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—
Chair

Mr. Bob Mills

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•(1530)

[English]

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

There are three housekeeping items to deal with, and perhaps we could do those first. The first is a point of order by Mr. Godfrey regarding witnesses for Bill C-474

Hon. John Godfrey (Don Valley West, Lib.): Thank you, Mr. Chair.

This is to all members. The clerk simply needs to know the names of witnesses for Bill C-474, the National Sustainable Development Act, by Wednesday from all parties. So I would ask you to do so if you haven't submitted names for that, because our first session will be on Monday next. I will be counting on introducing the bill and with it some of the proposed amendments that are in response to criticisms that have been made in the House by various members. I want to indicate the kinds of changes that I'd be bringing forward anyway so people don't waste their time attacking things I agree with them on.

I would also expect to bring in people from the Suzuki Foundation and from the Natural Step because some of their principles are incorporated in the principles of the bill. So that's one point, Mr. Chair.

Secondly, I would ask the indulgence of members when the Commissioner of the Environment comes forward, in the two sessions that we have set aside for him, and to carve out a bit of time—not endless amounts of time—for him to make comments at that time on Bill C-474, because it does affect the role of the commissioner himself.

The Chair: Are we going to ask that?

Hon. John Godfrey: That was simply to formalize taking advantage of his presence on one of those two days, and not for too long.

So those are my two points, and I simply wanted, in the spirit of transparency, to share those.

The Chair: Thank you, Mr. Godfrey.

Mr. Bigras, did you have a comment about that?

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): As agreed, you will have my list of witnesses before Wednesday. However, I would also very much like Justice Canada to testify before the committee on Mr. Godfrey's bill, as I am concerned about some constitutional aspects. We have endorsed the principle of the

bill, but we are concerned about several constitutional aspects, specifically the provisions respecting recycling. Objectives are being set. I would like to get Justice Canada's opinion on this matter.

[English]

The Chair: Mr. Bigras, the clerk has that noted and will attempt to get someone from Justice. Do you want that at the start? Would that be preferred?

[Translation]

Mr. Bernard Bigras: Yes, perhaps Justice Canada officials could shed some light on certain areas.

[English]

The Chair: That would be after you, Mr. Godfrey.

Hon. John Godfrey: Sure. I would simply say that rather than having them waste their ammunition in case I have declined to make some changes anyway, at least Justice would know what I was planning to do.

The Chair: So maybe we should wait until at least the second meeting.

[Translation]

Mr. Bernard Bigras: I have no objections to that happening at the second meeting. However, I want things to be different than they were for Bill C-377, when we had to bring in some major amendments and had very little time to do so. Although I said that I agreed with the principle of Bill C-474, the legislation has several flaws that will probably need to be corrected. I wouldn't want us to be caught short at the last minute. It's clear to me that in the case of Bill C-377, the testimony provided by constitutional experts was conclusive in terms of the amendments that were presented.

I would prefer to deal with this as quickly as possible.

[English]

The Chair: I think Mr. Godfrey has indicated that he is going to make some of these changes and has probably checked that out. I think that would be helpful, but there is not much point in having them until he's done that.

Hon. John Godfrey: What I was going to suggest is that I'm going to be touch with Mr. Bigras' office to make sure I understand exactly the nature of his concerns. We will try to anticipate those and indicate where we agree, and we'll make those changes during my presentation. Perhaps it would be useful to have the constitutional folks sitting in at that time so they could be present, and then we wouldn't have to wait around in a two-step function.

The Chair: Sure. That sounds good.

There are two items here with dollar figures. The first one is for witnesses for Bill C-377 and the teleconference. Of course those expenses have already occurred and amount to about \$2,345. I would like the committee's approval to pay those retroactively.

Some hon. members: Agreed.

The Chair: For Mr. Godfrey's bill, for Bill C-474, the clerk has estimated \$7,700. Again, I would like approval from the committee on that.

Some hon. members: Agreed.

• (1535)

The Chair: Thank you.

Finally in terms of housekeeping, there was a motion put by Mr. Cullen that the clerk make an attempt to get a televised room for tomorrow's meeting.

I don't really want a lot of debate on this. Can I go to the vote?

Some hon. members: Agreed.

The Chair: All right, thank you. The clerk will do what he can to get such a room.

We now go to Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Mr. Chair, I have one issue—no speech, no additional comments—that was outstanding from our last meeting.

I'd like to move that, pursuant to Standing Order 97.1(1), the committee report to the House and recommend that Bill C-377 not be proceeded with due to the lack of economic analysis of its content.

The Chair: Is there any discussion?

(Motion negatived)

The Chair: We're now on clause-by-clause.

The usual way we do things is that we stand the first item, which is basically clause 1, and also the preamble, which is clause 2, until the end.

(Clauses 1 and 2 allowed to stand)

(On clause 3—*Purpose*)

The Chair: No amendments have been put forward on this clause, which deals with the purpose of the bill.

Yes, Mr. Warawa.

Mr. Mark Warawa: Chair, I have just a quick comment here. Clause 3 reads as follows:

The purpose of this Act is to ensure that Canada contributes fully to the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

It sounds lofty, and it's actually what we need to do. That's why Canada has the *Turning the Corner* plan.

Clause 3 is saying that the purpose of this act is to "ensure that Canada contributes fully to the stabilization". We've heard from witnesses that it's an empty, hollow bill with no policy. It won't

accomplish anything. There has been no costing on it, so we don't know what its impacts will be.

We were advised that it needed to have the impact studied. The fact is that the bill came from Mr. Layton, and he said it should be costed. These points have been made at length.

I think if this bill, Bill C-377, had been presented by the government—if you look at this 180 degrees differently—then nobody around would be supporting this. But because it's from the opposition, even though it's a terribly flawed bill that constitutionally will be struck down and will accomplish nothing, the opposition is stubbornly moving forward to support this.

We know that what clause 3 is saying is not the truth. It will not accomplish what Canada needs. The *Turning the Corner* plan will accomplish what Canada needs to do.

So I can't be supporting this, but I just want to make those quick comments, that what this clause is saying is not the truth. It will not accomplish that, and that's what we've heard from the witnesses.

• (1540)

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): My comments are more in the form of question, maybe to our resource people here as well.

Again, reading this over, the clause states:

The purpose of this Act is to ensure that Canada contributes fully to the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

I've been around this place for a few years, but help me understand this in terms of the legal weight. This is, as we say, a purpose clause, an interpretive tool. What kind of weight does this have in respect to other issues of ambiguity or lack of clarity in the bill? Can somebody inform me or clue me in on that?

It's more than just a straight statement, because it's a grid or lens through which we look at all the other aspects or parts of the bill. Is that correct? Does this clause have weight of a different significance from the other clauses? Is it a more weighty clause?

The Chair: I will ask for comments.

Mrs. Sam Banks (Committee Researcher): It would be part of the act; it's part of the bill. The purpose is to further clarify what it is the bill is seeking to do. It says it's to ensure that it contributes fully, not to ensure that these aims are actually achieved, so it's more aspirational.

Mr. Maurice Vellacott: How does it affect other parts of the bill where there's a lack of clarity, or ambiguity, etc.? Does it weight on that?

Mrs. Sam Banks: You would return to that clause to see what the purpose of the bill is. What is the bill attempting to do? Does the later clause in conflict or that seems to have some sort of ambiguity follow that particular purpose? The bill would be read as a whole. It's an aid to determine what it is the bill is seeking to achieve.

Mr. Maurice Vellacott: From a court's point of view, from a legal interpretive point of view, can it then be definitive in terms of determining other parts?

Mrs. Sam Banks: It always depends on the context in which the ambiguity would arise. You would actually have to see an ambiguity or a vagueness in the context in order to go back to the purpose clause. It is very difficult to answer that question in the abstract. You need a concrete example.

Mr. Maurice Vellacott: Thank you.

(Clauses 3 and 4 agreed to)

(On clause 5—*Commitment*)

The Chair: We have amendment BQ-1 on page 6.

I would ask Mr. Bigras to move it and explain the amendment, and then we'll go from there.

[*Translation*]

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

Are we in fact talking about BQ-1?

[*English*]

The Chair: Yes, it's on page 6, BQ-1.

[*Translation*]

Mr. Bernard Bigras: I move that Bill C-377, in Clause 5, be amended by replacing line 8 on page 3 with the following:

reduced, subject to the targets identified in the United Nations Framework Convention on Climate Change,

It is important for our targets to be in line with those of the international communities. I realize that this amendment is debatable and I am open to considering a friendly amendment from the opposition or from the government.

[*English*]

The Chair: Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): As the UNFCCC has set out, they are in the process, as we saw in Bali, of setting what those targets and timelines will be. In the process, the document as it sits right now, those don't exist. We are thinking of a friendly amendment to this, with language that would read, "the ultimate objectives identified in the UNFCCC". To refer to the UNFCCC targets...it is something that's coming, but it doesn't sit in black and white right now. I think the objectives that are outlined and that will be continually clarified in the UNFCCC are a better reference, and it makes sense in conjunction with this bill.

• (1545)

The Chair: Does Mr. Bigras accept that as a friendly amendment?

[*Translation*]

Mr. Bernard Bigras: Yes.

[*English*]

The Chair: Are there any comments?

Mr. Warawa.

