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**EVIDENCE**

**Thursday, December 6, 2007**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Thursday, December 6, 2007

• (1535)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** Order.

There are several things I'd like to remind members about.

First, we're looking at Bill C-377, obviously, and you've seen the NDP tentative work plan. We do have some names put forward.

We have to remember that the bells will go at 5:15 p.m., so we will be leaving fairly soon to go and vote.

Also, members, there is the possibility, as there always is at the end of a session, that we might not be here next Thursday.

What we really need is a list of names and a format we can go by so that our clerk, Norm, can work over the holiday period and make sure that we have the sessions set up for after Christmas.

I would like to ask you, first of all, if you want this in camera. Normally future business is done in camera. I don't know if it's of any concern today.

What's the feeling of the group?

Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Chair, I don't care whether we're in camera or in an open meeting. I'm fine either way.

**The Chair:** Mr. Regan, do you have an opinion on that? No problem?

Mr. Lussier, no problem?

Is there any problem with it being open? Okay, we'll proceed then.

There's a suggestion that on Tuesday we begin our study of Bill C-377 by having Mr. Layton, the mover of this bill, to introduce it, and by having Donnelly and Bramley as speakers, possibly looking at the first hour or thereabouts for Mr. Layton and the next hour for our two witnesses, or some combination of that.

The suggestion then is that we agree to a tentative work plan and, most importantly, get a list of and prioritize the people you would like to have as witnesses. That then lets the clerk have the freedom to arrange the meetings, arrange the witnesses, and not have to wait for us to come back to make those decisions.

Hopefully we can proceed that way and make this a relatively short meeting.

Mr. Warawa.

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

I've looked at the proposed meetings from the NDP. They have proposed six meetings. Is it your plan to start off with an overview of the proposed meetings and then deal with the first one, or do you want to do them one at a time?

**The Chair:** I guess I'm going a little further, saying that I would hope that we could possibly make a decision on that first meeting right now, which would be, as I suggested, Layton, Donnelly, and Bramley. That would get us started. Then we could proceed through the list and make changes or additions.

I don't want to look at all of the witnesses here and discuss each witness. I don't think that's very productive at this point. We should prioritize them and then we'll get the witnesses we can get, as suggested by members of the committee.

Mr. Warawa.

• (1540)

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

I have no problem with that. There's a limited amount of time, so we're talking about Tuesday of next week. That gives them a few days to make appropriate plans. Hopefully Madam Donnelly and Mr. Bramley would both be available; I'm optimistic.

So I'm totally fine with that, but I would like to make one addition to that first meeting. The proposal is for an introduction of Bill C-377, and then hearing from the NDP leader, Mr. Layton, and then those other two witnesses. What's being proposed here is the first hour for Mr. Layton and then the second hour for the other two witnesses.

In terms of the purpose and the topic of that meeting, I'm hoping that some of the very important points are going to get covered in that meeting. What I would like to see addressed in that is target-setting, as in how the targets of the bill were set. And that's the heart of the bill, these targets. Our being able to support or not support the bill is dependent on the science of those. Where did the targets in the bill come from? How were those targets set? And what was the analysis used to propose those targets? I think those are very important points.

So if we let the witnesses know that this is what we're going to be asking, then they'll be ready to answer those types of questions.

**The Chair:** I certainly think we can suggest to them that these are some of the major areas that we would like them to cover, and the clerk can do that.

I should tell you we understand at this point that Mr. Layton would be available, that Donnelly would be available, and that Bramley would be available via teleconference. We would have two witnesses live and one on a teleconference.

And certainly we can suggest anything we want. Of course, we never quite know exactly whether they will listen to us or not.

Mr. Christopherson.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you very much, Chair. I appreciate that.

I hear what the member is suggesting. We are interested in having Mr. Layton come forward. It's probably procedure here, but it makes sense to have him to outline what his bill is about for the first hour.

The only amendment I would suggest is this. Mr. Bramley, you're correct, is someone we would like to have right after Mr. Layton, and there are tentative plans in place for him to teleconference with us from Bali.

I just want to mention, Chair, that Ms. Donnelly is not an author to the report entitled *The Case for Deep Reductions*, so that would be a little out of place. We would see that coming later.

So the beginning tee-up would be Mr. Layton and Mr. Bramley.

**The Chair:** There's one thing I've always tried to maintain and hopefully made really clear to all the members, and that is that we like to have a balance on every single panel we have. That allows immediately for members, when they have a point, to ask someone who might not have the same point of view. Throughout all of the meetings we have always attempted to at least have some balance in them, and that's the reason.

To change that format at this point, I think, certainly might cause some difficulties, because then we would have to have another panel that would be all on the other side of the issue, and I think that would be equally unpleasant for some of our members.

I'm at the will of the members, but I really do believe that's the best way to approach it and it has worked in the past.

So that's the rationale, Mr. Christopherson.

**Mr. David Christopherson:** Chair, thank you for that explanation. I apologize, if I am, for slowing things down in substituting for Mr. Cullen. I hear your point. It's well taken and I can live with that, sir.

**The Chair:** Thank you.

Yes, Mr. Warawa.

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

One other issue is that the norm is that we have allowed you and the clerk to provide appropriate witnesses for the appropriate topic. Each party represented here would submit a witness list and then leave it to your discretion. I'm totally fine with our doing that.

When we have so many meetings on this, the other norm is that we don't have a witness coming repeated times, because there are so many experts on this. So Mr. Bramley would be at this time, but his name is further on here again. Well, we would have somebody else who is an expert witness on that.

