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# **Standing Committee on Environment and Sustainable Development**

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**EVIDENCE**

**Thursday, May 28, 2009**

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**Chair**

**Mr. James Bezan**

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# Standing Committee on Environment and Sustainable Development

Thursday, May 28, 2009

• (0905)

[English]

**The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)):** I call this meeting to order.

A fire alarm at the Confederation Building is delaying some of the members in getting here.

We are continuing with our study on the statutory review of the Species at Risk Act.

Joining us today is Jeffrey Hutchings, who is the chair of the Committee on the Status of Endangered Wildlife in Canada.

I welcome your comments at this time.

**Professor Jeffrey Hutchings (Chair, Committee on the Status of Endangered Wildlife in Canada (COSEWIC)):** Thank you very much.

Thank you, Mr. Chair and members of Parliament, for the invitation to appear before the committee.

I'm here in two capacities, as my written brief indicates. The first is as chair of COSEWIC. The second is in my capacity as professor of biology and Canada research chair at Dalhousie University, where my research focuses on matters of basic and applied importance to the ecology, evolution, exploitation, and conservation biology of fishes.

I began my written brief with a quote from Gro Harlem Brundtland, Norway's former prime minister, who wrote:

I recently came across an article written by a Norwegian scientist during the 1970s, when I was Norway's Minister of the Environment. In the article he argued that there was no such problem as acid rain and that 'facts' and 'science' did not belong in the arena of politics and policy. This assertion was counter to my own beliefs and made me react strongly. Politics that disregard science and knowledge will not stand the test of time. Indeed, there is no other basis for sound political decisions than the best available scientific evidence. This is especially true in the fields of resource management and environmental protection.

With this statement, Norway's former prime minister acknowledges the integral role of science in particular realms of public policy. Her assertion underscores a widely accepted premise that the assessment, conservation, and recovery of biodiversity must be underpinned by the best available information and by the provision of objective advice.

There are many examples of independent bodies charged with the task of providing unbiased advice on matters of concern to society. These include judicial inquiries, royal commissions, and expert panels. These bodies are expected to provide advice to decision-

makers and information to society unfettered by the consequences of that advice and uninfluenced by socio-economic or political concerns. This is the milieu in which COSEWIC provides advice on the status of species at risk in Canada.

Although formed in 1977, it was not until the passage of the Species at Risk Act, SARA, in 2003 that COSEWIC was established by legislation as the advisory body responsible for the assessment of Canadian species at risk. In the international context, COSEWIC is unique in terms of its breadth of mandated responsibilities, extent of membership inside and outside government, and capability to assess the status of species at heightened risk of extinction.

COSEWIC undertook its first assessments in April 1978. These were restricted to birds and terrestrial mammals. The taxonomic breadth of the committee's assessments expanded in the 1980s to include fishes, plants, reptiles, and amphibians; and in the 1990s to mosses and lichens, molluscs, and arthropods.

COSEWIC has two primary functions. The first pertains to species status assessment. Based on status reports, COSEWIC assesses the status of and identifies threats to species considered to be at heightened risk of extinction. The second key function pertains to communication. COSEWIC communicates its assessments to all Canadians at the same time that it communicates them to federal, provincial, and territorial governments, and to wildlife management boards. These communications are made immediately after each of COSEWIC's biannual species assessment meetings. Formal communication of COSEWIC's assessments to the federal Minister of the Environment initiates the legal listing decision process articulated by SARA.

COSEWIC is an independent national advisory body. It is not a federal agency, not a conservation organization, not a management agency, or a government department. Opinions, duties, and votes are not based on jurisdictional or any other affiliation. Each member of COSEWIC and of the aboriginal traditional knowledge subcommittee is appointed by the Minister of the Environment. These are ministerial appointments, not political appointments. If COSEWIC's appointments were perceived to be political, the independence of COSEWIC and the apolitical nature of its assessments would be under question, thus undermining the act.

COSEWIC's status assessments are based on reports that detail the best available information, including western science, aboriginal traditional knowledge, and community knowledge that pertains to the status of a wildlife species. These reports are subjected to extensive, open, and transparent external review by jurisdictions and their scientists, independent experts, university biologists, and industry-based scientists. The status report review period typically lasts one and a half to two years.

●(0910)

The status report on polar bears, for example, took two years to prepare, went through three major drafts, and was reviewed by more than 70 individuals before COSEWIC assessed the species in 2008.

As of May 2009, COSEWIC had assessed the status of 796 wildlife species, finding 585 of them to either be extinct or species at risk, meaning they are extirpated, endangered, threatened, or of special concern. There has been insufficient information to assess the status of an additional 45 species, and 166 others have been deemed not at risk. Plants and fishes are the taxonomic groups with the greatest number of species at risk in Canada.

COSEWIC bases its assessments on quantitative criteria similar to those developed by the World Conservation Union, or IUCN. These criteria consider information that pertains to changes in the abundance and distribution of species and their habitats that might increase a species' probability of extinction.

Since the passage of SARA, approximately 85% of the species status assessments received by the Governor in Council from the Minister of the Environment have been accepted and the species included on the legal list. Marine fishes comprise the species group least likely to be included on schedule 1 of SARA; government has consistently rejected COSEWIC's advice to list an endangered or threatened marine fish.

Of the seven summary report points I've provided, I'll touch upon two before turning to the recommendations. As a reminder, COSEWIC is a national advisory body for which membership is inclusive of government but within which decisions are made independently of government. COSEWIC's advice is based on the best available biological information pertaining to a species status, irrespective of the perceived political and socio-economic consequences of the advice.

I'll turn to the two recommended amendments to the Species at Risk Act that COSEWIC proposes. The first pertains to the timeliness of the communication of COSEWIC's advice and to the legal listing decision timeline. That is the time period that elapses from when COSEWIC submits an assessment to the Minister of the Environment to when the legal listing decision is made by the Governor in Council.

Since the passage of SARA, listing decision timelines have been affected by pre-listing consultations between government and parties potentially affected by legal listing decisions. The period of normal consultations has typically been three months after the issuance of the response statement by the minister; however, extended consultations for some species have taken more than five years, and some are still ongoing.

For example, among species considered for listing between January 2004 and August 2006, and excluding those that fall under the Nunavut Land Claims Agreement, 30 species have been subjected to consultation periods greater than one year. Almost all of these are fish. As of May 2009, listing decisions had been reached for 11 of these 30 species, the average SARA listing decision time being two and a half years.

The remaining species, 19 of them, all aquatic, for which a listing decision has yet to be made, are still being subjected to the extended consultation period. As of today, an average of three and a half years has passed since COSEWIC assessments for these species were first communicated to the Minister of the Environment. Indeed, there are three aquatic species that were submitted in the first batch under SARA in January 2004 whose assessments have yet to be received by the Governor in Council. A period of five and a quarter years has now passed for two threatened fishes and an endangered freshwater snail.

SARA does not provide a timeline for the receipt of an assessment by the Governor in Council. This has resulted, in the opinion of some, in a level of ministerial discretion that may not have been anticipated by parliamentarians when SARA was passed. The Standing Joint Committee on the Scrutiny of Regulations, for example, has characterized this discretion as a defect of the act and has concluded "that the failure to provide for the delivery to, and receipt of, an assessment by the Governor in Council reflects an unintended gap in the scheme established by the Act".

Delays in the species listing process negatively affect COSEWIC's ability to fulfill its obligation to base its assessments on the best available information on the biological status of a species. The longer the delay in reaching a listing decision, the greater the likelihood that new information will become available that may or may not have an influence on species status. Thus, the longer the listing decision timeframe, the greater the likelihood that an assessment will be referred back to COSEWIC, a decision that would further prolong the listing process and increasingly postpone recovery strategies and habitat protection measures.

●(0915)

As a consequence, COSEWIC recommends that SARA be amended to provide a timeline for the receipt of COSEWIC's assessments by the Governor in Council that is consistent with Parliament's original intent that action on an assessment be taken within a fixed period of time. It is thus recommended that a new subsection 25(4) be included, to read:

Subject to subsection 27(2)(c), within three months of receiving a copy of an assessment of the status of a wildlife species from COSEWIC under subsection 25 (1), the Minister shall forward the assessment to the Governor in Council.

Acceptance of this recommendation would result in a listing decision timeline that would be well defined and transparent, that would be consistent with what Parliament intended when it originally passed the act, and that would minimize delays in the listing decision process, thus reducing delays in recovery planning and implementation.

The second recommendation pertains to membership on COSEWIC. In this regard, of fundamental importance is the condition that each member of COSEWIC must exercise his or her discretion in an independent manner—the act specifies this—meaning that votes on species' status, and any other duties assigned to individuals as members of COSEWIC, are not to be influenced by members' affiliations. The provision of unbiased advice facilitated by COSEWIC's independence and arm's-length nature is a fundamental tenet of the committee's continuing ability to fulfill its mandate under SARA.

Since the passage of SARA, COSEWIC has implemented an open and transparent process that ensures that the names of only the most highly qualified available individuals are communicated to the Minister of the Environment for appointment to COSEWIC. The process ensures an optimal balance between experience and renewal.

Since the passage of SARA, four successive ministers have accepted COSEWIC's nominees for membership on COSEWIC and issued appointments to all. This well-established precedent ended with the March 2009 decision not to reappoint COSEWIC's nominee for co-chair of the amphibians and reptiles species specialist subcommittee.

**Mr. Mark Warawa (Langley, CPC):** I have a point of order.

**The Chair:** Go ahead, Mr. Warawa, on a point of order.

**Mr. Mark Warawa:** The topic is not the membership of COSEWIC. The topic is a legislative review of SARA. I bring that to your attention and ask that we stay on topic.