Mr. Mark Warawa: Chair, Bill C-377 proposes to add the qualification that the government has an obligation to ensure that greenhouse gases are reduced to specific targets, and it's subject to these targets identified in the UNFCCC.

The amendment would bind future Canadian governments to accepting targets agreed to under the UNFCCC. These targets may not be consistent with Canada's *Turning the Corner* plan and the UNFCCC may not be able to come up to an agreement that involves all the major emitters. We heard from the witnesses how important it is for Canada to take leadership, and Canada is taking leadership now with the *Turning the Corner* plan.

We have, historically, the toughest targets in Canadian history, but we have also taken strong leadership in asking that all the major emitters be involved. And we heard time and time again, particularly from the last set of witnesses, how important it is that we have all the major emitters part of the solution, not just 30%, but we have all the developing world's nations. G8+5 was mentioned, and we need to have 80% to 100% of the countries involved with reducing their greenhouse gas emissions, not just 30%. So this has some problems with the wording.

I'm unclear as to the focus of the amendment that Mr. Bigras has proposed. However, the United Nations Framework Convention on Climate Change does not itself include any specific targets, which has been mentioned. I'd like to remind Mr. Bigras that the ultimate objective of that convention is the stabilization of greenhouse gas emissions and concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference in the climate system. This objective applies to all countries, all the major emitters, and it should be.

Furthermore, we're not in a position to speculate on what will be the exact nature of any new agreement, as has been mentioned, since all parties are about to begin negotiations. They began in Bali.

So I have great difficulty with this proposed amendment, as I do with Bill C-377.

Thank you.

The Chair: Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chair.

I'd like to respond directly to the parliamentary secretary's comments.

First, he said this bill would bind Canada, and once it bound Canada to IPCC targets, it would run in contradistinction or against the government's own *Turning the Corner* plan. Well, in fact the government is already in breach of the existing international treaty obligations and has unilaterally decided not to be bound in its domestic plan, called the *Turning the Corner* plan, which, by the way, has never been subject to any kind of legislation or a vote in the House of Commons. It has unilaterally decided to be in breach of the existing legal standard. That's number one.

So the concerns the parliamentary secretary has for binding heirs and successor governments and having them compelled to have to live up to the standards set by an international body are not true. His own government has given plenty of evidence to Canadians that their domestic governments, including this government, particularly this government, have in fact unilaterally abandoned those standards.

Secondly, the parliamentary secretary continues along message track lines to foist untruths on the Canadian people about whether or not annex 2 countries, developing countries, are in or out of the international treaty. This is false. It's a patent falsehood that continues to be repeated ad nauseam by the government. There are 172 countries that have signed on to the UNFCCC and the Kyoto Protocol and attachments thereto. All of them have in one fashion or another—this is directly on point to the parliamentary secretary's remarks, unless I'm missing something—agreed to common but differentiated responses to the climate change crisis in different timelines.

Our own minister, your minister, went to Bali to launch the two-year negotiation round as contemplated perfectly in the Kyoto Protocol to bring annex 2 countries like India and China and others inside the tent, so that by 2012 they would have hard targets like the 36 annex 1 countries that are first off the mark.

It is not fair, it is not right to continue to repeat fundamental mistruths about the Kyoto Protocol to the Canadian people, and I really would ask respectfully of the parliamentary secretary that he not do that, because it's not true.

•(1550)

The Chair: Mr. McGuinty....

Mr. David McGuinty: Mr. Chair, I would really ask that you advise or help the parliamentary secretary to understand that if we're going to talk about apples and apples, we should talk about apples and apples, but not to throw wrenches in the monkey works, Mr. Chair, simply because it is good, for communication purposes, with the government's *Turning the Corner* plan. I'd like to make those two points.

Thank you very much.

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott: I have a question, I guess, from this. I find it a little bit strange and a little peculiar why we would be committing ourselves to something in the future, not knowing what that agreement will be, the Convention on Climate Change, and what those targets would be.

Just on a personal basis, when I'm involved in some kind of agreement to buy an acreage, to buy whatever it happens to be, and then I'm making agreements that down the road there are these unforeseen, unknown things, whatever they happen to be, I'm agreeing to that too, and I don't have a clue what it is. I would never sign a document to that effect. I think most people in Canada would not.

I find it really more than odd, and rather dangerous, I guess would be the better word, in terms of why we would do that at this juncture when we don't know exactly what this will commit us to, subjecting ourselves, as we sit here.... We're signing a blank cheque in effect what occurred.

I would like to ask the members if there may be some better way they would choose to qualify it. But simply to say that we're agreed to reduce, subject to those targets identified by the UNFCCC, I don't think is a wise or a prudent course of action for us. I think the Canadian public would see it that way, because by and large, I don't think they get into the kind of scenario that we're doing here.

If it's a house agreement, if it's a personal agreement of any sort, signing off on unforeseen speculative things down the road is not a wise thing to do.

The Chair: We do, of course, have a friendly amendment, which was accepted, which is the "ultimate objectives of", which now replaces the targets identified, so—

Mr. Maurice Vellacott: I hear that.

The Chair: Just so you remember.

Mr. Maurice Vellacott: Yes, I understand that. Still, that being said, I don't know that it moderates it to the point where the general public, Joe Q. out there, would understand this to be a safe and a careful thing to be doing. It's still committing to some unforeseen things and kind of locks us in, I guess, and I don't think that's a wise course of action.

The Chair: Mr. Warawa, Mr. Bigras, and then Mr. Cullen.

Mr. Mark Warawa: First of all, I want to address the comments from Mr. McGuinty. He brought up fundamental mistruths—his phrase—and also elaborated that the government has abandoned the international standards, that we were in breach of these international standards.

He's quite right that the previous government was in breach. The fact is that it was his party, the previous Liberal government, that committed Canada to targets of 6% below 1990 levels. Did we achieve those targets? No. Was it an honest mistake? We're heard over the last two years that no, what happened was they didn't have a plan in place, there was no action taken. There were a lot of announcements, which you would now call greenwashing. There's the sin of greenwashing where a product will be presented as being environmentally friendly when in fact, when you scratch under the surface, it's phony; it's anything but. And that's what the previous Liberal government was guilty of: trying to convince the Canadian public and actually the international stage that they really cared about the environment and were going to take action.

To do something is much more than just accepting a target of 6% below 1990 levels. You have to have action, you have to have substance, you have to have a policy. That's why Bill C-377 concerns me greatly. We've heard Bill C-377 is very similar to what happened with the previous Liberal government, which did breach what they promised internationally and to Canadians. They breached those promises. They abandoned those standards and we ended up with 33% above those targets. It was terrible.

We find ourselves as a nation with an environmental mess, and it was quite embarrassing. We heard from one witness that over the last 12 years, 14 years, 15 years Canada has been embarrassed because of those past actions of inaction.

Bill C-377 will take us down a similar path, with an announcement of great aspirations but no way of achieving it, no plan, no costing, and creating constitutional issues. It sounds good, but there's nothing there. It's like telling somebody we're going to provide you with this but there's nothing there. There's no substance. It's just talk.

So it's very important that Canada does have a plan that's realistic. I believe that the *Turning the Corner* plan, which has been costed and which has policy attached to it, is going to achieve those targets of absolute reductions of 20% by 2020 and 60% to 70% by 2050. That is good. That's good for the environment, it's good for Canadians' reputation.

We heard today in question period, Mr. Chair, that now the NDP, the author of Bill C-377, have admitted they don't know how it's going to be achieved, but the leader of the NDP has a dream.

We've also heard now in QP that they don't support carbon capture and storage. When you go to the international conferences, that's one of the main new technologies providing a technical way of reducing greenhouse gas emissions: you capture the carbon dioxide and you pipe it and you inject it back into the earth and you can store it. You can use that for enhanced oil recovery, and it could be stored for millions of years very safely.

• (1555)

The Chair: Point of order, Mr. Cullen?

Mr. Nathan Cullen: I'm sorry, Mr. Warawa, but it's partly predicated upon our last meeting, in which the government decided to spend two hours talking about not much. I think bringing in issues of the previous Liberal government and bringing in issues of what happened or didn't happen in question period is not conducive to our actually achieving some understanding of this bill and the betterment of the bill.

The government has chosen to bring no amendments forward. If they could please stay on point to the amendment that's been brought that's been friendly amended to make some of the concerns that have already been raised, then they can do so. But they're choosing not to and getting consultations on how to delay further. We're becoming suspicious that this is a filibuster by any other means.

The Chair: Mr. Cullen, I tend to agree that I would like us to stick to this bill. I think we should be discussing the amendment that's before us, the clause that's before us.

I would ask all members from all parties to please try to stick to the clause that's in front of us and try not to stray too far from where we want to go, because that just leads to other straying—

Mr. Nathan Cullen: Exactly.

The Chair: —and we go further and further away from the bill. So if we could deal with the bill, I think that's what we should be attempting to do.

Mr. Warawa.

Mr. Mark Warawa: Thank you.

I was just responding to some of the concerns and comments made by Mr. McGuinty in relation to clause 5.

It's very important that we shine a light on what Bill C-377 is. Bill C-377 is a very hollow, false bill. It will not accomplish what Canadians want us to.

The other issue is the importance of the amendment. The amendment is to reduce, subject to the ultimate targets of the....

