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# Standing Committee on Environment and Sustainable Development

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**Monday, April 14, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Monday, April 14, 2008

• (1535)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** We will begin.

I have a point of order first from Mr. Cullen. He wants to present that off the top, and then we will go to a speaking list.

As you know, we adjourned, so we do not have a speaking order at this point. We'll let the clerk, hopefully in an orderly fashion, come up with the speaking list.

But Mr. Cullen first.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Thank you, Chair.

This is part of the conversations we're having just with other committee members in finding out where the space is available. I'm not sure whether it's a point of order. It's an appeal to the committee, essentially.

The government, I suspect, by the quantity of papers today, is going to continue with the same conversation we've been having for a number of weeks and hours. The recommendation of what the committee do to allow other things to proceed, if the government is so determined on this particular strategy, is to essentially take a snapshot of the bill, as is, right now—the work we've done is done—and send it back to the House either immediately or effectively on the date it was meant to be returned, which I believe is May 7, and allow the chair and the Speaker and the House to determine what happens to the rest of the amendments that still exist.

Hopefully this wins out over experience, but we're attempting to allow the committee to do the work we're charged with doing, yet not forget the work that we've already done on this particular piece of legislation.

So I put that forward to committee members. I don't know if we're able to have a conversation or if the different parties want to think about it in their own caucuses. I'm just determined to find a way that we can allow progress, that we can allow some democratic discussion to go on, because I don't think any committee members—and I would suspect even Conservative members—are satisfied with showing up here day after day and effectively not being able to progress on issues relating to the environment.

So I make that appeal of conscience to members present today.

**The Chair:** Obviously, trying to move the yardstick is something that all of us would like to see, so I think I will entertain some discussion around this. I think that's for the good of the committee.

Try to keep it as brief as you can, and then we'll see, Mr. Cullen, if we can get a decision.

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

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Thank you, Chair.

I want to thank Mr. Cullen for his suggestion. I think it merits good consideration.

I think each of us has grown increasingly frustrated by the lack of focus on solutions. Chair, you have a number of issues you'd like to see us deal with. Gasification is one of them. Carbon sequestration, carbon storage, is another.

I think we need to look at solutions, but to be able to now move and look at the solutions, which we've heard from the environment commissioner also, encouraging this committee to work together looking at solutions, solutions that will help fight climate change, I think that's a good suggestion.

I don't want to stop anybody else from making a comment, but what I would ask is that we have 10 minutes to talk about that and then come back and see if we can move forward.

Thank you.

**The Chair:** I can just add, in discussion with our clerk, that there is a bit of a problem with the process in that we have a number of options: there is, of course, the extension, which we already have used; we can report the bill back unamended, which we can do and would happen on the 7th if we were unable to complete that; or we can look at the whole bill and send it back with the amendments, as we were attempting to do. To report it back half looked at would pose difficulties. So I'm not sure. That's something we would need to consider.

Mr. Cullen.

**Mr. Nathan Cullen:** Just on that question, as we've been going through this process, I'm sure I'm not alone, but I have been talking to the desk and the Speaker of the House as to what options are available under this circumstance. We don't have any experience with this circumstance in Parliament, so there's a certain unknown territory in which we're walking.

When the suggestion was made about the scenario I presented to committee members today, there was some openness. Of course, nothing you ever get from the table is official in terms of final advice, but there was certainly openness, considering the particular circumstances that we are now in at this committee, to look at alternative ways of progressing forward. Otherwise, I don't think it sends the correct signal. I think this third option, as you've described the options so far, allows us to move ahead and see the bill, have a democratic choice, and if that can be allowed, then that's something we're encouraged to look at.

**The Chair:** I'm a great one for thinking outside the box. I love doing that. That's what we should do more, challenge the rules as we see they need to be changed.

Mr. Warawa just asked for a few minutes to consider this. I think that's fair enough.

