and Mr. Godfrey is trying to convince this committee that it was well thought out, wasn't on the fly, and was presented here with great thought in great time.

Mr. Chair, I think the facts show quite the contrary. This is very much on the fly and very inappropriate.

The Chair: Are there any other comments on the amendment?

(Amendment agreed to: yeas 7; nays 4 [See *Minutes of Proceedings*])

(On clause 11—*Offences*)

The Chair: Any debate?

Mr. Rodriguez, do you have a comment?

Mr. Pablo Rodriguez: On clause 11?

The Chair: Yes.

Mr. Pablo Rodriguez: It's an excellent clause.

The Chair: Thank you.

Are there any other comments on clause 11?

Monsieur Harvey.

[Translation]

Mr. Luc Harvey: Mr. Chairman, with reference to clause 11 of the bill, I would like Mr. Rodríguez to explain to me how these powers will be exercised and how all of this will be implemented. It's all well and good to draft regulations, but you then have to be able to say who is doing what. And as far as I am concerned, the "who" is not clear. Neither is the "what". All this clause does is define penalties. But everything else also has to be defined. We talked about the fact that this is being done on the fly. And that continues to be the case. Somebody drafted this bill on the back of a napkin and put in the figure of -6 per cent GHG emissions, and now that's what we've got here.

[English]

The Chair: Mr. Cullen.

Mr. Nathan Cullen: I'm just seeking some clarity. I understand the use of fines and penalties to persons, and I think it also articulates companies, but I'm looking to see who the officer is who would conduct this. Or is that purely left to the hands of government?

Secondly, unless I've missed it here, where does the money go? If it goes into general revenues, that seems to me an inappropriate use of an environmental penalty. I don't know if the mover of the bill has any ideas or concepts here. It may be articulated in other places and I've just missed it.

The Chair: I believe Mr. Godfrey is next.

Hon. John Godfrey: My understanding—and this is subject to the fact that I'm neither a lawyer nor an environmental lawyer—is that this particular phraseology is standard language. It, or something close to it, can be found in the Canadian Environmental Protection Act and in many provincial statutes. There is nothing exceptional about it.

The Chair: Mr. Cullen.

Mr. Nathan Cullen: That may be well and good, but it doesn't answer my question: is the general concept in this bill to potentially penalize a person or a company and then have that penalty, whatever the sum is, go into general revenue? If so, I think the Canadian public wouldn't necessarily...

This may be standard legal text and legalese, and that's fine, but if what we're trying to do is create something different and special, then why pour money into general revenue? It doesn't encourage anything.

The Chair: Mr. Bigras.

[Translation]

Mr. Bernard Bigras: I also am having trouble understanding this. I agree with the principle and spirit of clause 11, but I am wondering how we're actually going to implement it. Will we be able to consider a regulation tabled by the government providing for penalties where offences have been committed? In this case, we are left completely in the dark. Nor is it clear whether these penalties would apply under the Canadian Environmental Protection Act. No reference is made to that legislation. I don't know whether it's by regulation that all of this will be defined later on, but it seems to me that some clarification or at least an answer is required.

●(1130)

[English]

The Chair: Mr. Rodríguez.

[Translation]

Mr. Pablo Rodríguez: I agree that the money will go into general revenues, because we have not provided for a dedicated fund. However, I am open to an amendment on that. What is important, however, is that there be mechanisms that penalized persons or corporations that do not meet their obligations under the Kyoto Protocol. That said, if people want to change something or they would prefer that the money go into a dedicated fund, as opposed to general revenues, I personally have no problem with that.

[English]

The Chair: Keep any conversations away from the table. The interpreter is having some trouble and is picking up on conversations.

Mr. Rodríguez, are you finished?

Mr. Pablo Rodríguez: Yes.

The Chair: Mr. Godfrey.

Hon. John Godfrey: I apologize for the noisy nature of our consultation. We were consulting with our advisers.