Again, in the spirit of fairness, there are a lot of expert witnesses out there for the five or six meetings we're going to have. Let's make sure we hear a good representation.

● (1545)

**The Chair:** Again, some of us have had the experience where we've had the same witness appear five or six times. I don't think that is productive in that they repeat their message over and over. So I take that advice.

Our attempt will be to go down the witness list, as provided by the members and, as you say, slot them into the areas they fit, with the idea being that we'll do our very best to get the witnesses as requested by members for a specific topic. That means that obviously one person would not appear over and over again on different topics.

Mr. Christopherson.

**Mr. David Christopherson:** Thank you, Chair.

Again, I'm following the rationale of the committee and its experience. I would just ask for clarification. Would we then be allowed to substitute that for someone else?

**The Chair:** Yes.

**Mr. David Christopherson:** But prior to your doing your selection. We would look at that now and know that you would find that difficult, so we could put somebody else in from that institute to cover it off?

**The Chair:** It's just to get us a balance. We want to have a balance with all sides represented. That is certainly the way I want to chair it, and I believe it works fairest for everybody.

First of all, if we could deal with Tuesday, it's critical that we make a decision on that. I would like to know any comments you might have about Layton, Donnelly, Bramley on Tuesday in order to give the clerk directions that this should be set up immediately. Are there any comments about that, first of all?

Yes, Mr. Lussier.

[Translation]

**Mr. Marcel Lussier (Brossard—La Prairie, BQ):** Mr. Chair, the NDP document does refer to a representative from the Pembina Institute. Mr. Bramley may be available, either here or via telecommunications. However, it should be mentioned that the Pembina Institute's position was set out in the document entitled "A Case for Deep Reductions," and that that document is co-signed by David Suzuki.

However, if Mr. Bramley cannot appear, David Suzuki could perhaps come and defend that document at next Tuesday's meeting.

[English]

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

**Mr. David Christopherson:** Thank you.

I appreciate the question. I would ask you to give us time to come up with a name so we can keep the institute in the mix. They have more to say than just the one report. If you would just allow us to substitute that name and give another name so that we're following the direction of the chair, we'd be okay, if that satisfies your concerns.

**The Chair:** Yes, and I would also understand that if for some reason Mr. Bramley weren't available, someone from the institution might be.

**Mr. David Christopherson:** We'd be looking for someone specifically tied to this report, but the general answer to your question is yes.

**The Chair:** Yes, we hope that Mr. Bramley is available by whatever means.

**Mr. David Christopherson:** Our understanding is that he's ready to make this a priority in his daily schedule too, so we're pretty sure we can do this. But if not, we'll have someone else, likely someone else who is attached to the creation of the report, because we have someone coming from the institute on the broader issues under number 4.

**The Chair:** All right. Are there any other questions or comments about Tuesday? Okay, so we're set then. We'll ask the clerk to make reference to both your points, Mr. Warawa, and we'll certainly suggest that setting targets, analysis, and so on should be part of a presentation, which I would hope they would be anyway.

As far as the remainder of the plan goes, I think we should talk about the plan, not the speakers. As I suggested, if each party could give us the list of speakers, we'll do our very best to make a balanced group for each of the topics we're dealing with. What I'd like to entertain right now would be the topics.

Let's use the framework we have in front of us. Are there any suggestions or changes that others might want to make? Let's go on that basis.

Go ahead, Mr. Ouellet.

•(1550)

[*Translation*]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** As regards point 6, I'd like us to follow the good suggestion you made earlier. If ever Pierre-Marc Johnson appeared, it would be interesting to invite someone who is not connected with the government to report on the Bali Conference. Perhaps it would be preferable that it be an environmental group.

[*English*]

**The Chair:** Again, following the format, I believe we would want to balance that. So obviously if we are getting one point of view, we want another point of view, if there is one that fits there.

It would be up to the clerk and me to go through the list and try to get the people for the dates we have. So it's a good suggestion.

We'll go to Mr. Godfrey.

**Hon. John Godfrey (Don Valley West, Lib.):** Chair, I apologize, because I arrived late at the meeting, and perhaps I skipped a step and there was a meeting of the steering committee that I didn't know

about. The last thing I knew was that we were going to have two or maybe three sessions on this bill. Then, because of events, we couldn't do anything today, so we're talking about Tuesday and possibly Thursday, although that's up in the air.

Do I understand that each one of these bullets represents a different session and that this is six sessions? And then, if that's the case, did we collectively arrive at the decision that this was worth six? Or am I missing something?

**The Chair:** Mr. Godfrey, we haven't come to that decision, although we have come to a decision that we're having a meeting Tuesday and we have three speakers, hopefully, for that.

Now we are looking at the topics and obviously at the number of meetings. We have an NDP proposal in writing. I assume that it is for six meetings. Therefore, we now need to decide, as a committee, whether we want six meetings, ten meetings, or two meetings, and that decision needs to be decided here today so the clerk can work on it.

Mr. Godfrey.

**Hon. John Godfrey:** Yes, for further clarification, this paper, which says, "Environment Committee Study of C-377, Proposed Meetings", an NDP proposal. This is not the work of—

**The Chair:** No, this is the NDP bill of Mr. Layton, and this is what has been produced by them. It's a place to start. Obviously any amendments.... We'll ask Mr. Christopherson what he thinks of those, as well as the group, and we'll go from there.

Yes, Mr. Warawa.

