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Chair

Mr. Merv Tweed

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•(1535)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Order, please. Thank you, everyone.

Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting number 41. On the orders of the day, pursuant to the order of reference of Monday, October 5, 2009, this is on Bill C-37, An Act to amend the National Capital Act and other Acts.

Before I introduce our guests today, there are two points of order. I have Mr. Watson and Monsieur Laframboise.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

When we had union panellists here recently for a hearing with respect to aviation safety, I made the comment that no union supports SMS. I want to be accurate in restoring the record. The UCTE did support the amended version of Bill C-6 with SMS and the appropriate changes we made. I want to be accurate. For the record and for posterity, they did in fact support the amended version of Bill C-6.

Thank you.

The Chair: Thank you.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Chairman, I understand a briefing session took place on Bill C-37 for which we are going to proceed to clause-by-clause consideration shortly. I asked our clerk about it, and she did not organize this session. Our party, the Bloc Québécois, was not invited. The briefing session was offered to Liberal and NDP Party members. I would like to ask the parliamentary secretary whether he has anything to say about this.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Chair, I want to apologize to the Bloc. I wasn't invited, and no Conservative member was invited. It was simply an oversight and a last minute thing that was done by the minister. It certainly wasn't intentional; otherwise I'm certain I would have been there. To make it clear, it was an incidental accident. I apologize.

[Translation]

Mr. Mario Laframboise: Very well.

[English]

The Chair: Okay, thank you.

Joining us today as we review and do clause-by-clause on Bill C-37, from the Department of Transport, we have André Morency, Assistant Deputy Minister; Simon Dubé, Director; Kim Thalheimer, Legal Counsel; and Philippe de Grandpré.

Thank you for being here.

(On clause 2)

The Chair: I have a government amendment, G-1.

Mr. Jean.

Mr. Brian Jean: This government amendment is in relation to ecological integrity. It's to add a definition by requiring that certain conditions fit with clause 2 in order for it to stand.

Do you want me to read it into the record, Mr. Chair?

The Chair: You don't have to.

Mr. Brian Jean: Okay, I will not do so then.

The Chair: Everyone has a copy of it.

Mr. Brian Jean: It's self-evident as far as what it does.

The Chair: Okay.

Mr. Brian Jean: Mr. Chair, I would advise the committee that there have been considerable discussions among all members of all parties. Although some of the motions by the government may be ruled out of order as a result of the contextual nature of them or because they go beyond the purpose of the original bill, I think you will find unanimity among all parties and all members, if you seek it, in relation to particular areas that you may find to be out of order.

The Chair: Actually, the amendment G-1 is in order.

Is there any debate?

Monsieur Nadeau.

[Translation]

Mr. Richard Nadeau (Gatineau, BQ): Mr. Chairman, in the French version we find the words "sera vraisemblablement". I do not understand why we are using the word "vraisemblablement". I would prefer it if we used "doit être maintenu", rather than "sera vraisemblablement maintenu". I would simply like to understand why we are using the words "sera vraisemblablement maintenu", rather than "doit être maintenu".

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: May I ask Monsieur Nadeau for more specifics?
[*Translation*]

Mr. Richard Nadeau: I am referring to the wording of the amendment itself. At first the amendment reads as follows "intégrité écologique" L'état jugé caractéristique d'une région naturelle qui sera vraisemblablement maintenu...". I would move that we remove the expression "sera vraisemblablement maintenu" and replace it with the following "doit être maintenu".

• (1540)

[*English*]

Mr. Simon Dubé (Director, Portfolio Management, Crown Corporation Governance, Department of Transport): I'll just point out that the definition in French and English is the equivalent of the definition of "ecological integrity" in the Canada National Parks Act, so this is consistent with existing legislation.

The Chair: Is there any more debate?

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

The Chair: We have more amendments. We're going to G-2.

Mr. Brian Jean: Mr. Chair, we heard at our meetings, in regard to greenbelts, that many members, from the other parties especially, felt that "greenbelt" should be a definition and that the act itself should be expanded to include "greenbelt" so as to protect that.

The Chair: It's here where I would have to notify you that the amendment introduces a new concept and is technically beyond the scope of the bill.