The Chair: Ultimate objectives.

Mr. Mark Warawa: Okay—reduce, subject to the ultimate objectives of the United Nations Framework Convention on Climate Change.

Now, we have to make sure that we have the major emitters involved. The negotiations are ongoing. So we have to be very careful. At this point, the negotiations have just begun; they're building that framework for post-2012, and we don't have those. Again, we have Bill C-377 with nothing, no substance to it. They're grasping at straws.

I'm very concerned about the phoniness of this bill.

• (1600)

The Chair: Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Chairman, I think I'm starting to get a clearer picture of the government's strategy. What does the amendment say? First, it corrects an oversight in my amendment in that the United Nations Framework Convention on Climate Change does not identify targets, but rather objectives. Therefore, the NDP amendment corrects this oversight.

The government is opposed to the substance of the amendment which calls for targets in line with the UN Framework Convention. What does this opposition imply? It implies that not only is the government rejecting the Kyoto Protocol, but it is also refusing to subscribe to the objectives of the UN Framework Convention on Climate Change. While the Minister was boasting in Bali of wanting to continue negotiating within the convention's framework, the government is now telling us that it is prepared to defeat an amendment calling for the objectives of the framework convention to be upheld. These objectives are not targets, they are GHG emission stabilization objectives.

I'm also beginning to understand Mr. Johnson's presentation. He said that perhaps the first thing to do is to have emerging countries sit down at the table with G8 countries.

As I understand it, the government is rejecting the objectives set out in the framework convention and in the Kyoto Protocol. What is it exactly that the government wants? Does it want to limit room at the negotiating table to the Asia-Pacific partnership? Is that what it wants?

My motion makes no mention of meeting the objectives of the Kyoto Protocol. It refers to the objectives of the UN Framework Convention on Climate Change. My message to the government is clear: if the government and the government party vote against amendment BQ-1, this will mean that the government no longer wants to meet the objectives of the UN framework convention. It will be official. We will ask for a recorded vote and the parliamentary secretary will proceed to vote down this amendment. He will have to bear the consequences of his actions.

[English]

The Chair: Mr. Cullen.

Mr. Nathan Cullen: I think it's important that as we go through this...I'm looking at the progress, because as we all know, we have a deadline to make the proper amendments to this bill.

If my Conservative colleagues have a fundamental problem with the bill, that has been well stated and understood. The bill's passage is now being considered.

I would ask them, when amendments are before them, that they first actually read them and understand what it is they're objecting to before they object. Second, if they actually don't have any additions or changes to make to the bill, we understand and it's been well established that they don't like it. Thank you. But if you're not willing to do the work, the actual work of making a bill better, then I suggest you refrain from comments and use them in the media or back in your households to your communities.

We've got a motion forward that says that we are encouraging the government to do what it has already committed to doing internationally, so I'm not sure why we're taking 15 or 20 minutes to confirm or deny this, coming from the government benches. Strictly speaking, it's what your minister has already committed to. He's committed to exactly this.

The Chair: Mr. Harvey is next.

[Translation]

Mr. Luc Harvey (Louis-Hébert, CPC): During the debate, we asked the New Democratic Party to tell us how much this would cost. They didn't answer our question. Now, they are calling for emissions to be cut by 25% compared to 1990 levels, but they have forgotten that absolutely nothing was done between 1997 and 2005. I'm not trying to blame the Liberals. They are no dumber, or smarter, than anyone else. They encountered a problem and fell behind by ten years. To make up for that, major reduction targets were set. There is even talk of cutting current emission levels by 52%. I see this as hypocritical.

Cutting emission levels by 20% by 2020 is not only the highest target set by any G8 country, but the highest set by any world country. This is the highest target in the world, in terms of an absolute reduction in GHG emissions. Yet, here we have a call to raise the target to at least twice the identified level. According to this table, costs would represent 19% of Canada's GDP. For Quebec, these costs would be about 8%. However, for the other provinces, they would represent 37%. In the case of Alberta, the figure is 51%. These numbers also need to be taken into consideration.

This is the only study that we have. I do not think it should be given priority consideration. It may contain some errors. It was submitted to us by a witness. It is the only study that focuses on the economic side of things. To my Ontario friends, I say that for Ontario, this would represent 23% of the GDP. A cost of 5% already means a major recession. With 23%, we can multiply the effects times five.

People may not want to hear this, but this is the reality. Have my Liberal friends actually read this document? Is there another study out there that refutes these claims? We have not seen it. We requested a copy, but we didn't get one. Now we're being told that we are the ones who are wrong and who are not listening. We raised this question before Christmas and we have yet to receive an answer. We've given the opposition three months to respond, but to no avail. Now, we're being told that we are at fault for not going along. One day soon, we will need to set partisan politics aside and get down to the business of finding real solutions.

The 20% target identified by the government is already the most difficult target to achieve of all G8 and world countries. To raise this target to more than twice the identified level in an attempt to comply with standards, while at the same time forgetting that we need to make up for the eleven years we have lagged behind, well, that is serious business. We cannot make up for lost time in the blink of an eye.

I've done some studies. Take the transportation industry, for example. How many years does it take to replace the inventory of vehicles? Studies show that this takes about eight years in Canada. They are claiming that this process will be cost-neutral.

• (1605)

It's ridiculous to suggest that a change which will affect the entire population and industry will not have any major negative effects.

[English]

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott: I'm fine.

The Chair: Mr. Warawa.

Mr. Mark Warawa: My previous comments were in reference to the poorly written context of Bill C-377. This government strongly supports the good work of the UNFCCC, and the best way to honour that agreement is to take action, and that is what our government has done with the *Turning the Corner* plan. Bill C-377 does not have the action plan, and as I said, it's very poorly written. To show the world we care about climate change, we need to take action. Bill C-377 won't do that, so I won't be supporting this amendment.

The Chair: Are there any other comments?

Let me read the amended motion so everybody knows exactly what we have:

The Government of Canada shall ensure that Canadian greenhouse gas emissions are reduced, subject to the ultimate objectives of the United Nations Framework Convention on Climate Change.

Everybody has heard the friendly amendment? Good.

(Amendment agreed to: yeas 7; nays 0)

(Clause 5 as amended agreed to)

(On clause 6—*Target Plan*)

• (1610)

The Chair: On clause 6, we have Liberal amendments LIB-4 and LIB-5 on pages 7 and 8.

I'll go to Mr. Godfrey, please.

Hon. John Godfrey: The purpose here again, as I think can be seen, is to take into account the work of the UNFCCC in a more precise way than was the case when the original bill was put forward, because a lot has happened since that time. We've had a new assessment report from the Bali conference.

There are really a couple of changes, and the challenge here—I'm on amendment LIB-4—is that proposed paragraph (b) has now within it—and you need to read after the “and”:

(b) specify the scientific, economic and technological evidence and analysis used to establish each target; and

And then you insert LIB-5:

analysis used to establish each target,

And there's going to be an amendment to this too:

including consideration of the latest reports from the Intergovernmental Panel on Climate Change and the most stringent greenhouse gas emissions targets adopted by other national governments.

The Chair: We've crossed from amendment LIB-4 to amendment LIB-5. We're dealing with the two of them together.

Hon. John Godfrey: That's right. We already have the analysis.

The Chair: And you want to change paragraph (b), is that correct?

Hon. John Godfrey: I want to change paragraph (b) to insert LIB-5, and as part of LIB-5, I want to say, "including consideration of"—that is new to LIB-5—"the latest reports from the Intergovernmental Panel on Climate Change".

In other words, it has to be taken into consideration, as well as the other emission targets adopted by other national governments. It doesn't say you have to follow it slavishly; it says you have to consider it, because that's part of the competitive environment within which Canada will be functioning. That is that.

The only other change I would propose—and I apologize for this three-dimensional tic-tac-toe operation—is that after discussion with various parties, in paragraph (c) where we say "show that each target is consistent with a fair contribution", we are proposing to eliminate the word "fair" *en français et en anglais* and add the word "responsible", so that it reads "responsible contribution by Canada", *une contribution responsable du Canada*, which seems to convey better what we are trying to achieve.

I realize this is a little messy because we're dealing with a whole bunch of things at the same time, but those are the amendments to the amendments and the incorporation of two amendments as one.

• (1615)

Mr. Jeff Watson: We should add "ing" on the end of "prevent".

Hon. John Godfrey: You're quite right, "preventing". Correct. There seems to be a—

The Chair: Where is that one?

Hon. John Godfrey: This is a good point, Mr. Watson.

This is the third line down in paragraph (c), "ultimate objective of preventing", and I had that noted down.

I think that's an extraordinarily useful observation, and I want to thank you for it.

The Chair: Okay, I think what we need to do is this. I can read what you've done here so that everybody can follow, and you can correct me if I've got a problem.

Hon. John Godfrey: I will do my best.

The Chair: We've got the first part of subclause 6(1):

The Minister shall, within six months after this Act receives royal assent, prepare and lay before both Houses of Parliament an interim Canadian greenhouse gas emissions target plan for the years 2015, 2020, 2025, 2030, 2035, 2040 and 2045.