**Mr. Mark Warawa:** Referring to the proposed meetings from the NDP that we have in front of us—there are six—we're fine with those. Again, I'd like to elaborate a little bit on them.

We're not fine with the last one, because it's not relevant to Bill C-377 directly. If the committee wants to have a post-Bali debriefing, then that's fine. But we're talking Bill C-377, and from that logic, we can have a post-Heiligendamm, post-G8...whatever the committee wants to do. So I have no problem with that. I'd like to see the sixth meeting gone because it's not relevant specifically to Bill C-377, but the others I'm fine with.

If I could just, as I'm speaking, quickly go through them, there are a couple of items I'd like to have elaborated on a little bit.

The second meeting suggested is the scientist panel to discuss the scientific underpinnings of climate change and Bill C-377. Again, the witnesses are being recommended. There are a couple there: John Stone and Mr. Weaver. So each party will submit names, and you can—

**The Chair:** Any party can submit names, and we will balance them off.

**Mr. Mark Warawa:** So the second one, the scientific panel, I'm totally fine with.

On the third proposed meeting, with the economists, what we would like to see discussed would be the economics of climate change and Bill C-377 and the mechanisms, the options, that are available to meet the Bill C-377 obligations—market-based mechanisms, fiscal measurements and incentives, regulated emission limits, performance standards, cooperative measures—and the feasibility of meeting these obligations. So it would deal with the mechanisms from the economic aspect.

Also, there's the cost of meeting the targets. What are the costs of meeting those obligations and the economic ramifications of forcing a government to meet those obligations? What will be the consequences?

So that's on the economics, which is proposed meeting three.

The fourth, the environmentalist panel, I have no problem with.

On meeting five, the jurisdictional experience panel, I have one quick addition. What is the constitutionality of Bill C-377? We've heard concerns over its constitutionality, so that needs to be addressed in the jurisdictional panel.

Those are my comments.

• (1555)

**The Chair:** Mr. Ouellet.

[*Translation*]

**Mr. Christian Ouellet:** Mr. Chair, I'm surprised at Mr. Warawa's comment on point 6. The period from 2012 to 2020 is precisely what will be at issue in Bali. They're also going to discuss targets and the climate change review. We know that the IPCC will be coming back again to provide clarification on the matter.

It seems to me that this is entirely related to Bill C-377. This is the very essence of this bill introduced by the NDP. An overview will have already been done, and specific matters will perhaps have been determined in Bali. It seems to me that the Bali Conference is the subject that it would be entirely appropriate to address before starting the study of Bill C-377.

[*English*]

**The Chair:** Let me add, from the meeting that I was at last week, as you know, that it was agreed by some of the developed countries there—some 53 countries were represented—that for them the crisis is critical, that decisions must be made, and countries must engage fully.

The idea that became a sort of final communiqué was that Bali was our last chance, our starting point for negotiations that would go on for two years and would end with the Copenhagen conference of 2009. What basically was agreed to there was that this was a starting point, that this was where the rubber hits the road, where all countries need to engage and move on from.

I don't think we should get up expectations about Bali deciding a lot, because I don't think it's going to. Bali is going to be an agreement—by 180 countries, hopefully—to get going and really do something.

Just to put that in perspective, while I'm not sure what this panel might come up with, I don't think it will be a lot of real solutions, if

you will. It'll be “here's where we're going”, and that would be very good to know, I think, for all of us certainly in this committee.

I think Mr. Christopherson is next.

**Mr. David Christopherson:** Thank you, Chair.

I'll deal with that one last, and then mention the other two that were mentioned.

We're not going to die on this hill, but the fact is that we really believe, much as my colleague has already mentioned, that this panel will help set the context for the bill that's being put forward. Canada is going to have to come up with solutions of some sort or another. This is in front of us right now in a timely way, and hearing from Bali to get some sense—because I agree with you, we're not going to hear anything earth-shattering in the early report—of where this bill starts to put us, in terms of what they're trying to achieve at Bali, and whether the scope of it is big enough to deal with what we think is going to come towards us at the end of the process....

Flip it around the other way. To do it in the absence of putting it in the context of Bali leaves us a little bit in the dark. Hearing this panel helps us understand, having gone through the other panels, how this fits into the overall scheme they're hopefully going to be coming up with in Bali.

Again, I'm not going to die politically on this hill, but we really think it would be useful and of value, regardless of which way you feel about it; it'll just help all of us understand.

When Mr. Warawa mentions in point number three the economics—he's talking about the mechanism of implementing, and the cost of meeting the targets, etc.—that's all fine and well, and obviously we'd be open to that too, because it's part of the discussion. But what we are really seeking here in this instance is to know what the cost of doing nothing is, so that when we look at the economic questions that my friend has asked we look at, we have something to compare it to. As soon as you're spending dollar one, you want to hear whether or not dollar one is being compared with the cost of nothing, of another dollar, or of a million-dollar challenge. That is what we were looking for.

But I'm fine with the expansion, as I would see it, of looking at those other costs. That works for us.

On the third one—number five, the question of the constitutionality—obviously the member has some reason to believe there may be some questions around constitutionality. If that's the case, obviously we'd like to hear it.

• (1600)

**The Chair:** I think there's always a question in our system, with the provinces, about who's doing what and who has the right to do what. I think that will always be raised in the issues. I agree it's something we need to deal with, because any federal government—it doesn't matter who it is—is going to have to deal with the provinces on this issue. So it's critical.

Mr. Godfrey.