Mr. Brian Jean: Mr. Chair, on that note, I'm wondering if we can address it for the other parties, if indeed they want to protect that. Otherwise, I would challenge the chair in relation to that finding, which I don't want to do, because I don't think it's necessary. I think all parties feel the same way the government does on this. We just feel that the greenbelt is very important to the users of Gatineau Park, and it should be protected as a result.

The Chair: Is there a comment?

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Let me challenge the chair.

(Ruling of the chair overturned)

Mr. Brian Jean: Let the record show that it is unanimous.

The Chair: Okay. The amendment, as presented, is on the floor. Are there comments?

Go ahead, Mr. Jean.

Mr. Brian Jean: Mr. Chair, I'm wondering if the finding, in relation to this particular clause, can be reflected in future clauses that refer to a greenbelt and might be ruled out of order and excluded on the same basis.

The Chair: I think that might be presuming a little too much. I think it would be better if we introduced it and then dealt with it.

Mr. Brian Jean: Certainly. I would just hate to challenge you on a consistent basis, Mr. Chair.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I guess he's enjoying it.

Some hon. members: Oh, oh!

The Chair: Okay, so we will vote on amendment G-2.

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

The Chair: We now move to BQ-1.

Go ahead, Monsieur Nadeau.

[*Translation*]

Mr. Richard Nadeau: If I may, Mr. Chairman.

In fact, that is the very crux of the issue. That is why we are asking for the striking of clauses 20 to 23 of the bill. I will read you that. It also comes from a letter given to us by Mr. Cannon who was transport minister at the time. The letter is dated October 16, 2007, and it is signed by Benoît Pelletier, from the Government of Quebec, who was responsible for this issue at the time. It reads as follows:

The concept of a National Interest Land Mass provided in the bill would allow the NCC to designate all lands within it, for instance, Gatineau Park and lands within the City of Gatineau and surrounding area. This new tool, due to the NCC's increased presence on the Quebec side of the Outaouais region, further complicates the Government of Quebec's exercise of its jurisdiction with respect to land use planning. Furthermore, this concept is a direct affront to the Quebec nation and to Quebec's territorial integrity. Quebec's territorial integrity is a principle that all successive governments in Quebec, regardless of political allegiance, have staunchly defended. Along with the right of expropriation it already has, the concept of a National Interest Land Mass provides the NCC with excessive authority. Without wanting to impute any motives to the Commission, the powers currently granted to the NCC and the governor in council could allow them to: (1) expand the limits of the National Capital Region; (2) identify all lands which would fit within the National Interest Land Mass; and (3) proceed to expropriation without the agreement of the Government of Quebec, nor the approval of Parliament.

So, we feel uneasy about these powers being granted and are concerned about the territorial integrity of Quebec. This is why we have moved the amendment.

• (1545)

The Chair: Thank you.

[*English*]

For the committee, a vote on this particular amendment would also apply to BQ-5 and BQ-8. Basically, if we vote for BQ-1, we would be voting for BQ-5 and BQ-8. Also, if this amendment is accepted, amendment G-3 cannot be proposed.

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

I looked at this with great interest when I saw the Bloc amendment. I did a little bit of research into it. My understanding of the definition of the "National Interest Land Mass" was that it was designed to convey the same meaning under the civil law of Quebec as that under the common law of the other Canadian jurisdictions, whether in English or in French. I understand that to be more of a translation issue than anything.

In particular, I think it goes to the long-term vision of Gatineau Park in the national capital region. I just don't see how it could infringe upon Quebec's jurisdictional powers. I think it would be ultra vires for the National Capital Commission to expand, in essence, to violate the jurisdiction given under the Constitution.

I'm wondering if the legal minds here could give us any idea as far as how it could infringe upon Quebec's jurisdictional powers.

Mr. Philippe de Grandpré (Senior Counsel, Canadian Heritage, Legal Services, Department of Justice): The "National Interest Land Mass" is a planning tool. It doesn't have any other effect; it guides how planning will take place within the national capital region.

[Translation]

From a legal standpoint, that is what I would have to say. There are no changes to Quebec's territory, nor any violation of Quebec's legislative jurisdiction.