And then we go to LIB-4:

The target plan shall

(a) establish a Canadian greenhouse gas emissions target for each of those years;

(b) specify the scientific, economic and technological evidence and analysis used to establish each target

—that's now on LIB-5—

including consideration of the latest reports from the Intergovernmental Panel on Climate Change and the most stringent greenhouse gas emissions targets adopted by other national governments.

And then we come back to paragraph (c), which is amendment LIB-4, which says:

(c) show that each target is consistent with a responsible contribution by Canada to the UNFCCC's ultimate objective of preventing dangerous anthropogenic interference with the climate system and with Parliament's strong commitment to the Kyoto Protocol.

Just take out the word "fair" and put in "responsible".

Hon. John Godfrey: Right. Thank you.

The Chair: I hope everybody follows that.

Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair.

We welcome this amendment. The issue in clause 6 that is being addressed is something that has been lacking in previous initiatives from the government, which is keeping Canadians and Parliament up to speed on where our targets are, what our goals are.

A lot of long-term promises are made within government legislation, back-ended financing deals that go out six years and beyond. The need to have a steady, consistent track with our greenhouse gas reductions is essential. This amendment seeks to embed within those estimations some measurement of what other countries are putting into their efforts and engaging Canada, I hope, deeper into the solutions that are out there.

I think for too long in this country we have relied simply upon our own initiative and intelligence to meet greenhouse gas emission challenges and not looked overseas and not looked to other countries, who are now far outpacing our country when it comes to energy efficiency and the like.

We think this is a good amendment to clause 6, and we look forward to its passage.

The Chair: Are there other comments?

Mr. Warawa, go ahead.

Mr. Mark Warawa: It's impossible to demonstrate what is fair or responsible so many years in advance. My question for Mr. Godfrey is, who is going to determine what is responsible? The word "responsible" is a better word than "fair", but who is going to be determining that? How stringent will other nations' targets be, and who is going to determine that?

It would help a bit if he could answer those.

• (1620)

The Chair: Mr. Godfrey, could you respond to that?

Hon. John Godfrey: The purpose of this is to reflect two things. One is that the state of our knowledge about climate change is always being added to by the scientific community, and if this is going to be a piece of living legislation, it always has to take into account the latest reports from the UNFCCC, for example. We can't be bound by last year's science if this year's science presents a stronger case for action. So that is one of the purposes of this.

The second purpose of this is that we locate our efforts within the context of what other countries do. This is an approach that the government itself has proposed. They have said that one of the ways in which we will judge our effort here is by what other major industrial polluters are doing—for example, China and India—so it is a judgment call by the government of the day, and the Parliament of the day, to look at what other large industrial emitters are doing and ask if this looks roughly responsible.

I think everybody accepts the fact that we are a privileged industrial power with greater capacity for adjustment than developing countries, that we're in a different situation. What "responsible" looks like is always going to be contextual. It will always be relative to what other countries are doing, whether they're developing countries or developed countries.

By the way, this is very much the European approach. The Europeans are saying that what they will do by 2020 is reduce their emissions by 20% vis-à-vis 1990, no matter what. If other large national governments have higher targets than are currently anticipated—such as the United States—they will then revise their targets upwards to 30%.

So this clause is designed to reflect our need to be competitive with other countries, because we wish to always be sure we are among the leaders in greenhouse gas reduction. What constitutes leadership will be an evolving story, depending on how other countries are doing, whether those countries are the United States, China, Russia, or whoever. This is designed to give both the government and Parliament the flexibility to take this legislation forward.

The Chair: We'll hear from Mr. McGuinty first, and then Mr. Warawa.

Mr. Mark Warawa: I'm still asking my question.

The Chair: Sure, if you want, just carry on.

Mr. McGuinty, I'll come to you next.

Mr. Mark Warawa: Thank you, Chair.

Are the targets based on per capita? Are they based on the GDP? What are you basing them on? You mentioned the 1990 targets. What are you basing the targets on?

Hon. John Godfrey: There are two kinds of targets. There are the scientific targets, which tell us, as a world, that we need to put forward a certain degree of effort or we will get beyond a 2% increase in global temperatures because of greenhouse gas emissions. So one set of targets is based on the science and tells us, as a world, what we have to do.

Another set of targets says common but differentiated responsibilities based, first of all, on historical record. That is what various countries have built their wealth on over time. We, and the

industrialized world—Britain, Germany, United States—live off the riches of an economy created by greenhouse gas emissions, and we can't neglect that heritage. We did it. We've been polluting and we haven't been paying for it.

There is also a per capita component. As the Indians say, "We promise we will never emit more per capita than you do", which is not much of a promise when you think about it.

So there's the historical component, which I think is fair, because there's a burden that we've developed over time, and there's a per capita component, which says, why should some citizens of the planet never get to the same stage of development as we are? Now that we're here, we're going to pull up the drawbridge; you can't develop.

Those are the three components: the scientific targets that need to get us where we are going to be; the historical components, which remind us of how we got to be rich in the west; and then the per capita components, which deal with the consequences, particularly as we think about equity, for those countries that are being side-swiped by climate change—the low-lying island states, for example.

Those would be the considerations that a government would have to take into account in establishing its targets. That's why the words "consideration of" are there. It simply sets out some principles of equity and allows the government of the day to make its best judgment, given competitive considerations and where other countries are.

• (1625)

Mr. Mark Warawa: I have a final question, then, so I understand where Mr. Godfrey is coming from. I appreciate that explanation.

Do you feel your amendment expresses that intent? If a government should see this 20 to 40 years from now, are they going to understand that intent? You've used the word "responsible" instead of "fair". You've shared that it's based on scientific, historical, and per capita. You did mention the 1990 level. That would depend on....

Is your amendment going to give guidance to future governments?

The Chair: Mr. Godfrey.

Hon. John Godfrey: Sure. With respect to the reference in Liberal amendment 4, new paragraph (c) does reflect the strong commitment to the Kyoto Protocol, which would imply a commitment to the 1990 target.

Of course future governments are going to be dealing with the future and subsequent successor arrangements after 2012. It will not be the Kyoto Protocol; it will be something else.

I think this attempts to take the environment minister at his word, that Canada wants to be a leader, that Canada wants to be part of the international system. Canada is not denying the science of the UNFCCC and neither is the parliamentary secretary. It gives a formulation that is flexible enough to take into account the changes we can't anticipate, but lays down some principles of equity that will remind us of what, as a responsible, developed, leading country, Canada must do.

The Chair: Mr. Warawa.

Mr. Mark Warawa: I'm fine. Thank you.

The Chair: Mr. McGuinty.

Mr. David McGuinty: I will add very briefly to my colleague Mr. Godfrey's wonderful contribution to the debate.

What's interesting about this amendment is that it makes this bill more fully symmetrical with the Kyoto Protocol, which came into force and effect in this country in late 2004, early 2005...what was the date?

Hon. John Godfrey: It was in 2005.

Mr. David McGuinty: It compels Canada and all signatories to the agreement to actually invest more in climate change science, not less; to invest more in research and analysis, including the latest reports from the IPCC, not less. That leads an objective observer to ask why the Canadian Foundation for Climate and Atmospheric Sciences, located on Sparks Street in this city, is still without any new funding from the government after two years.

The Chair: Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Mr. Chairman, I am pleased with the amendment moved by my colleague Mr. Godfrey. The expression "fair contribution" would be replaced by "responsible contribution". The change is appropriate in that later, there is a reference to the objective of the UN Framework Convention.

One of the basic principles that we must not reject that of joint responsibility. The Convention makes provision for the principle of liability, not the principle of equity. It would be a shame to find ourselves in the same situation as in Bali, where the government spoke of a certain number of principles, such as national circumstances, in the consideration of objectives and Canada's future commitment to fighting climate change. It is not national circumstances or the principle of equity that must be considered, but rather the principle of liability. By taking this principle into account, I think we can comply with the UN Framework Convention on Climate Change.

• (1630)

[*English*]

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott: I am rather intrigued by the discussion around this issue and wonder why Mr. Godfrey didn't write some of these criteria into it. To use the term "adjusting it responsibly"—even that doesn't have any well-settled criteria. Although I know you've attempted to be helpful with your...

As long as I can get the floor back, do you want to respond, John?

Hon. John Godfrey: There's only so much you can do, working with the legislation as you find it. So everything we've attempted to do here by way of amendment—and you'll see this again in the preamble in our amendments—is chiefly to update this legislation to reflect how the world has moved on since the bill was drafted. It has been nearly a year and a half since it was first presented.

It's not our bill. We're attempting to lay out the principles to guide future governments without overly restricting them and attempting to guess or anticipate where the world may take us. We want the direction and the ambition to be clear, but it will always be

contextual, based on the science and the competitive aspects of what other countries are doing.

I think that's about as good as we can do, because we're notionally writing a piece of legislation to get us to 2050. That's pretty much it.

The Chair: Mr. Vellacott, does that answer your question?

Mr. Maurice Vellacott: Well, not really, because on the issue of the scientific total requirement, if I understand what you were saying there, John, that's more the global picture. I think we're saying that everybody has to contribute all around the globe to get to that particular point of whatever the scientific total requirement is. So that's not even domestic, really, is it? That's global.