**Hon. John Godfrey:** I think I'm moving in approximately the same direction as Mr. Christopherson, but I think it makes sense for the Bali session to be held as number two. I suspect we probably won't be meeting a week today, given the reality of life around here, so our first session back ought to be a debriefing.

I think it would be very interesting to hear from people who are obviously considered eminent enough by the government to take the place of parliamentarians—I thought I'd get that in—rather than having us go. If they're eminent enough to take along as part of the official delegation, I think they're eminent enough to give us their views on what they learned. I think there may be nuances or colourings that will then help us in our subsequent work on the second, third, fourth, and fifth sessions.

What I also think, Chair, is that because we have time, in the sense that we won't be getting back to this until late January or early February, it would be perhaps useful to call a meeting at some point—maybe even a teleconference, or something like that—of the steering committee, so that the horse trading, or whatever needs to be done on the content and suggestions of names for balance here, can be agreed to with everybody participating, and so that there's no wondering, why did you leave off X? It's also so that nobody can then question, in the meeting of the whole, why we've done what we've done. I think that would strengthen your hand.

So those are my two suggestions: to move Bali up to number two, as the first thing when we come back; and then to have a steering committee meeting—I guess with Mr. Regan and others—to hash out the list.

**The Chair:** The other way to do that, Mr. Godfrey, would be by sending an e-mail to every member saying, here's what we've put together, and asking for a response within a reasonable time. Then we could react to that, and if everybody's fine with it, good; if not, then we could go the next step.

I'm just trying to make this as easy as possible and to give the clerk the most freedom.

**Hon. John Godfrey:** Chair, with respect, I think it's actually easier to have everybody in real time on a line, so that there are no misunderstandings and no burden placed on you or the clerk to try to interpret the sometimes contradictory wishes.

**The Chair:** The problem is that I'm the only government member on that call, and obviously that's putting me.... I've obviously agreed to the speakers list that we have. That's a very awkward position to put me in. The clerk and I have worked it out and we've done the best job we could do.

**Hon. John Godfrey:** Chair, you're in a much more difficult position if you don't call the steering committee, because your problem is then that not only do you not have an additional Conservative to offer views; you do not have any other party representatives, and you're now forced to adjudicate on a paper basis between claims that can be better resolved in a face-to-face meeting of goodwill.

So I don't think it pays to try to avoid having a steering committee meeting, when it's by far the most efficient way to proceed. I think you're actually doing yourself a favour, with respect, if you allow people just to hash it out.

People can submit stuff. It's basically to make sure we've covered all the bases. It's not a negotiating session; it's just basically to avoid misunderstandings. If there are any problems, they can be resolved by committee of the whole.

●(1605)

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Chair, we debated this at length at our first meeting as this committee. The committee well knows my position on this, that it's undemocratic and it's against the normal policy and the normal procedure for the parliamentary secretary representing the government not to have a voice at a steering committee. Without that, we will move very slowly and we would like to cooperate and see this move very quickly. I believe the NDP wants to see this move quickly.

It is the Liberals trying to manipulate the witness list. We're cooperating with the witness list. We're saying, let everybody present their lists of witnesses, as the norm is. There's trust in you. Sometimes I would like to see you more helpful, but you are a very fair person, and we trust you and the clerk to provide a good balance.

We've agreed with what's being proposed by the NDP. Bill C-377 is their bill and we agree with what's being proposed. We've suggested some minor changes. They've agreed with that.

As far as the Bali meeting is concerned, I actually find that refreshing. When we came back, Chair, from Berlin I asked that every member—Mr. Godfrey was in Berlin with me and you, and it's good to have Mr. Ouellet back—report to this committee what happened, what we learned, and the committee didn't want to hear it. So now to hear that the committee would like to hear what happens at these conferences, I find that wonderful.

But you're quite right, we have to be realistic. What we're going to hear from Bali is the beginning of negotiations that, hopefully, we'll complete in 2009. So let's stay with the plan, the proposal from the NDP. I think it's fair, it's their bill, and let's not go down a Liberal path where we're trying to manipulate who can speak and who can't.

**The Chair:** Okay.

Mr. McGuinty, you have—

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Chair, come on.

First of all, Mr. Warawa, with all due respect, no Canadian parliamentarian's been taken to Bali to come back and debrief this committee, which, in case you didn't notice, is a big difference from what happened in Berlin. So let's not compare these two.

Secondly, we had a debate; Mr. Warawa's right, and he's trying to bring through the back door what he couldn't bring through the front door. We had a vote on routine motions at this committee. We have routine motions. We've decided to have a steering committee. We have the construction and composition of the steering committee. You have a perfectly reasonable suggestion put to you, Chair, which I think would really help you, to convene a two-hour phone call and bring on the members of the steering committee and have a generalized discussion. We've been through this debate. You can't bring through the back door that which you haven't been able to bring through the front door.

I don't even know why we're debating this. I think it would be very positive to have the steering committee, Mr. Chair. It would put you at ease. You would be in conformity with the rules of this committee and it would be easy to structure. I'm sure colleagues on this side, working with you, are prepared to find a two- to three-hour period over the phone to do so.

**The Chair:** The only problem I have with that, Mr. McGuinty, is that, as you know, a steering committee recommends to the committee. If one group says no, we don't accept that, obviously, and then we have debate in the whole committee. So I don't think it's really....

