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# Standing Committee on Environment and Sustainable Development

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Tuesday, April 1, 2008

•(1535)

[English]

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

As everybody knows, we are on clause 10 as amended. We passed the amendment; we are now on to the full clause, clause 10.

(On clause 10—*Minister's statement*)

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Chair, I've read clause 10 again and again. Mr. Cullen had requested that we make some amendments. I think we've made it very clear that I have great difficulty with Bill C-377 as it's written and as it's been amended to this point. I don't believe the concerns that have been raised by the witnesses have been addressed to this point; therefore, in the spirit of goodwill, I would like to move a subamendment.

Clause 10 begins under—

**The Chair:** This would be an amendment now. We've dealt with the amendment and passed it, so this now would be an amendment.

**Mr. Mark Warawa:** An amendment. Thank you very much.

Subclause 10(1) says, "On or before May 31 of each year, the Minister shall". I would be—

**The Chair:** Do you have this in writing for us?

**Mr. Mark Warawa:** I don't; I'm sorry. I can pass on this copy to you in just one moment.

Instead of "shall", it would be "may, at his or her discretion", so it's a fairly simple change.

**Some hon. members:** Oh, oh!

**Mr. Mark Warawa:** So "shall" would be changed to "may, at his or her discretion".

Then paragraph 10(1)(a) says, "The measures taken by the Government of Canada to ensure that its commitment under section 5 and the targets set out in the target plan are being met, including", and then this is what would replace "measures taken in respect of": after the word "including", it would read, "the targets in the Government of Canada's *Turning the Corner* plan and measures taken in respect of".

Under subparagraph 10(1)(a)(i) would be "the framework announced on March 10, 2008". That would become the new subparagraph 10(1)(a)(i), and the other subparagraphs, (i) to (iv),

would now become subparagraphs (ii) to (v). So it would be inserting a new subparagraph 10(1)(a)(i).

This will address a number of the concerns I raised yesterday dealing with the vagueness, the emptiness of Bill C-377. We heard from the witnesses that Bill C-377 was void of policy, void of anything that would see action happen. I'd be glad to share more details.

Do I have permission to continue speaking?

**The Chair:** Yes. Could we get that in writing, so that all members are clear on what it says? At the front desk here we're not clear on what the amendment is, so we need to get it in writing.

Yes?

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Chair, this came up in committee before; I'm sure Mr. Bigras was going to mention it. We've had experience in this committee in the past that when documents were not made available in both official languages and the translatability is not present, many problems are created. It's part of what this place is to respect both official languages. I don't think bringing amendments that weren't given even enough time for translation.... And certainly amendments that are intended to gut a piece of legislation also would counter it.

On the first premise, showing up with no paper at the last minute, untranslated, is something this committee collaboratively committed to not do; we all did, from all corners. We said we wouldn't do this anymore, because it had been raised by Mr. Bigras and others a number of times.

**The Chair:** Mr. Godfrey, I believe you had your hand up.

Let's just deal with this issue first; then I will consult with our clerks.

•(1540)

**Hon. John Godfrey (Don Valley West, Lib.):** I was just going to summarize the amendment as I understand it.

The amendment seeks to eliminate the aggressive targets that are outlined under clause 5, replace them with the unaggressive targets in the *Turning the Corner* plan, and then say that the government isn't even obliged to report on its own unaggressive targets. That would be the purport.

Why doesn't the parliamentary secretary simply insert the word "not" in there: "On or before May 31 each year, the Minister shall not prepare a statement setting out" all the things? That would cover pretty much what he's trying to do here.

**The Chair:** That is a suggestion. Now, give me half a second.

Please pay attention.

We had an amendment, which was in both official languages, we voted on that amendment, and that amendment was accepted. Today we are on to the main clause—clause 10 as amended—and so subamendments cannot be entertained from the floor, because we're talking about the main amendment. Had we done this prior to it, we could accept subamendments from the floor in one language, simply because they're subamendments that have come up as the discussion has gone on.

But at this point we are into talking about this clause. When we come to clause 11, obviously we have one amendment. We can have subamendments, and they can be in either English or French. We will get them translated and in due course vote on them, and they will be accepted or not.

The problem with introducing and basically having this...and I'm going to throw this back to the committee. We can accept this amendment, which we are about to receive, if the committee is prepared to accept that amendment. If not, we will continue to debate clause 10 and vote on clause 10 eventually, and then move on to clause 11, where we can accept the amendment, plus subamendments in one language.

But basically, by the rules, to accept a new amendment at this point, when we have had the rules set out that they be submitted in both official languages, if the committee were to decide.... We don't have to accept this amendment at this point, simply because it wasn't done according to what the committee had previously decided. It's basically the will of the committee as to whether we accept this—ultimately go back to just debating clause 10 or take this new amendment. The committee needs to decide that.

Does everybody understand the rules?

Mr. Godfrey.

**Hon. John Godfrey:** I move that the committee support the chair's ruling.

**The Chair:** I'm not really making a ruling; I'm asking you for your advice.

**Hon. John Godfrey:** Well, all right. I move that we proceed to the vote on clause 10 as amended.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Chair, I want to thank you and to apologize to the committee for not providing that motion in both official languages. I should have and I didn't, and I apologize for that.

It was in the spirit of enthusiasm. Mr. Cullen had asked for some amendments, and I believed that request was genuine, just as when Mr. Layton had asked that the plan in Bill C-377 be costed, and as Matthew Bramley asked that it be costed. I thought there was a genuine effort or recommendation from the NDP that we have an opportunity to improve Bill C-377.

Bill C-377, unfortunately, as I have shared before, is—

● (1545)

**The Chair:** I don't want to interrupt, but basically I think we have a suggestion—I've made a suggestion—that I would like the committee to give me advice on. We could go around talking about this advice for some time, but I think we could put it to a vote to decide whether we accept this as an amendment. I realize you have gotten the rules and are prepared to withdraw the—

**Mr. Mark Warawa:** Yes, I'm fine with that. I'm withdrawing it and would now like to speak to clause 10—

**The Chair:** That's perfect, with the understanding that subamendments can be done in clauses 11, 12, and 13, as we move forward, without being in both official languages, because that's how subamendments can be dealt with.

**Mr. Mark Warawa:** So we can make motions, but we cannot make an amendment to this at this time, unless it were done in both official languages?

**The Chair:** That's correct.

**Mr. Mark Warawa:** That may be an option for the future, if we don't complete Bill C-377 today.

**The Chair:** Right. What I come back to, then, is let's get back to clause 10—

**Mr. Mark Warawa:** So speaking to clause 10?

**The Chair:** And speaking to clause 10.

Mr. Cullen, are you wishing to speak about the ruling we've just made?

**Mr. Nathan Cullen:** No. I think the point of today's discussion is to actually see this committee perform its function and get to work. We have heard from many witnesses. We've heard from Canadians who would like this Parliament to establish a clear direction forward for climate change.

There hasn't been a single validator in the country who has supported the Conservative government's so-called plan. What Bill C-377 establishes is a framework that will require government—not “may”, not “maybe not”, but will finally require government—to meet obligations set in law. And to not do so would be breaking the law.

**The Chair:** I think, Mr. Cullen, really you're speaking to the amendment that has been withdrawn.

**Mr. Nathan Cullen:** No, I'm speaking to clause 10.

**The Chair:** Then let's get a speaking list, which I've begun, and certainly I would give you the opportunity to talk about that.

**Mr. Nathan Cullen:** Yes.

Clause 10 finally calls for the accountability of government. As this clause has been amended, it strengthens the transparency of what it is Canadians can learn about climate change.

The government has shown in previous meetings—five of them so far, with the last one running many hours—and seems prepared again today to delay—

**An hon. member:** I have a point of order, Mr. Chairman.

**The Chair:** Mr. Cullen, again, can I put you on the speaking list and have you—

**Mr. Nathan Cullen:** You recognized me, Chair; that's what I thought the order was.

**The Chair:** Well, I recognized you, basically, on the motion that I gave the option for, and I believed you were going to speak about the option. But that's been withdrawn. Therefore we're now talking about clause 10 and ultimately, hopefully, are going to vote on clause 10 as amended.

Right now I have on the speaking list Mr. Warawa, so I'm going to cede the floor to him. I'll put you on the speaking list, and we'll ultimately get to you as well, Mr. Cullen.

Mr. McGuinty, is this just to seek a clarification?

**Mr. David McGuinty (Ottawa South, Lib.):** It's just a clarification.

Could the clerk help us understand? If Mr. Warawa was next on the speaking list, who is next, Mr. Chair, on the list?

**The Chair:** The people who have put their hands up to speak are Mr. Warawa, Mr. Vellacott, Mr. Harvey, and Mr. Watson, and now Mr. Cullen.

**Mr. David McGuinty:** Could the clerk tell us now, for Canadians who are watching, exactly how many hours without stop the opposition has been officially filibustering this meeting? Can he tell us how many hours these four members of Parliament have been dominating this discussion by reading notes? It speaks to the question of order and process.

I'd like to get an idea whether or not, Mr. Chair—

**The Chair:** Any member can get on this list. It's a matter of firing your hand up.

**Mr. David McGuinty:** How many hours, Mr. Chair?

**The Chair:** Well, I was here until at least 9:30 or a quarter to 10 last night, from 3:30.

**Mr. David McGuinty:** So how many hours have the government members been speaking without stop?

**The Chair:** I don't have that at my fingertips, but I really don't think it's.... We should get on to clause 10.

• (1550)

**Mr. David McGuinty:** I'm just trying to get a sense of order of speaking here, Mr. Chair. I'm on a point of order now, and it speaks to the question of whether or not, for example, all the other members of this committee should walk out of this room now and let the MPs for the government continue to speak into the camera.

**The Chair:** Well, we need seven members in order to conduct a vote, and it can be any seven members who are here, to have a quorum.

**Mr. David McGuinty:** Then through you, Mr. Chair, could you ask the government members whether they intend to speak without stop until May 7 when this bill is to be reported back to the House of Commons, or are they actually going to—

**The Chair:** Mr. McGuinty, I doubt very much that they have that sort of game plan. I would hope that we're—

**Mr. David McGuinty:** Could we ask them, Mr. Chair?

**The Chair:** I would hope we're going to get on and deal with.... I would like to get Bill C-377 done with. We have many more things that we could be discussing.

**Mr. David McGuinty:** From an order perspective, so that I could know, Mr. Chair, whether I should put my name on the list, could you ask the government members how long they intend to speak?

**The Chair:** Mr. Warawa, do you care to answer that question? You've been asked a direct question through me. You can say no, and then I'll go to Mr. Bigras, and then let's talk about clause 10.

**An hon. member:** I'd like to answer that.

**The Chair:** Can I get a yes or a no?

Okay, Mr. Bigras, go ahead.

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I would like, first of all, to know how you established this list. When did the members ask to speak? Was it at the beginning of the meeting? Did they raise their hand to ask to speak? Did a political advisor provide you with a list of names to add to this list? You were indeed provided with a list, Mr. Chairman.

[English]

**The Chair:** Mr. Bigras, the minute the gavel went down, four hands went up. I took them in the order that I saw the hands go up. As I said, I've added Mr. Cullen to the list. At the beginning of each meeting, everybody can put their hands up, and I'll try to get them in the order that they go up for speaking.

[Translation]

**Mr. Bernard Bigras:** I am asking you, Mr. Chairman, in all transparency, if a person who is not seated at this table provided you with a list of names of persons, of members of this committee, wishing to speak. Do you have a list that was provided to you by a person who is not a member of this committee?

[English]

**The Chair:** Mr. Bigras, I can tell you absolutely that nobody is telling me what to do on this committee, and this will always stay that way. I would take great offence if anybody thought someone was pulling my strings, so to speak, because I can guarantee you they are not.

I am having some difficulty staying here, as you probably are, but these are the rules. My job, in accepting your nomination as chair, is to try to play by the rules as fairly and honestly as I can, and I'll continue to do that.

Mr. McGuinty, very briefly, please.

**Mr. David McGuinty:** Mr. Chair, on the same point of order I raised earlier, I have no answer.

**The Chair:** We're just waiting for an answer.

**Mr. David McGuinty:** Through you, Mr. Chair, can the parliamentary secretary and his three colleagues who are...? My rough recollection is that they've been speaking without stop now for 12 hours. No Canadian watching this will believe they're serious. They're embarrassing themselves and their own constituents. I just want to know when we should expect to be prepared to come to this table and debate the merits of this bill on a clause-by-clause basis, Mr. Chair. Could you ask the government members, and perhaps while you're asking them ask whether they are taking instructions from their minister?

**The Chair:** I can certainly put that question to the parliamentary secretary. I cannot, of course, force an answer, just as in question period.

I would like Mr. Warawa to answer the question. I think he's prepared to do that. He's indicated he's prepared to answer. If he could do that, then I'll come to you, Mr. Watson.

**Mr. Mark Warawa:** This is in response to a point of order question; is that correct?

• (1555)

**The Chair:** Yes.

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

I want to thank Mr. McGuinty for the question. I think it's a relevant question.

What I began to say, I think about 10 minutes ago, before Mr. McGuinty's point of order, is that Mr. Cullen was asking for amendments to improve the bill. We did that, but it was in error. It was a motion that had not been translated into both official languages. We need, I believe, as Mr. Cullen has asked, to have the motion in both official languages, but unfortunately the members do not want to see that dealt with today. I believe the rules call for 48 hours, once you receive the amendment, before it can be dealt with.

**The Chair:** Except a subamendment.

**Mr. Mark Warawa:** Correct. So we again would like to see Bill C-377 dramatically improved, because it's a phony bill at this time.

That's again for clarification for Mr. McGuinty. We will be tabling that motion, and we look forward to a healthy debate on it.

**Mr. David McGuinty:** Mr. Chair, can I take it, then, from the answer I just received and that Canadians watching have just received, that this parliamentary secretary is not willing to tell Canadians the truth about how long he intends to filibuster this committee in order to block the passage of this bill while in minority government form? It's really important for Canadians to know that, Mr. Chair.

I just want to give him one more chance, through you. Could the parliamentary secretary and his colleagues tell us how long they intend to speak in uninterrupted fashion to filibuster this committee? It's very important for us to know, in terms of the order of speaking precedence.

If Mr. Watson would bite his tongue, we could get some indication here about—

**The Chair:** Can we just get to Mr. Watson's point of order? Just hang tough, Mr. McGuinty.

**Mr. David McGuinty:** Well, I haven't had an answer to the first.

**The Chair:** We're going to get an answer, but Mr. Watson is agitated.

**Mr. David McGuinty:** Apparently.

**The Chair:** Mr. Watson.

**Mr. Jeff Watson (Essex, CPC):** Mr. Chair, that's not a point of order. We know how speaking orders are established here at the committee. He can put his hand up and get on the list.

How long we talk is irrelevant to the member. We have rights and privileges here. We'll exercise those rights and privileges. But that's not a point of order, Mr. Chair.

**The Chair:** I said, here's the speaking order; that's what we're going to go by.

I believe Mr. Warawa wants to answer Mr. McGuinty. If he could do that very briefly, let's get on with things.

Just remember something that was said, that you can't amend a clause after it's been approved; you can't go backwards. We're going to try to move forward. That's the aim.

Mr. Warawa, it's your opportunity to answer Mr. McGuinty.

**Mr. Mark Warawa:** Okay. Mr. McGuinty was asking a specific question on the number of hours I'm going to be speaking. I'm not sure. I want to make sure that I express my concerns. We've seen a report from the Speaker of the House on two committees, about how some committees have become quite dysfunctional.

What has happened is that previously, Chair, and I have the blues here, we had a motion moved during a point of order, which is totally against the rules. It wasn't too many meetings ago that those rules were broken, and the House and this committee went into utter chaos. We don't want that to happen.