[English]

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: On the contrary, in the definition the following is mentioned under clause 10.2: "The National Capital Commission may designate all or portions of real property or immovables as part of the NILM". The Commission may designate all parts of any real property or immovable, in other words it could decide to expand its land mass. That is where it runs counter to the interests of the Government of Quebec.

I understand Minister Pelletier's letter at the time. He was saying that the National Capital Commission should not be granted more authority than it currently has on designated lands. Further, it could expand its territory because it has the right of expropriation. That would therefore directly conflict with the rights of the Government of Quebec.

Of course, if it goes no further than the limits of current lands, it would not be a problem. However, based on the wording we see, the Commission would be granted the power to expand its land mass. That would supercede the authority of the Government of Quebec.

Mr. Philippe de Grandpré: That is an issue of politics rather than the law. From a legal standpoint, the government's position is that this provision is constitutional. If the federal government decides to expand the National Capital Commission's land mass, the Government of Quebec may not be pleased, but the federal government's position will be that it is constitutional to do so.

• (1550)

Mr. Mario Laframboise: I understand, but we are here to say that we understand what Minister Pelletier was stating at the time. Indeed, he wrote that caution must be used in granting authorities to the National Capital Commission. I have no difficulty with the concept that it may be constitutional, but clearly this would be a way of superceding the Government of Quebec's authority. We are saying to the Conservatives that if they recognize the Quebec nation, they should do so fully and not prevent it from having the right to intervene when the National Capital Commission chooses to expand its land mass. You will have to negotiate with the Government of

Quebec. Obviously, there is no written document providing for negotiations with the Government of Quebec.

Mr. Philippe de Grandpré: I have nothing further to add from a legal standpoint.

Mr. Mario Laframboise: As you said it is a political matter.

The Chair: Mr. Nadeau, you have the floor.

Mr. Richard Nadeau: Well sir, I believe the main issue has been stated. Benoît Pelletier, it must be said, is a recognized constitutional expert who was defending the interests of the Quebec State.

[English]

Mr. Brian Jean: First of all, I want to address a couple of issues that were raised by Mr. Laframboise.

The movable issue initially had me a little stumbled as well, because it's not recognized as a legal term, as far as I'm aware, under common law. It's actually a Quebec civil law term that is the same as our term under the Torrens system of land and real property, so I didn't recognize it. In fact, the immovable term is more expanded and has a greater context than the common law definition of real property. It includes trees, which I was astonished to find out because it doesn't in common law. So my understanding is that particular definition was brought in because the land is in Quebec, so it is specifically related to that.

My understanding—and correct me if I'm wrong—is that Public Works has the ability to expropriate, whether or not NCC does, and it would still be constitutionally recognized that Public Works has that right under law. Is that correct?

Mr. Philippe de Grandpré: It is correct that under the Expropriation Act the Minister of Public Works runs a process whereby Her Majesty can expropriate land for public purposes.

Mr. Brian Jean: So it's still in law today that the Minister of Public Works has a right to expropriate.

Mr. Philippe de Grandpré: Yes.

Mr. Brian Jean: How is the planning tool utilized for "National Interest Land Mass", and how would it affect the planning tool if it was not included within the legislation?

Mr. Simon Dubé: That concept has been in existence since 1988, but the proposal is to formalize it in the act.

Mr. Brian Jean: Under what legislation or regulations has it been in place since 1988?

Mr. Simon Dubé: Treasury Board established that in the eighties when there was a whole review of the land holdings in the national capital region. At that time the NCC was told they would need to have good reason to hold lands for their purposes for the national capital. So when we say it's a planning tool, it's where the NCC identifies lands that have a purpose for the capital now and in the long term. They don't necessarily own all those lands. If they don't own them they have absolutely no power over them. It depends on who the owner is and whether or not provincial or municipal zoning applies.

Mr. Brian Jean: How would it affect the act itself if this were taken out?

Mr. Simon Dubé: It's just an opportunity to formalize that process. This is something that has been criticized as having a lack of transparency and clarity in terms of all those properties that are being designated as being part of the NILM. This is something that stakeholders have raised. The panel that studied the review of the NCC raised it. The Auditor General raised it. So this is an opportunity to bring a transparent process in all those lands that are designated.