Hon. John Godfrey: Well, it does say:

(b) specify the scientific, economic and technological evidence and analysis used to establish each target

It's not that we're going to do this at any price. We're going to do this mindful of all three sets of conditions: where we are with the technology, what the impacts will be economically, and where the science is taking us. I think it lays out three very important criteria that future governments will have to balance without actually specifying that this is going to trump that. This kind of regulation has to be smart, and that's all it is really intended to do. I don't know if it can do more than that.

Mr. Maurice Vellacott: I have concerns around this issue of the historical record. We look back and do a study on development in different parts of the world, and our country in particular. I say this carefully, but I don't know if it's an issue of then looking back and it being a kind of guilt issue. I don't find that provides me with anything tangible or concrete. It's kind of like historians meandering to draw some conclusions there on who developed based on what, and who got the advantage over some other countries, I guess.

Hon. John Godfrey: I don't think it's any more difficult to establish the historical record on greenhouse gas emissions than it is to establish the historical record of a company that has been polluting a site, say, for an awfully long time. We actually have the evidence. Economic historians do know how much carbon dioxide has been emitted by industrial countries over the years. There is a record of coal burned. I'm an economic historian, and I can tell you there is a pretty good record of what the burn rate was, literally, of coal in the 19th and 20th centuries by major industrial powers. That was the chief source of greenhouse gas emissions. That record is well known. There is an absolute correlation between the coal burned and the energy used and the economic success that accrued to those countries that did it first. That's what the Industrial Revolution was about. It is a known fact.

In terms of the principle of the thing, just as we would go back and try to penalize a company that over the years has built up its fortune by polluting a piece of ground, we're basically invoking the principle that one day or another the polluters have to pay, even if they didn't recognize at the time that's what they were doing, because the result of that activity was their wealth. They grew their wealth based on those emissions associated with energy consumption. That is the story of the Industrial Revolution, and it's known.

It is interesting that the UNFCCC said at Bali—and the minister did not contradict—that given that historical record, developed countries should see their reductions being at a minimum by 2020, with regard to 1990 targets, 25% to 40%. That is the conclusion you draw: you did it; you can't get away with it simply because you grew, or by saying that was then and this is now. You have to recognize how it is you got to be rich. That's how the west got rich, and they have to pay for it. We have to pay for it.

• (1635)

Mr. Maurice Vellacott: I will ask two quick questions, and then I'll close off here.

On the issue of the polluter paying, which you said, Mr. Godfrey.... I don't understand in effect what you're doing. I guess you're lumping it all together in a kind of national sense, in effect going back and tracing that the polluter doesn't pay. It's somebody else—the national government—who has taken responsibility for that. Maybe that's in fact what you're implying anyhow.

You don't speak in regard to GDP. Was there a reason for that? You spoke in terms of per capita, historical, scientific, but nothing in reference to GDP. Is that implied here somewhere?

Hon. John Godfrey: This is a piece of legislation that is trying to set out general principles. Since we are locating the conversation in the language of the United Nations Framework Convention on Climate Change, within that conversation there are assumptions about responsibility and about the historical record and about the per capita. That is part of the whole discussion about the United Nations Framework Convention. That's part of the whole discussion about Kyoto. Why is it that we have common but differentiated responsibilities? That is based on those principles.

By referencing it through the UNFCCC and through the Kyoto Protocol, we are assuming the logic of that conversation, which is going to guide us and which gets into things like per capita and historical record and ability to pay and common but differentiated. All of that is implicit when you reference it. There is no need to spell it out again, because once you have referenced it, you have said that.

The Chair: Is that okay, Mr. Vellacott?

Mr. Maurice Vellacott: That will be it for now.

The Chair: Could we have Mr. Watson next, please?

Mr. Jeff Watson (Essex, CPC): I'll actually save my question for a little later.

The Chair: Is there anyone else?

We should thank Mr. Godfrey. We've had a history lesson and gone back to the 18th century and so on, and there will be a test at the end, so we'll be posting the marks.

On the amendment, may we proceed without my reading it? Everyone knows where the amendments LIB-4 and LIB-5 are now literally one, where they have been put together. I would like to vote on the amendment first. I call the question on the amendment to clause 6.

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

(Clause 6 as amended agreed to)

The Chair: We'll now go back to clause 5 very briefly.

The Conservative members wish to vote “no” on that. There were four abstentions on that, so I would need unanimous consent for them to record those four votes as being opposed.

Some hon. members: Agreed.

(On clause 7—*Regulations*)

The Chair: We have amendment NDP-2 on page 9.

There is a line conflict with BQ-2. If NDP-2 is adopted, then BQ-2 cannot be proceeded with. With the line conflict, BQ-2 can only be proceeded with if NDP-2 is not adopted.

Mr. Cullen, I would ask you to tell us about NDP-2.

• (1640)

Mr. Nathan Cullen: Thank you, Chair.

These amendments come directly out of the testimony we heard from a number of the constitutional experts we brought before us.

I will be brief, yet I will ask for the committee's indulgence in some ways, because this is one of the more substantial pieces we're looking at today.

There are three specific concerns that we were able to find in the testimony. We've looked through the testimony significantly. The first piece of change is a reference to CEPA, particularly section 93 of CEPA.

Under the current writing of the bill, the regulation was deemed to be too broad in its authority. As committee members know—since we've referenced it many times at other hearings—section 93 allows us to focus in on the intention of the bill. It focuses on the government's power and the limits of the government's power to make regulations. It's referenced upon CEPA, which has already passed a challenge at the Supreme Court, and it is also what we borrowed from when we went through a similar exercise on Bill C-288. That's the main piece in limiting government regulatory power.

The second piece—again, we got this from the constitutional lawyers who came in front of us—was the specific legal wording to suggest that using the words “regulations under this or any other Act” anchors this legislation, which is a criticism that was first put to other standing pieces of legislation. This is not a stand-alone piece. It fits in with things that have already gone through—a constitutional challenge like CEPA and other things.

Third and equally important, to allow for greater certainty in subclause 7(2)—if committee members are following—around provincial and federal jurisdictions, the bill required greater clarity around what the provincial and federal governments were allowed to do, particularly, obviously, the federal government. The language we put into it, “any measure that it considers appropriate to limit greenhouse gas emissions”, is again very similar to Bill C-288. This would move the current subclause 7(2) completely out. It will later come up for the committee's reference in clause 9.

We think these amendments are strong, obviously, and speak directly to where some of the concerns were raised. This is the essence and the role of committee, to make sure that bills are as constitutionally sound as possible and reference current law.

The last thing I'll say before I relinquish the floor is that the very first portion of this title under NDP-2, the very first quotation that we come across, "regulations under this or any other Act", acknowledges a government power that exists already. We're being in a sense overly explicit to say that the regulations the government may come forward with....

The government members of this panel have often said that the plan could be too wide-scoping, could be too this, that, and the other thing. Bill C-377 never purported to outline the exact plan and the exact measures. We've all seen the charts of solutions. Bill C-377 was never intended to do that but rather to set the general direction for the government and allow the government to use the powers it has, be that a cap and trade system, be that auto emission regulations, or be that the various tools that are at the government's disposal. All of these amendments clarify those tools.

The government will find some comfort in this amendment, and we look forward to their support of it as well.

The Chair: Just so everyone is following, this amendment goes right after the first line, "The Governor in Council may make regulations", and so on, all the rest then being replaced.

Mr. Nathan Cullen: Correct.

The Chair: Are there any comments?

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: Mr. Chairman, I want to thank my NDP colleague for opting for a more consensual approach, one that is respectful of provincial jurisdictions.

I would like to move a friendly amendment to amendment NDP-2. Immediately following "this or any other act", I would add "within the limits of federal constitutional authority". Basically, I would move the portion of text in subsection (b) which reads "within the limits of federal constitutional authority" to the beginning of the provision. Subsection (b) would then start with "limiting the amount of greenhouse gases that may be released".

The amendment would then read as follows:

regulations under this or any other Act, within the limits of federal constitutional authority

(a) limiting the amount of greenhouse gases that may be released into the environment;

(b) limiting the amount of greenhouse gases that may be released in each province by applying to each province the commitment made under section 5 [...]

And so on.

Mr. Chairman, there is no guarantee that the territorial approach will be applied by the federal government. However, there are aspects of this amendment found in Bill C-288. They make Bill C-377 somewhat more asymmetrical than we initially considered it to be.

If this friendly amendment is deemed in order, I think members would agree to it. In any event, it seems clear to me that BQ-2 will be defeated.

•(1645)

[*English*]

The Chair: Mr. Cullen.

[*Translation*]

Mr. Nathan Cullen: I agree.

[*English*]

The Chair: So that everybody understands the friendly amendment that's just been accepted, the words, "regulations under this or any other Act, (b) within the limits of federal constitutional authority", simply move up to follow there, and then we carry on.

Hon. John Godfrey: And that applies to everything that follows.

The Chair: Yes.

So that friendly amendment has been accepted.

Mr. Vellacott.

Mr. Maurice Vellacott: I was just going to point out for the record that in our *Turning the Corner* plan we have before us some very specific regulations—development for that—to achieve the very same goals we have in the amendment the NDP have put on the table here. In terms of a regulatory framework for greenhouse gas emissions and the approach for determining those reductions, those targets, it's all here on page 9 and following in the regulatory framework for air emissions. It's under the greenhouse gases section in the table of contents.

So the approach is there for setting targets for existing facilities and for new facilities. There is a compliance mechanism here as well. There's talk in terms of all the detail of that.