**The Chair:** I'll take that under advisement, although I think COSEWIC membership is described in the regulations under SARA, is it not?

**Mr. Mark Warawa:** Yes, but to criticize how the appointment process is made under COSEWIC is not on topic.

**The Chair:** Go ahead, Mr. Cullen, on that point of order, and then Mr. McGuinty.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** I expect I'm falling in line with your notion of this. The committee has been charged with looking at COSEWIC. The membership of COSEWIC is also pertinent. I'm not sure what Mr. Warawa's sensitivity is to the one statement made by the witness, but he's clearly expert in his field and I think we should hear his testimony.

**The Chair:** Mr. McGuinty, do you want to comment on this point?

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Chair, Dr. Hutchings has probably a statutory responsibility to raise this matter. If he sees concerns creeping up with respect to the appointments process and the membership of COSEWIC in its exercised functions under SARA, then I think it's completely appropriate. If he hadn't raised this point, I would have asked the questions myself.

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

**Mr. Jeff Watson (Essex, CPC):** I had a little bit of a check about where the testimony was going. It now creeps into the purview of what's in cabinet's purview to do or not do in rendering such.... I think this crosses the line somewhat, and I support the point of order by Mr. Warawa. I think the witness needs to be cautioned to come back to the issue. I think it's fair enough to talk about the

membership of COSEWIC, but when you start to get into a decision by cabinet, I think how they approach that particular decision is not within the purview of the witness.

**The Chair:** Next are Mr. Woodworth, Mr. Trudeau, and Mr. Bigras.

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Thank you.

I suppose I'll start with the proposition that the committee is here to review the legislation, and if that's what we're here to do, then that's what I'd like to do. Perhaps the chair or the clerk could remind us of our terms of reference with respect to SARA. Is it to review the legislation or not? Is it to do something more than review the legislation? What are our terms of reference in that respect?

● (0920)

**The Chair:** We'll continue, and I'll hear all the points first.

I have Mr. Trudeau and then Monsieur Bigras.

**Mr. Justin Trudeau (Papineau, Lib.):** When we speak about the legislation, an important part of SARA is the establishment of an independent review body, COSEWIC, and great lengths have been gone to in the legislation to ensure that it be a scientifically, rigorously appointed panel and study removed from all politics. The exercise of COSEWIC's functions and the utility of SARA as an act are dependent upon the quality of the science that comes forward from COSEWIC. Therefore, talking about the membership of COSEWIC and the process by which these expert scientists are chosen independently of politics is the very crux of SARA and COSEWIC. To not hear about that, however embarrassing it may be, is completely wrong.

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I do not want to stir up a debate like Mr. Trudeau, but I feel that the witness's remarks are at the very heart of the current debate and the review of the act. If we let the witness continue, we will realize that he has even proposed amendments for the Species at Risk Act. We are in the middle of reviewing the act. The witness is speaking directly to the topic and he is going to provide us with his proposed amendments. That being the case, I feel that he is perfectly entitled to continue his testimony in the way he has been presenting it up to now.

[English]

**The Chair:** Mr. Watson.

**Mr. Jeff Watson:** The witness has gone to great lengths to talk about COSEWIC as being apolitical. But the decision for appointments and the review of such appointments are entirely political. That is, it's a political function to make an appointment and to determine whether or not that appointment is independent, if you will, in terms of who is being appointed. And it's the political process of Parliament to review the appointment and determine whether the government's judgment about a particular member is in fact independent. That's the purview of politicians and not of the witness before us today.

I would urge the chair to strongly caution the witness to stick to things that are in his apolitical jurisdiction.

**The Chair:** Mr. Warawa.

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

I don't think there's anyone around this table who would disagree with the principle and the fundamental value that the advisory bodies should be independent and not political and should not have political or bureaucratic influence. I think we all agree with that.

What I think is happening is that when the body politically criticizes a decision of the minister, then that body has crossed the line.

The topic of today is to review SARA; it's not to criticize a decision made in 2007 by a minister. I think we need to stay on topic. It's a SARA review; it's not for our witness to criticize a minister and a decision of the minister. That becomes political, and it's off topic.

**The Chair:** Mr. McGuinty.

**Mr. David McGuinty:** Mr. Chair, I don't think this is a point of order. I think this is a point of debate. I don't see what's out of order here in any sense.

**The Chair:** I believe there was a point of order raised, and I'm going to rule on that point of order.

• (0925)

**Mr. David McGuinty:** Mr. Chair, help us understand here. What is the point of order?

**The Chair:** I will explain to you. Section 129 of the act reads:

Five years after this section comes into force, a committee of the House of Commons, of the Senate or of both Houses of Parliament is to be designated or established for the purpose of reviewing this Act.

The act prescribes the composition of the membership of COSEWIC, and that's what the committee is to talk about. But the process of appointments is an executive decision made within the act. It's given to the minister to consult with different bodies to make the decision on who sits on it. But it is a ministerial appointment; it's an order in council appointment. That is beyond the purview of our committee. We are specifically to look at the act.

So I'm going to rule in favour of the point of order and ask that the witness keep his comments—

**Mr. David McGuinty:** There's more debate. If we're going to get into this debate, sir, then we need to have a debate.

**Mr. Mark Warawa:** Are you challenging the chair?

**The Chair:** I'm ruling on this point of order so we can continue on with the presentation. What I'm saying is that this isn't in the purview of this committee. We're to talk about the act and not the process, and the comments made by Dr. Hutchings are about the process, which is an executive decision and an executive part of government. I've ruled.

**Mr. David McGuinty:** Then we're going to challenge your ruling, Chair.

**The Chair:** It's not debatable. This is a dilatory motion. It's recorded. Shall my decision be sustained?

(Ruling of the chair overturned: nays 6; yeas 5)

**The Chair:** Okay, I'm overruled.

With that, you can continue on with your presentation.

**Prof. Jeffrey Hutchings:** Thank you, Mr. Chair.

As a consequence of the decision, COSEWIC's capacity to assess the status of amphibians in Canada has been reduced—and as a reminder, amphibians are one of the world's most threatened groups of vertebrates.

The minister's decision sets a precedent for determining membership on COSEWIC, which may compromise the real or perceived ability of each member to exercise their discretion in an independent manner, in accordance with subsection 16(6). If so, this will negatively influence COSEWIC's ability to fulfill its legislated responsibility to assess species at risk independently of the consequences of its assessments. Any action that erodes the knowledge base of COSEWIC will erode the confidence decision-makers and society have in the integrity of the advice, weakening the ability of governments to fulfill national and international obligations to protect, conserve, and recover biodiversity.

This leads me to COSEWIC's second recommendation, which is that subsection 16(1) of SARA be modified to include one new word—COSEWIC—and to read:

COSEWIC is to be composed of members appointed by the Minister after consultation with the Canadian Endangered Species Conservation Council, COSEWIC, and with any experts and expert bodies, such as the Royal Society of Canada, that the Minister considers to have relevant expertise.

Our recommendation, then, is that SARA be amended such that COSEWIC be legislatively recognized as one of the bodies with whom the minister consults prior to issuing ministerial appointments to COSEWIC. The proposed amendment would allow the minister to be fully informed of the potential short-term and long-term consequences associated with any membership decision that involves the rejection of COSEWIC's advice.

Thank you for your attention. That is the end of my verbal presentation.

**The Chair:** Thank you, Dr. Hutchings.

We'll kick off our seven-minute round with Mr. McGuinty.

**Mr. David McGuinty:** Thanks, Dr. Hutchings.

I obviously want to hone in on the last couple of paragraphs of your testimony. I want to make sure Canadians understand this very clearly. COSEWIC is expected to be and is statutorily created to be completely at arm's length and independent from any government. Appointments are made by the Governor in Council, the Minister of the Environment, and the appointments are to be made on the basis of, presumably, scientific expertise, detailed knowledge, to be able to perform a really important function, which is to decide—yes or no—whether a species ought to be classified as one at risk.

Now you're telling us, as the chair of COSEWIC, according to what I understand in plain English in your testimony, which I have written down here, that effectively the previous minister, Mr. Baird... Are you intimating or are you saying clearly that he basically politically interfered?

• (0930)

**Prof. Jeffrey Hutchings:** As a point of correction, the initial letter identifying nominees for appointment was sent to Minister Baird. The decision was made by Minister Prentice.

I don't want to suggest that this is indicative of political interference. The concern, given that it had not previously happened, given that COSEWIC's experience since the passage of SARA has been that the result of this nomination process is one in which it submits names to the federal minister for consideration for appointment to COSEWIC, and it has never previously resulted in a rejection of COSEWIC's advice....

This being the first time in which that had taken place, it raised concerns in my mind as chair about the degree to which it influenced or affected COSEWIC in the short term and the long term. That's why I indicated that we now do not have a co-chair responsible for amphibians on the committee; this is a short-term ramification of the decision. In the longer term, given that the act makes it quite clear in my mind that COSEWIC is meant to be an independent, arm's-length body, if society or if anyone should perceive through the rejection of COSEWIC's advice that the committee is not composed of independent individuals, then that might compromise the integrity of COSEWIC's advice and compromise the confidence that decision-makers can have in that advice. That's why I raised the point.

**Mr. David McGuinty:** Let me understand this. The previous minister, Mr. Baird, first declined to accept your nomination for co-chair, and then the decision not to nominate a co-chair was followed up by the current minister, Mr. Prentice?

**Prof. Jeffrey Hutchings:** No. The original letter was sent to Minister Baird, but I did not receive a response from Mr. Baird. The response regarding the appointments came from Minister Prentice.