I don't know how many phone calls you want to do over the holidays, but I know I would like to suggest that we get the list from everybody here, we contact the witness list, and we come up with a balanced list, as I said we would do. That balanced list is then sent out to the entire membership, and the members then look at this list and they comment.

Now, we could at that point have a conference call to say okay, this doesn't look balanced to me or that doesn't look balanced to me, or whatever. But I don't think just on a cold call coming up with names is the way to go. I think that'll be counterproductive and we'll end up in a debate at the first meeting with witnesses sitting there. I particularly don't want to chair that meeting, thank you very much.

•(1610)

**Hon. John Godfrey:** What we're having a debate about, Mr. Chair, is the way in which this committee is being run. What you are proposing is a choice between you and the clerk being the sole—

**The Chair:** Using your list.

**Hon. John Godfrey:** No, you being the sole decider amongst those lists, with the clerk, versus you and three other party representatives, representing the entire gamut of opinion, making a set of recommendations based on submissions that are put to you.

I suspect it will go just fine, but I can tell you it will not go just fine if you don't allow other people to take part in this process. There will be the chance for anybody who is unhappy at the results of that decision to appeal it in committee of the whole. But we will not be satisfied with the idea of simply leaving it to one decider to interpret and to decide, when four people representing all parties will do a better job, with all respect—

**The Chair:** You're not hearing; we're going to get the list of witnesses from all the parties, Mr. Godfrey. Then we're going to send that out. Okay?

And we're going to put together who can come here. You're going to comment and say, I don't think that's balanced, and I think we should add this person. You're deciding that and putting it forward. Then we put that new list out to the committee.

That, it seems to me, shows I'm not deciding anything; I'm using your list to come up with your topics—and that will work, because everybody will have their input.

**Hon. John Godfrey:** With due respect, this committee decided by a democratic majority vote to have a steering committee. We think this is precisely the function of the steering committee. We are asking you to honour the decision made by the committee to have a steering committee help us adjudicate these matters. With all respect, this idea of paper floating in and out, and you being the sole control point, and that somehow that is going to be more efficient than putting four people on the telephone line for two hours to sort it out once and for all, and if there's a problem to have it come back to this committee, is crazy.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Chair, I looked at this. We all received this on the recommended procedure for Bill C-377.

As I said, I saw this and we saw that it needed a little tweaking, and we're going to support it. This is the NDP bill, Bill C-377. The Liberals had their bill, Bill-288. They've had their time in the sunshine. It's the NDP's turn; it's their bill, their private member's bill.

I looked at this and I suggested a minor tweaking. If the NDP wants to have the Bali debrief, okay. If they want to have it second, okay. But it's their bill; it's their time. What we're seeing now is a reasonable request, and we're seeing the Liberals trying to hijack it.

Chair, I would like to make a motion, because what we're seeing is a lot of rhetoric coming from across the way. I move that we accept the recommendation made by the NDP with those friendly amendments I proposed.

Let's move on and allow this to proceed.

So moved.

**The Chair:** I'm sorry, Mr. Warawa, but I was talking to the clerk.

Could you repeat that?

**Mr. Mark Warawa:** I move that we accept the proposal of the NDP as presented here and use it as the template for the meetings, along with the agreed friendly amendments, including the minor changes to the meetings and the clarifications on what the topics would cover. Also, if they want to change the dates or the order of the meetings, fine; but we should use this as the sample and allow you and the clerk, per tradition, to decide that we will each provide a list of witnesses and that there be a fair balance. That's what I'm moving.

**The Chair:** I send that out to everybody for approval.

**An hon. member:** Yes, I second that.



**The Chair:** Okay, that's open for debate then. We have a motion in front of us.

Mr. Godfrey.

•(1615)

**Hon. John Godfrey:** I have an amendment, that once the lists have been sent out, the subcommittee be required to bring themselves together to discuss it.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** I just wanted to clarify something.

I have to say I find this debate a little unusual, but that's your culture and your committee. I don't want to come in as an outsider and tell you.... We go through very similar sorts of things at the public accounts committee. We just went through the RCMP pension scandal, so you can appreciate some of the dynamics that were at play. We used the steering committee. We would have been totally up the river without a paddle had we not had our steering committees. So I support them as a concept; I know they work. What I don't want to do is have the government members believe that I'm kicking a gift horse in the mouth here.

So what is your problem?

**The Chair:** Maybe, I could first clarify how I see this.

We have a list in front of us. We want to approve that list with the changes Mr. Warawa suggested, which I think the NDP have agreed to. Then we will get a list from everybody of the suggested speakers and we will try to see who's available when and come up with dates. We will then send that out to the membership of this committee, who will look at it. We will then get the input back and will call a steering committee meeting to evaluate what has come back. Okay?

All members have had their input. We will then finalize it, send it back out to all the members and then have our meetings.

What's wrong with that game plan? What am I missing about that game plan that isn't democratic, or that I'm controlling? I just don't get it, because people have had three opportunities to have input.

**Hon. John Godfrey:** What you're missing is the fact that four people are smarter than one person—even you. What's needed is to have that initial decision of balance and placement vetted by representatives of all the parties. That's all we're saying.

We're not disputing.... The only thing we're suggesting in terms of the lineup is that we bring Bali up as number—

**The Chair:** It's been agreed to.

**Hon. John Godfrey:** That's fine. We're okay on that. Done.

All we're saying is that when all the suggestions come in—as we did, by the way, for Bill C-30, and as we've done in other committees—we actually have a steering committee that balances everything off and makes sure that everybody's view is represented. That's all. To think that one person's judgment on what looks like balance is better than the judgment of four people, who collectively represent the four parties, is, with all respect, rather a lot.