The offences and penalties language is not only the standard language found in the Canadian Environmental Protection Act, but it's also found in the Species At Risk Act. In other words, we're not trying to create a new system of incentives, funds, or anything else; we're simply trying to make the penalties consistent with other environmental legislation. It is not a creative section. It doesn't do anything new. It simply repeats the offences and penalties that are found in other established acts.

The Chair: Mr. Cullen.

Mr. Nathan Cullen: I appreciate that. With the process we're in right now, it's impossible or difficult to move amendments at this point.

I simply raise the caution and concern that while it might well be that other environmental pieces of legislation have an open end as to where the penalties go, it seems to me—and other jurisdictions, other countries, do this—if you're penalized for an environmental infraction, then that money gets used. We do that in our own country—not for penalties, but for any taxes put on batteries and various things, we try to apply those.... It has been the case for far too long in this country that we collect penalties or we use revenues in a general way that allows government far too much flexibility.

It's just open for consideration for future bills that we see in front of us.

The Chair: Thank you, Mr. Cullen.

Is there any other discussion on clause 11?

Mr. Harvey.

[Translation]

Mr. Luc Harvey: I asked who was going to deal with this, and I never got an answer. Mr. Cullen asked pretty well the same question that I did, as well as Mr. Bigras, but we never got an answer to the question.

Once again, it's all very well to talk about voluntary actions or measures on the part of industries. We may well say here that there will be fines, but if no one is responsible for actually implementing these provisions, one again, we're just improvising here. I don't know whether this was drafted on the back of a paper napkin last night, but I still haven't received an answer.

I am really trying to be objective in what I say and do here, but so far, we really haven't been given very much.

[English]

The Chair: Mr. Godfrey.

[Translation]

Hon. John Godfrey: First of all, we're not talking about voluntary measures; we're talking about offences and penalties.

Second, the same person is responsible — namely, the Crown, or Her Majesty in right of Canada.

[English]

The Chair: Mr. Rodriguez, then Mr. Calkins.

[Translation]

Mr. Pablo Rodriguez: This bill binds the government, Mr. Chairman. This is not just an empty piece of legislation. The government, through its various institutions, is responsible for this, just as it's responsible for everything else.

[English]

The Chair: Mr. Calkins.

Mr. Blaine Calkins: Mr. Chairman, I have had the privilege and pleasure of serving my country as a park ranger, as a national park warden, and as an ex officio law enforcement officer. In every bill that I've seen, whether enforcing the National Parks Act, the Provincial Parks Act of Alberta, or the Fisheries Act and regulations and so on, there is always a provision that there is somebody designated to be the enforcement person, whether ex officio RCMP, national park wardens, Canadian Wildlife Service staff, or whatever the case might be, or at least a clause that would allow the minister to designate who can enforce the rules and regulations.

Therefore, I would propose to my colleagues opposite, if they would like to, to amend this bill in some form or another so that we can clearly identify who is going to enforce this act. Without a designation of who is going to enforce this, the act will be impotent.

• (1135)

The Chair: Mr. Godfrey.

Hon. John Godfrey: In that case, is the honourable member suggesting that all of the acts that currently contain exactly the same phraseology are invalid because they don't designate an RCMP officer or somebody else? I mean, surely—

The Chair: Let him answer.

Mr. Calkins, do you want to answer that?

Mr. Blaine Calkins: Absolutely, Mr. Chairman.

As I said, I've had the pleasure of enforcing laws and I've been the guy wearing the uniform out on the front line. I've been the guy doing this. If you take a look at the act I have in my hand right now, the Canadian Environmental Protection Act, part 10 is enforcement.

Contrary to the way in which Mr. Godfrey has already misled this committee, clearly here is a part 10 enforcement dealing with the definitions that apply in this part, and they include designation of enforcement officers and analysts: "The Minister may designate as enforcement officers or analysts for the purposes of this Act, or any provision of this Act".

We have nothing like that. While the wording on the enforcement section might be similar in Bill C-288 to other acts that he is comparing it with, what's missing in Bill C-288 is a designation of enforcement. It's completely missing. It's completely void from this bill, which makes this bill, Mr. Chairman, impotent and completely useless.