Certainly if you would like to consider it, we'll suspend for 10 minutes.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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•(1600)

**Mr. Mark Warawa:** There are more people I need to talk to. I'm ready to provide what I believe is some very important input on Bill C-377, but I would ask that we suspend for another half hour to give me a chance to make sure we're heading in the right direction.

**The Chair:** Well, we're at the will of the committee. I'm quite in favour of that.

Is the committee in favour? I don't hear any....

**Mr. David McGuinty (Ottawa South, Lib.):** When is the next committee meeting?

**The Chair:** It's Thursday at 11 o'clock.

**Hon. John Godfrey (Don Valley West, Lib.):** Once we know the answer, we can plan for Thursday.

**The Chair:** We can, yes. I would suggest we should carry on at 4:30 p.m.

**Hon. John Godfrey:** All right.

**The Chair:** We'll suspend until 4:35 p.m.

We're suspended again.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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•(1630)

**The Chair:** I call the meeting back to order.

We'll start with Mr. Warawa and ask him to comment.

**Mr. Mark Warawa:** Chair, I would like to hear you or the clerk explain what the options are.

**The Chair:** Basically, in our discussions and then in discussions with the table and so on—and please correct me if you see that I'm misstating here—our main option would be that we could report the bill, even if we did it on May 7, back to the House, with two reports: we would report the bill back, but with a report that would say we were able to look at the bill up to clause 10 but were unable to deal

with the last part of the bill, so would request that the Speaker rule to allow amendments at report stage that had not been dealt with by the committee. The arguments would be that the committee made every effort to deal with the bill but was unable to move forward, past clause 10, because we had difficulty with it; that we sat for 19 and a half hours on the bill—and we'll check that time to be sure we have it right—and attempted to deal with it and were unable. It would relate too to the report that was tabled today in the House about the difficulty with the rules, and so on.

Then I would make a personal argument to the Speaker that in fact he see our report and approve of it. There are no guarantees.

Yes, Mr. Cullen.

•(1635)

**Mr. Nathan Cullen:** This is just a small clarification. In one part of what you described for us, I would like to see the work we did on clause 10 also be part of it. You said, "up to 9"; we've amended clause 10.

I think the table has told us that it gets very confusing when a clause is partially amended. You have to then explain what's going on. I didn't want to have committee members not understand what was actually being proposed.

**The Chair:** No, that's right. I think we have passed the amendment for clause 10; we just haven't carried clause 10. That would be a point we would have to make sure we clarified when doing our report.

That would basically be our option.

The other option, of course, is to carry on and have, I suppose, as many as five more meetings on Bill C-377, and it would be reported back to the House on May 7.

**Mr. Mark Warawa:** Thank you, Chair. I appreciate that explanation. I also appreciate the patience of the members of the committee in providing opportunity for me to talk to my colleagues.

At this point, there are a number of concerns I have on Bill C-377 that I have yet to be able to share with the committee. I would like to see debate continue, so please put me on the list as a speaker, if we are going to continue on clause 10.

I am also concerned that if, as was proposed by Mr. Cullen, this is reported back to the House on May 7, if clause 10 weren't passed, it would have to carry, I think, before it could go back with that first part.

I have a lot that I would like to share with the committee yet today. I think we should either continue debate today or adjourn today and reconvene on Thursday. I'll wait for your ruling.

**The Chair:** Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Just as clarification of your remarks, to summarize, then, it's that because this is a fairly unprecedented kind of process—we don't do this, and it's not been done—

**The Chair:** We're on new ground.

**Mr. Maurice Vellacott:** —and it's new ground, we're saying that those particular clauses that have not yet been looked at or discussed, that Nathan has not had the opportunity to propose yet or put on the table, are the ones that are at risk.

**The Chair:** Yes.

**Mr. Maurice Vellacott:** We're looking at report stage as where, if they were to be heard, it would be at that stage. It's not at third reading?