Basically, either you're neglecting the evidence that shows the overall effectiveness of steering committees—and I'm not ascribing this second motive to you—or somehow or other, we're trying to end

run the decision of the committee to have a steering committee. I'd love to know, if you're not prepared to have a steering committee do what a steering committee traditionally does, under what conditions we would ever have a steering committee, despite the will of the majority of this committee.

**The Chair:** The real truth of the matter is that I'm going to depend a lot on the clerk, and the clerk is going to see who's available for what meetings from the list he has. That's how we've always done it in any committee I've ever been on. I've never seen such a culture, as Mr. Christopherson calls it, of this.... I don't even know what we're arguing about.

This is sort of like what the nuns did at one point in the 17th century in deciding whether angels had wings. For a hundred years they debated it, and at the end they said that some angels do and some angels don't. That's kind of how I feel right now. I don't even know what we're arguing about, because this is about as democratic as you can get.

**Hon. John Godfrey:** It's not democratic. We voted to have a steering committee.

•(1620)

**The Chair:** [*Inaudible—Editor*]

**Hon. John Godfrey:** But you don't get to decide by yourself.

What I want is that you understand that the four parties, in their collective representation at one place and at one time, will have more knowledge about what the actual names are, and they'll be able to sort it out. They will know collectively more than you, as one, and—with all due respect to my friend Norm, who's basically a relative of mine—they will certainly know more than Norm. Right?

All I'm saying is that in a spirit of reasonableness, you get all four people there who have been putting forward the names, and they can say, "Well, actually, I know this guy. You already have that point of view twice." You may or may not know that. Norm probably won't know that. That's all I'm arguing.

**The Chair:** Mr. Godfrey, basically, in the four parties you're counting me as taking the opinion of the government, not being chairman but being a member of the—

**Hon. John Godfrey:** Furthermore, with respect to all your colleagues, you're the most experienced of the lot. Of course you know more than they do.

I'm sorry, guys, but it's true.

**The Chair:** Are there any other comments?

Go ahead, Mr. Harvey.

[*Translation*]

**Mr. Luc Harvey (Louis-Hébert, CPC):** Everyone is trying to claim to be the biggest environmentalist and the most prepared to work for the environment.

I propose that we move on to the study of Bill C-377 and that we resolve this matter, as planned. As the Chair said, I don't even know what we've been discussing for the past 15 minutes. I missed the first 15 minutes of the committee meeting, and I'm sure we're still at the same point as at the start of the meeting one hour ago. Let's stick to the schedule. Let's begin the study of Bill C-377, as Mr. Warawa proposed. Let's debate the motion under consideration.

Are my colleagues ready to discuss Bill C-377? We can even move on to the vote. This is really a waste of time. I believe my colleagues are all ready to talk about Bill C-377.

[English]

**The Chair:** Thank you.

Are there any other comments?

We'll have Mr. Lussier.

[Translation]

**Mr. Marcel Lussier:** Mr. Chair, I'd like us to establish some very specific rules. First, I would like us to immediately determine the date for submission of the witness list. That hasn't yet been mentioned. On what date do you want to have the witness list? Could we set a date?

[English]

**The Chair:** -I would say by the end of next week, so the clerk would have time to work on this over the period. I don't think too much is going to happen between now and next Friday on this item.

Obviously, depending on which proposal we go with, then we would come up with the six meetings. I don't have the dates in front of me, but obviously, if we follow the order, we would be looking at the debriefing on Bali as our first meeting in the last week of January. I believe our time changes probably in the 9-to-11 slot, and we would then proceed for the next two weeks, for the next four meetings, to deal with the other topics.

So that's how I would see the format, if that's accepted.

[Translation]

**Mr. Marcel Lussier:** I haven't finished speaking, Mr. Chair.

So we've set a date for submitting the witness list. So we have to allow the clerk a little time to contact the witnesses and to determine whether they are available. When will we receive a list of available witnesses?

[English]

**The Chair:** I would see that happening in the first part of January, in the first 10 days or so, and then having comments back, and then going from there. Then obviously a steering committee could look at the comments that have come back from the members, and we would be ready to go when we get back here on whatever date it is.

[Translation]

**Mr. Marcel Lussier:** Mr. Chair, will each committee member receive the list proposed by all the other parties?

[English]

**The Chair:** Well, I'm proposing it, but obviously I haven't got agreement on that.

Mr. Warawa.

**Mr. Mark Warawa:** Well, Chair, I think if you sought it, you would get consensus here. We have a very easy solution, as I said. Before, the NDP had a reasonable proposal. I think there's consensus here. The Liberals do not support that. They've made an amendment. If you called the question, you would find very clearly that there is consensus. I don't know why they're trying to make this so complicated. It's very easy.

**The Chair:** Well, let's repeat the motion. What's the motion?

**Mr. Mark Warawa:** They've made an amendment that this be referred to a steering committee, as opposed to each of us putting in the list and trusting you and the clerk to provide a balanced panel. We're talking about meetings that are going to be in February.

That was their amendment. Let's call the question on the amendment, and let's move on. It's very disappointing to see this type of manipulation of the committee.

•(1625)

**The Chair:** Let's look at the amendment, then.

The amendment, I believe, Mr. Godfrey, is that we have a steering committee meeting prior to determining the list of speakers.