**Mr. David McGuinty:** Had you had any feedback from Minister Baird previously about how this minister and this government were going to respond to your letter?

**Prof. Jeffrey Hutchings:** No.

**Mr. David McGuinty:** Did you have any conversations with Minister Prentice about this?

**Prof. Jeffrey Hutchings:** I did.

**Mr. David McGuinty:** Did you tell Minister Prentice straight up of your concerns?

**Prof. Jeffrey Hutchings:** I should provide some background. This is one of the reasons for raising this particular amendment in the act. It is not meant to be a crass, politically motivated decision in any respect; it's meant to be a means of strengthening the act in a fairly simple way.

No minister of the environment has ever met with the chair of COSEWIC previously to consider appointments to COSEWIC. The process initially took two months, under Ministers Anderson and Dion, and the time process has lengthened since then. And that's fine; there could be many reasons for it. In fact, I commended Minister Prentice in my correspondence with him and thanked him in person for meeting with me, acknowledging that this was a first and I hoped the first of many such meetings.

However, at that meeting, while we did indeed discuss the other nominees whose appointments were going to be made by the minister, we did not discuss this individual who was not going to be appointed. It was not among the papers that the minister had in front of him to discuss with me, and as a consequence, although I raised it with him as file folders were being closed, it appeared as though

perhaps this was not an issue that—well, for whatever reason.... I'm not going to suggest a reason for this not being discussed. I did mention this other person's name, but it was not part of a full consultation.

This suggested amendment would simply allow for an opportunity.... I should also say that I did write to the minister and requested a meeting with him to simply identify some of the short- and long-term ramifications of the decision, with the intent of, in a private way, seeking a solution that was amenable to both, because I—

• (0935)

**Mr. David McGuinty:** Did you receive a response to that request?

**Prof. Jeffrey Hutchings:** No, I didn't, not for the meeting. I also requested reasons for the rejection of COSEWIC's advice. I did receive a response to that, but not—

**Mr. David McGuinty:** You did receive reasons back from the minister as to why they had decided to reject your advice?

**Prof. Jeffrey Hutchings:** Yes. The reason was that he believed that members should be composed of both returning and new, qualified members. In this instance, I applied that principle, and he felt it was timely to renew the composition of the committee. The individual in question was someone who had been on COSEWIC previously—

**Mr. David McGuinty:** Who was the individual in question?

**Prof. Jeffrey Hutchings:** It was Dr. David Green. He's a professor of biology and director of the Redpath Museum at McGill University. He was the chair of COSEWIC from 1998 to 2002 and he's been a member of COSEWIC since 1995.

**Mr. David McGuinty:** Did he cross swords somewhere along the line with the government?

**Prof. Jeffrey Hutchings:** I don't know.

**Mr. David McGuinty:** So we don't know why. Other than the paragraph or two you received from Minister Prentice, we're not sure why his nomination was declined.

**The Chair:** I caution you—we're talking about a third party. Even though you have parliamentary privilege at committee, I would caution you that we shouldn't talk about the man's personal details.

**Prof. Jeffrey Hutchings:** All I'm doing is quoting from the letter. I don't wish to impugn the minister's intent. This is simply a communication that I made with him to explain what I thought some of the ramifications of the decision might be.

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

**The Chair:** Monsieur Bigras.

[Translation]

**Mr. Bernard Bigras:** Thank you very much, Mr. Chair,

We are falling out of our chairs reading and listening to your testimony today. The government thinks that your testimony is not justified, but, on the contrary, in my opinion, it deserves our full attention. It certainly proves that changes to the act are necessary, given the items you have described to us.

In your brief, you say, and I quote:

Since the passage of SARA, four successive ministers of the environment have accepted COSEWIC's nominees for membership and issued ministerial appointments to all (although the Hon. John Baird declined to accept one of COSEWIC's nominees to the Aboriginal Traditional Knowledge Subcommittee in 2007).

Can you tell us the minister's reasoning in refusing to accept one of COSEWIC's nominees?

[English]

**Prof. Jeffrey Hutchings:** You are correct that in 2007 the minister, the Honourable John Baird, denied COSEWIC's nominee for a member to the Aboriginal Traditional Knowledge Subcommittee. The nominees were individuals whose names were put forward as a consequence of consultation with the five national aboriginal organizations. Those names were a product of an extensive process of consultation. The names were put to the minister, but the minister declined to accept one of them and appointed someone else to that subcommittee. We were not told precisely why our advice was rejected.

[Translation]

**Mr. Bernard Bigras:** Your recommendations were rejected, but was there consensus in the field? Was there consensus on this nominee among the representatives of the aboriginal peoples? Was the nomination supported by the experts in the field? Did you do the necessary checking?

[English]

**Prof. Jeffrey Hutchings:** Yes, this was a process organized by the Aboriginal Traditional Knowledge Subcommittee of COSEWIC in consultation with NACOSAR, the National Aboriginal Council on Species at Risk. It was a product of a process developed by COSEWIC, the subcommittee, and Environment Canada. It was a process that involved five national aboriginal organizations.

To answer your question, it is my belief that the nominations that were put forth at the time received strong support from the aboriginal organizations responsible for the nominations.

• (0940)

[Translation]

**Mr. Bernard Bigras:** In your brief, you also say the following:

This well-established precedent for appointments ended with the March 2009 decision by the minister not to reappoint COSEWIC's nominee for co-chair of the Amphibians and Reptiles Species Specialist Subcommittee. As a consequence, the minister has reduced COSEWIC's capacity to assess the status of amphibians in Canada, one of the world's most threatened group of vertebrates.

In your opinion, what is the impact of this decision by the minister to reduce COSEWIC's capacity? What is the impact on the amphibians in Canada, one of the world's most threatened group of vertebrates? What has the real impact been?

[English]

**Prof. Jeffrey Hutchings:** In the short term it's a little difficult to determine. It will take us a while. We will have to initiate a new call from membership for this position, which we will probably do within the next month. Hopefully it will attract suitably qualified candidates for this particular position.

In the interim, I am basically doing what I can to take up the slack in this regard, and we will do what we can to ensure that the ramifications are not particularly troublesome ones.

I might also point out that one of the motivations for this recommended amendment to the act is to initiate discussions or to have an opportunity for regular discussions with the minister, simply because when advice of this nature is rejected—and it might happen again, and for a variety of different species special subcommittees—it can be very problematic in terms of COSEWIC's planning and our workload prioritization responsibilities. We have a regular process by which we assess species at greatest risk of extinction in the country, and it would be very useful for COSEWIC to have a better sense of which appointments may or may not be accepted by the minister.

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

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

I didn't realize amphibians were so political. This is a powerful moment.

I'm confused by some comments that were made in the interventions about whether decisions are political in nature. I had Mr. Watson tell me that decisions are political in terms of the appointment to COSEWIC, and then I had Mr. Warawa say that decisions are not political in terms of the appointment to COSEWIC. That's left me a little confused as to what the government's actual belief is in terms of accepting or not accepting appointments.

The tradition, you say, from 1998 to—

**Mr. Jeff Watson:** I have a point of order, Mr. Chair. Appointments are political; I didn't say they were partisan.

**The Chair:** That's a matter of debate, but since we're now talking about the appointment process, I'll refer you to chapter 20 of Marleau and Montpetit, page 876. This is in reference to order in council appointees or nominees:

Questioning by members of the committee may be interrupted by the Chair, if it attempts to deal with matters considered irrelevant to the committee's inquiry. Among the areas usually considered to be outside the scope of the committee's study are the political affiliation of the appointee or nominee, contributions to political parties and the nature of the nomination process itself.

So the nomination process is outside of the committee's purview, according to Marleau and Montpetit.

That's in relation to appointments, but that's where we're headed, outside of where we're at in our study of the bill. That's some of the background on where we have to be careful in terms of where we go as committee.

**Mr. Justin Trudeau:** [Inaudible—Editor]...before you get into the details.

**The Chair:** I'm saying that these are the things we have to be careful of. The process itself is one of the things that is outside our purview as a committee.

Mr. Cullen, continue with your question.

**Mr. Nathan Cullen:** On that point, before I go back to it, I didn't actually use the word "partisan". I was very clear and specific, and I was only reiterating what I had heard. I'm sure that—

**The Chair:** Well, we'll check the blues and we'll go back to that again.

**Mr. Nathan Cullen:** I'm absolutely certain I didn't use the word.



Here's the question I have for you. In terms of the effect of a listing in COSEWIC, outside of the group made up of scientists who are interested in this particular body of work that relates to whether a species is endangered or not, who can be affected by a listing on COSEWIC? Can industry...? I'm trying to find out for average Canadians listening. Who would also be affected if something was listed or not?

● (0945)

**Prof. Jeffrey Hutchings:** That's an interesting question in many respects. Many people feel that the sole purpose of COSEWIC is simply to provide advice to the federal government for the purposes of including species on the national legal list, for which there might then be recovery strategies required if they're a threatened or endangered species, or a management plan if it's a species of special concern. Under those circumstances, if the federal government does indeed accept COSEWIC's advice and includes species on schedule 1 of SARA, there might well be consequences or limitations on activities by people, such as prohibitions in terms of killing or harming individual—

**Mr. Nathan Cullen:** Let's talk about the activities. Obviously fishing would be one of them, in terms of whether to go out. I'm imagining there could be an effect on industrial projects, such as bridges, roads, pipelines, or large-scale mining. Are those the types of things that would possibly have implications on whether a species would be listed or not?

**Prof. Jeffrey Hutchings:** This is slightly out of the purview of COSEWIC, but my understanding is that part of the process for determining whether a species is included on the legal list is an assessment of the potential impact of that decision from a positive and a negative perspective.

