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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Tuesday, May 1, 2007

•(1115)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** Good morning, everybody.

Today we're looking at Bill C-307, Phthalate Control Act. We are going to proceed.

As you know, clause 1 will be postponed pursuant to Standing Order 75(1). We'll begin with clause 2.

(On clause 2—*Definition of “Minister”*)

**The Chair:** I believe that our first amendment is a government amendment, which I believe you're not moving, Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** G-4 will be withdrawn.

**The Chair:** G-4 is being withdrawn, and so we'll begin, then, with G-5.

Go ahead, Mr. Warawa.

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

I'd like to begin by noting that there are two chemical names for DEHP, and they are di(2-ethylhexyl)phthalate and bis(2-ethylhexyl)phthalate.

The current version of Bill C-307 uses the first name for DEHP. The listing of the substance in schedule 1 of CEPA uses the second name, bis(2-ethylhexyl)phthalate. Therefore, I'm proposing that we use bis(2-ethylhexyl)phthalate in the revised bill, and I have submitted this wording to the clerk of the committee in my proposed amendments. However, in my remarks today I'll refer to DEHP, just for simplicity and because it's the name the committee is used to using.

There are two concerns I have respecting clause 2. The first is that the current version of the bill requires that the Minister of the Environment be called upon to regulate the purposes that are related, in essence, to health protection. The amendments proposed by the government would remove the need to refer to the minister and instead would refer to the Governor in Council.

Second, Bill C-307, as it's currently written, would use CEPA to control phthalates in cosmetics. However, cosmetics are usually regulated under the Food and Drugs Act. Clause 2 would therefore be replaced by a clause that would regulate DEHP cosmetics under the Food and Drugs Act.

**The Chair:** Did we want comment from our experts?

**Mr. Mark Warawa:** Yes, please.

**The Chair:** Go ahead, Mr. Cullen.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Chair, I understand the parliamentary secretary's intention here. There are other aspects of this bill, DBP and BBP in particular, as well as other components, that require the minister to be involved. So while he's talking about the Food and Drugs Act in particular with respect to DEHP, I don't see why striking the minister completely from the bill would make a great deal of sense, because there are ministerial authorities that still need to be there. There are products and chemicals he has jurisdiction over, particularly in terms of listing and authorities to do a redesignation.

So I understand the intention of being specific about this, but striking the minister from the bill entirely doesn't—

Maybe he can clarify.

**The Chair:** Mr. Warawa, we are into debate here. If we could just ask, I think you did request an opinion.

**Mr. Jean-Sébastien Rochon (Counsel, Department of Justice):** Thank you, Mr. Chair.

With the amendments proposed by the government, there would be no need to specify that “Minister” refers to the Minister of the Environment. The reason is that the motions put forward by the government would rely on the Food and Drugs Act, which is an act administered by the Minister of Health. The regulations made under this act are made by the Governor in Council.

I would also refer to the Hazardous Products Act, another act administered by the Minister of Health. Here again, orders and regulations made under this act are made by the Governor in Council.

Therefore, there's no need, with these amendments in mind, to specify that the minister referred to in Bill C-307 is going to be the Minister of the Environment.

**The Chair:** Mr. Cullen, I believe you had a comment. Then we'll have Mr. Bigras.

**Mr. Nathan Cullen:** Again, I appreciate it.

There are two things. One is ministerial accountability, which I know the government has a certain amount of keenness on, that is, knowing where the lines of authority are and who's essentially holding the bag for decisions that get made.

Second is that this amendment is contingent upon and assumes the passing, further on, of other amendments the government has suggested, which I, as the mover of the bill, am opposed to.

I go back to my recommendation, particularly when one looks at G-7 in terms of an amendment. G-5, G-6, and others are somewhat contingent upon whether G-7, as an amendment, lives or dies. We're having a debate about something that's yet to come, because the essence of what the government is attempting to do to this bill—and we have some arguments around G-7—happen later. It feels like we're going to have to return to clause 2, depending on what happens further on in clause 3.