**The Chair:** No, we would be asking the Speaker to consider that amendments that have been put—those ones we didn't deal with—be accepted at report stage as amendments.

As you know, we can all put amendments at report stage, provided they have not been dealt with in the committee, and that's the Speaker's ruling.

**Mr. Maurice Vellacott:** That they've not had an opportunity to be dealt with here.

**The Chair:** That's right. So if you came up with something in clause 5 that you felt was totally different from what had been dealt with in committee, the Speaker would probably rule that it could then be debated at report stage.

But the Speaker would charge us, saying, “Committees, you have to deal with the bill.” That's our job. That would be his comment.

Mr. Bigras.

•(1640)

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I do not see why Mr. Vellacott is asking for these clarifications. The government's position has been clear for a minute and a half now. We want to keep debating. Mr. Warawa has just given us two options: we continue debating clause 10 or we adjourn.

We are going to have to decide. We have cameras on us. I do not feel that people in Quebec or in Canada—mostly people in Canada—would be very pleased to see us acting as we are at present. We are wasting a good deal of time at the committee. We are wasting taxpayers' money.

I have had just about enough of the government's present attitude.

[*English*]

**Mr. Maurice Vellacott:** Just very quickly, I have as much right, Mr. Bigras, and I think you're well aware of that, as any other member around this table to ask questions, to raise issues, to do this.

That was my point. That's what I was doing—

**The Chair:** I hope I clarified that, Mr. Vellacott. The Speaker is always going to say that the committee is master of its own fate, but he's also going to say that you have to deal. Our argument, where we'd be in new territory, would be that we did try to deal with this whole bill, but we didn't get past whatever point that is, and we would request that he in fact allow this.

Now that's a pretty simple request. I would suggest that in our report we could argue that. We can never know for sure, but I think it could be favourably looked upon.

**Mr. Maurice Vellacott:** Well, it's speculative to some degree, but that doesn't mean to say that it could not have been yet presented in the two weeks remaining. This is a bit of a presumption.

**The Chair:** We have, potentially, five meetings before...four after today. It's just that when you look at the time we've spent, I guess I would argue that it appears maybe we wouldn't get to those last three. But the Speaker can rule otherwise.

**Mr. Maurice Vellacott:** Yes. It's like reading minds, I guess, really, at that point.

**The Chair:** It is.

Mr. McGuinty.

**Mr. David McGuinty:** I'm sorry, I don't understand the government's position. What is the government's position here? Can I hear it again?

**The Chair:** I can ask Mr. Warawa to state it clearly.

I think I understand your position, Mr. Warawa, but could you just clarify it quickly for Mr. McGuinty?

**Mr. David McGuinty:** I don't.

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

Again, I want to thank Mr. Cullen for making this suggestion. I just want to make sure of the ramifications of a decision like that. That's why we normally have a 48-hour time period before motions are tabled, so that we have an opportunity to think it through, to prepare.

I was taken by surprise by his motion, and I would like to meet with my colleagues to make sure they are finished what they would like to present on Bill C-377. As I said, I have some more I'd like to share on Bill C-377.

Taking into consideration the 48-hour notice requirement, it's not really in this, Chair, but in the spirit of that, maybe if we were to adjourn and reconvene on Thursday, that would be adequate time to consider this.

**The Chair:** Mr. McGuinty.

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

Maybe I can then restate what I understand. We've been here for 20 hours looking at this bill. We have an offer on the table here today from the party moving the bill to take it off this committee table, to stop what is clearly, and I think objectively, a filibuster, to take it to the House of Commons.

We broke and allowed the government an hour of conversation time, and now the government is coming back and telling Canadians and all the opposition parties here that this measure of good faith isn't acceptable, that it wants to continue raising concerns about Bill C-377.

Is that what I understand is going on here?