**Mr. Nathan Cullen:** We've all seen circumstances in which a pipeline or a tar sands project, let's say, has been proposed for an area, and someone determines or suggests that one of the species that would be affected by the project may be at risk. Its population may be in such low numbers that it could be wiped out and made extinct.

Is one of the independent, away-from-politics roles of COSEWIC just simply to understand the health and viability of populations in Canada?

**Prof. Jeffrey Hutchings:** In essence, yes. It's basically to give our assessment of the current status of the species in question. The assessment is meant to reflect its likelihood of extinction in the relatively near future and also to identify threats to its persistence.

**Mr. Nathan Cullen:** The IPCC report that has been studying the effects of climate change at the UN for quite some time is essentially, I would suggest, the gold standard in terms of climate change science. Many thousands of folks of high reputation are involved. Am I right so far?

**Prof. Jeffrey Hutchings:** Yes.

**Mr. Nathan Cullen:** There was a recent status report in terms of the health and viability of polar bears in Canada, but the status report didn't include any of the findings from the IPCC in terms of the short-, medium-, and long-term effects on Canada's Arctic due to climate change. Why is that?

**Prof. Jeffrey Hutchings:** Oh, in fact the report did.

**Mr. Nathan Cullen:** It did include it?

**Prof. Jeffrey Hutchings:** It also included information that was available to the U.S. Fish and Wildlife Service and all the relevant information in terms of population projections and projections of habitat loss for the polar bear. All that information was in there.

**Mr. Nathan Cullen:** I'll take a step back to the fisheries. Only about a third of the fish stocks that have been recommended by COSEWIC to government have actually gone on to be listed. Is that right?

**Prof. Jeffrey Hutchings:** That's for marine fishes. There hasn't been an endangered or threatened marine fish accepted. The first marine fishes of special concern were accepted by the government earlier this year. There have been freshwater fishes that have been included on schedule 1.

**Mr. Nathan Cullen:** What was that salmon species? Was it the Sakinaw?

**Prof. Jeffrey Hutchings:** There were two species, two groups of sockeye salmon. One was in Sakinaw Lake and the other was in Cultus Lake.

**Mr. Nathan Cullen:** They were recommended to be listed.

**Prof. Jeffrey Hutchings:** Yes, they were recommended to be listed as endangered.

**Mr. Nathan Cullen:** Were they listed in the end?

**Prof. Jeffrey Hutchings:** No, they weren't.

**Mr. Nathan Cullen:** Why not?

**Prof. Jeffrey Hutchings:** Based on the responses that were posted in the *Canada Gazette*, it appears they were not listed because of the perceived economic consequences of reducing catches in a mixed-stock fishery off the coast of British Columbia.

**Mr. Nathan Cullen:** Isn't that interesting? The government has set up this independent scientific body to assess the viability of species in Canada because Canadians, and I'm sure all members of this committee, are concerned about eliminating a species or a subset of a species, yet when recommendations—I'll take the salmon, and I'm sure there are others—have been put forward saying that we as scientists believe this species is threatened as it is, and human impact is one of those things, the government then turns around and says that it doesn't accept that science and is instead going to trump that with an economic argument.

I'm trying to understand how this supports the work of COSEWIC or supports the legitimacy of the work you do.

● (0950)

**Prof. Jeffrey Hutchings:** As chair of an advisory body, I think we are there to provide advice. That's our role, from a legislative perspective: to provide advice. I'm sure ministers receive advice from all sorts of different groups and individuals. Our responsibility is simply to ensure that the advice vis-à-vis the science is as objective and unbiased as possible, and also that it's communicated to Canadians and society at the same time so that these decisions can then be judged.

**Mr. Nathan Cullen:** To wrap up here, Chair, looking at the example of polar bears or some other species that is headed towards a more threatened status over time, there is precedent for this government and previous governments to, in a sense, trump the science, to override the legitimate scientific concerns about a species' viability in order to satisfy an economic rationale. Examples are oil and gas drilling in the Arctic, or marine shipping. Even if a species of the iconic nature of a polar bear is threatened, we have precedents showing that the government can simply say, "Thank you for your advice, Doctor, but we're going to allow the drilling to further threaten the species anyway."

**Prof. Jeffrey Hutchings:** It's true that one of the options under the act is to reject COSEWIC's advice.

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

We'll go to Mr. Warawa for seven minutes, please.

**Mr. Mark Warawa:** Thank you so much, Dr. Hutchings, for being here today.

I apologize for interrupting during your presentation, but I did feel that we were heading into you, as chair, possibly making statements that were of a political nature, and I didn't want you to fall into that trap, if that was the intent, because COSEWIC is well respected.

COSEWIC, I believe, was established in 1977. Is that correct?

**Prof. Jeffrey Hutchings:** That's correct.

**Mr. Mark Warawa:** SARA came into effect in 2003. How long have you been the chair?

**Prof. Jeffrey Hutchings:** I've been the chair since 2006, and I've been a member of COSEWIC since 2000.

**Mr. Mark Warawa:** You've been a member since 2000, so you were with COSEWIC before SARA came into effect.

**Prof. Jeffrey Hutchings:** That's correct, yes.

**Mr. Mark Warawa:** How have things changed for COSEWIC since the establishment of SARA?

**Prof. Jeffrey Hutchings:** That's an extremely good question.

My perspective is that things have improved considerably. I feel that the quality of the status reports has improved considerably. I feel that the writing of them has improved. I feel that the assessments have improved as well, in large part because they are under increasing scrutiny, and rightly so.

The consequences of our assessments are such that they might infringe upon the rights of individuals, or the abilities of individuals or organizations, to do various things. As a national science advisory body, our reports should be heavily scrutinized. That's a good thing, it's an appropriate thing, and it has resulted in an increased quality in the reports since the passage of SARA.

It has also, I might add, increased the workload considerably as well. When I said that each report goes through a one-and-a-half to two-year review period, I wasn't understating that. It's an extensive review period. It requires a lot of input from a lot of concerned individuals, and thus a lot of time to respond appropriately to concerns that are raised during the review period. I think there's more that we can do in that regard.

That's all to say that the workload has increased, but I think the quality of assessments has increased because of the increased scrutiny.

**Mr. Mark Warawa:** I'm reading from your presentation. Because of time, you were not able to read it in its entirety. It says:

The status assigned to each species is based on consensus, ensured by requiring a two-thirds majority of the votes cast....

There are 31 members. Is that correct?

**Prof. Jeffrey Hutchings:** There are 31 votes, but there are actually about 45 to 50 people sitting around the table. I believe there are currently 57 members of COSEWIC, but only 31 votes can actually be cast, at a maximum.

**Mr. Mark Warawa:** When you have a status assigned, are all 31 votes cast?

**Prof. Jeffrey Hutchings:** It's basically dependent on who is actually in attendance at the meeting. Some jurisdictions aren't always able to attend. Some members can't attend, for whatever reason, and there's no proxy voting. You can only vote if you have received a ministerial appointment to COSEWIC.

At the last meeting, there were 28 votes cast. I think the previous meeting had 27. At a minimum, two-thirds of the votes cast must be in favour of a particular status.

● (0955)

**Mr. Mark Warawa:** You said there were 28 votes cast in the last assessment.

**Prof. Jeffrey Hutchings:** Yes.

**Mr. Mark Warawa:** Is the norm a two-thirds versus one-third vote, or is it a stronger support of the recommendation of the—

**Prof. Jeffrey Hutchings:** It very much depends on the species. Some of them surprise you. They certainly surprise me, chairing a group of 60 people for a five- or six-day period.

Some assessments go through very quickly. I'll simply ask for a consensus through a general nodding of heads that there is a feeling that this species is endangered. Sometimes there are circumstances that have made it pretty clear to the committee that endangerment is the case. Other cases require extensive discussion, discussions extending four, five, and six hours on a single species. We might go through multiple motions on status before we achieve one that receives the two-thirds majority required.

There are also occasions on which I feel, as chair, that discussion appears not to be leading towards a scientifically defensible conclusion. Under such circumstances we will withdraw the report, because often it's reflective of deficiencies in the report, either in the communication of the information or in the quality of the information, and a better or a more defensible report would result in a more appropriate assessment and a more defensible assessment. That's another course of action that I'm not afraid to take, and have taken.

**Mr. Mark Warawa:** That's encouraging to hear. You're saying your goal is to try to get very strong consensus within the group if you sense that some people are struggling with the position.

**Prof. Jeffrey Hutchings:** I constantly remind the members that at the end of the day, it's our assessment and the quality of the report that supports the assessment that will be scrutinized, and that they will be the basis, ultimately, for determining whether a species is included in schedule 1 or not, or indeed whether it's sent back to COSEWIC. From the minister's perspective, I think it behooves us to ensure that we've done the best job we can in providing the advice that we're legislatively required to do.

**Mr. Mark Warawa:** How much time do I have left?

**The Chair:** You have about 40 seconds.

**Mr. Mark Warawa:** Well, the question I have is going to take longer than that, so I'll just quickly ask you what amount of discretion you believe a minister should have in determining who is going to be appointed to COSEWIC. You're making a recommendation; should your recommendation always be respected, or should the minister retain discretion?

**Prof. Jeffrey Hutchings:** I absolutely believe that the minister should retain discretion. These are not political appointments. They are ministerial appointments. Insofar as they are ministerial appointments, the Minister of the Environment is ultimately responsible for this act and to ensure that the sections of the act are adhered to. One of those sections, indeed, pertains to the independence of members on COSEWIC.