The Chair: Mr. Godfrey.

Hon. John Godfrey: I'm not a lawyer. Is Mr. Calkins a lawyer? I'm just asking, because I'm not. I'm just trying to establish the fact that neither he nor I is a lawyer.

The lawyers who are in the room tell me that for this kind of act it is not normally necessary to specify the agency of the law enforcement. It is understood to be the government itself. It is not laid out that it shall be X, Y, or Z. This is standard legal phraseology, but neither Mr. Calkins nor I can comment with any degree of professionalism on this, because we're not lawyers.

The Chair: My only experience with this has been that in the regulations quite often that is covered in terms of where the fines go, who enforces, and so on. That's just from experience with past bills.

Are there any other comments? Mr. Calkins, did you have a comment? No.

Mr. Harvey, I believe, had a comment.

[Translation]

Mr. Luc Harvey: I have information from Mr. Godfrey. My colleague, Blaine Calkins, may not be a lawyer, but he was an inspector, and he knows what kind of tools he needs to do his job properly. Neither Blaine nor I need a lawyer to see that there are things that just don't work with what is being proposed here.

I understand that you may feel uncomfortable about this proposal, because I am also rather embarrassed about it. But what can we do? This happens to be a place where there are some big holes, just like there are elsewhere in Bill C-288. You are trying to turn this into something political so that you can justify your inaction over the past several years. The fact is we're at +35 per cent now, when we should be at -6 per cent.

So, the answer is yes, but there is nothing right about this clause. I will rely on the experience of Inspector Blaine. He knows what he needs to enforce a regulation, and it isn't there.

[English]

The Chair: Are there any other comments on clause 11?

•(1140)

Mr. Mark Warawa: I would like a recorded vote, please.

(Clause 11 agreed to: yeas 7; nays 4)

(On clause 1—*Short title*)

The Chair: Is there debate on clause 1?

Mr. Mark Warawa: Are we on the preamble or the short title? I believe the preamble would be the first, would it not?

The Chair: No. Clause 1 is the first, I'm advised, Mr. Warawa.

Mr. Mark Warawa: Then after that, the preamble.

The Chair: Then the preamble is next. Then we'll go to the title, and of course the bill, and reporting of the bill.

Anyway, we're at clause 1.

Mr. Rodriguez, did you want to start this off, or did you want Mr. Warawa to speak?

Mr. Pablo Rodriguez: I'll let Mr. Warawa.

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

I'll be speaking on the preamble. As far as the short title goes, it's

The Chair: We do clause 1 first, and then—

Mr. Mark Warawa: Well, clause 1 is the short title, as I just said. I will be speaking on the preamble after we deal with this.

On the short title, it says:

This Act may be cited as the *Kyoto Protocol Implementation Act*.

That's what we're talking about.

The only point I would make is that it's unfortunate the previous government didn't do what it should have done when it had the opportunity. So this Bill C-288 is mischief. It's trying to make the Liberals appear to care now about the environment, with the support of Bloc members and, unfortunately, the NDP.

Mr. Chair, it's all about optics; it has nothing to do with reality. We heard from the witnesses. Every one of the witnesses, except for one, said this bill is unachievable. We had a scathing report by the commissioner on the previous government for lacking leadership and lacking a plan. We had a scathing report from the witnesses. Yet we're forging ahead with a bill that is not enforceable. Their plan is to spend billions of dollars to buy targets, and there are not enough targets out there—credits they can buy—as we heard as recently as two days ago. So the plan, which has been amended on the fly, is a bad bill.

The Government of Canada has a good bill and will definitely will not be supporting their plan to disrupt and sabotage the plans of the government.

The Chair: Thank you, Mr. Warawa.

Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: I have nothing further to add.

[*English*]

The Chair: Are there any other comments on clause 1? Yes, Mr. Vellacott.

Mr. Maurice Vellacott: I would say, in summary and in support of what my colleague said, it's pretty obvious to those who heard testimony here over a number of weeks that this dog won't hunt, and I think Mr. Dion, the Liberal leader, knows that as well.