**The Chair:** I was—

**Mr. David McGuinty:** Is that the position of the government, Mr. Chair?

**Mr. Mark Warawa:** Mr. Chair, maybe I could answer that. I want to make very clear that I have a number of issues with Bill C-377. I have shared some of them and I have a lot more to share. As has been shared numerous times, we have to protect the right of members in this committee to be able to have the opportunity to share their concerns on Bill C-377, or any other bill. So I'm not going to take any lessons from Mr. McGuinty.

I do appreciate the good faith of Mr. Cullen, what he has attempted to do here today, but it's a rushed motion. We heard at the beginning of this meeting—and it was 45 minutes, not one hour, and I appreciate that 45 minutes—that this is not a normal procedure. Not being a normal procedure, I would like to make sure we're heading in the direction I'm comfortable with, so I'm asking for some time.

Right now, I don't want to stop anybody else from speaking, so I'm not going to make a motion for adjournment.

•(1645)

**The Chair:** Mr. Godfrey, did you have a quick comment?

**Hon. John Godfrey:** Just to speak plainly, Mr. Chair, I'm assuming from all this—and there's no harm in staying it—that the government hasn't been able to get in touch with the folks it wants to reach to make sure they're happy with this idea, and absent that getting in touch, they feel they have to carry on upon the old track. But I'm also reading into it that they haven't rejected the idea; they just are not in a position to act on it.

Is that roughly where we are?

**An hon. member:** It's because the PM is in Winnipeg.

**The Chair:** I think that rather than pursue this, our option would be to go to clause 10. We have three quarters of an hour left. We can go to clause 10; then on Thursday....

By then, hopefully, Mr. Warawa, I can give you the floor right off the top, and you could clarify this offer we've had from Mr. Cullen. Or we can adjourn and reconvene on Thursday.

**Hon. John Godfrey:** We just need to know whether, if we adjourn now, Mr. Warawa will be in a position to give a definitive response to this idea.

**The Chair:** I think I heard him say that with 48 hours he would be able to do so.

Am I interpreting that correctly, Mr. Warawa?

**Mr. Mark Warawa:** Again, I want to make sure that I have an opportunity to consider this and its ramifications. I wouldn't mind doing a little bit of research, so I'm asking for those 48 hours. In that spirit, hopefully we can adjourn to give me the adequate time.

We're meeting again on Thursday, and if we can come to a resolve and are comfortable with this direction, maybe we can move forward on—

**The Chair:** Mr. McGuinty, do you want a final word?

**Mr. David McGuinty:** I don't understand what the parliamentary secretary is saying, Mr. Chair. Is he telling the committee that there is no negotiable room here, that he has his final answer from the minister's office or the PMO? Or is there—

**The Chair:** I think the answer is that some time is necessary.

**Mr. David McGuinty:** He doesn't have an answer.

**The Chair:** He's suggesting 48 hours. Our next meeting is Thursday, and I think I've explained to all members why that is—what is happening on Wednesday. We'll reconvene on Thursday, and I think probably—I would hope, Mr. McGuinty—that I could ask Mr. Warawa to take the very beginning of the meeting, if he would, to let us know, and we'll either carry on with all the clauses or you'll hear a different answer.

**Mr. David McGuinty:** Let me ask, then, through you to the parliamentary secretary, if the answer from his 48 hours of consultation is no—and there's so much more to discuss with Bill C-377—does the government intend to table any amendments to this bill in any remaining clauses at all?

**The Chair:** I'm not sure they know the answer to that question.

**Mr. David McGuinty:** Could we ask them through you, Mr. Chairman?

**Hon. Geoff Regan (Halifax West, Lib.):** They must know whether they have amendments ready.

**Mr. David McGuinty:** Through you to Mr. Warawa, could we know, in anticipation, are they planning to—

**The Chair:** Mr. Warawa, I don't know whether you have an answer. I suggest you may not have an answer.

**Mr. Mark Warawa:** There was an attempt to present an amendment, but it wasn't in both official languages, so that was pulled.

Chair, I would say Thursday we probably could provide an answer.