I think it's absolutely appropriate for the minister to have that discretion. The basis for the proposed recommendation was really motivated by an insurance that on those occasions when the minister might wish to reject COSEWIC's advice, it might be appropriate to discuss that with the chair of COSEWIC, simply to ensure that he or she is as fully informed as possible of the potential ramifications of that decision before it's made.

It's simply really a suggestion for consultation with those who are perhaps best positioned not to criticize or commend but to draw attention to the potential ramifications.

**The Chair:** Thank you so much.

Mr. Trudeau, will you kick us off on a five-minute round?

**Mr. Justin Trudeau:** Thank you very much, Mr. Chair.

I'd like to follow up on Mr. Warawa's line of questioning, which I found extremely important. It had to do with the extent to which COSEWIC verifies assessments after the report comes out. You talked about a year and a half, and I assume people outside of COSEWIC are involved. Would consultations take place around the country?

**Prof. Jeffrey Hutchings:** Basically, after the first draft of the report is completed, that draft is sent to all federal, provincial, and territorial jurisdictions that are responsible for the species; all wildlife management boards established under land claims agreements and responsible for the wildlife species in question; and any other outside experts, such as the polar bear specialist group for the IUCN.

After that process—from the time of the submission of the first draft until COSEWIC gets its final copies and votes—it is about one and a half to two years.

• (1000)

**Mr. Justin Trudeau:** Okay. Thank you.

You've made a tremendously strong case for the rigorous scientific professionalism of the people around the table, particularly when it comes to a report that might be well-meaning but not quite at the level required for the science or the communications or something, which is why you would withdraw it rather than have it voted down, in many cases.

My question around that is that if COSEWIC is doing such a complete, comprehensive job of assessing the science, how come we have so many consultations after the report lands on the minister's desk? What sorts of consultations are being done over the following years, before it is acted upon?

**Prof. Jeffrey Hutchings:** That is outside the purview of COSEWIC. My understanding is that the consultations are there to inform those who might be potentially affected by a legal listing decision in order to provide information to them on what COSEWIC suggested, to inform them of the basis for COSEWIC's assessment, and to interact with them accordingly.

**Mr. Justin Trudeau:** In your professional opinion as a scientist, is there a need, once COSEWIC brings forward its final report, for further consultation on the basis of science and research, or has that part of the assessment and consultation been done?

**Prof. Jeffrey Hutchings:** Science and research are almost certain to be part of the consultation process that will take place with various provincial governments and others.

There are occasions during that consultation period when governments are encouraged to undertake surveys that they haven't undertaken previously. I can think of an example of a plant in British Columbia called Scouler's corydalis. We had assessed it as endangered. As a consequence of the consultations and as a consequence of the legal listing decision—because this was actually included on schedule 1—the province then went out and did some surveys and found more plants, and we reassessed it right away, as we are required to do by the act. All of that is to say that during the consultation period I'm sure there are occasions on which the science is examined and pulled and teased apart, and that's fine. That's probably the way it should be.

**Mr. Justin Trudeau:** Thank you.

I'll come back to the case of Dr. Green. The amendment you're bringing forward in recommendation 2 is for COSEWIC to actually get to say why these particular individuals are important to include on COSEWIC. Can I take it, then, that the minister has not been officially informed by you in a conversation as to why it would be important to have an amphibian expert on COSEWIC?

**Prof. Jeffrey Hutchings:** I think it's fair to say that in the correspondence with the minister on this issue, the qualifications of Dr. Green as co-chair for the subcommittee were made fairly plain, but what's not included in letters of nomination are the potential ramifications of not accepting a potential nominee.

**Mr. Justin Trudeau:** Have you had a conversation with Minister Prentice about those possible consequences?

**Prof. Jeffrey Hutchings:** No.

**Mr. Justin Trudeau:** Have you asked for a conversation with Minister Prentice about those possible consequences?

**Prof. Jeffrey Hutchings:** I did request a meeting.

**The Chair:** Your time has expired.

Mr. Woodworth is next.

**Mr. Stephen Woodworth:** Thank you very much. Thank you, sir, for attending our committee today.

As I understand it, there are about a year and a half to two years of consultations that COSEWIC undertakes after issuing its draft report. Is that correct?

**Prof. Jeffrey Hutchings:** No, there are no consultations that COSEWIC undertakes after it has....

Let me clarify for you, in case I've misled. The one-and-a-half- to two-year timeframe represents the timeframe between the initial completion of the first draft of a status report and the time at which COSEWIC makes an assessment of the status of that species. Once COSEWIC has reached a decision on status and communicated it to the Canadian Endangered Species Conservation Council and the minister, COSEWIC does not undertake any further consultations.

•(1005)

**Mr. Stephen Woodworth:** No, I mean that period after the first report. I'm a little plain-spoken, I suppose, so when you said you send it out to every jurisdiction and all interested parties, I assumed you were doing that by way of consultation and getting feedback, and that the consultation process was generally a year and a half to two years.

**Prof. Jeffrey Hutchings:** Yes, that's correct.

**Mr. Stephen Woodworth:** Am I wrong to call that a consultation process?

**Prof. Jeffrey Hutchings:** I hadn't thought of it in those terms. We think of it as a review period, but it certainly involves consultation, so that's—

**Mr. Stephen Woodworth:** You get feedback from people.

**Prof. Jeffrey Hutchings:** Absolutely.

**Mr. Stephen Woodworth:** Okay. Why in the world does it take a year and a half to two years?

**Prof. Jeffrey Hutchings:** Well, let's take a species, for example, that's found across the country. The woodland caribou would be one example. The canary warbler is another. They are boreal forest species that are found in many provinces. Parks Canada has jurisdiction, the Canadian Wildlife Service has jurisdiction, and territories have jurisdiction. Then there are wildlife management boards within those territories that have jurisdiction as well. Each of those requires a minimum of one opportunity, if not more, to provide feedback.

**Mr. Stephen Woodworth:** You wouldn't consider three months to be an adequate time for such consultation, would you?

**Prof. Jeffrey Hutchings:** Well, it's adequate in terms of the construction of the report. It depends what the purpose of this feedback is.

**Mr. Stephen Woodworth:** Yes. So whatever you're doing to get feedback takes a year and a half to two years, correct? It would be pretty hard to cram that into three months, wouldn't it?

**Prof. Jeffrey Hutchings:** It could be done. It's simply that most of these jurisdictions are dealing with multiple COSEWIC reports.

**Mr. Stephen Woodworth:** In fact, I understand that sometimes consultations under treaty obligations with first nations can take quite some time. Is that a fair statement, in your experience, or do you know anything about that?

**Prof. Jeffrey Hutchings:** I do know something about that. I think it's fair to say that consultations take varying amounts of time depending on the purposes of the consultations.

**Mr. Stephen Woodworth:** All right. That's exactly where I'm at.

Just to follow up, I'm really talking about your first recommendation, which is, as I understand it, to say that the minister should have three months for consultations. Did I understand your first recommendation correctly?

**Prof. Jeffrey Hutchings:** At present, the GIC has nine months to make a decision. It could make a decision in one month.

**Mr. Stephen Woodworth:** We're talking about the consultation process. Maybe I have your recommendation wrong, but as I understood it, your recommendation 1 is that the minister do his consultations and forward the recommendation to the GIC in three months. Isn't that your recommendation?

**Prof. Jeffrey Hutchings:** Well, not exactly. The act does not specify a consultation period.

**Mr. Stephen Woodworth:** I know, but I'm looking at your recommendation. Let me read it to you:

Subject to subsection 27(2)(c), within 3 months of receiving a copy of an assessment of the status of a wildlife species from COSEWIC under subsection (1), the Minister shall forward the assessment to the Governor in Council.

**Prof. Jeffrey Hutchings:** Let me explain why it's worded the way it is.

**Mr. Stephen Woodworth:** I'm really just asking you whether you think the minister could conduct any kind of meaningful consultation in order to be ready to forward the recommendation to the Governor in Council in three months.

**Prof. Jeffrey Hutchings:** That will depend on the minister. That will depend on the government. That will depend on a variety of things. There are consultations that take place within a three-month period—

**Mr. Stephen Woodworth:** Right. So in fact—

**The Chair:** Mr. Woodworth, your time has expired.

**Mr. Stephen Woodworth:** Oh. I'm sorry.

**The Chair:** Monsieur Ouellet.

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** I will give my time to Monsieur Bigras.

[Translation]

**The Chair:** Mr. Bigras.

**Mr. Bernard Bigras:** In my questions, I would like to make specific reference to the March 2008 report of the Commissioner of the Environment and Sustainable Development. The report deals with the protection of species at risk. With particular reference to an inventory of species at risk, on page 9, paragraph 5.20 of the report prepared by the Commissioner of the Environment and Sustainable Development, here is what he says:

There is no comprehensive inventory of species at risk to provide the baseline information needed for the development of science-based recovery strategies and action plans.

Do you believe that there should be a legislative requirement for detailed inventories that provide scientific information? This does not seem to be the case up to now. According to the commissioner, there is no inventory of species at risk that would allow for the development of science-based action plans.

Do you feel that your recommendations should be considered in establishing the inventory?

• (1010)

[English]

**Prof. Jeffrey Hutchings:** I should say initially that I have not read that section of the commissioner's report, but I take from your remarks that they're commenting on what they perceive to be a lack of an inventory, in essence. Is that correct?

**Mr. Bernard Bigras:** [Inaudible—Editor]

**Prof. Jeffrey Hutchings:** So the degree to which COSEWIC.... COSEWIC has very limited opportunities to contribute to such an inventory. We certainly use existing inventories as a basis for deciding which species to undertake new status assessments on, but in fact we have a fairly limited capacity to undertake new assessments.