The Chair: Are there any other comments on the short title in clause 1?

Yes, Mr. Harvey.

[*Translation*]

Mr. Luc Harvey: Mr. Chairman, in recent weeks, we have heard at least 30 witnesses. Almost as a general rule, the Parliamentary Secretary asked them whether Kyoto targets were achievable or not. I asked them whether we had the technology needed to meet those targets and in what timeframes. We brought experts in the field in from all across Canada. They all told us that it would take four years to make any kind of change.

The results of what the Liberals did is that we now find ourselves at +35 per cent. Our Liberal friends have therefore introduced Bill C-288 to try and detract attention from the bill tabled by my government, the Clean Air Act. Either they want my government's bill to be put on a shelf somewhere or they just are interested in politicking. That's the term we use in Quebec to describe someone who puts his own personal interests ahead of the interests that are supposed to be paramount. Unless we brought all those people here for nothing, we should be able to recognize the fact that the Kyoto targets set by the Liberal government were not only unrealistic and poorly evaluated, but they were also developed on the fly.

In fact, without any embarrassment whatsoever, Liberal members admitted that they had drafted their Kyoto targets on the back of a napkin. But we're talking here about the economy of the whole country. Rather than thinking about getting re-elected and trying to achieve goals that are purely personal, we should be thinking of the interests of all Canadians. Those interests have to come before our personal interests, because we have obligations towards our parents, our grandparents, our children and our grandchildren.

What we are doing here through Bill C-288 is totally unacceptable, not only in my own opinion, but in the opinion of the experts who testified before us. We brought witnesses in from all across the country, which costs thousands of dollars, and the Liberals didn't listen to a single word they said and didn't act on any of their conclusions.

I am a little disappointed, Mr. Chairman.

•(1145)

[*English*]

The Chair: Are there any other comments on clause 1?

(Clause 1 agreed to: yeas 7; nays 4)

The Chair: There is debate on the preamble.

Mr. Warawa.

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

As we now approach the preamble, I sincerely wish I could commend the honourable member for his concerns about reducing greenhouse gas emissions, but Bill C-288 doesn't take us in that direction. That being said, the essence of his private member's bill is seriously flawed. We heard that from all the witnesses, except one.

I'd like to take the opportunity to speak on three specific points of the preamble that illustrate the concerns the government has on Bill C-288.

First, the focus of Bill C-288, which is the achievement of Canada's short-term Kyoto target, needs to be examined. Our government has initiated a discussion about what it would mean for Canada to achieve its first commitment period of the Kyoto target. This target can only be achieved within the short period of time remaining by spending over \$20 billion of Canadian taxpayers' dollars.

As we heard from a diverse group of witnesses at this committee, it may not even be feasible to buy all the needed credits to reach the short-term target set by the Liberals under the Kyoto Protocol and copied again into Bill C-288.

In the opinion of the government, it would be more appropriate to focus on the economic transformation needed to transform our economy in a way that would lead to more significant and sustained reductions in emissions by investing in improving Canadian energy and urban infrastructure. That's what we need to do.

As Bill C-288 states, Canada's target under Kyoto was 6% below 1990 emission levels. When we took office in early 2006, not that many months ago, domestic greenhouse gas emissions in 2004 were nearly 35% above the Kyoto target for Canada set by the Liberals, according to the latest available figure provided by the officials of Environment Canada.

Our government was forthright that the 2008 to 2012 Kyoto short-term targets cannot be met without spending over \$20 billion of Canadian tax dollars to purchase international credits.

One of the witnesses, Jayson Myers, chief economist for the Canadian Manufacturers & Exporters, calculated that the technological process in reducing emission intensity would have to accelerate by 700% during the next five years to meet Canada's Kyoto target by 2012. Mr. Myers based his estimate on the international price of \$20 per tonne, an assumption that he noted may even be low. The actual cost of meeting our short-term target under the Kyoto Protocol would cost considerably more than the \$20 billion.