**The Chair:** Before we get too deeply into debate of this issue, the clerk has advised me that there are some procedural problems with this particular amendment, as well, that members should be aware of. I can read those procedural problems, if you'd like. That might help to clarify.

This is now regarding amendment G-5, which is what we're discussing. It proposes to replace clause 2 in its entirety and establish a framework for making “regulations under subsection 30(1) of the Food and Drugs Act respecting cosmetics that contain bis(2-ethylhexyl)phthalate”.

Clause 2 is the interpretation section of Bill C-307 and provides a definition for the term “minister”. Amendment G-5 does not propose to amend this definition and is not relevant to clause 2.

As the *House of Commons Procedure and Practice* states on page 654, “An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.”

That's the procedural problem. Our Justice people are saying it's not a problem, so now it's up to the members of this committee to take a look at that and, of course, proceed as we desire.

Go ahead, Mr. Bigras.

• (1120)

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I don't want to repeat what you said, given your assessment, but in my opinion, amendment G-5 completely changes the spirit of the bill and even the responsibility for applying its provisions. Clause 4 of the bill very clearly says that the Canadian Environmental Protection Act is being amended. Therefore, I concur with your assessment of amendment G-5.

[*English*]

**The Chair:** Mr. Rochon is next.

**Mr. Jean-Sébastien Rochon:** Thank you, Mr. Chair.

I wish to clarify that Justice is not opposed in any way to the interpretation of the legislative clerk. The government's position, however, is that these amendments are necessary in order to ensure the validity of the bill if it passes.

As I was saying, I'm not an expert in committee procedure and I defer to the clerk in these matters, but the government's position is that this motion is necessary in order to reach the objectives laid out in this bill while ensuring that it is valid.

**The Chair:** Go ahead, Mr. Warawa.

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

I want to ask about the importance of referring to the appropriate statute, in this case the Food and Drugs Act, as opposed to CEPA; again, we have to make sure that the piece of legislation, if this does carry forward—

I neglected to begin my comments by thanking Mr. Cullen for his hard work on this bill. I hope there is consensus found at the committee and that this bill does move forward, but it has to be a bill that deals a good piece of legislation, a bill that goes to the appropriate statute.

My question is for you, Mr. Chair, and for Mr. Rochon.

The bill as presently written is referring to CEPA. Is CEPA the appropriate statute to deal with this clause?

**The Chair:** Would you comment, Mr. Rochon?

**Mr. Jean-Sébastien Rochon:** Thank you, Mr. Chair.

CEPA is a statute that has regulatory authority that would allow us to make some regulations with regard to cosmetics, toys, and so on. The concern is that these regulations are now found in other statutes that are tailored to these needs: the Food and Drugs Act with regard to cosmetics, the Hazardous Products Act with regard to children's toys, and so on.

I believe the idea behind the motion is to ensure that the current regime in place, the regime that's already existent, is applied and remains ongoing, and should be sufficient in order to—

**Mr. Bernard Bigras:** I have a point of order.

**The Chair:** Go ahead, Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, it seems to me that we are starting to get into a debate, when you in fact ruled this amendment out of order. In my opinion, we're getting to the crux of the amendment. You made a ruling and you may perhaps wish to check with the members to validate it, but it seems to me that we are debating the essence of amendment G-5, when you already deemed it to be out of order.

[*English*]

**The Chair:** Mr. Bigras, basically what I'd hoped to do was introduce the fact that there were concerns. Obviously we want a workable bill, and I think this discussion does lead, hopefully, to an understanding of the government's position on how to make this workable. I didn't actually rule it inadmissible; I simply said there are some concerns.

At this point, let's carry on debate to be sure we have it clarified, because I think this will make it much easier as we proceed.

I believe, Mr. Cullen, you're next.

**Mr. Mark Warawa:** On a point of order, Mr. Chair, I had not finished.

**The Chair:** I'm sorry, Mr. Warawa.

**Mr. Mark Warawa:** I was asking for an answer here.

You're suggesting that the Food and Drugs Act is the best wording in this bill. You said that this is the traditional mechanism used to deal with the cosmetics, the Food and Drugs Act, as opposed to CEPA. Why is that? Are there enforcement mechanisms in the Food and Drugs Act that will help deal with phthalates in cosmetics?