What we have is a report from the Speaker, and this is what the Speaker ruled. The Speaker said: "I am now prepared to rule on the point of order raised by the hon. member for Mississauga South on March 3"—

**The Chair:** Mr. Warawa, I'm going to interrupt you.

I think you have your answer. He doesn't know how long he's going to speak, and I think that's the answer. That's the question that was asked; that is the answer.

I want to get to clause 10.

Mr. McGuinty.

**Mr. David McGuinty:** This is a separate point of order. But I'd like to put it through you to the clerk, who's with you.

Could you tell us, Clerk, or you, Chair: are you at liberty, and do you have the discretion as chair of this committee, to sequence the speaking order here? Are you not at liberty? I find it strange, and so do Canadians watching, that four Conservative MPs are listed in order to speak to this bill and have been speaking to this bill now for—I think it's 14 hours, and I stand corrected—14 hours non-stop, without any significance.

Do you have the discretion, Mr. Chair—or Clerk, does the chair have the discretion—to actually diversify the speaking order?

**The Chair:** Always the pattern for the chair has been, during clause-by-clause, to accept to not have the sequence we have when we have witnesses. That's established. We've all agreed to it, and it works pretty well.

In clause-by-clause, what is traditionally established is that people have comments about the clause and are free to make those in the order that they raise their hands with the point they want to make. That's what we've been following. I don't know whether it's written. We are masters of our own fate.

**Mr. David McGuinty:** Do you have the discretion, Mr. Chair?

**The Chair:** I don't know whether I have the discretion to say that we will take one from here and one from there; I doubt very much that I do. I think that has to be set up by the committee when we establish the procedure here, and I don't believe I have the power to simply make rules.

• (1600)

**Mr. David McGuinty:** Well, ask the clerk to help us understand this. In fact, I think you do have the discretion, Mr. Chair, and I think it would be incumbent upon you to break this cycle of uninterrupted filibustering by the government.

**The Chair:** Basically, the clerk agrees with my understanding that unless the committee specifically sets it down in the rule book, I do not have the discretion to simply arbitrarily say that these will be the rules by which I'll run the committee. As I have committed to you, I will run it as fairly as I possibly can, and I think you believe that.

**Mr. David McGuinty:** Then on that same point of order, Mr. Chair, do you have the authority and the discretion to limit the amount of time when four members of a government caucus are running out the clock deliberately?

**The Chair:** That is the same answer. The committee can decide that.

**Mr. David McGuinty:** The committee can decide that? How do we do that right, Mr. Chair?

**An hon. member:** Ask the clerk.

**The Chair:** You do it by motion, which is debatable, when you have the floor.

**Mr. David McGuinty:** Do I have the floor?

**The Chair:** You do not have the floor. On this point of order, you do not.

Mr. Cullen, you can go right after him and certainly put that motion

**Mr. David McGuinty:** So on this—

**The Chair:** There is a question already before the committee, and the question is, of course, on clause 10.

**Mr. David McGuinty:** Then let me put a more generalized question in the same point of order to you, Mr. Chair. What remedy is available to this committee to stop this nonsense?

**The Chair:** Get the floor.

**Mr. David McGuinty:** Is that the only and exclusive remedy open to parliamentarians here?

**The Chair:** When rules are being set, obviously that should be considered. When we set the time limits and all of those things, that would be the appropriate time to do that.

**Mr. David McGuinty:** I'm looking to you and the clerk. There is no single remedy available to this committee right now to get control of the government's filibuster. Is that right?

**The Chair:** That's how I understand it. We're masters of our own fate. We can't look to the Speaker. We can't look to the clerks. We can't look to anybody but ourselves.

Again, as has been pointed out to me—and I guess I should have known the answer to this—closure within the House can be used and has been used, but it would be very unusual on a private member's bill to have the House interfere with a committee. I've heard Speaker Milliken's rulings many times before on stepping into a committee and trying to sort it out.

I think, like it or not, solving any problems within our committee is within our committee's jurisdiction to do. As frustrated as we might become sometimes, I think that's the way it works.

**Mr. David McGuinty:** So you're saying on this point of order that there is a remedy available to this committee through the House of Commons.

**The Chair:** There is, through the House of Commons, using a motion of closure, but that would be rather unusual, and I don't know, historically, whether that's ever been done on a private member's bill. We could certainly ask our Library of Parliament—and they cringe—to research whether that's ever been done. At least we could get the answer.

I have Mr. Godfrey on this point of order.

**Mr. David McGuinty:** I have another point of order.

**Hon. John Godfrey:** So do I.

**The Chair:** Mr. Godfrey, go ahead on your point.

Mr. McGuinty, I believe you have your answer.

**Mr. David McGuinty:** I don't have my answer.

**The Chair:** You have the best answer I can give you.

**Mr. David McGuinty:** Maybe the clerk could actually call up to the other clerks and find out exactly how we would proceed and how quickly we could proceed in the House of Commons to break this filibuster.

**The Chair:** As I say, we can ask our researcher to do some research on that—I see nothing wrong with that—and report back to our committee.

**Mr. Mark Warawa:** On the same point of order, does Mr. Cullen have a new point of order or is it—

**The Chair:** I believe Mr. Godfrey has a point of order. Mr. Bigras has a point of order. I'm not sure if Mr. Cullen has another point of order.

• (1605)

**Mr. Nathan Cullen:** I want to say something—

**The Chair:** Regarding this one, I will ask the clerk to simply speak to that and clarify that for you. Then let's move on to Mr. Godfrey, and then to Mr. Bigras.

**Mr. Mark Warawa:** It's the same point of order. I'd like to speak to that.

**The Chair:** But I believe it's a different point. I'm just getting an answer from the clerk, and then we're moving on from Mr. McGuinty to Mr. Godfrey.

Mr. Cullen.

**Mr. Nathan Cullen:** You just talked about reference back to the House. Have you, as a chair or as a member of Parliament of some experience, ever seen this before, where the government has chosen to filibuster a private member's bill?

**The Chair:** I have not.

**Mr. Nathan Cullen:** You have not seen this before.

So in setting precedence of some form of accountability and democracy, this government has chosen to do something that you, as a chair and as a committee member on many different types of committees, have never seen. This government's form of accountability is to deny the rightful passage of legislation through the House of Commons. The majority of committee members feel that what they are choosing to do is to use a loophole within the rules to talk about rights and privilege. Government members are bearing no responsibility back to Canadian taxpayers, to their own constituents, and to Canadians who have a deep concern about this issue of climate change. We are called upon to address the issues of Canadians.

So there is no precedence to this, little morality to it, and no ethic in terms of accountability and true honest judgment. If the government simply doesn't like the bill, that is understandable. That happens to us all; we have legislation we don't like. But to hold up the entire progress of the environment committee and all the work we want to do is ridiculous.

**The Chair:** Mr. Warawa—to the point of order, please.

**Mr. Mark Warawa:** The point of order that Mr. McGuinty was referring to was with regard to the hours of filibustering. I am sharing concerns about Bill C-377, and that's being interpreted as a filibuster.

I had an interesting discussion with the replacements for the NDP yesterday, after Mr. Cullen left. We all stayed until about 10 o'clock, but he left and had a replacement. I asked Mr. Julian how many hours he had filibustered, and Mr. Martin also. I think it was around 14 to 18 hours, something like that. I can't imagine how somebody would talk for 14 to 18 hours. Now, I may have those hours slightly wrong, and if I do, I apologize, but I think that's what was shared with me last night.

It is a tool if somebody wants to use it in the House of Commons. Again, referring to Mr. McGuinty's point of order, I think it might be helpful to provide the history, as the clerk is looking at the history of people making long presentations in the House of Commons, and to see the records on abnormally long speeches.

I feel quite passionate about Bill C-377 and about dealing with the problems with Bill C-377, and I will talk about that during my time, when I have the floor, talking specifically about clause 10. But specifically to Mr. McGuinty's point of order, I think it's important that we have all that enlightening information, and maybe even how long Mr. McGuinty himself has spoken at times. That may be quite enlightening.

Particularly the NDP, I think, have been famous for the amount of hours they've spoken. As for me, I spoke at length—I think it was an hour yesterday, or an hour and a half—but it was nothing compared to the legacy that has been known in this House.

I would ask Madam Bennett—

**The Chair:** Mr. Warawa, can I respond to Mr. McGuinty?

**Mr. Mark Warawa:** And so, Chair, that information would be quite enlightening, I think, to show what....

Maybe Madam Bennett is—

**Hon. Carolyn Bennett (St. Paul's, Lib.):** I've never filibustered.

**Mr. Mark Warawa:** Good for you.

**The Chair:** I don't believe we need to discuss this much further. The clerk has pointed out to me that time allocation, which is what we're talking about, is available to a minister of the crown and basically applies to the House.

In effect, rather than my reading a page here and taking time, basically there is no formal mechanism within this committee that we in fact could use on a private member's bill. If this were a government bill, of course the government, the minister, could do something along the lines of what you're thinking. I think that's the problem you're facing with your point of order. It comes back to, I guess, my original comment, that we have to take care of this ourselves.

I really would like to move on to Mr. Godfrey—



•(1610)

**Mr. David McGuinty:** I want to thank you, Mr. Chair, for your patience and advice on this.

Again, through you—this is the very last, I promise you—I would like the parliamentary secretary to answer the last question I put to him, which he has refused to answer. Is he taking his instructions directly from the Minister of the Environment, yes or no?

**The Chair:** Mr. Warawa, if you don't want to answer that, you certainly don't have to. It's up to you. But however you want to comment, keep it brief, please.

**Mr. Mark Warawa:** I will keep it very brief.

It's a real honour to work with a Minister of the Environment who actually is getting something done. It was very frustrating when Mr. Dion was the Minister of the Environment. Time and time again I asked him to do something on the environment and he didn't, particularly with the SE2 project, when he refused, for western Canada, to fight a big polluter that was coming. We now have a Minister of the Environment who is actively doing something on the environment, and what a wonderful, refreshing change.

**The Chair:** Mr. McGuinty, just as a final comment, time allocation of course could be applied by a member of this committee when they have the floor to put that motion. So that doesn't mean we can't have time allocation; it means that in the House that's how it is handled. But this is in a committee, so time allocation could come, but of course a person needs to be speaking, needs to have the floor.

Mr. Godfrey, you have a point of order.

**Hon. John Godfrey:** My point of order is just to make sure we're clear on the amendment process, Mr. Chair. I want to make sure I have the sequence right.

This bill was first introduced in October 2006, a year and a half ago, so its contents cannot come as a complete surprise to the government. It was then starting to be discussed before Christmas, with witnesses and all the rest of it, and as a result there was a time... and maybe the clerk can refresh our memory as to when we were invited collectively to submit amendments. I've got the amendment package here, which has some from February 11, some from February 22. I want to make certain that if this bill raised serious concerns, there was over a year to think about them. There was certainly an ample period in which to submit amendments, and indeed there's been time since then, including a two-week break, to submit amendments.

In terms of the amendment process, I just want to make sure, Chair, that this bill has not come as a complete surprise to the government, that the government is not entirely without resources in Environment Canada. Did the clerk send out a notice inviting amendments? Is my memory failing me there?

**The Chair:** That's correct. There was a date at which amendments were accepted and of course were accepted in both official languages. I don't remember the exact date. The clerk tells us February 22 was the deadline.

Just to clarify, subamendments can be made at any time and can be put as we're discussing a particular clause. So let's suppose we get to clause 11 today and there is an amendment, and I believe it's

yours, Mr. Godfrey. That amendment would be discussed, and subamendments then could be introduced in one language and we'd get them translated, and you could have subamendments to those as you went along. You cannot go back and have amendments to clause 9, because clause 9 has already been passed, so we are looking at the last phase of this bill where subamendments have to be accepted by the chair.

**Hon. John Godfrey:** So in the case of clause 10, for example, which we only started discussing on March 31, the government members, like all members, would have received a package of amendments shortly after February 22. Had they really had a concern with that and been thoughtful and done their homework, they had over a month in which to prepare subamendments or amendments to clause 10. Would that be a fair statement?

•(1615)

**The Chair:** Subamendments can be accepted at any time when the clause is being discussed, and they don't need 48 hours' notice, they don't need—

**Hon. John Godfrey:** So if there were real, well-informed concerns, that would have been the case. All right.

Thank you.

**The Chair:** On this point of order only, Mr. McGuinty and then Mr. Warawa.

**Mr. David McGuinty:** I really want to thank my colleague Mr. Godfrey for reminding everyone that the government's had months to examine this bill, but more recently—and it speaks directly to this point of order, Mr. Chair—this proposed work schedule for this committee was agreed upon in a subcommittee.

Can you refresh the memory of Canadians who are watching and tell them, yes or no, did Minister Baird's parliamentary secretary participate fully in this meeting to set the work plan with specific times and dates and agree to it 100%? In fact, this committee reversed itself and made a decision to readmit the parliamentary secretary on this very same point of order in terms of the process that was followed, Mr. Chair.

Could you let Canadians know, did the parliamentary secretary sign off on this?

**The Chair:** As far as clarity in scheduling is concerned, February 22 was the date at which amendments were to be in, translated, and then sent out to all members. That was done. Everybody has a copy, everybody has the reference. Our clerk referenced everything.

It was agreed to by this committee at a steering committee meeting that the parliamentary secretary become a permanent member of that steering committee in deciding an agenda. The agenda was decided upon with a couple of additions, that we would not begin any other work until Bill C-377 was completed. That was agreed to by the steering committee and agreed to by this entire committee, and it was unanimous.

**Mr. David McGuinty:** Including the parliamentary secretary.

**The Chair:** It was unanimous within this committee, and we're now moving forward.

**Mr. David McGuinty:** Thank you.

**The Chair:** So that, now, is the historical background. Everybody knows that. Everybody was here. And I believe that settles Mr. Godfrey's point of order and we have clarity.

Mr. Warawa, do you want to add some extra clarity?

**Mr. Mark Warawa:** Well, I think Mr. Godfrey brought up some very good points. I want to thank him.

He's quite right. Bill C-377 has been up for a long time. We raised some concerns when it was tabled, and during the second hour of debate similar points were made. Yet where is the costing?

**An hon. member:** Where are your amendments?

**Mr. Mark Warawa:** That's the first point.

I think it was Mr. Vellacott yesterday who used an analogy of trying to patch up a house that is falling apart. There's dry rot in the walls and the foundation is crumbling. You don't do that. You take it down and start again. It was the Bloc that said—

**An hon. member:** That's not the question.

**The Chair:** Could you answer through the chair, please.

**Mr. Mark Warawa:** Chair, I'm speaking to the point of order.

There has been a lot of time for the NDP to come up with a good bill. On December 11, Mr. Layton came to this committee and said the bill needed to be costed. Mr. Bramley, on the same day, said the bill needed to be costed. And I agree. Every witness group said the bill needed an impact assessment. That's what we heard. That's what needs to happen. We need to respond to what the witnesses have said. So yes, we have had a lot of time.

But the second point that Mr. Godfrey brought up was a very good point, and that's—

**The Chair:** A point of order is about a point of order. We have to stay on topic. I would like to go on.

**Mr. Mark Warawa:** Chair, please. I am speaking to Mr. Godfrey's motion. Please do not cut me off.

The second one was subamendments. The record will show that when I introduced my amendment I introduced it as a subamendment. It was you who noted that we would deal with amendments. We agreed. You're suggesting that it be done as an amendment, not a subamendment. But the record will show that it was introduced as a subamendment. Therefore, with respect to the point you've brought up, if what I introduced was a subamendment, it is in order.

**The Chair:** A subamendment amends an amendment. But the amendment has been approved. The rules say you can't have a

subamendment to an amendment that's already been voted on. We've already voted on the amendment, so you can't introduce a subamendment to the amendment. It's approved.

• (1620)

**Mr. Mark Warawa:** And at this point we cannot introduce an amendment on clause 10 unless it's in both official languages. Is that correct?