Right now, we have a capacity to assess the status of about 60 or 70 species a year, but at present most of those are species reassessments or reviews of the classifications of species we have already assessed. At present, we examine the status of new species for about 15 species per year. So we have a limited capacity even if we did have a full inventory.

Do I think as a scientist and a biologist that it would be a good idea? I think it absolutely would be a good idea.

[Translation]

**Mr. Bernard Bigras:** If I am not mistaken, 203 species were put on the list in 2002. In 2007, there were 389. In the report by the Commissioner of the Environment and Sustainable Development, we find out that the current Species at Risk Act is not being observed, especially with regard to recovery strategies for at least 228 species.

In fact, the commissioner finds that:

Under the Act, as of June 2007, completed recovery strategies were required for 228 species at risk. None of the three organizations met this requirement.

The three organizations are Parks Canada, Fisheries and Oceans Canada and Environment Canada. The commissioner further finds that:

In total, recovery strategies for 55 species were completed at that date. Parks Canada produced strategies for 54 percent of the species it is responsible for...

Fisheries and Oceans Canada produced strategies for 32 percent..., and Environment Canada for 12 percent...

With the government not providing recovery strategies for these species, what is the impact of the lack of a recovery program in your work? You, of course, have to assess species when they are on the list. What is the impact of the lack of a recovery program on your work as a scientist, given that the three organizations are not meeting their requirements under the act?

[English]

**Prof. Jeffrey Hutchings:** Basically this comes down to a variety of factors that have prolonged the process and the establishment of recovery strategies, listing decisions, and so on. The longer that timeframe is, the more likely a species will be sent back to COSEWIC for further information or reconsideration, which will prolong things even further.

The degree to which the timeliness of a recovery strategy influences COSEWIC's assessments is a bit difficult to evaluate. The act at present stipulates that COSEWIC must review its classification of each species at least every 10 years, or earlier if it has reason to believe the status of a species has changed significantly. So our timetable for reassessing or reviewing these classifications will not depend on the timeliness of the implementation of recovery strategies, but it might affect status. All else being equal, the sooner recovery strategies are put in place, the more likely and the sooner the status of a species will improve.

• (1015)

**The Chair:** Mr. Calkins, the floor is yours.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Thank you, Mr. Chair.

I appreciate your coming here, Dr. Hutchings.

How many of the current membership of 57 would you consider to be people with strictly scientific knowledge and background, outside of the aboriginal traditional knowledge?

**Prof. Jeffrey Hutchings:** I would consider almost all of them—

**Mr. Blaine Calkins:** How many ichthyologists, ornithologists, herpetologists are there? What are we looking at?

**Prof. Jeffrey Hutchings:** I'd say we're looking at 57...55 including the ATK.

**Mr. Blaine Calkins:** Okay.

**Prof. Jeffrey Hutchings:** Subsection 16(2) of the act outlines the qualifications for membership.

**Mr. Blaine Calkins:** Would you consider yourself to be an ichthyologist or ecologist?

**Prof. Jeffrey Hutchings:** I consider myself to be an evolutionary ecologist.

**Mr. Blaine Calkins:** Very good.

How many people on the COSEWIC committee right now would you describe as herpetologists?

There is one now, or there was one and now there's none?

**Prof. Jeffrey Hutchings:** There were two herpetologists on the committee, but we're down to one at present.

**Mr. Blaine Calkins:** There were two. One of them was proposed to be the vice-chair or the second in command, or whatever the case might be, according to your structure, and now there's still one more herpetologist.

**Prof. Jeffrey Hutchings:** Correct.

**Mr. Blaine Calkins:** So you still have the expertise in COSEWIC to make a determination when reptiles and amphibians are considered—

**Prof. Jeffrey Hutchings:** In effect, the way the subcommittee works is one co-chair dealt with amphibians and the other was an expert on reptiles. So while they might be herpetologists, their taxonomic areas of expertise are not the same.

**Mr. Blaine Calkins:** Absolutely. Understood. Agreed.

I earned a zoology degree. Fisheries and aquatic sciences is my forte. I spent a number of years working on fisheries experiments for Alberta Fish & Wildlife, I spent a number of years as a conservation officer for the Alberta government, and I spent some time as a national park warden. Through all that time and travel that I have done, I've been surrounded—not only when I went through university—by scientists, ichthyologists, herpetologists, ornithologists, ecologists, the whole gamut. I was also surrounded in my professional career by professional biologists working for the government. I was also surrounded by professional biologists, and so on, working as consultants, working towards helping out those governments, and of course lots of other people with all that scientific expertise.

Could you tell me how many professional herpetologists or biologists would be able to replace the person in question, who could be brought forward as a potential replacement? I know a half a dozen myself, personally.

**Prof. Jeffrey Hutchings:** It's difficult to say. I can tell you that in the last competition we received one application, and that was from Dr. David Green.

To a certain degree, the numbers of individuals who apply for membership in COSEWIC is dependent on a number of things. Of course, on the one hand, it's their area of expertise. How many qualified herpetologists are there in this country who have expertise on amphibians? I don't know what the answer is to that question, but to some degree it's going to be reflected by the number of applications.

**Mr. Blaine Calkins:** How many of them are actually interested in being a member of COSEWIC, is a different—

**Prof. Jeffrey Hutchings:** How many are interested in contributing to this committee, for which we don't receive a salary? There's a lot of voluntary work, so you really have to be committed and be willing to put the additional time into it.

**Mr. Blaine Calkins:** Very good. That's very helpful. Thank you very much.

I'm going to change channel here a little bit.

One of the things that frustrates me, and I asked this question of the government officials that were here as well, and I'll pose this question to you... Mr. Cullen brought up the salmon species. If we take a look, we'll see the peregrine falcon and a number of other

species that are in here. If we look at them, some of them are actually classified as sub-species. The act is called the Species at Risk Act, it's not call the Sub-Species at Risk Act. We're dealing with populations that are extirpated when we have perfectly healthy populations of that same species existing elsewhere. We have climate change. The climate is always changing; it always has changed. We have ranges where animals or creatures normally existed, in a constant state of flux as things change. Yet the recommendations by COSEWIC are a snapshot at a particular point in time.

I was hoping to see some constructive recommendations from the members of COSEWIC that would deal more with some of the issues pertaining to whether or not we should be examining the reason why nine-spine stickleback are missing from a particular lake while they're flourishing in just about every watershed. Is that a productive use of COSEWIC's time? Is that a productive use of the assessment process? Or should we be focusing on a much larger-scale picture about the health of populations in general, as long as we have healthy populations and can maintain healthy habitat for those populations?

None of your recommendations is addressing that. Your recommendations actually address the political process, and it's a little bit disappointing to me. Why is it that COSEWIC has no recommendations on changes to the act that would deal with working on some of the issues when it comes to differentiating habitat versus species versus sub-species?

• (1020)

**Prof. Jeffrey Hutchings:** Well, to assuage your disappointment, we have, in fact, been working on that quite considerably. The act, as you know, defines a wildlife species as a sub-species variety or a geographically or genetically distinct population of animal, plant, or other organism. So the act makes it very plain that the taxonomic or biological species level is not where you stop when you assess the status of a species. It recognizes, basically, what biologists across the world recognize, which is that if one of your objectives is to protect biodiversity, then you need to identify what we might call biologically relevant units of biodiversity to protect.

That is why, given the direction of the act and the definition of wildlife species in the act, COSEWIC has taken a tremendous amount of time to define criteria. They determine the conditions under which it would identify a unit that it would use for assessment purposes in accordance with the definition provided by the act. These are called designatable units. These criteria are exactly in concordance with what the United States uses under their Endangered Species Act to identify distinct population segments for vertebrates and evolutionarily significant units for Pacific salmon.

Specifically, you need to meet two criteria. The first has to do with the distinctiveness. That could be evidence of genetic distinctiveness, distinctiveness in traits that are related to fitness, and other means of evolutionary persistence. But it's not sufficient to simply show that something is genetically different. Under those circumstances, you might list every population of white fish in Canada, which would not be particularly helpful.

Rather, the second criterion pertains to significance, and more precisely, evolutionary significance. There are means by which the United States scientists and we in Canada have agreed that there are proxies for identifying evolutionary significance. The purpose of doing that is to identify biological units that, if they were snuffed out, if they were depleted, they would not be readily replaced. For example, they wouldn't be replaced by dispersion or migration from another area. If a group of populations, or indeed a population, meets those two criteria, then it's eligible for assessment.

We also have an obligation under the act to assess those wildlife species at the greatest risk of extinction. We have a series of criteria. We have about 250 pages in our operations and procedures manual for COSEWIC, which is much longer than the Species at Risk Act. We use it to interpret the act and to guide our operations and procedures in accordance with the act.

All of our operations and procedures have been submitted to the Canadian Endangered Species Conservation Council and to successive ministers of the environment for their information and for their feedback. We have a series of criteria that we use to prioritize the assessment of new species, which include things such as the percentage of the global range that's found in Canada, the extent to which it's found within an endangered ecosystem or not, the degree to which the species in question is considered to be globally endangered.

So I think your question, at a certain level, reflects a concern that many people have. Is this an act that's going to lead to the assessment of every lake population of nine-spined stickleback in this country? The answer is no. One of the reasons why that won't happen is because COSEWIC has a set of criteria it uses to prioritize the new species it will evaluate. The act doesn't have it. We already have an application under the act to re-examine those we've already done, and we have criteria for identifying populations or groups of populations for assessment purposes. It's entirely consistent with what's done in the U.S. They've been doing it since 1996. We looked at it and we thought it seemed like a reasonable basis upon which to identify such units.

• (1025)

**Mr. Blaine Calkins:** Thank you very much. That was very helpful, Professor Hutchings.

**The Chair:** I'm sorry to cut you off. It was good information. It was a bit longer than what had been allocated to you, though.