**The Chair:** Okay. I think you've heard that, Mr. McGuinty, and I think probably I'm hearing from the committee—please tell me if I'm not—that to carry on today to debate clause 10 is not going to be all that productive. So I suggest that we do go to Thursday.

Mr. Cullen.

**Mr. Nathan Cullen:** I've heard from the government that, to be clear with all committee members, the government must be prepared to take yes for an answer at some point, and that what we are attempting to do.... To be clear, I've spoken with the minister and other members of this committee, and other members of this committee have spoken to the government—all channels have been open since the beginning of this filibuster—to try to find a way through this impasse. What was presented today may have been a surprise to the parliamentary secretary and to some of his colleagues, but it was not a surprise to his government as an option, nor to other committee members here, as a way to move forward.

Again, I've implored committee members previously, particularly Conservative committee members, that Canadians would not be proud of this action and will see goodness in all of us if we can find a way through this to allow the parliamentary committee to deal with the issue of the environment and allow the House of Commons to have a free and fair and democratic vote on Mr. Layton's bill. That is what we've been seeking from the beginning; that's what we'll continue to seek through this process.

I don't see the value, strategic or otherwise, for the government—and it made the claim to me directly that they are prepared—to waste the rest of the meetings until May 7 in this effort. I have no idea what the value in that is for the government, and I certainly see no value in it for the Canadian people.

So this is an option presented in good faith, despite experience, to all committee members to allow us to proceed in a dignified way and to deal with this democratically, as opposed to what we've seen for so many weeks.

• (1650)

**The Chair:** Just to clarify, Mr. Cullen, with the May 7 date, you know it will be reported back there, so you want it reported back some time between now and May 7. Is that correct?

**Mr. Nathan Cullen:** The only condition is if the advice from the legislative clerk or from the table says that it somehow jeopardizes future considerations. I believe the Speaker will eventually have to rule on this. I know he is loath to direct committees. At some point or another, he will be setting precedent. He will either be sending a signal to parliamentarians that you can ruin, scuttle, legislation through delay and encouraging dissent and the fracture that he commented on, or he will have to set precedent saying, we want Parliament to work in good functioning order. Eventually this is going to land on his table and he's going to have to make a decision.

**The Chair:** Mr. Cullen, we did send that message today from the committee, with unanimous support of all the committee. We sent a message that we need some changes. I would see this as being the

second message, if you want, and a clear, constructive suggestion as to how we might get out of this. I see it as a positive move.

Unless there are more comments, I would like to—

**Mr. David McGuinty:** Can I just ask the clerk, through you, Mr. Chair, what is the deadline for reporting the estimates back to the House of Commons?

**The Chair:** May 31.

**Mr. David McGuinty:** It's April 14 today and April 17 on Thursday, so the clock is ticking. We have a break week in there somewhere.

**The Chair:** Next week.

**Mr. David McGuinty:** And Bill C-474—

**The Chair:** We have water. We have a number of those. You know what I'm going to be pushing for—garbage.

**Mr. David McGuinty:** On Thursday we will know from the government then whether it intends to continue running out the clock here on this bill, or whether it will allow this committee to exercise what is clearly the will of the majority, which is to punt this over to the House of Commons where the government's concerns can be manifested as clearly as they are here—perhaps more succinctly, but certainly as clearly. There's no stopping the government at all from expressing its concerns about this bill on the floor of the House of Commons under the glare of a camera. I don't understand why the government needs to take this time, but if it needs to take this time, I need assurances that by Thursday we're going to get a clear answer on this from you, Mr. Chair.

**The Chair:** Again, I have heard Mr. Warawa say that he hopes to have an answer for us on Thursday. I think we'll clearly know the direction we're going on Thursday. I think that's fair to say, if I'm paraphrasing Mr. Warawa.

I'm getting an agreement there, so I think on Thursday we can look with anticipation on our meeting.

The meeting is adjourned.

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