**Hon. John Godfrey:** The way the process I envisage would work is that, just as Mr. Lussier has described, there would be a request to everybody to submit their names.

We accept the four chunks here, so that's all fine. My only suggestion is that when all the names have been submitted by the parties, before the invitations are sent out by Norm, there be a discussion by the steering committee just to make sure the thing is balanced, because you and Norm may not know the names as well as those who have submitted them. So if the four party representatives, including you, say okay, let's make sure we've got a nice balanced list for each of them.... Nobody's disputing what we're doing here; they're just trying to make sure this is the most efficient. And then, based on those negotiations, send out the invitations, let everybody know how it's going, and you've cut out a whole process. You can even have back-up witnesses. If A can't make it, B can make it. I just think you could do that in two hours. And we did it, as Mr. Warawa well knows, when Mr. Hawn was in the chair on Bill C-30. That's exactly what we did: we got all the stuff in, we looked at it, we did a certain amount of negotiation to make sure it was balanced, and then it was done.

That's the only time I want the steering committee involved, just to expedite the process. I have no hidden agenda here.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** I think back to Bill C-288, when we had a steering committee, not the legislative committee, the Liberal Bill C-288, and the steering committee got very nasty and it came back to committee. We wasted a huge amount of time instead of moving on and hearing witnesses. There were a lot of arguments and lot of wasted time—as we've already seen, a lot of wasted time.

We had consensus. We were moving forward. We could have been all finished with this agenda, but no, we've spent the last 40 minutes or half-hour trying to go to a subcommittee. The logic of Mr. Godfrey is that four people is better than one person. Well, he said four is better than one. Then by that logic, thirteen will be better than one, or thirteen will be better than four.

That's what we saw happen with Bill C-288. The steering committee was totally ineffective and it stalled the whole process.

If we just support what is being proposed here by the NDP and move on, we will be much more efficient than by going the Liberal way.

Thank you.

**The Chair:** Mr. McGuinty, can you provide some clarity to this amendment that we're dealing with?

**Mr. David McGuinty:** Absolutely. I think Mr. Warawa is completely right—thirteen minds are better than four or five. That's why every member on this committee has the opportunity to put forward their names for consideration by the steering committee. That's why we constructed a steering committee.

We had a vote on that, Mr. Warawa. This committee, master of its own destiny, decided to create such a steering committee. You may not like that. You were, at the time, visibly shaken up by it. You spoke up publicly against it. I'm sorry. We took a decision here as a committee. The chair is bound by the decision. We have a steering committee. My call is perfectly reasonable.

We'd like to receive all the names. We'd like to work as four parties together. We'd like to use the steering committee for the purpose for which it was constituted and voted upon and debated at length. You are trying to do an end run on a decision of this committee, and you can't do it. You're getting caught. Now, if you don't trust the steering committee process, take it up with the chair. He's a member of your caucus, as well as being an excellent chair.

But we are here, ready to do business. We're ready for the vote as well on the amendment that we have a steering committee meeting to sift through all of those names and recommendations. You may not like that process, but that's the process this committee voted to follow when we were constituted.

Now, don't refer me back to committees when we were looking at Bill C-288. That was then; this is now. We had a vote. We had a full and frank debate about it. You may not like the outcome. I can't control that, I'm sorry. We've all had our say on this matter. I think we should call the vote and I think we should have the steering committee examine the lists that are being put forward.

**The Chair:** Everybody understands the amendment. The amendment is that the lists come in by next Friday. I assume that's agreed to by everybody. That list then goes to the steering committee, and that then goes to the rest after that.

Is everybody clear on that?

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

• (1630)

**The Chair:** Now, with the motion as amended, which is basically that we follow this, I understand that meeting number six becomes

number two, and everything then moves down one. Obviously people have their witnesses in, we come up with that list, and then the clerk goes to work over the break period and comes up with the meetings.

Is that clear? Is everybody clear on that?

Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** After that, when is it being brought back to this main group here?

**The Chair:** As I see it, and I think everyone agrees, we get the list by next Friday. We have a steering committee meeting probably in the following week to look at the names that have come in. We come up with those names. We then come back to the clerk. The clerk then tries to get those people. We then send that list out to the entire membership. The membership then comes back with any comments they have, and we then go from there.

But not Tuesday. Tuesday is already set. We decided that at the start.

Mr. Christopherson.

**Mr. David Christopherson:** Well, that's good. That's where I was going to go. The meeting number six that is now number two—and I don't have any problem with that—when will that likely happen?

**The Chair:** I suggest that would happen our first meeting back in January.

**Mr. David Christopherson:** May I ask, for purposes of planning and everything else, that we not only assume that but make that part of our plan, so we don't suddenly stay here on Thursday and then we're caught flat-footed trying to scramble and do number six because we suddenly have a day. Could we confirm that will happen in the new year? And that gives us time to be ready for that, because those people have to do a little bit of prep work.

**The Chair:** Just to be clear, that would be on Standing Order 108 (2) and not just on the bill, so we would call the report on Bali part of that because it is broader and we want a debriefing on Bali, in effect.

**Mr. David Christopherson:** And it also gives them a chance to finish the conference before they report to us, if we confirm it will happen in the new year.

Thanks.

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

**Mr. Mark Warawa:** Chair, as a result of the decision of the majority of the committee, there is going to be a steering committee and the steering committee will recommend the list of witnesses to this committee. When will that meeting happen? Now we can't have any meetings until you have the list of witnesses approved by the main committee, so we've stalled everything.