•(1125)

**The Chair:** Mr. Rochon.

**Mr. Jean-Sébastien Rochon:** Thank you.

The Food and Drugs Act is indeed tailored to deal with products such as cosmetics. There are currently cosmetics regulations under the act. They're an enforcement regime that is, again, tailored to these kinds of products. I really can't speak to this with much proficiency, but there is some expectation, I believe from stakeholders, that these products are being dealt with under the Food and Drugs Act.

**Mr. Mark Warawa:** So you're suggesting that is the appropriate place.

But Bill C-307, as written, is to have it under CEPA and to have the minister—You're saying that the specific minister, the Minister of the Environment, may not be the appropriate minister, so you're saying Governor in Council, to get the general budgets. The principles are still the same. You're dealing with the authority to deal with it, but also under the proper statute.

Is that what you're saying?

**Mr. Jean-Sébastien Rochon:** That's correct, Mr. Warawa.

I guess this brings us to the question of the bill itself. There are a number of concerns with Bill C-307.

To begin with, it is unclear under what authority the Minister of the Environment is expected to make these regulations.

**Mr. Nathan Cullen:** I have a point of order, Mr. Chair.

**The Chair:** Yes, Mr. Cullen.

**Mr. Nathan Cullen:** There are two important things, and there's no disrespect to our esteemed guests here.

One principle the committee must accept as we enter into this debate is that the bill, in principle, has been accepted by the House of Commons. What the committee has been charged with is making refinements to the bill, not dissuading itself from the true intention of the bill.

We were willing to entertain this conversation, even though I suggest that further on, this is all assuming the passage of a government amendment that we haven't seen and that, I will argue, goes to the very heart of the bill and changes the nature and heart of the bill. We've had consistent rulings in the environment committee and other committees of Parliament that you simply can't do that. Committees are masters of their own fate—to a point. The “to a point” is that when we are given the task of addressing a bill, we accept it on principle, which the House of Commons has—on division, I might add.

The debate that we're getting into now and the allocation of where the designation goes makes assumptions of fundamental changes to the bill.

**The Chair:** I do want to move on.

Mr. Bigras, if you could briefly make your point, then we'll go back to Mr. Warawa, and we'll move on.

Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** I think it's clear, Mr. Chairman. According to our rules, this amendment is out of order. I repeat, we're getting into a substantive debate and we'll end up—I understand that this may be a point of information. From the beginning, we've allowed the government and opposition members to challenge the purpose of this amendment.

However, you need to be firm, to clearly state that this amendment is out of order and that it's time to move on to the next one. Those are the rules. Unless the clerk tells me I'm wrong, we must follow the rules. Some questions have been allowed, to clarify the situation, but now it's time to move on.

[*English*]

**The Chair:** Mr. Warawa, very briefly, please.

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

I suggested this amendment in order to provide clarity and to assist where we believe this committee would like to go, and provide the appropriate tools. An analogy I would use is that of somebody building a house and banging a nail with a screwdriver. We're handing them a hammer and saying, this is the appropriate tool

. So if the goal is to deal with phthalates, we're suggesting that the Food and Drugs Act would be the appropriate statute, not CEPA.

The member is quite right: if they want to move ahead and provide a bill that is not well written, is not using the right tools, the committee has that right. I'm suggesting that it should be well written, and we're hoping to be able to support the bill. If it's poorly written, using the wrong statute for enforcement, then one would question why it would not have the right tools. Is it for optics? We need to have a bill that is realistic and uses the right tools.

•(1130)

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

I don't believe Mr. Cullen was that convinced of this. I think at this point I would have to take the clerk's advice and say that this amendment is beyond the scope of Bill C-307 and therefore rule it inadmissible.

We'll move on, and hopefully G-7 will, as you pointed out, clarify this.

Yes, Mr. Warawa.