We also heard from Professor Mark Jaccard, head of the Energy and Materials Research Group in the School of Resource and Environmental Management at Simon Fraser University in British Columbia. In a recent C.D. Howe report, he wrote that the previous climate change plan, project green, the Liberal answer to meeting the Kyoto short-term target, would have cost Canadians \$12 billion by 2012, with much of that money being spent outside Canada. Professor Jaccard concluded that if Canada were to implement and continue with the previous Liberal plan, Canada would spend at least \$80 billion over the next 35 years without reducing greenhouse gas emissions from current levels.

Obviously, Bill C-288 is not a good plan.

This is the crux of the issue. Do we spend billions of Canadian tax dollars internationally to buy international credits, or do we spend Canadian taxpayers' money on improving Canadian energy and Canadian urban infrastructure to reduce both air pollution and greenhouse gas emissions right here in Canada?

• (1150)

Canada's new government is taking a new approach by integrating action on air pollution and climate change to protect the health of Canadians and the global environment. Emissions of smog and acid rain pollutants and greenhouse gas emissions come from many of the same industrial and transportation sources. To be more effective, action needs to be integrated. Regulations that address climate change in isolation could effectively force industries to invest in technologies and processes that address greenhouse gases, while locking in capital stock that continues to emit air pollutants that endanger the health of Canadians—not the best government environmental and economic policy, obviously, Mr. Chairman. This is what Bill C-288 suggests that we do.

For that reason, Canada's new government will establish short-, medium-, and long-term reduction targets for both air pollutants and greenhouse gas emissions. Our plan will achieve concrete results through mandatory enforceable regulations with short-term, medium-term, and long-term targets. The short-term targets will be announced by spring 2007. Regulations establishing mandatory standards will replace the voluntary approaches that failed in the past. We will ensure that regulations are enforced and their objectives are achieved.

An integrated and coordinated approach for air pollutants and greenhouse gases makes sense because most sources of air pollutants are also the sources of greenhouse gas emissions. By taking action on both, our government will maximize the benefits to Canadians and allow industry to find ways to reduce both air pollutants and greenhouse gases in a way that helps industry maintain its economic competitiveness.

To recap, our opposition to Bill C-288 is related to its unrealistic short-term focus and the massive, ineffective costs that will come with that focus. In our view, it's important to approach the issue in a way that will ensure reductions in the short term, but that will also set the foundation for continued and more significant reductions over the long term.

It's even more important that these funds be spent here at home. Our second fundamental concern with Bill C-288 is that countries with targets now under the Kyoto Protocol account for less than 30% of global emissions—72% of global emissions are not included under the Kyoto Protocol. That's 72%.

For future international cooperation on climate change to be effective, all emitting countries need to do their part to reduce emissions. The emissions target of the Kyoto Protocol, as noted above, cover only 23 countries, plus the 15 members of the European Union taken together. By 2010, developing countries are expected to contribute 45% of global greenhouse emissions, and China and India, together, will experience greater growth in emissions than all OECD countries combined. China alone, in 1996, accounted for over 13% of carbon emissions, second to the United States, and on plausible projections for the two economies, China is expected to reach U.S. emissions levels by 2013. That's not that far away. Effective action cannot be taken by a relatively small group of countries alone.

Finally, the lack of a comprehensive coverage creates only potential problems within the Kyoto Protocol. Economic activities might relocate from countries with greenhouse gas emission ceilings to countries without those ceilings. Through such leakage, even the impact of greenhouse gas concentrations of effective action by the Annex B countries would be reduced. Apart from weakening the effectiveness of the Kyoto Protocol, such leakage would also involve costly adjustments by workers, firms, and towns that were brought about not by changes in economic efficiency but by a regulatory system with incomplete coverage.

Proponents of the Kyoto Protocol would not deny the fundamental point that key developing countries must eventually participate. They would argue, however, that someone must start the process, and it is natural that the world's richest and most heavily emitting countries do so.