**The Chair:** The committee agreed to that in the rules we laid down at the outset.

**Mr. Mark Warawa:** Great. So for me to deal with clause 10 and have an amendment dealt with, I would have to give the 48 hours' notice and—

**The Chair:** Or have it done by February 22.

**Mr. Mark Warawa:** Okay. I told the committee I would be introducing that. I have done so today, and it'll be in both official languages.

**The Chair:** Can we move on, then, to clause 10, as amended. The speaking order is as follows: Mr. Warawa, Mr. Vellacott, Mr. Harvey, Mr. Watson, Mr. Cullen, and possibly Mr. McGuinty.

**Mr. David McGuinty:** But before May 7.

**The Chair:** I can't guarantee that.

By the way, in respect of the work plan, we will be cancelling all of the speakers.

Mr. Warawa.

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

Clause 10 reads:

10.(1) On or before May 31 of each year, the Minister shall prepare a statement setting out

(a) the measures taken by the Government of Canada to ensure that its commitment under section 5 and the targets set out in the target plan are being met, including measures taken in respect of

(i) regulated emission limits and performance standards,

(ii) market-based mechanisms such as emissions trading or offsets,

(iii) spending or fiscal incentives, including a just transition fund for industry, and

(iv) cooperation or agreements with provinces, territories or other governments; and

(b) the Canadian greenhouse gas emission reductions that are reasonably expected to result from each of those measures in each of the next ten years; and

(c) the level of Canadian greenhouse gas emissions in each of the following ten years to be used as a baseline to quantify the reductions referred to in paragraph (b).

What we're seeing, Chair, in Bill C-377 is, as I've said before, a very poorly written bill. It is missing the content that would see action. Mr. Cullen said that the committee needs to get to work, and it was yesterday that he suggested we have a motion on how we'd amend it. Unfortunately, when we did present an amendment here, it could have been accepted, but not surprisingly, Mr. Cullen did not want us to deal with that motion. It was a good motion, and it dealt with what Canada has now, the *Turning the Corner* plan.

The April 2007 regulatory framework for air emissions laid out the broad design of the regulations for industrial emissions of both greenhouse gases and air pollutants, and we see that missing in clause 10. This document, the *Turning the Corner* plan, sets out the final regulatory framework for industrial greenhouse gas emissions. It includes both an elaboration and a strengthening of the April 2007 regulatory framework.

The federal government still intends to work to reach equivalency agreements with any interested provinces that set enforceable provincial emission standards that are at least as stringent as the federal standards. We know that those standards in the *Turning the Corner* plan are the toughest in Canadian history. We're talking about absolute reductions of 20% by 2020 and 60% to 70% by 2050. These are the toughest in Canadian history, and they also include improvements to air quality through a mandatory requirement to clean up the air that Canadians breathe.

The final regulatory framework strengthens the April 2007 regulatory framework in three key respects. All oil sands, upgraders, and in situ plants that come into operation in 2012 or after will be required to meet a stringent target base on the use of carbon capture and storage by 2018.

• (1625)

**The Chair:** Yes, I'm sorry, Mr. Bigras, on a point of order.

[Translation]

**Mr. Bernard Bigras:** On a point of order, Mr. Chairman.

Why did you give the floor to Mr. Warawa? It seems to me that when the motion to adjourn was presented and voted upon yesterday, it was Mr. Harvey who had the floor. Why is it that today it is Mr. Warawa who has the floor?

[English]

**The Chair:** Mr. Harvey made a motion to adjourn, and it was the chair's assumption that when he made that motion, he was finished speaking. Therefore, we went to the new speaking order, which had Mr. Warawa speaking first. So that's why Mr. Harvey didn't get the floor today. Had he not made that motion and it had been someone else, he would have carried on speaking today, but he made the motion himself.

**Mr. David McGuinty:** Mr. Chair, once you saw that four Conservative MPs raced to declare the intention to speak, did you ask this committee whether there were any other speakers who wanted to speak to this issue?

**The Chair:** Mr. McGuinty, I did not, but everybody's been in this committee for some time. We've done other clause-by-clause, and it's always been that you put up your hand if you want to speak.

**Mr. David McGuinty:** Did you ask the committee, Mr. Chair? Did you ask—

**The Chair:** I looked to both sides, yes.

**Mr. David McGuinty:** Did you ask the committee, Mr. Chair, to have the members express...?

**The Chair:** I did not ask the committee members to put up their hands.

**Mr. David McGuinty:** How do you know, then, when they put up their hands, that they didn't want to go to the bathroom?

**The Chair:** Mr. McGuinty, their hands were up. I've been here long enough to know that they wanted to speak. So did you.

**Mr. David McGuinty:** Is your recognition of them in consecutive speaking order a ruling then?

**The Chair:** You know, Mr. McGuinty, if you'd had your hand up first when I put that gavel down, your name would have been down here first.

**Mr. David McGuinty:** Mr. Chair, everybody knows what's going on here—everybody. All the Canadians watching know what's going on here. They know that they're taking instructions from Minister Baird. They know that this is a petulant reaction to his being called this morning to testify at the government operations committee. They know that they're filibustering a very progressive bill that has the support of all the opposition parties.

What I would like to ask is whether we are in a position to challenge your ruling about speaking order.

**The Chair:** I guess, Mr. McGuinty, I'm really not making a ruling. I'm trying to involve the committee as much as I can in making decisions. I think you know that. Obviously I am simply following the rules. I'm taking the advice of the clerks, because obviously they've been here much longer than I have.

**Mr. David McGuinty:** Let me ask you again, sir. Do you have the discretion to change the speaking order on that list?

**The Chair:** Not unless the entire committee tells me to do that when we make the rules initially.

• (1630)

**Mr. David McGuinty:** You have no discretion in terms of the speaking list.

**The Chair:** I do not.

**Mr. David McGuinty:** Can I ask the clerk, then, under this point of order, whether you are obliged, as chair, to actually call for expressions of interest from us, as members of this committee, before you write the names down in the speaking order?

**The Chair:** We can check the blues, but I did say that I have on the list the following speakers, and no one's hand went up anywhere else in the room.

**Mr. David McGuinty:** I don't recollect that, Mr. Chair. You will forgive me. I don't know if anybody else recollects that.

**The Chair:** That's the clerk's recollection of what the blues will tell us. We can check the blues to make sure.

**Mr. David McGuinty:** Can we check those immediately?

**The Chair:** They're not printed until after the meeting, are they? By tomorrow morning we can verify that I said that.

**Mr. David McGuinty:** So you have no discretion to break this filibuster here, this order of speaking filibuster?

**The Chair:** I don't, not as the chair of this committee.

**An hon. member:** We change the speaking order all the time. If somebody's in the washroom, we change the speaking order.

**The Chair:** I can certainly do it, unless someone complains.

**Mr. David McGuinty:** Why don't I propose that we actually conduct this committee...?

**The Chair:** No one's going to agree to that. I need unanimous consent to change that, and we're not going to get agreement. I think—

**Mr. David McGuinty:** I'd like to get that on the record. As part of this point of order—

**The Chair:** I think you're pushing the point of order, Mr. McGuinty.

**Mr. David McGuinty:** —I'd like to propose that you revisit the speaking order so we can get a fair debate here.

**The Chair:** Let me ask the question. Do I have any interest here in changing the speaking order?

**An hon. member:** Yes.

**An hon. member:** No.

**An hon. member:** Alternate it. Government, opposition....

**Mr. David McGuinty:** Yes.

**The Chair:** I have a no. It is not unanimous. Let's carry on.

**Mr. David McGuinty:** Who's the no from, Mr. Chair?

**The Chair:** The no is from the members.

**Mr. David McGuinty:** Which members?

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

**Mr. David McGuinty:** Which members are refusing?

**Mr. Jeff Watson:** If the member is asking for unanimous consent, he can't make a motion on a point of order. He's out of order, Mr. Chair.

**Mr. David McGuinty:** I'm not making a motion.

**Mr. Jeff Watson:** Are we going to ask a question on a point of order, Mr. Chair?

**The Chair:** I made the request to know, Mr. Watson, whether there was any interest in changing the speaking order. I got a no. Obviously we must proceed now—

**Mr. David McGuinty:** For the record, Mr. Chair, who was opposed?

**The Chair:** Certainly the parliamentary secretary took the lead and—

**Mr. David McGuinty:** The Conservative members. Thank you very much.

**The Chair:** That's fairly normal, I think.

**Mr. David McGuinty:** I just want to get that on the record for Canadians.

**The Chair:** Are there any other points of order, or can we let Mr. Warawa continue?

Yes, Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** In the same spirit as Mr. McGuinty asked his naive questions, can the clerk and the chair instruct Mr. McGuinty to get his hand up in the future instead of dozing off? Is that something within your purview as the chair?

**The Chair:** Mr. Vellacott, let's not go there. Let's leave that and let's get on—

**Ms. Carolyn Bennett:** [*Inaudible—Editor*]

**The Chair:** Ms. Bennett, if you could please address things through the chair, I'd appreciate it a lot, to try to keep some semblance of order here.

Perhaps we could carry on. Mr. Warawa, you have the floor. Try not to repeat yourself. Try not to go off topic. Refer to clause 10. That's what we're talking about, and let's just carry on with clause 10.

**Mr. Mark Warawa:** Absolutely, Chair. I appreciate that, and it's unfortunate that there was a lot of time wasted by interruptions over the last, I think, about 15 minutes.

What clause 10 is missing is what we see in Canada's *Turning the Corner* plan, which will see absolute reductions of 20% by 2020 and 60% to 70% by 2050. Chair, what should be in Bill C-377, which unfortunately the members opposite did not want to see in there, was that all coal-fired electricity plants that come into operation in 2012 or after will be required to meet a stringent target based on the use of carbon capture and storage by 2018.

Carbon capture and storage is a wonderful technology. We are world leaders here in Canada. In Weyburn, Saskatchewan, we have a carbon encapture technology that is used for enhanced oil recovery. It works wonderfully. It is piped right now approximately 320 kilometres from South Dakota into Weyburn, Saskatchewan. Then the carbon dioxide is mixed with water, and carbon dioxide is then injected into the geological formations in which the thick oil is suspended. As you inject the carbon dioxide and water mixture, the viscosity of the oil increases, enabling an oil field that was not producing oil anymore to be producing oil again. That's why it's called enhanced oil recovery.

The water and carbon dioxide are recovered and then reused, reinjected back into the ground. Not all of the carbon dioxide is recovered because much of it ends up staying in the earth. But it's a wonderful technology that is used for enhanced oil recovery.

The other reason that carbon capture and storage, also known as carbon sequestration, is so important is that the international community is counting on the carbon capture and storage technology to be used to capture and store approximately 25% of greenhouse gas emissions. So it's a huge part of the equation to address climate change and growing greenhouse gas emissions. If you can capture 25% of greenhouse gases and see them injected back into the ground, either stored or to be used for enhanced oil recovery, it's effective. There is no silver bullet, so to speak, but it is one of the major technologies the world is counting on.

As you go to these different international conferences, you find that carbon capture and storage is being counted on. That's why, when the minister was in Indonesia, in Bali, just a few months ago, one of the groups that came with the Canadian delegation was with EnCana.

The Bloc has made reference to that in its questioning in QP, and this is a technology that is missing in Bill C-377, but it needs to be in Bill C-377. It needs to be in any piece of legislation. It needs to be in any plan. In any regulatory framework, you've got to have carbon capture and storage. It's missing in Bill C-377. It's missing in clause 10. If it's missing, you're going to have an ineffective bill. That's why I'm looking forward to being able to introduce that amendment to clause 10.

The federal government will establish also, in addition to carbon capture and storage, by 2018.... That means all the coal-fired plants that are dirty coal-burning plants, all the new ones coming on line, will have to use carbon capture and storage. That means you don't have the greenhouse gas emissions and you also have a complementary technology that will reduce that amount of SOx and NOx, which are pollutants, causing Canadians to be ill. So you have the dual benefit.

• (1635)

People wonder how we can take the oil sands, that natural resource, and use that natural resource in a way that's not going to be harmful to the environment. Carbon capture and storage is one of the key technologies. It is part of Canada's *Turning the Corner* plan for greenhouse gas reductions. It's missing in Bill C-377, and it's missing in clause 10.

The federal government will establish a clean electricity task force to work with provinces and industry to meet an additional 25-megatonne reduction goal from the electricity sector by 2020. Do we see that in Bill C-377? We do not. Bill C-377 is a very general bill. Clause 10 is extremely general and does not give the impacts that we need.

We heard from every single witness group that it needed to be costed, that there would be jurisdictional problems. One of the witnesses was Peter Hogg, who said that the constitutional problem with Bill C-377 is that it leaves the reduction of greenhouse gases solely to the regulatory power vested in the executive. The only direction given to the Governor in Council on the nature of the

regulations is that they must be written to carry out "the purposes and provisions of this Act" and to "ensure that Canada fully meets its commitment under section 5". This is the clause that contains the targets for 2020, and there is a later target as well. Clause 10 refers to clause 5, so they're intertwined.

We need a plan that is effective. Bill C-377 is not turning the corner; the plan is. One wonders why the Bloc would support a plan that won't be effective. I think that's an important question. Why would the Bloc support a plan that could give the federal government unlimited, unfettered powers over provincial jurisdiction? Why would the Bloc want that? It baffles me to this day why the Bloc would want to give the federal government all that power, unlimited power, over the province of Quebec. It's definitely what this government wants. We believe you have to respect provincial jurisdiction. It's up to the Bloc to tell people why they would want to give the federal government unlimited power over Quebec. I don't agree with that. This is another one of the flaws within Bill C-377.

Also missing in Bill C-377 are the targets, which we find in the *Turning the Corner* plan. All covered industrial sectors will be affected in the *Turning the Corner* plan, but not in Bill C-377. All industrial sectors will be required to reduce their emissions intensity from 2006 levels by 18% by 2010, with 2% improvement every year afterwards. The target will be applied at the facility, sector, or corporate level, as determined after consultations with each sector.

Where is there mention in Bill C-377, under clause 10, of consultations with each of the sectors? It's not there. Some would ask, should it be there? Mr. Cullen asked whether the government would like to make recommendations. I would like to recommend that there be consultations with each of the sectors. It would be an improvement to Bill C-377 and clause 10.

The government's *Turning the Corner* plan also includes minimum thresholds that will be set in five sectors to avoid imposing unreasonable administrative costs on the small facilities. The cost of operations is different in small businesses, small corporations, small facilities. It's different for small compared to big, and you have to accommodate that. You see that in the government's *Turning the Corner* plan, an accommodation for the smaller facilities; you do not see that detail in Bill C-377.

• (1640)

I think it's a very important point, that you have these details in clause 10 of Bill C-377, considering what small facilities have to deal with and avoiding imposing unreasonable administration costs. If you don't have that, you're putting small facilities out of business, and we don't want that. We don't want Canadians losing their jobs. We also want them to be successful at reducing greenhouse gas emissions.

So clause 10 of Bill C-377 is another example of missing the mark dramatically. On the other hand, the government's *Turning the Corner* plan has fixed-process emissions that will receive a 0% target. The definition of fixed-process emissions will be based on technology feasibility.

To improve incentives to adapt the best available technologies for new facilities, those whose first year of operation is 2004 or later, a target based on a cleaner fuel standard will be applied. There'll be an incentive until 2018 for facilities to be built carbon capture ready.

A very important point that is also missing in Bill C-377, clause 10, is that as new facilities are built, they have to have that design built into them. If you do not design a new facility with carbon-capture-ready capabilities, it is not practical to do it afterwards. It becomes too expensive. That's why it's very important that we're giving that clear direction.

Does Bill C-377 provide clear direction that carbon capture storage has to be designed into that facility? No, it doesn't. Canadians would ask, is it important? If the world is counting on the technology to capture 25% of greenhouse gas emissions, is it important that we give that message to industry? I believe it is. Then why would it be missing in Bill C-377?