**Mr. Mark Warawa:** Mr. Chair, Mr. McGuinty had his hand up before you ruled.

**Mr. Nathan Cullen:** A ruling has been made.

**The Chair:** I apologize, Mr. McGuinty. I wasn't aware that you did. Is it pertinent to this discussion?

**Mr. David McGuinty (Ottawa South, Lib.):** It is.

I don't think anybody wants to leave this process, Mr. Chair, and deliver up ineffective legislation. I'm sure the writer of the private member's bill wants to see it work. We've got expert advice sitting in front of us here. We've received government amendments that are longer in text, I believe, than the entire Bill C-307 itself. I haven't heard, as a member of Parliament, the overarching rationale for these changes. It would be helpful, I think, for all members of Parliament to hear where this is taking us.

I think Mr. Cullen is absolutely right when he talks about one change having distributive effects later on and effectively gutting the bill. I don't think anyone is interested in gutting the bill. I assume we want to work and come out of here with a good piece of legislation that will achieve the ends that Mr. Cullen has put in terms of the overall essence of the bill.

I have heard nothing, but I have received and have had deposited in front of me 16 separate amendments from three parties. It would be useful not to commit to anything at this stage, but to hear what the rationale is here. Have we got this so fundamentally wrong?

I don't think, Monsieur Bigras, with all respect, that we can go on and consider these one after the other, rule them in or rule them out, and make changes if we don't have some overarching understanding of what the government is proposing. That would be my suggestion.

Can we hear a generalized statement? We were beginning to hear a statement from, I think, one of our witnesses, or perhaps Mr. Warawa. To put us in a situation where—This is not an apples and oranges situation. I don't think we want to say to Mr. Cullen that we're going to rewrite his bill completely, that it's going to be unrecognizable when it comes back to the House of Commons. But we need some kind of statement as to where we're going here.

**The Chair:** Your point of order, Mr. Cullen.

**Mr. Nathan Cullen:** The question that was put forward to the committee, as is oftentimes the case with amendments, was on admissibility. Is the amendment admissible? Has the amendment threatened the very will and intention of the bill that's been passed by the House? That's the point. Of course we're looking for improvements. We've been meeting with government officials; we've been meeting with the parliamentary secretary, and other members from around this table. Of course that is the intention. But if we're talking about admissibility, the permission to actually make the amendment or not, this has been ruled inadmissible. The debate as to whether it's an improvement to the bill or not is not admissible by definition. To go round and round in this conversation about further improvements and whether the right tool is being used.... This has been accepted by the House of Commons in its intention and direction. To change that intention and direction is not admissible under the rules by which we govern ourselves.

**The Chair:** Overall, Mr. Cullen, I tend to agree with you.

On Mr. Warawa's point that it would be better if it dealt directly with the Food and Drugs Act, and so on, I can understand what he's trying to do. I think the time at which it's being done is the problem.

I would suggest we proceed. I think your original discussion, Mr. Cullen, was that by the time we get to G-7, Mr. McGuinty's points will be put forward.

Mr. Warawa, you will need to argue the point as to where exactly the overall bill is going in order to make it a better bill and a functional bill for the people of Canada. That's what all of us should be here for, and hopefully by moving on we'll get to that point. And we'll get the explanation, Mr. McGuinty, so that all of us can be clear about it.

I would like to vote on clause 2.

(Clause 2 negatived)

• (1135)

**Mr. Nathan Cullen:** I'm sorry, what were the votes?

**The Chair:** The votes were four to three, with four abstentions.

**Mr. Nathan Cullen:** Fantastic.

(On clause 3—*Regulations*)

**The Chair:** On clause 3, we have the first amendment.

Mr. Warawa, did you withdraw all three of the amendments regarding headings?

**Mr. Mark Warawa:** Yes.

**The Chair:** Yes. So amendment G-6 is withdrawn, and we're now on G-7.

Mr. Warawa.

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

We have a number of concerns with clause 3 as it's written.

First, the bill would take regulatory action on DBP and BBP without scientific assessments in support of that action. Risk assessments conducted in 1994 and 2000 found that DBP and BBP did not pose a risk to human health. Taking regulatory action without scientific evidence could result in legal challenges in trade disputes. Therefore, we're moving to withdraw references to DBP and BBP in clause 3.