**The Chair:** Again, I'm open to members, but my thinking is that we get the list on Friday. By about Tuesday or Wednesday of the week after, we have the steering committee meeting to look at that list submitted by all the parties. We then agree these would be the people we would invite for topics two, three, four, five, and six. We agree to that. We then send that out to everyone by e-mail, with a deadline. I assume it would have to be the first week of January or something like that, and people would have to get back to us.

We would then invite people. We've got to give them at least a couple of weeks, so we need to do that by January 10—just picking a date. And our first meeting would be the debriefing, and then we'd go from there with the dates. It gets easier as we get further out.

Mr. Warawa.

**Mr. Mark Warawa:** Chair, as I've expressed in the past, I don't particularly trust the Liberals' tactics.

This list is going to have to be approved. The recommendations of the steering committee will first have to be approved by this committee before there are any meetings. And it will not be by phone calls or e-mails. You've got to have a list approved by this committee.

That's why I was really concerned that the tactic of the Liberals was to slow down this whole process. We can't have any meetings.

I hope that's considered so we have something in place, not by consensus through e-mails and phone calls, but an actual list approved by this committee, which includes healthy debate. It may happen very quickly if the recommendations from the steering committee are fair and balanced, but if they're not, then everything grinds to a halt. And you can't have healthy debate if it's all coming back to the committee, if we're not trusting you and the clerk. It's all going to be decided and approved here. We're not talking of meetings until February.

Those are the results of what's been accomplished today.

Thank you, gentlemen.

• (1635)

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair.

I'm listening carefully to the points being raised by the honourable member, but nothing precludes this full committee, which is the ultimate master of the destiny of the environment committee, which has already decided on what the first meeting is going to be, when it's going to be, and who is going to be there.

On the second meeting, we've already determined we're going to have it, what it's going to be. I think we still have to suss out the one and two, so the only way that argument can hold is if we don't, in some way, have a process that lets us identify who is going to be at meeting two.

As long as we have that, then there is ample time for meeting one to happen. The steering committee could come back and we'd still hold meeting two, and by then we'll have nailed down the details of three, four, and five.

**The Chair:** The only problem I see with that, Mr. Christopherson, is that it means the clerk can't confirm people for meetings three, four, five, and six until we're back here to approve the list. That's the problem and that'll be fairly tight.

Yes, Mr. Godfrey.

**Hon. John Godfrey:** I don't understand the difference. If you and the clerk, in your wisdom, had established a list, it would have to go out to the full committee. It would still have to have approval by some electronic or virtual means so that we could proceed with the

meetings. All we're doing is substituting; instead of you and the clerk doing it by yourselves, we're saying you and three of your best friends and the clerk are doing it.

It's the same process after that. It still has to go to the main committee in some electronic format to make sure there's no problem. There's less likelihood of a problem, because four people representing all four parties will have signed off on it—or not—but at least I think you've got a better chance of this being less problematic, and it's the same process once a proposed list has been established. It still has to go to the committee one way or another, whether you do it or whether the steering committee does it.

I don't get it, but maybe I'm missing something.

**The Chair:** As you know, the steering committee can only recommend. Again, I don't think you're implying that we would have some hidden plot to determine witnesses who would be unfair to the bill. As I say, I depend heavily on the clerk to determine who's available. That's how we would have proceeded.

Mr. Warawa, have you a comment back to Mr. Godfrey?

**Mr. Mark Warawa:** No, I think I made my point. I'm concerned with this slowing down. I thought we had a very simple process; now it's becoming much more complex. I would like to see this move ahead quickly and effectively. The sooner we can have this come back to the committee with the steering committee making their recommendations, the sooner we can have that list approved by this main committee and the sooner we can move forward with Bill C-377. This has to come back here first.

**The Chair:** I'm going to call the vote on the amended motion.

To reply to Mr. Christopherson in the sense of the second meeting, obviously that is really quite a bit bigger, I think, than this bill. If we could agree on that second meeting, obviously it would be beneficial to all of us. That's not really part of this motion, but it's something I'd like everybody to think about.

I'm going to call the vote on the motion as amended.

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

**The Chair:** Can I just come back to Mr. Christopherson's last topic regarding that second meeting, which is sixth on this list? Can we come to any agreement on that meeting so that it could at least be arranged?

Go ahead, Mr. Godfrey.

• (1640)

**Hon. John Godfrey:** Well, in the spirit of what's been discussed before, I would propose that the four names that we approach for that meeting be the four eminent persons called on by the government: Pierre Marc Johnson, Mary Simon, Elizabeth Dowdeswell, and Ian Morton.

One of the things that would be refreshing for us, Mr. Chair, is that these are not the usual suspects. These are not officials; they're different, and we haven't heard from these people before. If they're good enough to be part of the government—

**The Chair:** In fairness, we need to give them time, and this gives them lots of time.

**Hon. John Godfrey:** If they're good enough for the Government of Canada, Mr. Warawa, they're good enough for me.

**The Chair:** Can we get agreement, then, on the second meeting? Then we're only working on four meetings, which should hopefully make things go smoother.

**Some hon. members:** Agreed.

**The Chair:** Okay. We'll instruct the clerk, then, to set up that meeting on Bali for January 29. We'll invite those four people. If we only get three, we'll get three, but we'll invite the four.

Is there any other business?

We will proceed, then, and see how smoothly it can go.

The other motions have been tabled, but they haven't been moved, so they stay there. They're not being moved. So have a good weekend.

The meeting is adjourned.

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