Is it possible Bill C-377 is just a poorly written bill? Why is Mr. Cullen now getting directions from Mr. Layton not to cost the bill? He began his testimony saying it should be costed; now he's saying it shouldn't be costed. Why would there be this flip-flop? Canadians want to know. When every witness, including Mr. Layton, is recommending that it be costed, that an impact analysis be done, why would they now say no? The Bloc is saying they support moving this forward, and please disregard what the witnesses have said, let's move Bill C-377. Have they made a deal with the NDP?

How about the Liberals? The Liberals did absolutely nothing to clean up the environment—13 long years of growing emissions. We heard from Mr. Godfrey that they just didn't have the political will, I think those were the words he used. I hope I'm not misquoting him. The previous Liberal government just didn't get it done—13 years of not getting it done. In 1993 they ran on a platform of reducing greenhouse gas emissions, and it didn't happen. We saw emissions go up and up, to the point where they ended up 33% above the Kyoto targets, not even close.

•(1645)

So it's very important that Bill C-377, including clause 10, include components that will see reductions in greenhouse gas emissions, but that's missing. Canadians are wondering why the Liberal Party members, getting their directions from their leader, Mr. Dion.... Why would Mr. Dion say to support a bill that hasn't been costed? Why would Mr. Dion do that—support a bill that will have constitutional challenges, will not stand up to a constitutional challenge. Why would Mr. Dion instruct—

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

**The Chair:** Mr. Cullen, on a point of order.

**Mr. Nathan Cullen:** I would remind the parliamentary secretary again that we're dealing with clause 10, which establishes baselines and transparency. He continues to refer to some constitutional

matters that are not at all apparent and have already been rectified in this bill.

Secondly, he continues to talk about the cost of a plan, when in this bill there is no plan, and the testimony showed that. I wish he would stop perpetuating this myth and actually stay on the topic of this clause.

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

Again, Mr. Warawa, I would advise you to stay on clause 10. You will have an opportunity to get to clauses 11, 12, 13, the title, and so on. Could you stay as close as possible, please, to clause 10.

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

**The Chair:** Yes, Mr. Vellacott, on that point of order.

**Mr. Maurice Vellacott:** I remind Mr. Cullen, through you, Mr. Chair, that this clause deals with regulating emission limits; performance standards; market-based mechanisms; emissions trading; offsets; spending; fiscal incentives; a just transition fund; cooperation agreements with provinces, territories, and other governments; and the Canadian greenhouse gas emission reductions that are reasonably expected to result from each of those measures. The area of the baseline that he talks about is only one aspect of the clause, but it's a pretty broad clause, Mr. Chair.

•(1650)

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

As I pointed out to the committee on a number of occasions, obviously it is a very broad topic and that's why it is very difficult. Mr. Warawa is having difficulty focusing on just the terms there, but I would ask him to try as hard as he can to stay right on that clause, to deal with that clause.

Mr. McGuinty, on that same point of order.

**Mr. David McGuinty:** It's a separate point of order.

**The Chair:** It's another point of order.

**Mr. David McGuinty:** Through you, Mr. Chair, could the clerk tell us now exactly how long Mr. Warawa has been speaking since this meeting began at 3:30 p.m. It is now ten minutes to five, Eastern Standard Time.

In the rules providing for the operation of these committees, Mr. Chair, is it possible to start tracking now the actual minutes and hours of a filibuster per member?

**The Chair:** Mr. McGuinty, I have attempted to track various things in my career here, such as how long ministers' cars idled out front of the Parliament Buildings and so on, and have had difficulty getting that information.

**Mr. David McGuinty:** Do the rules of the committee allow you, sir, as chair of the committee, as part of this point of order...? Can the clerk tell us if we can start recording? It is important so that we can divulge to the constituents of the members how long they filibustered for themselves.

**The Chair:** We'll keep track of how long each person has spoken. Of course, in checking the blues from the past, we could easily get those numbers. From now on, that will be tracked at your request.

**Mr. David McGuinty:** Thank you, sir.

Is it possible now, just approximately, Mr. Chair, to know how long Mr. Warawa has been filibustering this committee since we began today?

**The Chair:** That would be very difficult, because we've had so many points of order so far that I couldn't tell you how long, simply because I don't know.

**Mr. David McGuinty:** Would it be an hour and a half, approximately?

**The Chair:** Well, you know, I think we called the meeting to order at close to 3:30.

**Mr. David McGuinty:** Then we will start tracking, Mr. Chair, the length of filibuster per member?

**The Chair:** We are tracking at this point, correct. We will deduct when we have points of order and so on, because obviously that is only fair to the speaker.

**Mr. David McGuinty:** And we can start making that public? We'll make sure of that.

Thank you, Mr. Chair.

**The Chair:** On the same point of order, we now have the clerk recording these times, so everybody is clear on that.

**Mr. Nathan Cullen:** As something to make that perhaps more effective, I would seek to move that there be a maximum time limit of two minutes with debate—

**The Chair:** You can't move when we're discussing this. I'm sorry, Mr. Cullen.

**Mr. Nathan Cullen:** I wish to challenge that ruling, Mr. Chair.

**The Chair:** There are two problems with your motion. One, it's being made on a point of order, which cannot happen. The second reason it can't happen is that it's on a clause, clause 10.

Those are simply the rules. They're not my interpretation of the rules; they're the rules as they are written.

**Mr. Nathan Cullen:** And that's your issuing of a decision.

**The Chair:** Yes. I have to follow the rules. I can't change them.

**Mr. Nathan Cullen:** Right.

Chair, you know we've spoken often. I have the greatest respect for your work, and I appreciate your chairmanship. But many of us—I won't speak for them—and many watching are deeply frustrated with this.

It's not with an easiness that we do this, but it's important for us to allow the environment committee to no longer be filibustered. It's about all of our work, not just this bill. I challenge your ruling.

**The Chair:** I stated what the rules are. I have to do that. That's my job. It's a ruling, I guess, and can be interpreted that way.

• (1655)

**Mr. Nathan Cullen:** And I've challenged that ruling, Chair.

**The Chair:** That's not debatable, so it's an immediate vote.

**An hon. member:** I have a point of order.

**Mr. Nathan Cullen:** You can't interrupt with a point of order.

**The Chair:** You've heard my decision.

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

**The Chair:** Okay, we'll have a recorded vote.

**Mr. Nathan Cullen:** Perhaps you could be clear, Clerk, about the vote.

**The Clerk of the Committee (Mr. Normand Radford):** It's a vote on whether the decision of the chair shall be sustained.

(Ruling of the chair overturned: nays 7; yeas 3)

**The Chair:** So the decision has been overruled.

I'll now take a point of order from Mr. Warawa.

**Mr. Mark Warawa:** Chair, the record will now show that this is the second time the NDP, specifically Mr. Cullen, has moved a motion during a point of order, which is against the Standing Orders. Now, the clerk says, in a ruling the Speaker made.... It was released this week.

The Speaker said:

I'm now prepared to rule on a point of order raised by the hon. member for Mississauga South on March 3, 2008, concerning the proceedings in the Standing Committee on Access to Information, Privacy and Ethics at its meeting of February 28, 2008.

I would like to thank the hon. member for Mississauga South for having raised this matter, as well as the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons, the hon. member for Hull—Aylmer, and the honourable member for Scarborough—Rouge River for their contributions.

In raising his point of order, the member for Mississauga South expressed concerns about motions adopted by the Access to Information, Privacy and Ethics Committee at its meeting of February 28, 2008. Of particular concern was the motion ordering the committee, pursuant to Standing Order 108(1)(a), to investigate the fundraising practices of the Liberal Party of Canada. The member for Mississauga South indicated that, as chair of the committee, he had ruled his motion inadmissible as it did not include any reference to the Conflict of Interest Code for Members or any ethical standards that may have been violated but rather actually made direct reference to political violations of the Canada Elections Act. His ruling was appealed and overturned, and the motion was adopted.

What I'm reading here is relevant to what's happened here, because this committee was found to be in disorder.

I talked to the Clerk and the Speaker and let them know what was happening. The NDP had made a motion while we were having a point of order, which is totally against the rules. If members want to work hard enough to avoid the rules, they can lower this committee to a committee of disorder. What's been happening here is totally against democracy, even today, just now. That's why I asked for a recorded vote, because every member who voted in favour voted to break the rules.

The Speaker went on to say:

The member for Mississauga South contended that the access to information, privacy and ethics committee has now embarked on a study which is beyond its mandate as set out in the Standing Order 108. Questioning the committee's authority to disregard the Standing Orders in this way, he maintained that his committee was encroaching on the mandate of the Standing Committee on Procedure and House Affairs. The member for Hull—Aylmer and the member for Scarborough—Rouge River voiced their support for these arguments.

In his comments, the Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform spoke of the well-recognized procedural principle that committees are masters of their own proceedings.

• (1700)

**Mr. David McGuinty:** Mr. Chair.

**Mr. Mark Warawa:** In the absence of a report from the committee.... I have a point of order, and I have the floor, because I'm speaking to the subject.

**Mr. David McGuinty:** This is another point of order.

**Mr. Mark Warawa:** Do not raise another point of order. I have the floor. I'm speaking to a point of order.

**Mr. David McGuinty:** No, you're not.

Mr. Chair, may I? It's not a point of order.

**An hon. member:** Just rule him out of order.

**The Chair:** Mr. Warawa, can you summarize what you're trying to say? I mean, reading another document.... I just prefer people to say what they think. Make it clear, concise, and short. We don't need to read a whole document.

I'm trying to get Mr. Warawa to tell me what his point is, because we are about to debate a motion. I've been overruled, and we now are to debate that motion. So we should be getting on to debating the motion.

**Mr. David McGuinty:** I'm sorry, Mr. Chair. Could you ask Mr. Vellacott to say that on camera? I'd like him to repeat that on camera. Can he repeat that on camera, Mr. Chair?

**The Chair:** Mr. Warawa, can I ask you to summarize your point of order. We would really appreciate it if you did.

**Mr. Mark Warawa:** Chair, it's unfortunate that I cannot read this very important report from the Speaker of the House of Commons. I will go to his summary. He said that:

Any observer of the 39th Parliament will realize that the problem in the Ethics Committee is only one of the recent manifestations of the need for crisis management in committees.

Almost a year ago, in a ruling given on March 29, 2007, I referred to the challenges encountered in this minority parliament, saying, in part: "...neither the political realities of the moment nor the sheer force of numbers should force us to set aside the values inherent in the parliamentary conventions and procedures by which we govern our deliberations."

We saw that happen just now, and it shouldn't have happened.

He went on to say:

I went on to refer to situations in committee where, because decisions of the Chair are subject to appeal, decisions that were procedurally sound had been overturned by the majority.

Tyranny of the masses is what he is referring to, and you have to be very careful when members of this committee—

**The Chair:** Mr. Warawa, you know, this is not really getting where we need to go. We need to debate this motion, and that's really where we need to go.

The last thing I want to do is rule you out of order, because then we'd have another vote about.... But my goodness, we do have the ruling of the Speaker—everybody is aware of that—regarding another committee.

**Mr. Mark Warawa:** And it is relevant to what we've seen here just now, Chair.

**The Chair:** But I think you've made that point, and I really believe we should move on and debate the motion.

Again, just to summarize how I see it, I said the motion made by Mr. Cullen was out of order. It was out of order for two reasons: it was made on a point of order, and it was made when we were discussing a clause. That's how the rules are interpreted.

We then had a vote, because that decision I made to follow the rules was challenged. I lost. So now we debate that ruling, because the committee has control of its own fate. The committee just made a decision. We should debate the decision the committee made.

And now you'll have an opportunity, Mr. Vellacott, Mr. Warawa, and anyone else, to comment on that decision and on that vote. And that's when you should be discussing it. I don't really see much point in simply carrying on, quoting the Speaker in the House of Commons.

I've lost that one, so I would now ask for comments. Perhaps Mr. Cullen could make that clear.

Mr. Warawa, on a point of order.

**Mr. Mark Warawa:** My question to you, Chair, is what privileges I have in this committee right now, when we have seen the Standing Orders of Parliament broken.

So my question to you, sir, is what—

• (1705)

**Hon. Carolyn Bennett:** Democracy is now over.

**Mr. Mark Warawa:** And it should not be, Madam Bennett. It should not be happening.

To you, Chair, what rights do I have? What rules are we going by if they're going to be made up on the fly by Mr. Cullen and people?



**The Chair:** The opportunity to make that point is during debate of this motion that we have before us. That motion now stands because I was overruled. So now is your opportunity to make the point that in fact was made.

I'm asking Mr. Cullen to clarify the motion that he made, which I ruled out of order, which the committee decided was in order. We're now going to debate that whole issue.

Mr. Cullen, can you clarify the motion, please?

**Mr. Nathan Cullen:** Thank you, Chair. Absolutely.

Again, I attempted to introduce this motion the first time and was interrupted on the point of order. We've worked together for some time on trying to improve the state of the environment and the condition of the government's treatment of the environment, and I think you've handled yourself under the circumstances very capably and ably.

I'm not sure what Mr. Watson is hoping to contribute.

The motion I've put forward to the committee is as follows: that there be a maximum time limit of two minutes' debate per member of Parliament on each remaining clause of Bill C-377. This, I think, will allow members to put forward their points and their concerns and their addresses and yet allow the committee to get through the work of this bill and then return to the calendar, which, I'll remind all committee members, we agreed to unanimously. We have witnesses coming before us tomorrow and in the following weeks.

I move that motion.

Thank you, Chair.

**The Chair:** I'm going to ask the clerk to get that in writing, Mr. Cullen, so we can make sure everybody understands this.

This was moved from the floor, so that is acceptable.

Can I ask for clarification? "Remaining clause"—are you also referring to the title—

**Mr. Nathan Cullen:** Excuse me. That should say "remaining clauses of Bill—"

**The Chair:** Yes, clauses. And are you considering clause 1, clause 2, the title? The whole package?

**Mr. Nathan Cullen:** Correct. Those are the ones the committee is—

**The Chair:** Can I say "remaining clauses and parts of the bill"?

**Mr. Nathan Cullen:** Yes, of course, we can add an *s* to that, because committee members will know we've moved through the vast majority and substance of the bill and we're now in the home stretch, if you will, with only a few clauses to go.

**The Chair:** Maybe I could read this so it's clear to everybody. The motion Mr. Cullen is making is that there be a maximum time limit of two minutes' debate per member of Parliament on each remaining clause and part of Bill C-377.

So we are now debating this motion we have in front of us.

Mr. Watson first. Mr. Warawa next. Any other speakers?

I'd like hands, Mr. Bigras.

Do other people want to speak? Mr. Cullen. Mr. Vellacott.

Let me get the names down. Does anybody else wish to speak to this bill? Okay, I have a list: Watson, Warawa, McGuinty, Bigras, Cullen, Vellacott.

Let us proceed with—

**Mr. Mark Warawa:** We have a point of order.

**The Chair:** Oh, a point of order. I'm sorry.

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

Chair, we now have a new procedure in this committee, that you can make motions during points of order, thank you to Mr. Cullen.

So I would move adjournment because of disorder, where we have ignored the Standing Orders of Parliament. I move adjournment because of disorder.

• (1710)

**The Chair:** Mr. Warawa, I have to rule you out of order because you made your motion of adjournment on a point of order.

**Mr. Mark Warawa:** But the committee has decided by the previous ruling that you can make motions during a point of order.

**The Chair:** For that motion.

We now need to vote on whether my ruling will be overruled on this.

**Mr. Mark Warawa:** Chair, I'm not going to challenge you. I think you've been fair, and that's why I called for a recorded vote. Because the opposition members ignored the Standing Orders and set new rules, and the new rules are that you can—your decision, Chair, was that you called it out of order because it was made during a point of order. In the new ruling, the committees are masters of their own decision. And now they have made a motion, and you cannot change.... You've changed the rules and you can't keep changing the rules back and forth.

**The Chair:** Retroactive to every ruling that I make. It is simply the rules. The rules are that you can't make a motion during a point of order. I was overruled on one, Mr. Cullen's motion, but now I go back to operating under the rules, and the rules say you can't make a motion on a point of order.