We are, however, committed to reviewing new information on DBP and BBP. We will move to add a fifth clause to the bill that would commit the government to reassess DBP and BBP under CEPA. It will be amendment 15, which will be discussed further.

Secondly, as currently written, Bill C-307 would use CEPA to control phthalates in toys and other children's products. Again, these products are normally regulated under the Hazardous Products Act. We need to deal with the appropriate statute.

Our amendments would therefore replace clause 3 with one requiring the Governor in Council to make an order under the Hazardous Products Act to prohibit the use of DEHP products that could be put in the mouths of children less than three years of age.

Finally, Chair, the prohibition of DEHP for medical devices may result in effective devices being withdrawn from Canada. Alternative devices that are phthalate free have not yet been tested for all of the uses and, in some environments, are currently licensed devices. Without sufficient safety and effectiveness testing, these devices may introduce other safety risks to Canadians. No other country has stipulated a phase-out time for DEHP in medical devices. No other country has stipulated a phase-out time. We move to withdraw reference in the bill to regulations pertaining to DEHP in medical devices.

However, we're committed to phasing out phthalates in medical devices, starting with those used by the vulnerable populations, and they are children, pregnant women, and newborns. We will move to introduce other measures to meet those objectives. The objectives and motions are found in a new clause in amendment 15.

Thank you, Chair.

**The Chair:** Thank you.

Before I go to Mr. Cullen, Mr. McGuinty, do you get a feeling now for their concerns regarding making this a very functional bill? Do we need to hear from Mr. Rochon? Have you received some clarity?

**Mr. David McGuinty:** Well, the only thing I can deduce from what I've heard is the notion that the powers—As Mr. Rochon said, it is unclear under what authority the environment minister can make the regulations that are called for in the bill. We've heard that there ought to be different statutory authorities referenced in the bill, as opposed to CEPA. We've just seen the interpretation section of this bill not pass, which means it's not the Minister of the Environment. Is that correct?

I'm at a point where I'm not sure how much further we can go without taking a break, which I would recommend, or getting further explanations. There are a number of other substantive changes that I'm seeing now. For example, in the bill, we're talking about a prohibition; in the amendment, we're talking about an order. I don't know if it's the same thing at all.

• (1140)

**The Chair:** Well, these are the concerns that the clerk has, as well, regarding some of the wording.

Mr. Cullen, I believe you had your hand up next.

Oh, you have a point of order, Mr. Bigras.

**Mr. Nathan Cullen:** This is actually a point of order, Chair.

**The Chair:** Okay. Mr. Cullen, go ahead, and then Mr. Bigras.

**Mr. Nathan Cullen:** Again, there is room and space within our negotiation to enact certain other statutes or use other mechanisms and tools. This amendment completely strips the bill of its intention and focuses it in a new direction entirely. If this were allowed with every piece of legislation that came before committee, the whole process of accepting something through second reading in the House would be redundant because the committee's going to rewrite the intention and spirit of the bill anyway.

This absolutely changes the intention. We'll wait for a ruling, but clearly the point of order I raise is around admissibility.

**The Chair:** Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, these discussions on Bill-307 are not starting off well. Once again, we're discussing an amendment that most likely is inadmissible. Even if we agreed to it, the Speaker of the House would rule that this bill cannot proceed any further because it's very spirit is being altered.

I'd like to know where we are going with all of this. We can debate at length all of the following amendments, but there is a possibility that when the bill is sent back to the House, the Speaker will rule fairly quickly that we can't proceed any further with it.

Clause 2 has been voted down and some of the changes proposed by the government party have been ruled inadmissible. I understand people wanting to make the bill more practical, but the fact remains that we have a fundamental problem. I'm even wondering if we can proceed any further.

[*English*]

**The Chair:** Well, Mr. Bigras, the clerk and I have discussed this. If we go back to a number of rulings of the Speaker, he is very cautious in terms of changing what committees decide. It would be up to him as to how he would interpret that. You've heard him say a number of times that committees are masters of their own fate. Unless we have done something major, I believe he will rule that the committee was in charge of that.