We are moving on now to Mr. Scarpaleggia.

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Thank you, Chair.

Dr. Hutchings, what are recovery teams?

**Prof. Jeffrey Hutchings:** What are recovery teams? COSEWIC has no part in recovery teams. But essentially, recovery teams are groups of individuals that are put together to establish a recovery strategy, a plan for recovery, a mitigation of threats for the purposes of increasing the health of a species at risk.

**Mr. Francis Scarpaleggia:** I would assume these teams are made up of scientists?

**Prof. Jeffrey Hutchings:** I'm not on one, but I think the short answer is yes.

**Mr. Francis Scarpaleggia:** Have you heard that many of the independent scientists on these recovery teams are being replaced with government scientists? Have you had any wind of that?

**Prof. Jeffrey Hutchings:** I have not heard that.

**Mr. Francis Scarpaleggia:** Okay.

I'm told that in terms of this list of appointments, you said the reason the government gave for not appointing Dr. Green was that they wanted a mix of the old and the new, that they didn't want to just keep reappointing existing members. Is that correct? Is that what you said?

**Prof. Jeffrey Hutchings:** That was the reason given. He wanted to achieve a balance between returning and new members.

**Mr. Francis Scarpaleggia:** How many scientists were appointed? Obviously, it's not seven. Would it be six?

**Prof. Jeffrey Hutchings:** There were six.

**Mr. Francis Scarpaleggia:** Of the six, do you know how many were new and how many were returning?

**Prof. Jeffrey Hutchings:** Of the six, one of them was me, three were new, and three were returning.

**Mr. Francis Scarpaleggia:** So it's seven, it's not six.

**Prof. Jeffrey Hutchings:** Oh, if we include David Green, it would have been four returning and three new.

**Mr. Francis Scarpaleggia:** So as it stands now, it's three returning and three new.

**Prof. Jeffrey Hutchings:** That's correct.

**Mr. Francis Scarpaleggia:** In your professional opinion, would you not call that a mix?

**Prof. Jeffrey Hutchings:** I would call that a mix. However, I might also add for the information of the committee that approximately four years ago.... Also, you might not be aware that we periodically receive letters of instruction from the Minister of the Environment on things, on processes, that the minister would like COSEWIC to consider and potentially find a solution for.

One of those letters of instruction requested that COSEWIC identify means for identifying a procedure for renewal of applicants. We did that. It's in our manual here, and I'll simply verbally tell you what we developed. For this purpose of renewal, we stipulated that if an individual has been a member for two consecutive four-year terms, that individual be encouraged not to reapply for a third term, and indeed, after three such terms the chair will very much encourage them, as will COSEWIC as a whole, not to reapply, or even if they do, not to reappoint them or not to—

**Mr. Francis Scarpaleggia:** So you're sort of self-regulating to meet the concerns or the wish of the government for turnover.

I'd actually like to split my time with Mr. McGuinty, if I may.

Thank you.

**Prof. Jeffrey Hutchings:** I'll just follow up very quickly, because in response to this, what has happened in terms of renewal since the passage of the Species at Risk Act is that there's been a two-thirds turnover of co-chairs on COSEWIC simply as a consequence of COSEWIC's existing processes.

**Mr. Francis Scarpaleggia:** Thank you, Dr. Hutchings.

Mr. McGuinty.

**Mr. David McGuinty:** Dr. Hutchings, I want to go back to the recovery teams that are struck, obviously, to help a species recover. You mentioned that you have no knowledge of the independent scientific teams being disbanded or replaced with government scientists. Is that right?

• (1030)

**Prof. Jeffrey Hutchings:** I am personally unaware of specific instances.

**Mr. David McGuinty:** We've been told that in the case of the orca recovery team, for example, the government disbanded the independent scientific team completely and instead brought in all in-house government scientists. Do you know anything about that?

**Prof. Jeffrey Hutchings:** No, I'm afraid I don't, because from COSEWIC's perspective, we don't deal with recovery issues, so I wouldn't necessarily be party to that information.

**Mr. David McGuinty:** What is the status of the orca?

**Prof. Jeffrey Hutchings:** Well, it depends. There are four units. Two of them, I believe, are endangered, one is special concern, and I simply cannot remember what the status of the fourth one is.

**Mr. David McGuinty:** Okay.

So you're saying, then, Dr. Hutchings, that if we got these two changes to SARA, this would significantly strengthen your hand as the chair and also for any subsequent chair who follows you?

**Prof. Jeffrey Hutchings:** What I'm suggesting, and what these two recommendations are meant to reflect, is that from COSEWIC's perspective vis-à-vis those sections of the act that pertain to COSEWIC, we feel that there's not a huge need for change. In large part, I think it's because the act was written in such a way that it was meant to reflect what COSEWIC had already been doing for the previous 25 years before the act came into play. So as a consequence, perhaps it's not surprising that those sections of the act seem reasonably good from a COSEWIC perspective.

The two suggestions we've made are in part meant to increase COSEWIC's ability to fulfill its legislative mandate. In my role as chair, that's one of my responsibilities. The two recommendations were meant to do that. They were not meant to point fingers. They were not meant to be derogatory. They were meant to find a way to basically strengthen the means by which this act can be implemented. That was the spirit under which they were suggested.

**The Chair:** Thank you very much.

Mr. Braid.

**Mr. Peter Braid (Kitchener—Waterloo, CPC):** Thank you very much, Mr. Chair.

Thank you, Mr. Hutchings, for your attendance this morning.

Just to start off, with respect to the appointment process to COSEWIC, you indicate on page 3 that these are ministerial appointments and not political appointments.

I must admit to being perplexed by that statement. I want to ask you if you could explain that. What's the difference?

**Prof. Jeffrey Hutchings:** Sorry; what's the difference between a ministerial appointment and a political appointment?

**Mr. Peter Braid:** Yes. What do you mean by that?

**Prof. Jeffrey Hutchings:** Well, to my mind, a political appointment would be one in which you appoint an individual because of his or her political affiliations, the degree to which their activities or thoughts or opinions would be consistent with a particular political body of thought. A ministerial appointment would be one that is independent of those political affiliations.

**Mr. Peter Braid:** That's your personal opinion?

**Prof. Jeffrey Hutchings:** Yes.

I would add that they're perhaps analogous to judiciary appointments, which are prime ministerial appointments but not political appointments.

**Mr. Peter Braid:** Is Dr. Green a personal friend of yours?

**The Chair:** I'd just caution you that when—

**Mr. Peter Braid:** I'll withdraw the question.

**The Chair:** Yes; we're talking about a third party who isn't present and can't defend himself.

Mr. Watson.

**Mr. Jeff Watson:** On a point of order, Mr. Chair, your decision in this regard was overruled by—

**The Chair:** It was overruled concerning the process. I can still caution you.

Even though you guys have parliamentary privilege here, as does the witness, I still—

**Mr. Jeff Watson:** Could I at least complete my statement?

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

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

By my understanding, because the discussion of political appointments is now in play, then exploring that should also be in play.

The decision was overruled, Mr. Chair. It's been put in play. In fair game, questions exploring that avenue should be in play.

**Mr. Peter Braid:** I withdrew the question.

**Mr. Jeff Watson:** Fair enough.

**The Chair:** Mr. Watson has raised a point of order. I do have to address that.

My ruling this morning was based on Dr. Hutchings' opening statement. He was talking about the process of the nomination of certain members of COSEWIC. That's where I ruled. It was grounded on what we do here as a committee according to Marleau and Montpetit. I was overruled by the majority of the committee.

He can definitely talk about the nomination process, but I am just cautioning individuals that, with respect to Dr. Green, he is not here to defend himself. In our role as parliamentarians, we should not bring forward any comments that might be disparaging.



•(1035)

**Mr. Jeff Watson:** To the point, then, Mr. Chair, I think the question was based on the witness' subjective perspective, and it was based on their relationship, not the opposite direction.

**The Chair:** The reason I interceded was that I saw that Mr. Braid's comments were getting rather personal. It was about the relationship between Dr. Hutchings and Dr. Green.

Continue on. I'll add on two minutes.

**Mr. Peter Braid:** Thank you.

Mr. Hutchings, you've very properly used the word "advice", I think both in your presentation and through some responses to questions. Would you agree that, by definition, advice is something that one either accepts or does not accept?

**Prof. Jeffrey Hutchings:** I've already stated as such this morning.

**Mr. Peter Braid:** Thank you.

Recommendation 1, anyway, seems somewhat constructive. I'm just curious to know how you came up with the three-month timeframe.

**Prof. Jeffrey Hutchings:** Basically, the minister currently has 90 days, or three months, to issue a response statement. Once the assessments have been communicated to the Governor in Council, the Governor in Council has nine months to make a legal listing decision.

So it's basically three plus nine.

**Mr. Peter Braid:** Okay.

With whom did you consult with respect to your recommendation on the three-month timeframe?

**Prof. Jeffrey Hutchings:** I consulted with members of COSEWIC.

Basically, what happened is that I established a SARA parliamentary working group two and a half years ago. That working group met and made some recommendations. Then, in March, prior to being notified that I might be appearing before this committee, I drafted this document. I circulated it to the members of the working group on COSEWIC. Then we discussed it in full during our species assessment meeting in St. Andrews during the last week of April.

So it's a product of all of those things.

**Mr. Peter Braid:** Did you consult with anyone from the Department of the Environment?

**Prof. Jeffrey Hutchings:** No.

**Mr. Peter Braid:** Further, with respect to consultation, when you're writing your COSEWIC reports, to what extent do you consult with first nations communities to ensure that traditional aboriginal knowledge is considered through the report process?