Mr. Brian Jean: Has the Government of Quebec referenced this particular clause in any way?

Mr. Simon Dubé: The correspondence that Mr. Nadeau referred to is something that Minister Cannon responded to a year or two ago. He basically said that the "National Interest Land Mass" is meant to be a planning tool. It is not intended to infringe on provincial or other jurisdictions.

Mr. Brian Jean: Okay.

•(1555)

The Chair: Are there any other comments?

Shall amendment BQ-1 pass?

[Translation]

Mr. Richard Nadeau: I would like to call for a recorded division please.

[English]

The Chair: Okay, a recorded vote.

(Amendment negated: nays 8; yeas 3)

The Chair: This amendment is defeated, which also addresses amendments BQ-5 and BQ-8.

We're on government amendment G-3.

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

The third amendment deals with the interest of the "National Interest Land Mass", which we just referenced. It's amended so that it includes Gatineau Park and the greenbelt, as well as the other properties designated by the commission.

The Chair: Again, this would be one that I would traditionally rule out of order or out of scope. I'll look to the committee for direction.

Mr. Brian Jean: Mr. Chair, will it be necessary to challenge your finding on that on a consistent basis, or can we have some resolution in regard to that?

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): I have a point of order, Mr. Chair.

The Chair: Monsieur Bélanger.

Hon. Mauril Bélanger: Given that the committee has already decided on the inclusion of greenbelt references somewhere else, which is in the definitions, it would stand to reason that the bill as it now stands would accommodate greenbelt references throughout, and the chair should recognize such.

The Chair: Okay, then I will. Thank you.

Are there comments?

Mr. Marcel Proulx: Great decision.

Mr. Brian Jean: He didn't like it when I said it.

The Chair: The committee is its own engine, Monsieur Proulx.

Are there any other comments?

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

(Clause 2 as amended agreed to)

(On clause 3)

The Chair: We're on clause 3, amendment L-1.

Monsieur Proulx.

Mr. Marcel Proulx: Thank you, Mr. Chair.

This is the question on the proposal that there would be an even number of members on the board. You'll recall that when witnesses from the National Capital Commission were here, I requested the explanation for having an even number. They gave us some reasons, but I wasn't satisfied, so I asked if there was a possibility of giving *un vote prépondérant* to the chair of the committee, and they again did not answer my request to my satisfaction. Therefore we have put forth this amendment that will increase the board. Instead of 14 members, it would be 15 members, so we would have an uneven number of members on the board.

The Chair: Are there comments?

Mr. Jean.

Mr. Brian Jean: My understanding, Mr. Proulx, and other committee members, is that the chair actually has a casting vote, so there would be no need at all for another member. My other understanding, quite frankly, is that when the witnesses were testifying, they also testified that they'd never had a situation where they even came close on a vote. They usually find, for the most part, unanimity in relation to most of their votes. So even if there were a disagreement, the chair would have as a prerogative a casting vote to change that. I just don't see the necessity of it.

The Chair: Monsieur Proulx.

Mr. Marcel Proulx: To the second excuse of saying that it's never happened that there was a tie, you can't prejudge the future by what has happened in the past as far as the casting vote is concerned. I don't mind if there is a casting vote, except that there's no mention of it anywhere in this particular bill.

•(1600)

The Chair: Mr. Jean.

Mr. Brian Jean: My understanding of it is that it is in the bylaws of the NCC.

Is it not, Mr. Dubé?

Mr. Simon Dubé: Yes, it is.

Mr. Brian Jean: All right. So it's already entrenched in laws within their own bylaws.

Mr. Marcel Proulx: How can the bylaw be changed to modify it?

Mr. Brian Jean: My understanding...

Mr. Marcel Proulx: Therefore, there goes my—

Mr. Brian Jean: But why would they do that?

Mr. Marcel Proulx: Let's protect ourselves. Either you put the casting vote in the bill or we put in an extra member.

Mr. Brian Jean: Are we going to make it mandatory as well for every member to show up for every meeting, and if they don't show up, they can't—

Mr. Marcel Proulx: That's another situation altogether, Mr. Jean.