• (1155)

Kyoto is only a first step toward solving the problem of greenhouse gas emissions and climate change. We must anticipate what the next step must be. We need to anticipate that. For those covered in Annex B, the natural next step is to lower the emission ceilings now set for 2012, to achieve, for example, 80% of 1990 emissions by 2022. If the Kyoto targets are reached, developing countries, as a group, will have CO₂ emissions equal to those of the Annex B countries by 2013—and growing.

How are these companies to be brought into the Kyoto framework, as they must be, if further impact on a global climate change is to be mitigated? That is why Canada is a major player in the United Nations-led climate change negotiations for longer-term reductions well after the end of the first Kyoto Protocol reporting period of 2012. We've also been clear that Canada will work with other countries to help advance the long-term approach to tackling climate change. Our government's actions at home will be the basis for future international cooperative efforts to address climate change.

Mr. Chair, as I've said before, we've heard from the witnesses that Bill C-288 is not the bill that will adequately address the issue of climate change. We've heard time and time again that it's the government's plan with Bill C-30, the Clean Air Act. Mr. Chair, we need to listen to what the witnesses said. We dare not forge ahead with a bill that has as its sole purpose trying to sabotage what the government is trying to do to clean up the air.

Mr. Chair, we are committed to reducing greenhouse gas emissions. Bill C-288 will not do that. The experts have told us it

won't work. Bill C-288 will not work, yet we see the Liberals forging ahead and planning on the fly.

Mr. Chair, I think I've made it very clear—I think each of us has—and I think the witnesses have made it very clear that we dare not forge ahead with Bill C-288. I'd ask the members of the Liberal Party, the members of the Bloc Party, and the NDP, please, do not play games. Work together with the government to reduce greenhouse gas emissions. Stop the games, and let's vote against Bill C-288.

Thank you.

• (1200)

The Chair: Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: Our colleague has just read a speech written by his staff. But I want to speak from the heart and based on certain values, Mr. Chairman. This is not a game; this is concrete action we are trying to take today to improve the living conditions of future generations. It is concrete action that we are taking collectively on behalf of our children and grandchildren.

Mr. Chairman, by voting against this bill and particularly its preamble, the Conservative Party is voting against what it says. It is voting against the statement that Canada is committed to the principle of sustainable development. It is voting against the statement that a healthy economy and a healthy society depend on a healthy environment. It is voting against the statement that Canadians want to take responsibility for their environmental problems, and not pass those problems on to future generations. It is voting against the statement that global climate change is one of the most serious threats facing humanity and Canada, and that it poses significant risks to our environment, economy, society and human health. It is voting against a whole set of principles and concrete actions which are intended to allow us to start now to make concrete changes for the future.

Of course, the Conservatives have no real alternative to propose. Their solution is legislation that contains no short-term targets or even any timeline and which does not make the government responsible for making changes now. It is a bill with no heart. A government that can make cuts such as the ones the Conservatives have made affecting women, young Aboriginals and the rights of minorities is a government without a heart. A government that is prepared to scrap the gun registry, that cancels an agreement with the Aboriginal peoples like the Kelowna Accord, and that wants to put children aged 10 to 12 in prison is a government without a heart. And this same government will also vote against a responsible piece of legislation intended to improve living conditions for our children and grandchildren.

That's all I have to say, Mr. Chairman.

[*English*]

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Thank you, Mr. Chairman. I will not go on for too long about what this bill is all about. We have had an opportunity to debate it in the House of Commons.

What I do want to say, however, is that the government should show a little more consistency. The fact is that the government whose members are sitting opposite has a particular characteristic, and that is that when it speaks to the Canadian people through the media, it asserts that Canada is prepared to meet its obligations under the Kyoto Protocol, but not necessarily its targets. At the international level, however, and particularly in Nairobi, not once did the Minister of the Environment actually state that Kyoto targets were unachievable. So, what we want is for the government to make up its mind. It can't be telling Canadians that Kyoto targets are unachievable and then declare in Nairobi, in front of the international community, that short-, medium- and long-term plans are needed.