**Prof. Jeffrey Hutchings:** There are two means by which that takes place at present, and one is a work in progress. In the first instance, it's through wildlife management boards, which are, of course, established by land claims agreements. They have an equal responsibility for reviewing draft reports and ensuring that the

information in them represents the best available information, which would include, from their perspective, an aboriginal perspective.

The second means is through the aboriginal traditional knowledge.

**Mr. Peter Braid:** Could you give me an example? I'm just trying to understand to what extent, again, first nations communities are consulted and you actually consider traditional knowledge in the writing of the report.

**Prof. Jeffrey Hutchings:** This is what I'm leading to for my second point. We have an aboriginal traditional knowledge, or ATK, subcommittee. It was established in 2001. It was only in 2007 that the ministerial appointments to the subcommittee were made. Since then, the subcommittee has made extraordinary progress, in my mind, to develop a protocol by which ATK would be obtained and incorporated in status reports.

It's taken a while in part because in order to do that across the country, one requires approval, for example, from aboriginal elders. COSEWIC has sponsored and held three elders workshops to date. There will be a fourth. We hope by November of this year to have a protocol by which ATK can be obtained for any species.

That's not to say that we have not obtained it to date. We have for the polar bear, as one good example, for which a secondary contract was let to obtain ATK specifically for the polar bear, and we have done that on other occasions as well. We're currently doing it for the Dolly Varden. We're currently doing it for Atlantic salmon and woodland caribou. We have a precedent for doing that on a piecemeal basis, by means of gathering ATK for the purpose of assessing a particular species. What I was describing to you earlier is the development, and hopefully the acceptance, of a protocol that could be applied to any species.

**Mr. Peter Braid:** Is it fair to say that currently—

**The Chair:** Sorry, your time has expired.

**Mr. Peter Braid:** —ATK is not sufficient, to your mind?

**The Chair:** Please give just a quick response.

**Prof. Jeffrey Hutchings:** With all due respect, that question requires some context. For species for which ATK is vital, I feel it has been relevant. This is an ongoing process. Can it be improved? Absolutely.

Mr. Chair, I don't mind responding to the previous question from the member if it would help the committee.

•(1040)

**The Chair:** With all due respect to Mr. Watson, who has the final round of questions, I think we do need to continue on with Mr. Watson's round for five minutes.

**Mr. Jeff Watson:** Thank you very much, Mr. Chair. If I don't use my full allotment of time, I may be splitting it with Mr. Woodworth, my colleague.

Thank you to the witness for appearing.

Coming back to your criticism of the rejection of your nominee for an appointment to COSEWIC, when was the nominee for appointment declined? Was it January, February, March, April, May?

**Prof. Jeffrey Hutchings:** It was declined at the end of February.

**Mr. Jeff Watson:** It was the end of February. And your next call for nominations, you said, is in another month?

**Prof. Jeffrey Hutchings:** I will initiate one, but we will not be able to make a decision on it till November.

**Mr. Jeff Watson:** The time, then, between when the appointment was declined and the initiation of a call for nominations, by my count, is at least three months or three and a half months.

**Prof. Jeffrey Hutchings:** The initial letter regarding appointments was made in May of last year and we received a decision on it in late February of this year. We anticipate no change in the future. Even if we are able to reach a decision on a nominee in November, it might be yet another calendar year for an appointment to be made.

**Mr. Jeff Watson:** Has the choice of COSEWIC, then, been to try to reverse the decision rather than initiate another call for nominations?

**Prof. Jeffrey Hutchings:** Let me clarify what I wrote to the minister.

**Mr. Jeff Watson:** I asked a simple question. Is it the choice of COSEWIC to fight the decision of the minister or to accept and move on and make a new call for appointments? In other words, Mr. Hutchings, the three-and-a-half month delay, if you will, in terms of a call for new nominations rests entirely with COSEWIC, not with the government.

**Prof. Jeffrey Hutchings:** Let me clarify something you mentioned earlier. I did not criticize the minister's decision. One of the roles of COSEWIC is to advise the minister, so I would have said it was inadvisable.

**Mr. Jeff Watson:** He's commenting on a point of order, Mr. Chair, a debate on a point of order rather than my questioning here.

**Prof. Jeffrey Hutchings:** You mentioned it, sir, in your opening remarks, in your preamble to that question, so I simply wish to clarify.

Secondly, it was COSEWIC's perspective that I wished to have a meeting with the minister. I did not state verbally or on paper what I felt the ramifications were, because I felt that would not be appropriate. Rather, I requested a meeting with the minister during which these ramifications could be discussed.

Is it COSEWIC's position to fight this decision? No. I've already stated earlier for the record that I accept that it's the minister's discretion—

**Mr. Jeff Watson:** Then why the delay in a new call for nominations, Mr. Hutchings? That call rests entirely with you and not the Government of Canada.

**Prof. Jeffrey Hutchings:** COSEWIC makes its decisions and evaluates potential nominees at its biannual species assessment meetings. The next one of those takes place in November.

**Mr. Jeff Watson:** Okay. It's important to have this position filled.

All right. I'll turn to recommendation number 2. In your testimony here you said it's a suggestion for the minister to consult. That's not my reading of it. By articulating COSEWIC, you're actually creating a compulsion to consult. Do you stand by your testimony that it's simply a suggestion to consult? "COSEWIC is to be composed of members appointed by the Minister after consultation with...", and

you add COSEWIC. Other bodies are discretionary, as I read the remainder of the language in it.

**Prof. Jeffrey Hutchings:** The Canadian Endangered Species Conservation Council is, of course, another body that must be consulted by the minister—

**Mr. Jeff Watson:** Must be consulted.

**Prof. Jeffrey Hutchings:** —as the act currently indicates. The intention here is to include COSEWIC along with CESCC in that regard. Presumably, in terms of a formal consultation, I would anticipate it would not require a great deal of time or effort under those circumstances where—

**Mr. Jeff Watson:** I'm simply taking issue with the fact that you said it was a suggestion to consult, when in point of fact it's a compulsion to consult. That's all I'm—

• (1045)

**Prof. Jeffrey Hutchings:** Well, it's your interpretation, and I've—

**Mr. Jeff Watson:** Well, you just said, by articulating the Canadian Endangered Species Conservation Council, that they must be consulted. So, further, by articulating COSEWIC in there, they also must be consulted. It's not a suggestion, Mr. Hutchings; it's a compulsion.

I'm taking issue with your testimony here that you're simply suggesting you be consulted. I would suggest that the existing writing is a suggestion to consult with COSEWIC, because you would then fall under the experts and expert bodies the minister considers to have relevant expertise. So what you're asking us to do is create a compulsion to consult with COSEWIC.

**Prof. Jeffrey Hutchings:** I suppose what I'm asking you to do is to consider this as a potential recommendation to deal with an issue that I feel is probably worth dealing with, from both a political perspective and from a COSEWIC perspective.

There is another possibility the committee might consider, and that is something I'm currently considering. That is, under section 17 of the act, it indicates that the minister may establish regulations or guidelines pertaining to the membership of COSEWIC after consultation with COSEWIC. That's clear under section 17. That consultation hasn't taken place yet, but that's something I'm going to engage in with the minister to see whether or not that might also be another means by which something I perceive to be a weakness could be addressed.

**The Chair:** Okay. Thank you very much. Time has expired.

Instead of doing a third round, just so committee members know, we did receive a notice of motion from Mr. Cullen on the agenda. Mr. Cullen had forwarded a notice of motion in time and it never got put on the agenda, and that was a clerical oversight. So we do have to deal with that motion, and we're going to do that now.

We're going to do that in camera, so I—

**Mr. Nathan Cullen:** Mr. Chair, could I hold that up for a moment?

I recall in prior practice in this committee the establishment that a conversation like this, unless it was politically sensitive or held some sort of sensitivity to members, was simply addressing our calendar and there was no need to go in camera. I can remember Mr. Warawa, in particular, arguing this point vociferously in committees past: committees should be as open and transparent to Canadians as possible.

We have addressed this issue before in subcommittee, and it seems to me Canadians should absolutely know as much as they possibly can know about the committee's work. So I'm not sure why we would do it for this particular motion.

**The Chair:** Future business is usually dealt with in camera, but it's the wish of the committee on how you want to deal with it.

Mr. Warawa.

**Mr. Mark Warawa:** We approved an agenda as a committee, which I have before me. If it was dealt with in camera, that's the tradition and we need to continue that.

**The Chair:** It was in camera on April 28.

Mr. Cullen.

**Mr. Nathan Cullen:** I get the sense that you're directing us toward meeting in camera on one simple motion, which is against my better intuition. We're not talking about weeks and weeks of committee business and all sorts of witnesses at that level. We're not talking

about individuals; we're talking about a thing. If we move to such a motion, I would seek a vote on it.

**The Chair:** Monsieur Bigras.

[*Translation*]

**Mr. Bernard Bigras:** This is a motion that was submitted according to the rules. If we start debating motions in camera, we are going to have a problem. This motion was properly submitted to the clerk. I was surprised to see that it was not on the orders of the day. It really should be there. Let us deal with it as such. I would also like us not to deal with it in camera but during our current session.

[*English*]

**The Chair:** I'll take a motion from the floor on whether it will be in camera or public.

Mr. Cullen.

**Mr. Nathan Cullen:** The motion is that it be public.

(Motion negatived)

**The Chair:** The motion was defeated, so we'll go in camera.

Dr. Hutchings, thank you very much. You are dismissed now.

I'd ask everybody who's not associated with a member of Parliament to clear the room.

[*Proceedings continue in camera*]

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