**Mr. Mark Warawa:** Okay, but the committee, sir, has decided. So what you're doing is—

**The Chair:** In one case.

**Mr. Mark Warawa:** And I will respect your ruling.

What you're saying is that we're still going to be dealing with the rules and we will ignore the rules only if the opposition votes to ignore the rules.

**The Chair:** That's your interpretation, correctly, yes.

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

**The Chair:** That's fine.

Mr. Godfrey.

**Hon. John Godfrey:** I have a friendly amendment, if I could, to Mr. Cullen's motion.

For this piece of legislation.... No, friendly. I'm just seeing whether this, because I think it might be something—

**The Chair:** I have to go to Mr. Watson, Mr. Warawa, Mr. McGuinty, Mr. Bigras, Mr. Cullen, Mr. Vellacott, and then to you, Mr. Godfrey. Why don't you talk to Mr. Cullen, because he's before you on the list here.

Mr. Watson, you have the floor on this motion—on this motion. Everybody understands it's on this motion.

The motion is that there be a maximum time limit of two minutes' debate per member of Parliament on each remaining clause and part of Bill C-377. That's what we're debating, nothing else.

**Mr. Jeff Watson:** Thank you, Mr. Chair, although you did also state that this would be the opportune time in debate to express our viewpoint on what precipitated the motion, as well.

**The Chair:** As long as you refer to this motion.

**Mr. Jeff Watson:** As I understand, Mr. Chair, that's also in order, which is important. It concerns what preceded this motion and why the opposition feels the need to bring it forward.

First, here are a couple of points I want to lay down before talking about the substance of the motion itself.

I think what happened with Mr. Warawa's intervention, Mr. Chair, only serves to prove the point that we were trying to make. You had in fact ruled it was out of order to move a motion during a point of order. That in fact is the....

Mr. Chair, could we have a little bit of order in the committee itself?

**The Chair:** Mr. Watson, just to clarify, the motion is in order now because I was overruled. The motion is in order, so we should discuss the motion.

**Mr. Jeff Watson:** Mr. Chair, you sat there and you said that we can discuss the ruling as part of our debate.

**Mr. Chair:** Refer to the motion.

**Mr. Jeff Watson:** Mr. Chair, we raised a point of order on this, and you said that could wait until the discussion regarding the motion that Mr. Cullen is bringing forward.

Mr. Chair, I'm simply responding to what you said is in order for the particular motion. Which ruling is it going to be?

•(1715)

**The Chair:** I could write the speech.

Talk about the motion not being a good motion, talk about the method of the motion not being a good motion, why it is not a good motion. You know, Jean Valjean would not have...whatever. But keep it on the motion.

**Mr. Jeff Watson:** Fair enough, Mr. Chair. That's a change from what you said earlier. I hope that's understood here.

**The Chair:** Thank God for the bells. We'll be back—

**Mr. Jeff Watson:** And I'll have the floor.

**Mr. David McGuinty:** We're suspending, right? We're not adjourning.

**The Chair:** We're adjourning, unless I have a motion to....

**Mr. David McGuinty:** Can I move the motion to suspend?

**Mr. Jeff Watson:** Mr. Chair, I have the floor.

Mr. Chair, I believe I have the floor.

**An hon. member:** Not with the bells.

**Mr. Jeff Watson:** Mr. Chair, I have the floor, unless you're adjourning the meeting.

This is not a point of order. I have the floor for discussion.

**The Chair:** I need unanimous consent to stay during the bells. The bells have started. I need unanimous consent to stay here, to stay and not go and vote.

**An hon. member:** Does he have the floor afterwards?

**The Chair:** He has the floor next, yes.

So I don't have unanimous consent, so we're suspended until we come back from the vote.

Do people want to suspend until tomorrow, or do you want to adjourn?

I have a motion from Mr. Warawa to adjourn this meeting, and of course we do have a meeting scheduled for tomorrow at 3:30 p.m.

Adjournment and suspension. Suspension means we go and vote and then we come back, unless we find another time. Adjournment means we adjourn and we come back here at 3:30 p.m. tomorrow.

**Mr. David McGuinty:** Mr. Chair, what happens to the speakers list?

**The Chair:** We start clean if we adjourn.

**Mr. David McGuinty:** And if we suspend until 3:30 tomorrow?

**The Chair:** Then we continue with the list as I have it here.

**Mr. David McGuinty:** That's helpful to know.

**The Chair:** We have a motion to adjourn. We will vote on that motion. It means we're back here at 3:30, starting over on this motion. At 3:30 we start with a clean slate, no speakers list, on this motion.

Mr. Cullen, you'll need to give us this motion again tomorrow to begin debate.

**Mr. Nathan Cullen:** Mr. Chair, I don't know why we don't just suspend, because that would achieve—

**The Chair:** Do we have unanimous consent to suspend until 3:30 tomorrow? Raise your hands, please.

We are suspending until tomorrow. This means we carry on with that motion, with this speaking list.

*[Proceedings suspended until April 2, 2008]*

\_\_\_\_\_ (Pause) \_\_\_\_\_

*[Proceedings resume]*

● (1540)

**The Chair:** I call the meeting to order, please.

Mr. Warawa, on a point of privilege.

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

I hopefully won't take too long on this point of privilege, but it's a serious matter that I want to address regarding a decision that was taken by this committee at the last meeting. It was the second time that this happened, and so we have a very serious precedent that has been set within this committee. It was a decision to pass a motion during a point of order.

Now, we all know that is not proper procedure. It's against the House rules. I'd like to share with the committee and remind them the first time this happened. It was on March 5, and I would like to read what happened.

On March 5, it's recorded in the blues at approximately 16:05 hours, so that's 4:05, and it begins with this.

**Mr. Nathan Cullen is recorded as saying:** Mr. Chair, on this point of order?

**The Chair:** Yes, Mr. Cullen, I have basically said that a point of order goes beyond what Mr. Warawa is dealing with, but because it's your bill...

**Mr. Nathan Cullen:** I'd just like to allow the Conservative members to have their interventions while respecting what you just said, in terms of staying focused and respecting time, and introduce a motion for a five-minute limit on any intervention on any clause.

Mr. Cullen introduced that motion.

The next speaker was me.

**Mr. Mark Warawa:** Do I have the floor?

**The Chair:** Yes.

I don't believe you can move on a point of order. You have to have the floor in order to move that and he has to move it once this clause has been dealt with.

**Mr. Nathan Cullen:** If that is your ruling, I'd like to challenge your ruling again.

**Mr. Mark Warawa:** It's not a ruling, that's the rules.

**Mr. Nathan Cullen:** To me, that's what it was.

**Mr. Mark Warawa:** That's the rules.

**The Chair:** So if it's a ruling, then, I would cede to my advisers here and say that they're suggesting that's the rules of the House that, in fact...

● (1545)

**The Chair:** Excuse me, Mr. Warawa.

Mr. Cullen, on a point of order.

**Mr. Nathan Cullen:** Thank you, Chair.

Mr. Warawa is recounting a history that we were all collectively present at and saw the manifestation of, and again, he will take us through, I'm sure, a reading of what happened yesterday. If he is seeking to eventually challenge the chair on the way this committee is conducting itself, I would urge him to do it, but rereading old testimony that was going back and forth, which we were all present at and coming forward to...

Chair, I'm seeking, through you, what the point of this deliberation on privilege is.

**The Chair:** Mr. Cullen, let Mr. Warawa proceed to make his point. I think he's getting there. If he could, that would be appreciated.

Let's just finish hearing that, please.

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

My opening comments were that the rules were broken. There are the Standing Orders; there are procedures within the House that you do not move a motion during a point of order. It's not to be done. When it happened on March 5, I asked the Clerk in the House if that was proper; I was advised that it should not be happening. Then I talked to the Speaker about that.

The rules were broken. It happened once and it shouldn't have happened at that time, but now it's happened a second time. It happened yesterday, and without respect for the rules we have, we have dysfunctional committees. All members have to respect the rules.

Mr. Cullen, on a point of order, I have the opportunity through a point of privilege to share a serious concern, and eventually I am going to be asking that this be reported back to the House. I want to make a point of the seriousness of what Mr. Cullen did, so I will continue.

I said, "That's the rules", and then:

**The Chair:** So if it's a ruling, then, I would cede to my advisers here and say that they're suggesting that's the rules of the House that, in fact, you can't make that when we're discussing a particular amendment.

Just so everyone understands, we're discussing your amendment number on clause 10—

**Mr. Nathan Cullen:** Yes, I appreciate that.

**The Chair:** —and that can only be done when we move on to clause 11. That would be what the rules of the House—

**Mr. Nathan Cullen:** Right, and we all know is the committees are masters of their own fate.

**The Chair:** That's true.

**Mr. Nathan Cullen:** You've made this ruling. I wish to challenge that ruling.

**Mr. Mark Warawa:** A point of order, Mr. Chair.

It went on to a recorded vote, with the opposition members agreeing with Mr. Cullen. It was a recorded vote, recorded in the blues, that they accepted a motion during a point of order.

I do not have the blues from yesterday yet—they are coming—but an almost identical situation happened. The difference is that the motion was limiting debate to two minutes instead of five minutes as requested, as moved on March 5.

I'm looking at Marleau and Montpetit. This is the procedure guide we use here in Parliament. These are the rules. On page 454, it says here:

Superseding motions can be moved without notice when any other debatable motion is before the House. The Member moving a superseding motion can do so only after having been recognized by the Speaker in the course of debate. It is not in order for such a motion to be moved when the Member has been recognized on a point of order or during the period of questions and comments.

What we've seen very clearly is a flagrant abuse of the rules of the House of Commons.

On page 129, under points of privilege,

Should a Member wish to raise a question of privilege in committee, or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege,

—which you're doing right now, and I thank you—

or in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred. The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance or a matter of debate.

That is why I brought it up. This is the only recourse I have as a member of this committee when we see a flagrant abuse of the rules of procedure.

What is the recourse I have in bringing it to the committee as a point of privilege, and what are the recommendations in Marleau and Montpetit? The answer is found on page 858.

• (1550)

I could refer to a report from the Speaker of the House that was distributed a couple of days ago. Speaker Milliken was reporting to the House of Commons on how he is seriously concerned about the abuse of rules and the problems happening in the committees. The standing committees are very important, and if we're not obeying the rules, we have disorder. He expressed great concern.

On page 858, under the heading of "Disorder and Misconduct", it says the following:

Disorder and misconduct in a committee may arise as a result of the failure to abide by the rules and practices of a committee or to respect the authority of the Chair.

We saw that demonstrated yesterday, and we saw it happen on March 5.

Disorder and misconduct also include the use of unparliamentary language, failure to yield the floor or persistent interruption of the proceedings in any manner.

That we saw also—persistent interruptions—and we are seeing it demonstrated again by Mr. Cullen. I would ask Mr. Cullen to please control himself.

These are the options for the chair:

In the event of disorder, the Chair may suspend the meeting until order can be restored or, if the situation is considered to be so serious as to prevent the committee from continuing with its work, the meeting may be adjourned.

That is my point of privilege. I am concerned that there has been disregard for the rules of Parliament. It was not accidental. It has happened a second time. The appropriate result of that, according to Marleau and Montpetit, would be that the chair consider this and that this be reported back to the House. The appropriate action at this time would be to adjourn, according to Marleau and Montpetit.

That is my motion.

**The Chair:** I want to comment on your point of privilege, but obviously we've had a motion to adjourn. That's not debatable. I believe we need to vote on that first. Then, if we're still here, I will address your point....

Could you repeat the motion?

**Mr. Mark Warawa:** My motion was that the chair consider my point of privilege and that this be reported back to the House. That was the motion.

I then did recommend, but it was not a motion, that we adjourn.

**The Chair:** Okay. It's not a motion. That was my misinterpretation.

Basically, I do believe Mr. Warawa makes a point. I think I will follow the way the Speaker of the House handles this sort of thing—take it under advisement, look at all of the sides.

At this point I will take very brief comments on this point of privilege. I will now accept speakers for, again, very brief comments, please.

I see Mr. Watson—maybe I should have the clerk do this and let him get in trouble—Mr. Cullen, Mr. Vellacott, Mr. McGuinty, Mr. Harvey. Is there anyone else?

What we are addressing now are the points that Mr. Warawa has just raised, which, as I have said, I will take under advisement and come back with a ruling on. At this point, I just want some very brief advice on what Mr. Warawa has raised as a point of privilege.

We'll begin with Mr. Watson.

• (1555)

**Mr. Jeff Watson:** Thank you, Mr. Chair.

To the point of privilege, as I understand it, the rules exist—and I've said it many times at this committee—to facilitate debate, not to shut it down. If we use the House as an example, of course, the prerogative for closure exists with the government, not with the opposition. Furthermore, this is an abuse of process.

If you'll recall, the opposition spent about an hour on points of order, fishing with the clerk for ways to stop the government from speaking. The advice that had come back to them, of course, was that there was no way to do it, and now they've manufactured or gone back to the old playbook to raise a bogus point of order to move a motion, which is an abuse of the process.

It shouldn't have been considered a valid motion. I don't think any ruling was necessary. I think you were very clear originally when you said this is simply what the rules say. Therefore, there's no interpretation or judgment being applied to the rules. If they don't like Marleau and Montpetit, the floor should have been ceded back and they could have taken it up with the authors of the book.

So I think the motion that Mr. Cullen brought is still out of order, but the point of privilege should be sustained. I think this should be reported back to the House.

The rules are to facilitate debate, not to shut it down, and that's the privilege and prerogative of every single member here. This committee shouldn't be functioning as a rogue committee but functioning within the parameters of what the Standing Orders set out. So we should be facilitating debate here, not shutting it down.

Thank you.

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

Mr. Cullen.

**Mr. Nathan Cullen:** Thank you, Chair.

It's interesting, the language being used by the government today—most importantly, talking about privilege, talking about abuse of this place, talking about the efforts of parliamentarians to do their jobs. We have had this bill for more than five weeks. The government completed its seventh filibuster of this bill in its previous meeting, hour upon hour of delaying, denying tactics in order to prevent the rightful passage of a piece of legislation that a majority of Canadians would like to see. The government has the hubris to come before us today and talk about an abuse of power and privilege.

It is with great reluctance. The chair knows I have the greatest respect for his chairmanship of this committee. He has done an excellent job, and I continue to support his work. But to talk about privilege is also to talk about responsibility that members of Parliament all share, to their constituents and to this country.

This is a bill about climate change and this country's future, a bill that is sorely needed and demanded by Canadians. To talk about privilege in this moment, to lecture this committee about process when, hour after hour, the Conservatives have stalled and bailed—

**The Chair:** Excuse me, Mr. Cullen. We are discussing a point of privilege—

**Mr. Jeff Watson:** On a point of order, Mr. Chair, I thought we were talking about the question of privilege, not the bill. He's talking about the bill.

**Mr. Nathan Cullen:** I understand, Mr. Chair.

**The Chair:** Mr. Cullen, let's try to be brief.

**Mr. Nathan Cullen:** I apologize for the anger that I feel on this. I was handed an article about the pine beetle plague going through my riding, destroying community after community right now. So you'll forgive me if I feel emotional about the issue of government stall tactics when it comes to climate change, because we've seen far too much of this and it has to stop.

I urge the Conservative members on this committee to earn their pay, earn the trust of their constituents, and work. By "work" I mean deal with the bill. Stop the filibustering. Do your jobs. That is the privilege given to you by Canadians when they cast their ballots.

**The Chair:** Mr. Cullen, I think you are getting outside the point of privilege that we are discussing. Thank you.

Mr. Vellacott.

•(1600)

**Mr. Maurice Vellacott:** Thank you, Mr. Chair. I speak to this point of privilege that my colleague Mr. Warawa has raised.