I don't want this debate to go on long. We've had a suggestion from Mr. McGuinty that we take a break and re-examine some of these amendments.

We've been at this a long time. We do have until June, of course. I know that's not your intention, Mr. Cullen and Mr. Warawa, but let's get this right.

I believe, Mr. Warawa, you have a point to make here.

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

I repeat that I think there is goodwill within the committee to deal with phthalates. But we have to have a bill, Chair, that will pass a sober second thought if it is to pass from this committee through the House and on to the Senate. So we need to get it right. We need to have a bill that is constitutional and that deals with the appropriate statutes. As I shared, what is being proposed in the way it is written would have legal problems.

I think the suggestion of Mr. McGuinty that maybe we break, or adjourn if that's his suggestion, is good. Hopefully we can come back with some common ground. There definitely is a willingness to help this move forward, but using the right tools, the right statutes.

So if that's his suggestion, we would favour that.

• (1145)

**The Chair:** In order to adjourn, the clerk advises me we would have to have all parties agree to that. Are you thinking adjournment for this meeting entirely? That is your proposal.

Obviously we would need all-party agreement in order to adjourn. We are at the government amendment 7. We can't just stop there and adjourn without all-party agreement.

Mr. Cullen.

**Mr. Nathan Cullen:** My original understanding of Mr. McGuinity's point was to allow some time, in the order of 15 to 20 minutes, to have some discussion about the best way to proceed, which we would attempt. In adjourning, we'll return to almost the identical conversation and waste the committee's time. We have everybody here, so let's have 15 minutes to work something out. We will not agree to an adjournment of the committee's hearing today.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** I think the issue goes deeper than that, Chair. We have a legislative chair ruling and yet we have Justice ruling differently and providing guidance to the committee on how to properly write this legislation with the right statute. I think it would need more than 15 minutes to provide advice to this committee and hopefully get consensus among the members.

**The Chair:** Mr. Bigras, go ahead.

[Translation]

**Mr. Bernard Bigras:** We have a problem. I understand that Mr. Warawa has evaluated the scope of the bill and has concluded that it could be unconstitutional. However, that's his own opinion.

Your job isn't difficult, Mr. Chairman. You're supposed to tell us if the bill and the amendments put forward are either admissible, or inadmissible. If they are admissible, then we'll debate them and vote on them. That's what your job entails. However, it's a different story if a colleague challenges your ruling. It will then be put to a vote.

To my mind, it's important to proceed very carefully and to follow the rules.

[English]

**The Chair:** Thank you, Mr. Bigras.

As you know, how I attempt to run things is through consensus, through working together, through understanding the issues, and not necessarily just following rigid, hard procedure. We have a concern between the clerk and the Department of Justice. We're trying to get that concern out so that we have a functional bill at the end of the day that hopefully gets royal assent and becomes law. That's our purpose.

[Translation]

**Mr. Bernard Bigras:** No, Mr. Chairman. We're not looking for a practical bill, but rather for one that complies with the rules. Rules need to be followed. As I see it, you're not strictly following procedure today. We can always debate semantics and the spirit of the bill, but we must follow procedure.

That's been true for all of the bills we have examined in committee. Amendments have been put forward. It's unfortunate for Mr. Warawa if these amendments are inadmissible, but it's his responsibility to put forward amendments that are in keeping with the spirit of the bill. I think that's pretty basic.

Procedure must be followed. Either the amendments are in order, or they are not. If they are inadmissible, then it's unfortunate, but we must set them aside and move on to those that have been deemed in order. I've been an MP for 10 years and unless I'm wrong, that's how things have always worked. I don't see why we would proceed any differently today.

[English]

**The Chair:** Mr. Godfrey, we haven't heard from you.

**Hon. John Godfrey (Don Valley West, Lib.):** I think, of course, that Mr. Bigras is completely right from a technical point of view. The practical challenge we have is that the changes being proposed by the government, which may be completely valid, are so extreme in the sense that, first of all, we're changing from one minister to another, from one act to another, and in a sense eliminating two of the three phthalates that were targeted by the legislation and three of the four uses that were targeted by the legislation. That strikes me as a fairly dramatic set of changes to be confronted with in one morning.