In my opinion, this is a bill that would force the government to honour its international commitments. It includes flexible mechanisms. We also hope that the government, particularly as regards the preamble that sets out a number of basic principles relating to climate change, will support Parliament, the international community, the vast majority of Quebecers who are in favour of addressing climate change, and Canadians as well, the majority of whom are also supportive of this.

Thank you very much.

• (1205)

[*English*]

The Chair: Thank you, Mr. Bigras.

Mr. Cullen.

Mr. Nathan Cullen: Thanks, Mr. Chair.

I've resisted the many opportunities today to enter into the political fray with the diatribes that have gone back and forth at committee. However, perhaps I can take this last opportunity to remind committee members that we've often privately and publicly talked about the effort and need to try to move this particular topic out of the realm of partisan interests.

While I appreciate that all of us as members face pressures from our parties and our constituents to boost our own party's interests, ultimately we'll have failed Canadians if we continue to do this. There must come a point for pragmatism and a practical approach, whether it's through this bill or others. It seems that we must contemplate another reality for Canada, particularly for our economy. If we can't contemplate that reality and make it thus, we will have failed everyone who's come before us and all the constituents we try to represent. And while it seems like short-term gain at times to have a partisan win, we have seen with our record over the last number of years that the ultimate loss is all of ours to bear.

As we go ahead with this bill and others, my reservations remain over the built-in provincial clauses that have been put into this bill today. I think they're problematic and ultimately dangerous. But we'll be moving forward to support the efforts of this intention, as we have

declared our efforts to try to work with government and any opposition party willing to work with us.

Ultimately we have to decide, gentlemen—because that's who we have here around this table—what kind of legacy we'll leave behind in this particular Parliament and whether we'll have properly earned our pay and properly earned the votes and confidence of Canadians.

I'll leave it at that.

The Chair: Thank you very much.

Mr. Harvey, you're up.

[*Translation*]

Mr. Luc Harvey: Mr. Chairman, I have a few comments to make.

Mr. Rodriguez talked about my colleague, Mark, reading a speech. But I just want to say that the environment is an important issue for us, and that we don't just do things on the fly. I sincerely believe that if Mark read his speech earlier, it was only out of a desire to be completely open and accountable.

Also, you may remember that last Tuesday, the Environment Commissioner stated in front of this Committee that we could probably remove some 135 million tons of CO₂ from the system, in the best case scenario, but that this would require buying credits abroad. After that, an expert on assessing available carbon credits abroad told us that it would be difficult for us to buy more than 15 million tons worth.

In our debate on the bill today, we were criticized for defending a certain ideology. But the position of the Liberals, the Bloc Québécois and the New Democrats could not be more ideological. In terms of the preamble, we are all in favour of motherhood and apple pie. We can't be completely opposed to that principle. However, I find it rather sad that Mr. Rodriguez is moving a motion with respect to Bill C-288, probably with the sole purpose of delaying the government's work.

[*English*]

The Chair: Thank you.

Mr. Godfrey.

Hon. John Godfrey: What I didn't hear in the discussion—in fact, I just heard from Monsieur Harvey—is that....

[*Translation*]

If I understood him correctly, Mr. Harvey agrees with the principles laid out in the preamble.

[*English*]

In Monsieur Warawa's remarks, none of the facts that are laid out and none of the values of Canadians that are laid out were challenged. The only challenge is the crucial phrase, "this legislation is intended to meet, in part, Canada's obligations under the UNFCCC and the Kyoto Protocol".

The minister herself, in Nairobi, as Mr. Bigras pointed out, confirmed that Canada supports the Kyoto Protocol. The minister, I think I heard her say for the first time on Kyoto, confirmed that we would have to try to do something in the short term—that is, before 2012. All this does is translate that intention into a more vigorous form of action, monitoring, and accountability. That's what the preamble is about. That's what the bill is about. So either the minister misspoke herself in Nairobi or she intends to do her best to try to meet the obligations under Kyoto, which is the whole point of this proposed law.

●(1210)

The Chair: Mr. Warawa.