I was just appalled, when we went into the first episode of it earlier, when you in effect upturned the rules of the House and you called black white and right wrong simply because you're seguing in on a point of order and moving a motion. It's totally unheard of. It's bizarre and ludicrous, and it's a recipe for anarchy. I think it's a very dangerous precedent.

I understand that chairs have to rule sometimes where things are not that clear, where the House books that we use, the procedural books and so on, may tend to imply this or that, but what can be

plainer and clearer, on the face of it, than that you cannot move a motion during a point of order? Anybody with an elementary school education would know that.

Mr. Cullen may well understand that we have great concerns about this bill, and we have that right. That is our privilege. It's our opportunity to raise those issues.

We don't need to take moralistic lectures from you in respect of what you feel is responsible. We think we're doing the responsible thing for taxpayers by closely scrutinizing a bill, a bill that's so badly written that the NDP, as you know, has had to introduce major amendments. This is pretty unheard of.

The NDP leader even admitted in committee that he had not bothered—

**The Chair:** Can you keep on the point of privilege and not on debate?

**Mr. Maurice Vellacott:** Yes, exactly, and that's why we need to stick to rules here and why, if this member wants to speak at great length in respect to it, it should not be shut down by some bogus point of order and then thereafter by this seguing into a motion.

He wants to speak. He has that right. That's his privilege. That's the question he raises here now. When we have so many things that need to be said in respect of this bill, he has the right to do that: the NDP leader admitting to the committee that he hadn't bothered to find out how much the bill would cost Canadians in increased gas and energy prices....

He wants to present many other things.

**The Chair:** Mr. Vellacott, keep to the point of privilege.

**Mr. Maurice Vellacott:** Exactly. I understand that. But it's uncosted, it's unconstitutional, and we want to raise those points. These very same targets in the bill from the NDP were set into the Clean Air Act previously, and the Liberals voted them down because they were so unrealistic. So we want to draw attention to that. That's our right, our privilege, as members to bring that forward. Months later now, the Liberals are supporting those unrealistic targets, because as with Kyoto, they plan to do nothing with them.

Our government in fact is moving forward. We want to present that on the record in respect of the *Turning the Corner* plan to regulate big polluters with absolute reductions of 20% in greenhouse gases by 2020.

But this bill before us is a dangerous and irresponsible piece of legislation. The cost here, because there are such exorbitant costs that would be imposed on the taxpayers by the NDP, on families and businesses, would be astronomical. Conservatives are standing up for Canadian families and businesses by trying to stop this bill in committee, by trying to do what we can to bring this to the attention of the government.

The bill, as it is, is badly and deeply flawed, and I think the member knows that, because he brings amendments forward.

What the NDP is proposing, a 40% reduction in greenhouse gas emissions from where we are today, is simply not possible without causing massive job losses and huge price increases in electricity and gasoline.

**An hon. member:** Mr. Chair, this is way off point.

**Mr. Maurice Vellacott:** It's on the point exactly, because those are the kinds of things that it's our privilege to bring forward. You may object to it, you may object to how long we elaborate on it, but that's our opportunity to expose the flaws and the follies of this particular bill.

The fact that the Liberals are now supporting it—

**The Chair:** I'm going to go to Mr. McGuinty.

**Mr. Maurice Vellacott:** Let me just conclude. I'm wrapping up here.

The fact that the Liberals are now supporting this demonstrates how irresponsible it is to sign on to something, anything, that they have no intention of keeping on climate change.

So I rest my point.

**The Chair:** I have to move on to Mr. McGuinty, please.

**Mr. David McGuinty:** Thank you very much, Mr. Chair.

I'd like Canadians to hear an alternative narrative about what's going on here. The official languages committee is effectively disbanded. The procedure and house affairs committee has been filibustered for over seven months. The justice committee has a chair who sets his hair on fire and runs out of the room in repeated fashion and will not hold a meeting. And now it's the environment committee.

These comments speak entirely to the issue of privilege, because what Canadians have to know is that they send people to the House of Commons to do their jobs, and the privileges that attach to doing those jobs have now been killed by the government for a single purpose. The government is desperately trying to construct a case to legitimize going to an election earlier than they wish with a fixed-term election date, and so they're sowing seeds of havoc, they are shutting down the privileges of MPs, and even the House leader's staff is here now instructing the MPs on what to do.

Now, if in fact Mr. Warawa gave any consideration to privileges, he would tell Canadians the truth about something else. This committee voted to first exclude the parliamentary secretary from a steering committee that is struck to review the work plan of this committee, precisely because of this kind of conduct that we anticipated. Only six weeks ago, Mr. Chair, you will recall, as a matter of privilege, this parliamentary secretary raised the fact that he wasn't on the steering committee so his privileges were being impeded. You recall that debate. So these members of the opposition said, we shall in good faith bring this parliamentary secretary back on the steering committee.

Are you speaking to this point of order? It's a point of privilege. You can't interrupt us.

•(1605)

**Mr. Mark Warawa:** It's a point of privilege, not a point of order. It takes precedence. You can't have a point of order without—

**The Chair:** Mr. Warawa, let's just finish this.

**Mr. David McGuinty:** May I finish, Mr. Warawa, or are you afraid of what I'm saying?

**The Chair:** I have Mr. Harvey, and then I have Mr. Warawa.

**Mr. David McGuinty:** You haven't listened to me.

**Mr. Mark Warawa:** Privilege supersedes points of order.

**The Chair:** The clerk advises me that it does.

**Mr. Mark Warawa:** Privilege supersedes a point of order.

**Mr. David McGuinty:** May I, Mr. Chair? While he's actually going through another text to find more time-killing opportunities, could I finish my remarks?

**The Chair:** On the point of privilege, please finish them.

**Mr. David McGuinty:** There was no indication on the steering committee that this parliamentary secretary was put back on to. This is the work plan Canadians that should be aware of. This work plan was agreed on by all members of this committee—all members of this committee, including this parliamentary secretary. He came to the steering committee and this committee and agreed with the work plan. I asked the clerk yesterday, and he's given me, with gracious help, the actual time. We're now at 12 hours and 18 minutes of deliberate filibuster by this government. It's 12 hours and 18 minutes—and counting, in fact.

Do you want to talk about privileges, Mr. Warawa? What about the privileges we have to do our jobs as members of Parliament, the privileges we have to go through this work plan to deal with this bill, to deal with Bill C-474, to deal with your national water strategy—which has disappeared—and to deal with our water study on the oil sands? That's our privilege, isn't it, Mr. Warawa?

Why are you deliberately taking instructions from your House leader to obstruct this committee?

**The Chair:** Mr. McGuinty, I think I've heard enough to rule on this—

**Mr. David McGuinty:** Where are the amendments, Mr. Chair? Where are the privileged amendments this member says he had no time to deliver?

**The Chair:** Could you please cut off the microphone for Mr. McGuinty?

Obviously we can suspend this session if that's the desire of this committee. I would like to carry on, and I would like to postpone the decision—defer it—to consider, hopefully, an intelligent response that I can read into the record so that everybody has that response to a point of privilege by Mr. Warawa.

I think I've probably heard enough. I don't really think I need to hear any more, and I think we can then move on to the motion that we're here to discuss today. We have a speaking order, which we're carrying on from yesterday, and we'll get back to you in due course with a decision on this point of privilege, but I really don't think I need to hear a lot more.

Do you have a question, Mr. Vellacott?

**Mr. Maurice Vellacott:** I have a question. How can you proceed to move to discussion and debate on the particular motion that is at question, the particular thing that you're going to wait now until maybe tomorrow or next time to consider? How can that be now considered, when in fact that's the whole point of what you're going away to deliberate on?

I don't understand how we could proceed on that. I would think that in fact, if we're to carry on here today, we would rather revert to Mr. Warawa, who was speaking prior to this sabotage and piracy that occurred here yesterday with Mr. Cullen, and go back to that, because you're now giving consideration to the whole issue before us.

•(1610)

**The Chair:** Ultimately we're going to have a decision. We are going to vote on that decision, and that decision then ultimately would go to the House. That's how it would be handled. The members at that point would listen to the decision. The decision hasn't been made yet. I obviously need time to look, consult, and be sure that I'm serving you as best I possibly can.

I do take Mr. Vellacott's question about debating something when a decision is pending. I have no idea how long it's going to take me to do this, but I'll certainly work as fast as I can—with the clerk's help, with the help of the Clerk of the House, and probably with the Speaker's help—to come up with a decision that I hope will be fair for everyone.

I think at this point I'll certainly listen to a couple more questions if you want, but it might be best to simply suspend and come back once a decision is rendered. I'll do it as quickly as I can.

I'm prepared to entertain some comments at this point. I believe Mr. Godfrey is next, and then Mr. Harvey.

**Hon. John Godfrey:** I would just remind you—

**The Chair:** We're not talking about this point of privilege any more. I've said what I'm going to say.

**Hon. John Godfrey:** It's just a point of order on the question of—

**The Chair:** We're now carrying on. I haven't ruled anything yet, so....

**Hon. John Godfrey:** Right. And if we are to follow the practice of the House, when a question of privilege is raised, it does not mean that the House suspends its business. The judgment is reserved. In the meantime, we carry on as we were before.

I think that's why we should not suspend.

**The Chair:** Okay, that's the argument there.

Mr. Harvey.

[Translation]

**Mr. Luc Harvey (Louis-Hébert, CPC):** Mr. Chairman, since the ruling you are going to make will impact on what will happen next, as long as you have not made that decision, we are unable to go any further.

We are being asked to approve the bill introduced by Mr. Cullen and the NDP without any studies having been done. There is a refusal to tell us if these studies should be done before passing or

considering the bill. There is even the refusal to tell us if there should be a cost analysis.

Mr. Chairman, I do not see how one could talk about challenging your decision since it is not your ruling that is being challenged, it is Marleau and Montpetit. According to Marleau and Montpetit this type of motion cannot be made. I will not repeat what it says there.

We are caught in a paradox and I propose to simply adjourn this meeting until you come down with your ruling.

[English]

**The Chair:** Again, Mr. Harvey, that's the same point as Mr. Vellacott's. I'm prepared to listen to these points, but put them as briefly as you can.

Mr. Watson—

**Mr. Luc Harvey:** But that was a motion to adjourn.

**The Chair:** No, that's a different thing altogether.

I'll let Mr. Harvey consult with Mr. Vellacott....

Now I'm going to ask Mr. Harvey to clarify the last part of his statement. After that clarification from Mr. Harvey, I'll go to Mr. Watson and Mr. McGuinty.

Mr. Harvey, did you...? Okay.

Mr. Watson, if you could address exactly what—

•(1615)

**Mr. Jeff Watson:** I'd like to speak to Mr. Godfrey's point, actually.

**The Chair:** Yes, address exactly what we're dealing with, please.

**Mr. Jeff Watson:** Sure.

In terms of raising questions of privilege in the House, the decisions are usually put aside because the business of the House is much more multi-faceted. Here we're dealing with a very linear progression, in that the question of privilege pertains to the particular bill at hand.

I don't know if Mr. Godfrey is suggesting that we move on to Bill C-474, for example, and put aside the business of this particular bill in order to remedy the situation. I'm not sure if that's his suggestion or not. But in the business of the House, when a question of privilege is raised and taken under deferment, the House moves on to something else. The debate itself is not impeded in the House because a question of privilege is not raised pertaining to the matter being debated at the time.

In this committee it's very different. The question of privilege relates directly to the specific business and the debate at hand. So I don't think Mr. Godfrey's assertion holds up.

Mr. Chair, I think this committee has to either decide the issue or suspend, if you want to defer it, until such time as it can be taken up—unless the committee wants to move on from Bill C-377 to different business. If we want to apply the way it's done in the House, then maybe that's another way to solve the problem.

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

Mr. McGuinty, on the same point, please.

**Mr. David McGuinty:** Yes, Mr. Chair, it speaks exactly to the point made by my colleague Mr. Godfrey, and that is the question of whether or not we ought to leave this table and not do our work pending a decision that you will have to come to.

I do want to pick up on the comments made by Mr. Watson and Mr. Godfrey about workload and about what Mr. Watson describes as the multi-faceted nature of the work in the House of Commons, as a somehow separate but apart and distinct workplace and work form as opposed to what goes on in this committee, Mr. Chair.

Well, when I looked last, when we all met as a subcommittee to agree on the work plan going forward, this was the work plan. This work plan is very multi-faceted, Mr. Watson. In fact your parliamentary secretary signed off on it.

Mr. Chair, it's very multi-faceted. You can let Mr. Watson know for me. It's very multi-faceted. It's an agreed-upon work schedule that embraces all kinds of multi-faceted.... That's my first argument.

Number two. Mr. Chair, you have an obligation, which you know well through your years of service here, not to be played like a violin. You know that. I've watched you now for four years, and you have never been played like a violin, and I respect you profoundly for it. Here we have a case where we're now at 12 hours and 22 minutes of filibustering by the government in an unheralded fashion. It's 12 hours and 22 minutes. So we have your responsibility to be neutral and objective on this, taking into consideration all of the facets, taking into consideration that this is costing taxpayers a lot of money; that we have an agreed-upon work plan; that it has been 12 hours or so; and finally, your neutrality cannot be put in jeopardy, Mr. Chair, in the attempts by the government to play you like a violin.

**The Chair:** I do have a solution that I am prepared to propose, but I would like to very briefly hear Mr. Warawa and then Mr. Scarpaleggia. And then let me put my solution and see if that would be acceptable to the committee. So can I very briefly ask Mr. Warawa and Mr. Scarpaleggia?

Mr. Bigras—no, I'm not giving you the floor—I'm asking whether your hand was up.

**Mr. Bernard Bigras:** *Oui*.

**The Chair:** Okay.

Mr. Warawa.

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

I spoke for about five minutes. It was a point of privilege, that I believe my parliamentary privileges have been violated by the opposition motion, and I believe Hansard will show that.

• (1620)

**The Chair:** Stick to the motion at hand.

**Mr. Mark Warawa:** I'll try to, but it's difficult.

So what I brought was a point of privilege for discussion. I'm fine with your ruling, Chair, that you will consider this and report back, but ultimately it will be a decision of this committee and we will be voting on it. You'll be making a recommendation, but we will be voting on it as a committee, and I'll be calling a recorded vote to find out whether the same people who changed the rules now want to say

the rules were not violated. It would be very interesting to see what happens when we vote. That may be in a week or two or whenever, and I will patiently await.

The second issue, Chair, is whether or not we have disorder and misconduct, and during my presentation, during the point of privilege, I did read from Marleau and Montpetit, page 858, and it said, Disorder and misconduct in a committee may arise as a result of the failure to abide by the rules and practices of a committee—that happened—and also, “or to respect the authority of the Chair”. That's happened. And in the event of a disorder, the chair may suspend the meeting or it may be adjourned. And that is your option, sir.

**The Chair:** I'm going to propose an alternative.

Thank you, Mr. Warawa, for your advice.

Mr. Scarpaleggia.

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** I would like to add to Mr. McGuinty's words, Mr. Chair.

I think what we have here is the government breaking its word in the most serious manner. They agreed to this work plan knowing what was in the bill, having discussed the bill, having even started clause-by-clause. And now they're going back on their word. They're saying essentially, “We didn't agree to this work plan, and the opposition is doing something unfair.”

Mr. Chair, I think the government is just trying to prevent this committee from getting to issues that could be embarrassing for the government, including the study that we should be doing on the impact of the oil sands on Canada's water supplies. We passed that motion in February, Mr. Chair. And all we see now is stalling to protect the interest that this government is protecting in the Alberta oil sands and to prevent Mr. Godfrey's sustainable development act from going through.

I think that's wrong, and I think Canadians should know about that. And I think we should continue to work.

**The Chair:** Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, since the beginning, I have been rather disappointed with the governing party's attitude with regard to Bill C-377. I must conclude that the governing party—and I will not name its members—is acting in bad faith. They keep filibustering in order to torpedo Bill C-377 and this is totally unacceptable.