I think we do need to have a break, but I think it needs to be more than 15 minutes. The practical way of getting around this is that Mr. Cullen needs to negotiate with the government on finding some kind of common ground, and then with us, so that we've actually got a package.

We don't have a minister to do it now because we've already eliminated the proposed minister under clause 2. Because the changes are so big, it may go beyond the scope of the bill. I think it's up to Mr. Cullen to talk to the government in an off-line conversation and then come and talk to the rest of us so we can get the things through; otherwise, it's not going to happen.

• (1150)

**The Chair:** Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** Mr. Godfrey's suggestion is an excellent one. I don't think we can resolve any basic problems in 15 minutes, as Mr. Cullen will surely agree. I suggest we adjourn the meeting and give the government and Mr. Cullen a few days to confer and come up with amendments that are in order. There is no way that we're going to start debating as to whether an amendment is in order or not. If we go down that path, then we're leaving the door wide open.

I suggest that we adjourn today's meeting and let Mr. Cullen confer with the government, as Mr. Godfrey suggested, in order to come up with something more effective and practical, while at the same time keeping to established procedure.

[English]

**The Chair:** Mr. Cullen, can I give you the last word here on this, please?

**Mr. Nathan Cullen:** Sure.

I'm as much concerned about the bill and the merits of what we're talking about as the process this committee adopts in the future. I think we have to be very cautious as we go through considering these types of amendments in what we do in the future, whatever bills and considerations various committee members or government bring forward, because precedence is everything in this place—everything.

We will accept the notion of pausing today's meeting and bringing it back, and we'll have to work with the clerk as to the next discussion point.



I will submit to the committee members, though, as we go in—and the lines of communication have always been open and have been ongoing—at the substantive changes, these are just differences of opinion, fundamental. There's not a lot of nuance left in the discussion.

So we'll have those discussions. We'll attempt to forge the consensus that you, Mr. Chair, seek. At the end of the day, I will remind committee members that Bill C-307, as written, has been accepted by the House, and this committee is charged with the duty of refining it, not changing its substance and merits and direction, and that will remain my intention.

I know Monsieur Bigras has some concerns. We've talked to them about this, and we will continue to talk to government. I assume, from the chair and the clerk, that the meeting next week or at the end of this week will be our next meeting time. I'm not interested in delay. We've had this bill for a number of months already. It was introduced last year. I think it's time to get on with this and just understand that there will be differences of opinion on some of the merits that we talked about.

But under precedent and respect for this place and the House of Commons, we will not change the principles and merits of the bill. They're fundamentals. That is an absolutely disastrous course to walk down, regardless of what's contained in this particular bill.

**The Chair:** I think, Mr. Cullen, my response to you and Mr. Bigras and Mr. Warawa would be to say, work it out, guys; come back here on Thursday and let us know exactly what it is, and we will then follow procedure much more rigidly than we have today.

That's notice to everybody that we will follow this procedure and everybody will know that. But you have two days to work it out, and

we'll return, then, on Thursday and we'll get through this bill—hopefully a better bill than what we have now.

Mr. Warawa.

**Mr. Mark Warawa:** Thank you for your comments—from the chair, and also from the members in the committee. There is a willingness on behalf of the government to find common ground.

For clarification, on Thursday, then, we will continue with Bill C-307; and Bill C-298 will be on Tuesday of the next week. Is that correct?

**The Chair:** My hope would be—because I haven't seen the same sort of interest in Bill C-298, if that's a fair word to use—that if you've done what I as chair have instructed you to do, we'll be through Bill C-307 fairly quickly and possibly even have time to get to Bill C-298. That's what I would attempt to do, to get us back on schedule.

We have arranged witnesses for our next sessions. We hate to start changing air tickets, and so on. Some people have already adjusted to meet what we've asked them to do.

• (1155)

**Mr. Mark Warawa:** So the first order of business will be Bill C-307.

**The Chair:** Bill C-307 is the first order of business. We will proceed quite quickly, I hope, through that.

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

**The Chair:** Thank you.

The meeting is adjourned.

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