It's kind of an overlap, a duplication, if you will. I guess the NDP wants to propose it, but it is not necessary, in view of the fact that we already have something black on white in respect of that. It's laid out in the *Turning the Corner* plan to achieve the goals in a very specific way.

The Chair: Are there any other comments?

We have the amendment then, and I think everyone understands that that goes right after "any other Act", and we simply move the first part of (b) up to fit after that.

Those in favour of the amendment?

(Amendment agreed to)

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

(Clause 8 agreed to)

(On clause 9—*Canada to meet its commitment and targets*)

•(1650)

The Chair: We have a sequence of amendments here. We have LIB-6, page 12; BQ-3, page 13; NDP-3, page 14; and NDP-4, page 15.

Let's deal with LIB-6 on page 12 first, please.

Hon. John Godfrey: Mr. Chair, the point of this is simply, again, to incorporate events that have occurred since the original drafting of the bill with regard to the UNFCCC. What we've done is simply amplify it.

So the phrase now says:

Ensuring that Canada's positions in all international climate change discussions and in all negotiations with governments and other entities, particularly discussions and negotiations

—there's a typo in English there—

resulting from decisions of the Conference of Parties to the UNFCCC and of the Conference of Parties serving as the Meeting of Parties to the Kyoto Protocol, are fully consistent with meeting the commitment made under section 5 and the interim Canadian greenhouse gas emission targets referred to in section 6.

Again, it's consistent with what we've talked about previously. This is just building in that reference.

The Chair: Okay. I think we'll deal with these one at a time and explain them as we go.

First of all, we have Liberal amendment 6 on page 12. Is there any debate, comment on that, please?

Mr. Vellacott.

Mr. Maurice Vellacott: I think there are some complementary changes required that this may not take into account here, some of the G8 major emissions initiative. They're dealing with climate change right now, and they're considered partners, at least to advance the discussions, and then those processes will feed into the United Nations to advance, in effect, a global framework with some of the world's largest emitters.

We're already committed to developing those global kinds of frameworks for climate change, and that involves all of the world's emitters. I think our pressure as a government in terms of bringing in those other partners has been pretty evident. It's played out in the media; it's been widely recorded.

I think, in view of that, I would have to disagree with the proposed amendment by Mr. Godfrey.

The Chair: Are there other comments?

Mr. Warawa.

Mr. Mark Warawa: I'd just like to get the correct wording here. I think it's a little different from what's being proposed with that friendly amendment from Mr. Godfrey.

What I have is:

other entities, particularly discussions and negotiations resulting from decisions of the Conference of Parties to the UNFCCC and of the Conference of Parties serving as the Meeting of Parties to the Kyoto Protocol, are fully consistent with meeting

Were there other items that you added to that?

Hon. John Godfrey: No, what I'm saying is that at line 21 in the bill, it picks back up to say:

meeting the commitment made under section 5 and the interim Canadian greenhouse gas emission targets referred to in section 6.

So I was trying to read out the whole thing as amended. That's what the extra bit was.

• (1655)

The Chair: And this was added to that clause.

Hon. John Godfrey: It just amplifies the middle bit; it tops it up.

Mr. Mark Warawa: Okay, so we're not dealing with amendment BQ-3.

The Chair: No.

Mr. Mark Warawa: Why are we dealing with amendment LIB-6 before BQ-3?

The Chair: Because it comes before the Bloc amendments.

Mr. Mark Warawa: I understood it was under.... We're on clause 9.

The Chair: Clause 9, and we're dealing with line 20.

Mr. Mark Warawa: Okay, I've got it. Thank you.

The Chair: Are there any other comments? Is there any other debate?

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

The Chair: Now we'll go to amendment BQ-3 on page 13. If amendment BQ-3 is adopted, then amendments NDP-3 and NDP-4 cannot be proceeded with as they are.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: If I'm not mistaken, amendment BQ-3 proposes to do away with subsection (c).

In that case, I would withdraw amendment BQ-3. However, I would like to suggest an amendment to subsection (c). After the word "repealing", I would add "in conformity with section 7" before "the necessary regulations".

May I move an ad hoc amendment?

[*English*]

The Chair: So you would add after paragraph 9(c). You would carry on with paragraph 9(c) as it is, and you would then add. Is that correct, Mr. Bigras?

[*Translation*]

Mr. Bernard Bigras: That's correct.

[*English*]

The Chair: You want to have conformity with clause 7. That's what we're looking for.

[*Translation*]

Mr. Bernard Bigras: Precisely.

[*English*]

The Chair: Does everybody follow that process? That basically comes afterward. It is in line 31. In the English, after "repealing", we add "in conformity with section 7".

We have to fix the French and English, but does everybody understand what the motion by Mr. Bigras is?

You're withdrawing amendment BQ-3 and replacing it with this amendment.

[Translation]

Mr. Bernard Bigras: That's right.

[English]

Mr. Maurice Vellacott: Say that again.

The Chair: We take amendment BQ-3 and get rid of it. We replace it, adding on to paragraph 9(c). The wording in paragraph 9 (c) stays as is and we add “in conformity with section 7”.

Hon. John Godfrey: And then carry on.

The Chair: And then carry on, yes.

This becomes an amendment to paragraph 9(c).

Mr. Maurice Vellacott: Paragraph 9(b) stays exactly intact, as it is.

The Chair: Yes. Mr. Bigras' motion deals only with paragraph 9 (c).

[Translation]

Mr. Bernard Bigras: With the adoption of amendment NDP-2, we are amending section 7 which deals with the process of limiting the amount of greenhouse gases that may be released in each province. Section 7 allows for that possibility. In section 9, we want to ensure that the regulations are made in conformity with section 7.

• (1700)

[English]

The Chair: Just that little addition, then, is what we would be voting on now.

Go ahead, Mr. Warawa.

Mr. Mark Warawa: My understanding is that Mr. Bigras is removing his amendment, and he was going to be...

The Chair: He's concluding with a slightly different wording.

Mr. Mark Warawa: My understanding, though, is that he is asking for a friendly amendment to Mr.—

The Chair: No, this is his amendment.

Mr. Mark Warawa: So it isn't amending. He's just changing the wording.

The Chair: He's just changing—

Hon. John Godfrey: He's being friendly to himself, right?

The Chair: Yes.

Mr. Mark Warawa: So he's not removing it; he's amending his amendment.

The Chair: He's amending his amendment. He's friendly amending his amendment.

Go ahead, Mr. Vellacott.

Mr. Maurice Vellacott: So then paragraph (b) still reads, at the end of that: “with meeting the commitment made under section 5 and the interim Canadian greenhouse gas”.

The Chair: That stays, yes.

We're coming back to that, because now we'll deal with the NDP. But right now we're just talking about Mr. Bigras' amendment, and his amendment adds to subclause 9(c).

Mr. Maurice Vellacott: It would then read: “making, amending or repealing the necessary regulations under this or any other Act” in conformity—

The Chair: It would be in conformity with clause 7.

Mr. Vellacott.

Mr. Maurice Vellacott: Again, I just wanted to make the point that in our *Turning the Corner* plan, we, I think, have set the tone for developing a global framework for climate change and for positioning Canada to be a leader, actually, in respect of that by achieving that 20% reduction from 2006 levels by 2020 and a 60% to 70% reduction by 2050.

So I think again, for the sake of the record, we need to make plain where our party has stood. Well in advance of this bill or any other coming forward, we have been moving on these things.

The Chair: Thank you, Mr. Vellacott.

Are there any other comments?

So we're voting, then, on the amended BQ-3.

(Amendment agreed to)

The Chair: We're now, then, on NDP-3, which is on page 14.

I will ask Mr. Cullen to speak to that, please.

Mr. Nathan Cullen: Thank you, Chair.

This clause refers back quite a bit to clause 7 in general. In terms of laying out those targets, this is the clause that now talks about how it is that government goes about achieving these targets. We wanted to tighten up a couple of pieces in the legislation on this. One is with respect to the timelines. Well in advance of where the government is headed, it has to report back to the Canadian public as to what achievements have been made and then declare itself with respect to its next target.

This is an accountability measure, again, as we've seen in other amendments we've made, that's been lacking. A lot of these changes are going to flow from the now adopted changes we've made in clause 7, and committee members can look through the rest.

There's one shorter timeline for the first target date. That's because we're now into 2008. But subsequent to that, there's a healthy amount of notice for the Canadian public to see—whatever the government of the day, whatever its political stripe—that this is what the law requires them to publish and to then conform their actions to. We think this type of accountability measure is long overdue when it comes to dealing with climate change in this country.

That's it.

The Chair: As you can see, then, we are adding a section to this, as you read it, which has been explained by Mr. Cullen.

Go ahead, Mr. Warawa.

Mr. Mark Warawa: Chair, regarding this amendment from Mr. Cullen, as was already pointed out by Mr. Vellacott, the government, in its *Turning the Corner* plan, has historically the toughest targets in Canadian history. We provide international leadership. Those targets are a 20% reduction of 2006 levels by 2020. That's only 12 years from now, Mr. Chairman. Those are dramatic: 150 megatonnes. On the long-term targets, the 2050 targets, they're reductions of 60% to 70%. Again, these are some of the toughest in Canadian history.