If the member believes that his privileges have been breached, look into the matter and take it under advisement. Nothing prevents us from continuing to consider the bill as it is. I find Mr. Watson's demand to move to other business, namely Bill C-474, completely ridiculous since the point of privilege does not deal with the bill but rather the rights of the member.



Mr. Chairman, I ask you to take this point of privilege under advisement. For the time being, we must continue with our consideration of Bill C-377. I am very disappointed in this government and the way it behaves. We are here to work for the public good and the government is having us lose precious time. This wastes taxpayers' money and I do not believe the people of Quebec and Canada expect us, as parliamentarians, to behave in such a fashion. So I ask the government to get a grip and to work constructively in order to make Bill C-377 acceptable to both the government and the opposition.

[English]

**The Chair:** Thank you.

Basically, my option would be, because you've heard the arguments on both sides, that obviously the motion that was made at the end of last meeting is the controversial one, the one on which there is the point of privilege. So where I see it coming to at this point is that we have two options. One is that we go back to clause 10 and debate that until we have this ruling down, and then we come back to this motion after the ruling and vote on that, or we suspend and we go to work on this ruling, because we're at an impasse, in effect. How can I chair a meeting where we're at such an impasse?

So it would seem to me that those are our two options. One, we simply hold this motion and we carry on today—and we have less than an hour—and proceed with clause 10, or we adjourn.

So we'll carry on with the amended clause 10 that we are now discussing. We have suspended this motion temporarily, and we'll come back with this ruling as quickly as we can.

•(1625)

**Mr. David McGuinty:** On the same point of order, Mr. Chair, perhaps I could just say that I appreciate the constraints you're in, but as the official opposition we really want to get to work and continue on this bill, so let us proceed forward.

But for a real point of order, can I just revisit this with you again, please? We actually did not adjourn the meeting yesterday. What did we do, effectively?

**The Chair:** We suspended it.

**Mr. David McGuinty:** So the speakers list then going forward is—

**The Chair:** It is set. It's Watson, Warawa, McGuinty, Bigras, Cullen, Vellacott, and Godfrey.

**Mr. David McGuinty:** I'm sorry, yesterday Mr. Warawa was on the speakers list at the front end. How can he now be in advance? In fact it was Mr. Harvey yesterday. You read into the record that Mr. Harvey was the next speaker after Mr. Watson. So I'm confused about why the substitution today.

**The Chair:** There was no substitution. This is the exact list I had yesterday, and this is in the blues.

**Mr. David McGuinty:** But didn't Mr. Warawa speak at length yesterday? In fact, I think he spoke for—

**The Chair:** Oh yes, but that was earlier.

**Mr. David McGuinty:** Pardon me?

**The Chair:** That was earlier on. We had Warawa, Vellacott, Harvey—

**Mr. David McGuinty:** Yes.

**The Chair:** —and then as hands went up, Watson, Warawa, McGuinty, Bigras, Cullen, and that was read into the record. It's right here in the blues.

And Mr. Watson asked at the end of the meeting:

Mr. Chair, I have the floor, unless you're adjourning the meeting.

This is not a point of order. I have the floor for discussion.

**The Chair:** I need unanimous consent to stay during the bells. The bells have started, I need unanimous consent to stay here, to stay and not go and vote.

**An hon. member:** Does he have the floor after?

**The Chair:** He has the floor next, yes.

**Hon. John Godfrey:** On a point of clarification, really there were two different speakers lists, isn't that right? The first speakers list was the one that dealt with clause 10. Then there was a second speakers list, which was developed to talk about the proposed change of plan, of time allocation. Is that right?

**The Chair:** That sounds reasonable, yes. This speakers list, I guess, goes with this motion.

**Hon. John Godfrey:** That's right, and in fact this doesn't help us at all. We've just done ourselves in by saying this, but here we go.

**The Chair:** At this point, Mr. Watson is next, because it says so in the blues. And then we—

**Mr. Jeff Watson:** Mr. Chair, may I speak to that? In terms of the speaking list that was on the motion, was the list you just read off with respect to Mr. Cullen's motion?

Okay. So if we're reverting back to Bill C-10, should it have been the speaking order where we left off on Bill C-10 prior to Mr. Cullen's motion? Whoever had the floor should be at that point, and then—

**The Chair:** Well, here's the list that I had. Mr. Warawa started, I believe, and Mr. Vellacott spoke next—

**Mr. Maurice Vellacott:** He was speaking at the time he was interrupted.

**The Chair:** By the point of order of Mr. Cullen. So then Mark is....

Well, the other thing we do is put names in a hat and draw a speaking order. But seriously, the blues would confirm, I think, that Mr. Warawa had the floor at that time. I believe it should then not be Mr. Watson, unless we were talking about the motion, but Mr. Warawa. We have that in the blues.

Now, who's next?

Then there is no speaking list. The clerk will now take the speaking order.

What I have is a list from April 1, 2008, and I did not change it or do it today. I have it crossed out, of course, because of the motion. The order I had was Mr. Warawa, Mr. Vellacott, Mr. Harvey, Mr. Watson, Mr. Cullen, and Mr. McGuinty. There was some dispute over that list—it's in the blues—about when the list was done, and so on. Of course, as we went into this, I said we were discussing clause 10. Hands went up, and I recorded them, and there was some dispute over that.

I believe we should begin with Mr. Warawa, or we're going to run out of time totally.

Can we move on, then, with clause 10 as amended? The speaking order is as follows: Mr. Warawa, Mr. Vellacott, Mr. Harvey, Mr. Watson, Mr. Cullen, and Mr. McGuinty.

• (1630)

**Mr. David McGuinty:** I have one question, if I may, on the order.

**The Chair:** Yes.

**Mr. David McGuinty:** Can you confirm for Canadians who are watching whether any member other than a Conservative member has spoken to the merits of these clauses on clause-by-clause, since we began this process? Not on points of order—

**The Chair:** You mean to clause 10?

**Mr. David McGuinty:** That's right. Has any other member, other than these four Conservative members, spoken to these clauses?

**The Chair:** Mr. Cullen would have introduced it and—

**Mr. David McGuinty:** After introducing it, yes. After that, anything else? Could you check the record?

**The Chair:** We can check the record and we can find out. I'm not sure.

**Mr. David McGuinty:** It would be great to know for the next meeting. Canadians want to know.

**The Chair:** Can we begin on the amended clause 10, with Mr. Warawa having the floor and following the speaking order as outlined?

**Mr. Mark Warawa:** Thank you, Chair. I have the floor now, so thank you.

**The Chair:** On clause 10, as close as you can, please.

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

This is on clause 10 of Bill C-377, which is an NDP bill introduced by Mr. Jack Layton. I believe it's a dangerous, irresponsible bill, because in clause 10 we have little detail, particularly on the costs. We were asked numerous times by the witnesses, including Mr. Layton, including Mr. Bramley, to have a costing, an impact assessment done on it.

The cost the NDP would impose on Canadian families and businesses would be astronomical. Conservatives are standing up for Canadian families and businesses by trying to stop this bill in committee. It's not a good bill.

What the NDP is proposing would require a 40% reduction in greenhouse gas emissions from where we are today. That is simply not possible without causing massive job losses and huge price increases in electricity and gasoline, keeping in mind that when the Liberals signed the Kyoto Protocol, Canada had an 8% reduction to

meet—that was the target, 6% below 1990 levels—and our greenhouse gas emissions have skyrocketed since they've signed on, and we are now 33% above the Kyoto target.

The fact that the Liberal members are now supporting this is irresponsible. It demonstrates that the Liberals will sign or do anything, because they have no intention of doing anything on climate change. They had 13 years to show they cared about climate change, and now their support of Bill C-377, when they also supported Canada's *Turning the Corner* plan, demonstrates that they will support anything. They supported Canada's *Turning the Corner* plan, which has targets of 20% absolute reduction in greenhouse gas emissions by 2020, and which is a good plan.

Our *Turning the Corner* plan also includes details that we see missing in Bill C-377. Unlike the Liberals, the Bloc, and the NDP, our government is actually taking serious action on fighting climate change.

In Bill C-377 we see vague measures taken, referring to clause 5 and targets in clause 5, and then it goes on to say in subparagraph 10(1)(a)(i), “including measures taken in respect of...regulated emission limits and performance standards”. The next subparagraph 10(1)(a)(ii) says, “market-based mechanisms such as emissions trading or offsets” Then subparagraph 10(1)(a)(iii) says, “spending or fiscal incentives, including a just transition fund for industry”.

Now they are acknowledging they're going to be putting many people out of work, but with no details of how to achieve a plan—interesting.

Subparagraph 10(1)(a)(iv) says, “cooperation or agreements with provinces, territories or other governments”, but we also heard from the expert witnesses that Bill C-377 would give the government unlimited and sweeping powers over the provinces and jurisdictions, which is not what we support.

Under the *Turning the Corner* plan, on the other hand, the Liberals did support this, and what's troubling is that they're supporting everything but getting nothing done. They seem to be trying to jump in front of parades, but again, not getting anything done.

The Bloc has to be consistent in that they never have got anything done, and they voted against our *Turning the Corner* plan, but they do support Bill C-377 when the expert witnesses are advising that it should be costed, that an impact analysis should be done. The Bloc is supporting that it go ahead without that, which is concerning.

It also is very concerning that in clause 10 of Bill C-377, by proceeding with it the way it's written, the way it has been amended, we are ignoring the advice of the witnesses. We would end up with Bill C-377 not achieving anything.

• (1635)

On the other hand, the *Turning the Corner* regulatory plan was supported by the Liberals—and I want to thank them for that—both at the Speech from the Throne and in the budget. Numerous times they've supported our *Turning the Corner* plan, which actually does get the job done on cleaning up the environment.

In April 2007, a year ago, the framework set an initial required reduction of 18% from 2006 intensity levels for existing facilities by 2010.

Is there a point of order?

**The Chair:** Yes, a point of order, Mr. Warawa.

**Mr. Nathan Cullen:** I have a point of order for my colleague from the Conservatives—not to interrupt the flow of his filibuster. I just realized that he's reading from a document, and I think it's in order that when members of the committee don't actually present their own or original thoughts, but read from documents....

I have documents in front of me from the witnesses to whom he's referring who support Bill C-377, and I will submit those documents showing witness after witness saying this is the right direction to go in, from Nobel Prize laureates to economists, who are saying this is a good bill.

He is reading from a document. I would request that he submit that document for the committee's perusal.

• (1640)

**The Chair:** Mr. Warawa, could I ask you to submit the written documents, if you're quoting directly from them? Give them to the clerk and he can then distribute them.

**Mr. Mark Warawa:** I would be glad to.

But I have a question: was that a legitimate point of order?

**The Chair:** Yes.

**Mr. Mark Warawa:** Thank you. I'd be glad to.

**The Chair:** He's just asking that they be tabled with the clerk, and we'll see that they get circulated.

**Mr. Mark Warawa:** I want to make sure he's aware of practice.

Chair, I tried to table this and introduce it as a friendly amendment yesterday, and Mr. Cullen didn't want that to be part of it. Actually, what I'm reading would have been part of that, but he did not want it. At times, he says he wants the bill improved, but then when we try to make amendments, he says no, no, and calls them out of order—which the blues will demonstrate.

But I would be glad to table it, in fact, through you, Chair. How quickly would you want that?

**The Chair:** When you get your turn, table those documents of yours. Thank you.

Mr. Warawa.

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

So new facilities, which are those whose first year of operation is 2004 or later, would be granted a three-year commissioning period before they would face an emission intensity reduction target.

After the third year—and this is all missing in Bill C-377, clause 10—new facilities would be required to improve their emission intensity by 2% each year. A cleaner fuel standard would be applied, therefore setting the targets as they were using the designated fuel. A flexible approach would be taken in special cases where the equipment or technology used in a new plant facilitates carbon

capture and storage or otherwise offers a significant potential for emission reductions.

It is so important that we have the technology of carbon capture and storage as a technology that Canada encourages, promotes, and helps fund, because the global community, our international partners, people, the major emitters that have to reduce their greenhouse gas emissions, everybody needs to be able to be given those tools to stop climate change, to fight climate change. One of those tools is carbon capture and storage.

The world community is hoping carbon capture and storage will account for about 25%. So it's important that this be developed in Canada. We already are the world leaders.

The carbon capture and storage project in Weyburn, Saskatchewan, has now moved on to a phase from proving that it is very effective, very successful in storing carbon dioxide, and also by pumping it into the ground with water to enhance oil recovery from old oil fields that were no longer producing.

But we've also, in our funding of \$9 billion of environmental programs—\$9 billion, it's a huge investment, and it's a historically high investment in Canada, it's huge, because this government is serious about seeing greenhouse gas emissions reduced in Canada and globally. That's why we're investing in this technology of carbon capture and storage.

We have moved to that phase of commercialization. Between now and 2009, there's a phase of commercialization research. So it's very important that we fund that. We have.

When people do something that is good for the environment, I want to acknowledge that. In the past I have been quite disappointed by the Liberals and their lack of action on the environment, but when they do something good, I want to give them credit. They did support our budget, which included that \$9 billion for environmental programs, and I want to thank them. I want to thank them for supporting our *Turning the Corner* plan.

On the other hand, I was disappointed by the Bloc. They voted against \$9 billion for environmental programs. They voted against carbon capture and storage research and development. Of course, not surprisingly, the NDP did not support that either.

We need to have that technology, and Canada is moving forward for both new and existing facilities. Fixed-process emissions, which are emissions tied to production and for which there is no alternative reduction technology, would require a 0% target in the reductions. In other words, there is no way with current technology for these types of emissions to be reduced except for shutting down production.

So we're looking at the situation in a very practical way. Are we seeing that in Bill C-377? No, we're not. Bill C-377 is missing substance that would actually initiate reductions in greenhouse gas emissions. This is what we have been telling Canadians we're here for.

We're here in the Standing Committee on Environment and Sustainable Development to work together cooperatively to see tangible results. Bill C-377 is not accomplishing that; the *Turning the Corner* plan is.

●(1645)

We need to see Bill C-377 dramatically rewritten. I think it was the Bloc that suggested that Bill C-377 be totally rewritten. Now they have introduced a number of amendments, as did the Liberal members, as did the NDP. They basically rewrote Bill C-377.

But we need to accept further amendments, and as I said before, we need to seriously change clause 10, because the way we have clause 10 written now in Bill C-377, it's missing the ingredients to see absolute reductions in greenhouse gas emissions. And that's what Canadians sent us here for, to work hard together to see absolute reductions.

We're already seeing results through our *Turning the Corner* plan, because it includes what Bill C-377 does not. It needs to include compliance mechanisms like those we see in the *Turning the Corner* plan. In order to provide flexibility and to minimize the economic impacts of the regulations, firms could comply with the regulations either by reducing their own emissions through abatement actions or by making use of one of the framework's compliant mechanisms, for example, the technology fund.

Now, Bill C-377 does mention a transition fund dealing with businesses that would be put out of business. A technology fund is quite different. Firms would be able to obtain credits for compliance purposes by contributing to a technology fund. The fund would be a means to provide the development, deployment, and diffusion of technologies that reduce emissions of greenhouse gases across industry. A third party entity at arm's length from government would be created to administer the fund. A key principle is that there would be no inter-regional transfer of wealth. It's a very important point.

Are we seeing any of those details in Bill C-377, clause 10? No, we're not. It's very concerning that we have Bill C-377, clause 10, which is not providing mechanisms that will actually see reductions in greenhouse gas emissions. It's not providing mechanisms, like a technology fund, to help industry, and those are definitely needed.

Under the *Turning the Corner* plan, contributions to the development and infrastructure component of a technology fund aimed at investments with a high likelihood of yielding greenhouse gas emission reductions in the near term would be limited to 70% in 2010. That's less than two years away, and industry is aware of this happening. That is why we're already seeing tangible and concrete action through our mandatory reductions of greenhouse gas emissions to a level of 20% by 2020.

I might add that this is the toughest target in Canadian history, and it's one of the toughest in the world.