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

I appreciate this opportunity to clarify some of the comments that were made, particularly those regarding the minister going to Nairobi. I thank the members from the Bloc, the Liberals, and the NDP for accepting her invitation to go to Nairobi with her. I'm glad you found it informative.

The minister has said all along that we are committed to the Kyoto Protocol. As has been said, she was honest and shared with the Kyoto countries that we will not meet the targets. When she was in Kenya she did provide some clarification, that because of the inaction of the previous Liberal government, we find ourselves in the situation of being 35% above those targets. Of course, some didn't like her sharing the facts on why we are 35% above those targets, that it was the inaction of the previous Liberal government.

Mr. Chair, we are very committed to Kyoto and we always have been. The Kenyan government asked the minister to stay, so she stayed another couple of days and with our government signed a memorandum of understanding to help them with conservation projects in Kenya. That's how well respected she is. She also had a number of other countries share with her how happy they are with her commitment to Kyoto. They also shared the difficulties that they're experiencing as well in meeting the targets.

We've heard from witnesses that Canada now cannot meet the targets. That's what the experts have said. So the minister has been honest.

But we remain committed. We are one of 165 countries that have signed to continue our commitment to Kyoto, to be part of the Kyoto Protocol after 2012. We are actually one of the few countries that are right up to date with reports and funding to the Kyoto Protocol.

A progress report—it should have been released by the previous Liberal government in January 2006—shows that the projections were 47% above the Kyoto Protocol target. Of course, some would suggest that the previous Liberal government wouldn't want to release that bad news just before an election. But we did; we've met all of our Kyoto obligations, which the previous government did not, in reporting and funding, and we will do the very best we can to reduce greenhouse gas emissions. We've been honest: because of the inaction of the previous government, we are finding ourselves in the situation as a country that we are far above Kyoto targets. We cannot meet those targets. We've been honest with Canadians about that.

We will reduce greenhouse gas emissions. We do not support Bill C-288, because it will not reduce greenhouse emissions. It will not

take us in a way that will reduce pollutants, and Canadians do want us to clean up the environment. After 13 years of inaction, I think Canadians, and particularly the Conservatives, have lost trust in the Liberal plan.

People might ask, Mr. Chair, how many years of inaction and failure it will take for people to realize that the Liberal plan doesn't work. I'm quite surprised that the Bloc and the NDP would be supporting a plan from the Liberal Party, which has proven that it was not able to do anything within 13 years of government. So I'm surprised at that.

●(1215)

Moving to the preamble, the part I do have difficulty with is the bullet that says the legislation is intended to meet Canada's obligations under the Kyoto Protocol. Mr. Chair, all the witnesses, except for one, agreed this is a bad bill, it's not achievable. Therefore we will not be supporting it. The rest of the preamble we agree with, but being honest....

As I said, the witnesses support that this is not achievable. Bill C-288 is not a good bill, so we won't be supporting it.

The Chair: Is there any further debate on the preamble?

Shall the preamble carry?

An hon. member: A recorded vote, please.

(Preamble agreed to: yeas 7; nays 0)

The Chair: For debate, the title is the long title as it appears. Any debate or comments on the title?

Shall the title carry?

Some hon. members: Agreed.

Some hon. members: On division.

The Chair: Shall the bill as amended carry?

An hon. member: A recorded vote, please.

(Motion agreed to: yeas 7; nays 3)

The Chair: Shall I report the bill as amended to the House?

An hon. member: A recorded vote, please.

(Motion agreed to: yeas 7; nays 3)

The Chair: We will report the bill to the House as amended.

The final item: shall the committee order a reprint of this bill?

Some hon. members: Agreed.

Some hon. members: On division.

Mr. Mark Warawa: On division. I hope we would save a tree.

The Chair: Let me inform the committee before we adjourn that on Monday, as you'll recall, we were going from 3:30 to 6:30. The minister will not be available at that time, but will be available before committee from 11:30 until 12:30. The CEPA committee will go at the regular time, 3:30 to 5:30.

Does everybody have that? Good.

The meeting is adjourned.

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