Our government is committed to meaningful consultations with its partners. It'll take the appropriate time to gather the best information available, working with other levels of government—that's already happening—as well as with industry and individuals, to develop regulations. So it's already happening in a very realistic way.

Thank you.

•(1705)

The Chair: Thank you, Mr. Warawa.

Mr. Godfrey is next.

Hon. John Godfrey: I have two very picky points. I notice that we now list this amendment as (2), so I assume that we would have to go back into the text and put a (1) beside (a) because—

The Chair: There's an editorial problem there, and that would be fixed during—

Hon. John Godfrey: Then the other slight picky thing—I'm trying to be like Mr. Watson—is that I'm not sure you could just lead off with “regulations” from a grammatical point of view, because the paragraph that leads into this says “fully meets the interim Canadian greenhouse gas emissions targets referred to in section 6 by”, and then you've got subclause (1), and then I'm not sure if you can have “by regulations”? Maybe you could have “by passing regulations” or “creating regulations”, some form of word that is appropriately legislative. Maybe you can have “by regulations”. I don't know.

What do you think? Does it matter? It's a very small grammatical point, but I just wanted to make sure that—

The Chair: So we would have subclause 9(1) for what's there, and then we start subclause 9(2) with “Regulations to ensure”. I think that's where the (2) would fit in. We would insert the (1).

Hon. John Godfrey: Do you mean you put the (1) right after the 9? But it doesn't....

Mr. Nathan Cullen: The grammar can be fixed easily, I believe, Chair.

The Chair: The grammar can be worked on, certainly, in the final—

Hon. John Godfrey: You're basically asking the Governor in Council to pass the regulations as well.... Anyway, it's just....

The Chair: We have four brains here that can work on the drafting, and then I will supervise and be sure it's correct.

Hon. John Godfrey: Anyway, I just raise that.

The Chair: I did well in English, Mr. Godfrey.

Are there any comments? Does everybody understand what we're doing with NDP-3? We're adding below line 31 in the English part. As for where (1) and (2) end up, we'll make sure that it makes sense.

Mr. Cullen, go ahead.

Mr. Nathan Cullen: I thank Mr. Godfrey for his intervention, and the language we can clean up.

This allows committee members some level of comfort, because we heard—in various iterations of climate change legislation—when the business community has testified, they've often lamented the lack of certainty that comes from government in making their long-term investment plans, whether it be major manufacturing, the auto industry, or energy production. The reason this clause exists, in allowing such long timelines in advance, is to send those signals clearly to industry: this is where the target is going to be; make your modifications and investments now.

If this is the effort we need to take on in order to reverse course, then we have to eliminate all of the excuses or reasons—depending on your perspective—that we have heard as committee members and governments and the Canadian people for too long. So this is an important one that allows certainty in the broadcasting of a clear signal to industry to make the investments required to change course on their pollution. Regardless of the government's comfort or discomfort with the bill, I'm sure they can support and confirm that level of certainty, having heard from many in both the business and environmental communities.

The Chair: Mr. Warawa is next.

Mr. Mark Warawa: Chair, I remind Mr. Cullen that is already happening. There is a certainty with the *Turning the Corner* plan by regulation, and what he's proposing is to provide a great deal of uncertainty for industry and moving forward.

My question refers to his date. He has a date of December 31, 2008. I remind him we are in March 2008. Our Liberal members know how long it takes to move a regulation. Our *Turning the Corner* plan is a regulatory framework—and it takes time.

I think Bill C-377 is a very poorly written bill, and we're having to basically rewrite it. We already have a good plan in place, and so I'm not particularly interested in helping Mr. Cullen try to make a very bad bill palatable.

This is a very important point. In his amendment is a proposed date of December 31. It's not realistic. It's a bad bill, but you still have to have some realistic targets and dates set.

I guess my question for Mr. Cullen is whether he honestly thinks you can legally get a regulation in place in that short period of time. The answer, I could tell him, is absolutely not. It's not realistic. What magic is he imagining here?

•(1710)

The Chair: Mr. Cullen, could you answer that question?

Mr. Nathan Cullen: I'm glad the parliamentary secretary asked me this question, for two reasons.

I think one of my favourite moments was when we had his boss here some months ago, and I asked him why, after two years of being in power, there hadn't been one single regulation issued by his government to deal with greenhouse gases—in two years, which is a healthy amount of the time to issue any regulation. Since then we're still waiting.

There's a framework rumoured to come out, with an issuance of a regulation meant to be happening this summer. This is saying that the regulation—whatever government comes up with—must take us to the 2015 mark to allow business a minimum of that level of certainty. Those regulations are coming forth from his government. I don't trust the regulations to pick the right target and appropriate timelines. That's what this bill is ensuring for Canadians.

In terms of the pacing and timing of how long it takes, we're now sitting in March, and he's saying that unfortunately it's impossible to get to a regulation by December. Meanwhile, his government's planning to issue them in June. So it's either one story or another. Either his government is issuing these regulations or it's not. If it is able to issue regulations, as it's been claiming all of today and many days prior, then clearly this bill fits nicely in with its plans. What this bill does, though, is use a science-based model rather than some fancy hocus-pocus to decide on where the target should be.

The Chair: Mr. Warawa.

Mr. Mark Warawa: Obviously, Mr. Cullen—and I consider him a friend when we walk away from this committee—is passionate about the environment, so I'm not trying to discredit him at all, but he obviously does not know how a regulation is formed.

My question would be, through you to one of our supporting staff, who can tell us how long it takes to form a regulation? There is a procedure to follow. There's a process, and in my understanding it's about 18 months. There has to be a notice of intent to regulate. There's the gazetting process. Our government tabled a notice of intent to regulate in April, and then there's this process.

My question, then, through you, is to the staff. Who can guide this committee? What's the process to get a regulation in...?

The Chair: We do have a member of the justice committee—

The Clerk of the Committee (Mr. Normand Radford): It's the environment legal team.

The Chair: It's the environment legal team.

Could you identify yourself for the committee and answer Mr. Warawa's question, please?

[Translation]

Mr. Michel Arès (Counsel, Legal Services, Department of the Environment): Good day, Mr. Chairman. My name is Michel Arès and I work for the Justice Department at Environment Canada's Legal Services.

Unfortunately, I must give a lawyer's answer to Mr. Warawa's question. It all depends on the regulations. According to government policy, draft regulations must be published 30 days in advance in the *Canada Gazette* and comments from the public must be considered.

[English]

Depending on the complexity of the regulations, what is at stake, who is consulted, and what they're consulted upon, it may take three months, one year, two years. It's not really a legal question.

• (1715)

The Chair: That sounds very much like a legal answer to me.

Mr. Michel Arès: That's why, Mr. Chair, I apologized beforehand.

The Chair: Mr. Warawa, was your question answered?

Mr. Mark Warawa: No, it wasn't, and I have a further question.

Thank you for answering. It provides a very general context. Your answer was that it depends on what's being considered as regulations.

What we're considering here is a huge form of consultation with industry at setting targets that are going to be stringent greenhouse gas targets to deal with on an international stage, but affecting Canadian industry. Do you see that as a three-month process? I don't, and I'm thinking this is quite complex, to be setting these international 2050 targets that are going to affect every sector of industry in Canada. To do it properly would take a while.

Your answer was very general: three months to two years. Do you have a feeling of how long it may take for what's being proposed in Bill C-377?

[Translation]

Mr. Michel Arès: Mr. Chairman, I stand by what I said earlier.

[English]

This is not a legal issue, it is a process. It may take a long time, but it may be short. I don't think I can vary what I said earlier.

Mr. Mark Warawa: Thank you. I understand where you're coming from, and the point I've made is that it's valid. It's nice to be wishful, but you have to be realistic.

Of course, my critique of Bill C-377 is that it is empty, hollow, and not realistic. If Mr. Cullen wants to go ahead with a date of December at the end of this year to have regulation in place, that is not realistic. To present this bill with some credibility, I recommend you change the date.

The Chair: Mr. Cullen.

Mr. Nathan Cullen: I have a couple of things.

One is to offer an olive branch to my esteemed colleague. What date would he propose?

Mr. Mark Warawa: It's his bill. I'm going to let him try to wiggle out of this one, but my experience is that it's a minimum of 18 months to get this through.

Mr. Nathan Cullen: Is that a friendly amendment?

Mr. Mark Warawa: No, I'm going to let you deal with it, but I would suggest the average is about 18 months.

Mr. Nathan Cullen: To finish my point, Chair, as the record will show, I made an offer to the parliamentary secretary to substantially contribute to this bill, and he chose not to take that offer.

The government has been working with this consultative process going back to the beginning of 1992, in great substance since 2000, and then beyond. It's not as if the conversation got started from ground zero. This has been going on for many years, and we've heard that from witnesses. We've heard the round tables and various iterations of this government, previous governments, on and on. Any suggestion of delay, more time, and more consultation is the problem in Canada. I don't think that would meet the smell test for most Canadians.

The Alberta government proposed regulations in March to bring in in July. We're suggesting December, if regulations pass under this bill. If the parliamentary secretary has a better idea, he can move an amendment. He has chosen not to do that.

I think we need to move on. Unless the government is willing to step up to the plate with serious and credible regulations, having spent more than two years in office without a single one coming forward, the credibility gap is simply too wide.