The contributions to the technology fund—which are missing from Bill C-377—as I said, would be limited to 70% in 2010, but falling to 65% by 2011, 60% by 2012, 55% by 2013, 50% by 2014, 40% by 2015, only 10% by 2016, and again 10% in 2017. So you see a definite pattern. This gives direction, Chair, to industry that they can use the technology fund, but only for a certain period of time. You have to phase out of it.

Now, do we see that in Bill C-377? No. The fund they have is a transition fund for industry that is being put out of business. That's not good for Canadians, and it's not good for the environment.

Industry needs to be successful at cleaning up the environment, and it needs to be able to continue to provide good green jobs to Canadians if we're going to be able to tackle climate change and show how we do it, and take that strong leadership here in Canada, and demonstrate to the rest of the world that it can be done here.

●(1650)

An example of that concerns the amount of carbon dioxide that you create when you make aluminum. In Canada, one tonne of aluminum creates four tonnes of carbon dioxide—in China, it's seven—and through technology we're cleaning it, and it will become even less than four tonnes. So Canada will be one of the cleanest, environmentally friendliest producers of aluminum, when we already are and we'll continue to improve that. So that technology fund helps build Canadian technology—technologies, again, like carbon capture and storage.

No further contributions would be accepted to the technology fund after 2017. The research and development component, which would focus on projects aimed at supporting the creation of transformative technologies, would be limited to five megatonnes each year, also ending in 2017.

From 2010 to 2012, the contribution rate for the fund would be 15 tonnes for carbon dioxide equivalent, and that is the rate that's set based on carbon dioxide, and that's why it's called the carbon dioxide equivalent. Methane is 21 times more damaging than carbon dioxide, and that's why you use the base of a carbon dioxide equivalent.

In 2013, the combination rate for a tonne of carbon would be \$20. Thereafter, the rate would escalate yearly at a rate of growth of nominal GDP to 2017.

We've already seen action happening on the environment that we will not see with Bill C-377. Again, we've heard from every witness group that Bill C-377 does not have the components to evoke action, while we are already seeing action happening on the environment through Canada's *Turning the Corner* plan, which is moving from a voluntary program, which was used by the Liberals, to now a mandatory regulatory program using CEPA 1999. And we've had our notice of intent to regulate, so the regulations are already in that process, which has now spurred a carbon market, the Montreal Climate Exchange.

So they're already seeing very definite positive results. It is puzzling that from the support we received from the Liberals for our *Turning the Corner* plan to move forward—and them all over the place.... I'm hoping they're encouraged by the good work that they are seeing happening already in Canada from the *Turning the Corner* plan. We definitely are, and I know Canadians are.

One of the other compliance mechanisms that we have in the *Turning the Corner* plan that we don't have in Bill C-377 under clause 10—and I really believe it needs to be in there—is the inter-firm trading. Firms whose actual emission intensity in a given year is below their target would receive tradable credits equal to the difference between their target and their actual emission intensity multiplied by their production in that year. These credits could be banked for future use or sold to other parties, including other regulated firms.

Another mechanism is the offset system. You need to have these compliance mechanisms, and Bill C-377 is missing that. I would be very open to seeing Mr. Cullen accept these as amendments to Bill C-377. In the offset system, offsets are projects that result in incremental real verified domestic reductions or removals of greenhouse gas emissions in activities that are not covered by the federal greenhouse gas regulations. These projects would generate credits that firms could use for compliance purposes.

Then there are CDMs, clean development mechanisms, through the UN. Firms could use certain credits from the Kyoto Protocol's clean development mechanisms. Access to these credits for compliance purposes would be limited to 10% of each firm's total target.

● (1655)

CDMs are one of the many tools that are important to industry, and this is what is being used internationally to help industry reduce its greenhouse gas emissions and their effect on the climate. CDMs are not in Bill C-377, clause 10. They are supposed to be listing mechanisms that would actually see reductions to greenhouse gas emissions. They are not in Bill C-377, clause 10, but they are in Canada's *Turning the Corner* plan.

As we go through this, it becomes very clear that Bill C-377 is not going to reduce greenhouse gas emissions. It still needs a lot of work before we proceed.

Another compliance mechanism that's missing in Bill C-377 that should be there is a one-time credit for early action. Firms that took verified action between 1992 and 2006 to reduce their greenhouse gas emissions would be eligible to apply for a share of a one-time credit for early action. A maximum of 15 megatonnes worth of credits would be allocated, with no more than five megatonnes to be used in any one year. Firms would be required to submit evidence of changes in processes or facility improvements they've undertaken that resulted in verifiable incremental greenhouse gas emission reductions.

The maximum allocation for emission reductions would be one credit for each tonne of carbon dioxide equivalent reduction. If the total tonnage of emission reductions applied for were to exceed 15 megatonnes, the credits would be distributed to individual firms in proportion to their contribution to the total emission reduction achieved. So it's a good recognition of good corporate citizens that were doing their part already in Canada to reduce greenhouse gas emissions. Is it fair? I believe so.

The government's plan has already been enacted, is already at work, and is already happening. We're seeing actual positive results, real results, in Canada's *Turning the Corner* plan, which includes credit for early action. Why would that not be in Bill C-377, clause 10? I'm not sure, but it should be. Credits for early action should be given. So that's another suggestion for Mr. Cullen, and maybe he will accept that as an amendment—to see credits for early action. Businesses that have invested in cleaner technology for the benefit of the environment are good corporate citizens.

On the example he used about aluminum, there are cheaper ways of making aluminum. You can make aluminum using dirty coal-fired generating plants. To make aluminum takes a lot of electricity. If you

use coal-fired plants to make aluminum, you're using an old technology and you're going to be producing a lot of carbon dioxide and pollutants. It is a very popular metal and is used worldwide. The demand for aluminum is continuing to grow, because the more aluminum you use in making vehicles, the lighter the vehicle becomes, and the less energy is used to move a vehicle down the road. That's why our North American auto manufacturers are using a lot more aluminum.

Canada is using a cleaner technology that produces only four tonnes of carbon dioxide for one tonne of aluminum. It's a cleaner technology than what is being used in China, where they produce seven tonnes of carbon dioxide for one tonne of aluminum. So should those Canadian companies that have invested in cleaner technology that benefits Canada—and it's more expensive to build it that way—get a credit for that early action? I think they should. That's why we have that.

Why would that be missing in Bill C-377? As I said, I believe strongly it shouldn't be missing. Bill C-377 is unfair by not having that. It needs to be in there.

● (1700)

An application for the industrial regulatory framework is expected to result in significant absolute reductions of greenhouse gas emissions from the 2006 levels. I'm not optimistic at all that this would happen with Bill C-377. That's why I'm so concerned about Bill C-377. The *Turning the Corner* plan would put Canada on the path to meeting its national emission reduction targets—20% absolute reductions by 2020—and that's good news.

We were at the international COP 13 meeting in Bali. We had the witnesses come back to this committee, and they shared with this committee that Canada had gone through a cycle of being embarrassed because they weren't getting things done. That's what concerns me about Bill C-377, clause 10. It would not accomplish a reduction in greenhouse gas emissions. Bill C-377 is a bill that would embarrass Canada.

Canadians are tired of being embarrassed by inaction by the previous government. They want action. They have action now. We're already seeing positive results from the *Turning the Corner* plan. Why would we want to go back and have Bill C-377 slow the process down, not get any results in reducing greenhouse gas emissions, and again embarrass Canada? We don't want that, and I believe Canadians don't want that either. They want action, and they're getting that under this government.

Following the release of the framework in April of last year, the government consulted extensively with the provinces and territories as well as with ENGOs, aboriginal peoples, industry, and other stakeholders on key policy and regulatory development issues and the framework that remains to be elaborated on.

The federal, provincial, and territorial governments have initiated a cooperative process to work through the regulatory issues, through the environmental protection and planning committee of the Canadian Council of Ministers of the Environment. Some provinces have indicated an interest in negotiating equivalency agreements with the federal government. We're working with every single province and territory in Canada to see absolute reductions in greenhouse gas emissions.

We heard, and there is mention in Bill C-377, clause 10, of cooperation or agreements with provinces, territories, or other governments, but there are no details—no consultation, no mention of ENGOs, no mention of aboriginal government. That's another example of not even coming close to the mark of what kind of consultation needs to happen.

The federal government is responsible for setting targets that are realistic and concrete, and for setting them within a regulatory framework that will end up with results. We see that in the *Turning the Corner* plan. We do not see that in Bill C-377.

It also involves the federal government providing partnership with the provinces. We've set standards that are minimum standards. If the provinces want to exceed them, then we encourage that. We are helping fund that. Almost \$600 million, I believe, was provided to the Province of Ontario to close down some coal-fired plants. I'm not quite sure what the Province of Ontario has done with that dollar amount, but that's what it was for, to help them close down the coal-fired plants.

That needs to happen, because that's the old technology. The new technology is reducing greenhouse gas emissions. That's where the Government of Canada is going. We're providing leadership. We're providing regulations. We're providing targets that are realistic.

At the same time, we're helping the economy and helping the environment. We're providing the funding. We then want a partnership. We want to work with the provinces in equivalency agreements and in friendly ways to see absolute reductions in greenhouse gas emissions. And we're very happy with the progress we've made working with the provinces.

• (1705)

Following the release of the framework last year, the government, as I said, consulted. The federal, provincial, and territorial governments initiated a cooperative process to work through the regulatory issues. The consultations focused on coverage.

Should small facilities be excluded from the regulation in order to minimize the administrative burden, and if so, on what basis? I believe that we need to show consideration for the smaller facilities. You have to take a different approach with a large facility than you take with a small facility. Each is producing greenhouse gas emissions, but the business case for an older facility or a small facility is different from that for a facility that is just being built using a cleaner technology. So that has to be considered. It was part of the consultation process with the provinces.

We don't see that in Bill C-377, clause 10. I believe that it needs to be in there. I hope Mr. Cullen is listening, because I'm hoping this is another part he would be willing to see added to clause 10 of Bill C-377.

Also, the consultation included discussions about targets. For example, how should the greenhouse gas targets be applied in different sectors? Each province has different sectors, different focuses of industry. Should certain sectors face special circumstances that would require a different application of the framework?

There was discussion on finalization of the definition of fixed-process emissions in each sector and on targets for treating major expansions and transformations. Do they have carbon capture storage built into them? How will a cleaner fuel standard be incorporated into the target for new facilities in each sector? It is very important that we burn a cleaner fuel, that we recycle the fuel, the energy that we already have above the earth.

The problem with climate change is that we are taking the energy that is below the earth above the earth and burning it and adding this new carbon dioxide to the atmosphere. We need to stabilize that. We need to recycle the carbon dioxide, the carbon we already see above the earth, to stabilize and stop a warming climate.

We need to have targets with the provinces—and that's part of the consultation—for incorporating the cleaner fuel standards. How would the regulations apply an appropriate incentive for cogeneration, a wonderful technology that needs participation from the provinces and the federal government? That's already happening. A wonderful example of that is landfills.

Chair, you've often encouraged the committee to talk about actual practical things we can do to see greenhouse gas emissions... What we need to have in Bill C-377, in clause 10, is an opportunity to focus on solutions. One of those solutions is cogeneration, or gasification of garbage. Instead of using a landfill to bury it, you gasify it, and from that gasification you separate out the gases and chemicals and use them instead of burying them in the ground. That's good technology.

• (1710)

**Mr. David McGuinty:** Mr. Chair, may I raise a point of order?

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

**Mr. David McGuinty:** Mr. Chair, it's been exactly 42 minutes since the parliamentary secretary began speaking. I thought that in the spirit of collaboration and to offer up an alternative to him, because he's been repeating virtually everything he said before, it would be beneficial that I offer him two phone books. This is the Ottawa phone book white pages, and this is the Ottawa phone book yellow pages. I'm going to offer them to him so he can actually take them forward and read from them.

**The Chair:** Mr. McGuinty, that's not a point of order, thank you.

Mr. Warawa, if you'd like, you can continue.

**Mr. David McGuinty:** This is for you, Mr. Warawa.

**Mr. Mark Warawa:** Chair, what I was sharing was that Bill C-377 is missing important solutions, technologies, and mechanisms to help industry reduce its carbon footprint. We're seeing that in the *Turning the Corner* plan; we're seeing tangible mechanisms that will help industry. And it's missing in there. I strongly believe that we need to focus on them and maybe even spend some meetings looking at solutions instead of having rhetoric and silly games.

Now, the sectors have to have minimum thresholds. Again, that's missing in clause 10 of Bill C-377. You have to have thresholds. Some sectors have very large facilities, often including many small facilities that contribute little to a sector's overall emissions. Other sectors have only a few, but large, facilities.

**Mr. David McGuinty:** I have a point of order, Mr. Chair. We've heard these remarks. This is the third or fourth time Mr. Warawa repeats these very remarks. Are these going to make a contribution to this debate? I strongly recommend he reads from the phone book. That would be a more positive contribution to this debate, Mr. Chair.

**The Chair:** Mr. McGuinty, we have about two or three minutes until the bells go for the vote tonight. I would like Mr. Warawa to continue and complete.

**Mr. David McGuinty:** I'd just ask, Mr. Chair, that you exercise your responsibilities well—as you do—and that is to actually monitor the fact that Mr. Warawa is reading from the same documents he read from at the last meeting. So again, I would plead with you on this point of order, if he's going to do that, then he should read the Ottawa phone book.

**The Chair:** I have read clause 10 now twice, just in case I missed anything, and in clause 10 you can see what's covered there. There's a huge range—

**Mr. David McGuinty:** That's not my point of order, with all due respect, Mr. Chair.

**The Chair:** I'll attempt to pick up any repetition.

**Mr. David McGuinty:** My point of order is that he's reading the same documents he read in the last meeting.

**The Chair:** Actually, today, Mr. McGuinty, I believe Mr. Warawa has brought up items about garbage gasification, a number of items that I know are not in those documents.

**Mr. David McGuinty:** He's reading precisely the same documents. I just walked over and looked at them, Mr. Chair.

**The Chair:** Mr. Watson.

**Mr. Jeff Watson:** Yes, Mr. Chair, I believe that where previously Mr. Warawa was speaking to an amendment, we are now speaking to an amended clause, so I think he's entirely in order to make his argument. Let him speak.

**The Chair:** Thank you.

Mr. Warawa, could you continue. We probably don't have more than another minute or so.

**Mr. David McGuinty:** Mr. Chair, on the point of order I raised with you, could you please give me a ruling or understanding here? Are members allowed to read from documents that they've already read from earlier?

**The Chair:** I know the suggestion in the House is that people give a speech and that they not read. However, having been in that House for some time, I know that the Speaker of the House does not enforce very rigidly that speaking as opposed to reading. When I frequently spoke in the House, I always tried to, because I just wasn't very good at reading a speech, so obviously, I encourage every member in committee as well as in the House to give a speech from the heart as opposed to giving a speech from a book.

But again, it's a fairly difficult line there.

**Mr. David McGuinty:** Chair, I'm not asking you to distinguish between speaking extemporaneously and speaking by reading from a text. I'm asking you to advise the committee whether or not it is permissible for the parliamentary secretary to come now to three or four meetings and read precisely the same documents.

**The Chair:** I really believe that today Mr. Warawa has in fact been talking about a number of issues that I haven't heard before. I particularly twigged to a couple that he knows are my favourite issues, and I know they're not in that document.

Mr. Warawa, did you have final remarks? The bells are ringing, as you know. It's a 15-minute bell, and we do have votes.

● (1715)

**Mr. Mark Warawa:** I'll make a motion to adjourn.

**The Chair:** Mr. Warawa makes a motion to adjourn.

**Mr. David McGuinty:** Why would we adjourn, Mr. Chair?

**The Chair:** That's not debatable. We have a motion to adjourn and, of course, return at our scheduled time on Monday.

(Motion agreed to)

**The Chair:** The meeting is adjourned.







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