Mr. Mark Warawa: It is coming forward. It is a process to follow, which I have brought to your attention.

Mr. Nathan Cullen: These processes go on for so long, and Canadians lose heart so consistently with governments who make promises about getting tough on polluters but don't bring the regulations forward. What this bill attempts to do, in black and white with clear legislation, is to no longer allow the excuse that we need to consult more and gather more data. We simply need to set the targets in conjunction with our partners in industry and the provinces and then get on with the job. That is what this bill proposes to do.

I look forward to the government's support of it.

The Chair: Are there any other comments?

Mr. Vellacott.

Mr. Maurice Vellacott: I have a question. I don't know if Mr. Cullen will ever be in government, and maybe that's part of the reason he can have these rather unrealistic targets.

David may have an answer, or Mr. Godfrey or Mr. Tonks. They've been on the government side.

• (1720)

The Chair: Through the chair, please.

Mr. Maurice Vellacott: Through the chair, Mr. Mills. Certainly.

Do they not have concern with respect to the time we have? This bill isn't even through report stage, third reading, the Senate, and the whole bit. How are we going to be able to have that? I think it's highly unreasonable. I would be curious, from the government side, as to—

The Chair: Mr. Cullen, do you want to answer that?

Mr. Nathan Cullen: Coming from a government member who last week was filibustering this very bill, suggesting that we need more consultation time bears a little credibility gap.

This bill does sets out to propose certainty for industry. The government has called for it. We've suggested it. They've chosen to make no amendments. The offer was made in public and on the record. It was not taken. We will move on.

The Chair: Yes, Mr. Vellacott, let's not get into who's in government and who isn't.

Mr. Maurice Vellacott: I made my point on this, and that stands. That fact was there, and the NDP well know that.

I have every legitimate right to make my point here, Mr. Cullen, and I don't take any preaching from you on it. The idea is to get at something that's doable, and this is not realistic. It's not even through this committee yet. It has to go through other stages and other places, and you're wanting to get amendments on the fly. I don't think that's reasonable in the circumstance.

Mr. Nathan Cullen: [*Inaudible—Editor*]...three weeks.

Mr. Maurice Vellacott: Your moral outrage doesn't wash, and frankly a lot of us see through it pretty quickly.

The Chair: I would like to come back to Mr. Godfrey's item and get this approved so we can put the wording correctly.

At the beginning of this, we would put—and Mr. Cullen, I hope you agree—“A regulation made under subsection (1)” instead of “regulations”. It would read: “A regulation made under subsection (1) to ensure”, etc.

We're voting on amendment NDP-3—

A voice: I think it has to remain plural.

The Chair: It would be “regulations”, plural? Okay. It would end up reading like this: “Regulations made under subsection (1)”.

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

The Chair: A recorded vote.

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

The Chair: I would like to welcome Mr. Tonks, a former chair of the environment committee.

Mr. Alan Tonks (York South—Weston, Lib.): Thank you.

The Chair: I would certainly welcome you to trade jobs....

Mr. Alan Tonks: I was going to say that I thought the subject was the same when I left three years ago.

The Chair: Not much has changed, I'm afraid, just the players.

Anyway, we will go on to amendment NDP-4, page 15.

Mr. Cullen, there we basically refer to proposed subclause 9(3).

Mr. Nathan Cullen: Correct.

The Chair: Is everybody following this? This would become subclause 9(3). We have subclauses 9(1), and 9(2), which we just passed, and this would become subclause 9(3).

Mr. Cullen.

• (1725)

Mr. Nathan Cullen: This refers back to clauses 5 and 6 about the direction and targets. This is another tool to allow the government of the day to make the regulatory requirements. It allows the government to use as many mechanisms as are legal and constitutional, considering all the amendments we've made to the bill, to go beyond just making regulatory amendments.

Again, this is language that is borrowed from Bill C-288, which has already passed through the House. This uses solid constitutional language that was raised by some of our expert witnesses.

The Chair: Are there any comments on NDP-4, which concerns, just to remind everyone, proposed subclause 9(3)?

Mr. Watson.

Mr. Jeff Watson: Thank you, Mr. Chairman.

Just to clarify on the technical aspect, I missed the last part here. We carried the amendment, so there is now an editorial change. We have a clause 9—

The Chair: We have subclause 9(1), which is what's there; we have subclause 9(2), which we just added—

Mr. Jeff Watson: Which was NDP-3.

The Chair: —and we now are adding, if we support it, subclause 9(3).

Mr. Jeff Watson: This is proposed subclause 9(3). I am losing track of how many times the NDP has to amend its own bill.

Mr. Chair, as for the language here, we're calling it another tool in the tool box. I think the government's tool box already incorporates a number of tools in our *Turning the Corner* plan. We already recognize the fact, for example, that climate change is a shared priority across all jurisdictions and communities; it's not just the federal government's responsibility. We acknowledge that the provinces have a role, that our communities have a role, industry has a role, and individual citizens have a role. So in terms of the tool box, I think we already recognize that this is a shared priority across all jurisdictions.

We are as well taking significant action, as the federal government, within our own jurisdiction to reduce greenhouse gas emissions. We recognize that it can't be done by federal action alone.

We recognize, in part by our actions with the ecoTrust for the provinces, that there are tools that could be used to assist the provinces. In Ontario alone, I think that allows us to help close Mr. McGuinty's coal-fired generating stations, as one example, which is something he was unable to do himself, Mr. Chair. We recognize there has to be that kind of partnership. It's not going to take federal action alone. Certainly Ontario now can take some action, because we're helping it.

This takes the involvement of industry. We're involved in a wide-ranging process with industry, Mr. Chair, to come up with regulations to help effectively set the carbon price for industries to comply.

It takes the actions of individual citizens. Take, for example, our eco rebates to help retrofit homes for energy efficiency. I just had an energy audit on my own home, and my wife and I are going to try to make improvements for energy efficiency to our own 35-year-old home. So it takes the efforts of individual citizens. That's what our *Turning the Corner* plan is based on. It's based on a number of those things, Mr. Chair.

Our budgets have reflected the fiscal levers of the government to complement our actions, not only alone but in conjunction with

others and with individual citizens, to achieve these types of goals, Mr. Chair.

It is evident that this government, through our *Turning the Corner* plan, through our budgets, is working with all of our partners, taking an integrated approach, not just with respect to greenhouse gas reductions, Mr. Chair, but we're also interested in pollution reduction—

The Chair: Mr. Watson, I'd really like you to deal with the amendment. I'd like to finish this, if we could, and then call the meeting.

I have still Mr. Bigras and Mr. McGuinty, and one minute for the issue—

Mr. Jeff Watson: Mr. Chair, the member across talked about the tool chest, and I'm simply responding to the comment, Mr. Chair, that the tool chest is built in our *Turning the Corner* plan. We have many options that we're already using.

Therefore, I'm going to oppose the amendment.

The Chair: Mr. Bigras.

• (1730)

[Translation]

Mr. Bernard Bigras: I don't understand my colleague's comment. Basically, amendment NDP-4 is saying that if, for example, a province comes up with a plan, or with measures to reduce GHG emissions that are in line with the objectives and with section 5, then these measures would be considered, including any measures set out in agreements signed by the federal government and the provinces.

For example, the \$350 million allocated to Quebec to help it meet its Kyoto Protocol targets and the province's plan to fight the effects of climate change will be taken into consideration in the application of section 5. That's seems clear to me. When a plan to fight the effects of climate change undertakes to reduce GHG emissions in conformity with section 5 of the act, these measures will be taken into consideration when the legislation is enforced.

[English]

The Chair: Thank you, Mr. Bigras.

Can you make your point very briefly, Mr. McGuinty?

Mr. David McGuinty: I counted six separate occasions today when the members of the government talked about the need for analysis. I'm just wondering if it would be possible to request from the minister's office all of the analysis that was performed to backstop the government's *Turning the Corner* plan.

For example, Mr. Watson just referred to budgetary items. Could he maybe help Canadians understand what analysis backstopped the ecoTrust; what analysis was performed to show exactly how many greenhouse gases would be reduced; what analysis was performed to substantiate their claims on the bus pass measures; and what analysis was performed—any kind of econometric analysis, modelling, whatever—by the government? We have seen nothing at all.

In fairness, the members keep raising the need for analysis in this bill. I'm wondering if they can help us understand what that means in real terms. Could the parliamentary secretary, through the minister, request full disclosure for all Canadians and all members of this committee on all the analysis performed, all the modelling performed inside government and outsourced to consulting firms? We would very much like to see exactly what was done to arrive at the numbers the government is putting forward.

The Chair: I think we can request that. It's a whole big issue, but now I'd like to deal with the amendments to Bill C-377. Certainly at some future date we can request that information. Every member has the right to ask for that.

What we're looking at now is NDP-4. We have had a discussion on it. Are there any other comments? No.

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

(Clause 9 as amended agreed to)

The Chair: We are done.

Thank you very much.

Tomorrow we will move right ahead. I want to let you know that of the three rooms that are televised, one is booked by heritage, the other by justice, and the other by ethics.

Mr. Mark Warawa: Chair, I'm glad we're doing that. I wish we had done it sooner.

Hon. John Godfrey: I think this is better.

The Chair: The meeting is adjourned.

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