Mr. Brian Jean: No, but to be fair, Mr. Proulx, if seven members show up, or eight members show up, four can vote for one side and four can vote for the other.

Mr. Marcel Proulx: That was the reason why I asked for the casting vote.

Mr. Brian Jean: So now they have it.

Mr. Marcel Proulx: Let's put it in the bill.

The Chair: Seeing no further comment, I'll call...

Monsieur Bélanger.

[*Translation*]

Hon. Mauril Bélanger: Could our witnesses explain how this would work? Would this be a casting vote or a situation where the chair would only vote if there is a tie? What is the by-law at the end of the day?

[*English*]

Mr. Simon Dubé: I'm just checking. I have someone from the NCC. That's a very specific question.

The chair has a vote like any other member of the board, but if there's a tie, then he has a second vote, a casting vote.

[*Translation*]

Hon. Mauril Bélanger: It is a casting vote, that's it. You are sure that the word casting is used in English?

Mr. Simon Dubé: Casting vote, yes.

Hon. Mauril Bélanger: You're sure of that?

[*English*]

Mr. Brian Jean: We have the translation.

Exactly. It is in law in Alberta. That's why they call it a casting vote.

[*Translation*]

Hon. Mauril Bélanger: Thank you, Mr. Chairman.

[*English*]

The Chair: All right.

Monsieur Proulx.

Mr. Marcel Proulx: Is there an opportunity for Mr. Jean to amend the amendment so that instead of an extra member, a 15th member, it could be specified in the bill that there is a casting vote for the chair? That would solve the problem of the 15...

Hon. Mauril Bélanger: [*Inaudible—Editor*]

Mr. Marcel Proulx: That's right.

The Chair: I would think if it's already in the bylaws—

Mr. Marcel Proulx: Yes, but Mr. Chair, the bylaws can be modified as it pleases the board. We don't want that.

The Chair: Mr. Jean.

Mr. Brian Jean: I just don't understand the logic. If two people don't show up, they still don't have everybody showing up, and if it's in the bylaws, it's already in the bylaws. I don't really understand what difference it makes, but if—

Hon. Mauril Bélanger: The logic is quite straightforward. We tend to agree on this side with the notion of a preponderant vote for the chair, and if it's in the bylaws, then it stands to reason it could be in the law; therefore it remains in the law forever and the bylaws can't change that, so that in any situation, whether there are eight of them voting, twelve of them voting, six of them voting—although that might not be a quorum, so let's say eight or twelve or ten—as long as the chair has the preponderant vote, the matter is determined.

So that's fine and that works.

Mr. Brian Jean: Mr. Chair, I'm wondering if this particular amendment could be put to the end. We could deal with it prior to the title, of course. We could get an amendment together that would reflect it appropriately, and then we can come to some sort of compromise on that. Would that be acceptable?

Mr. Marcel Proulx: Sure.

Mr. Brian Jean: Maybe the clerk could advise us if it would affect any other thing as we go through.

The Chair: Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): I think the amendment as proposed by the Liberals is not really worth anything. If we want to vote it down, then that's what's going to happen. The NCC has the ability to set its voting pattern with its bylaws. That's simple enough.

The Chair: Okay. Shall amendment L-1 carry?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: BQ-1.1.

Monsieur Nadeau.

[*Translation*]

Mr. Richard Nadeau: Mr. Chairman, in the same letter referred to earlier written by Mr. Pelletier, dated October 16, he refers to minority representation for Quebec compared to Ontario on the board of the National Capital Commission.

So, the amendment was intended to ensure there was an equal number of board members from Quebec and from Ontario.

The fact that board members from Quebec would represent a minority compared to Ontario can absolutely not be justified given the effect that decisions made by the board would have an effect on the Outaouais region.

Consequently, we are asking for fairer representation.

•(1605)

[English]

The Chair: Are there comments?

Mr. Jean.

Mr. Brian Jean: I'm just wondering if they could answer how many representatives have to be from Alberta. Are there any who have to be from Alberta or any other province besides Quebec and Ontario?

Mr. Simon Dubé: No. For the NCR, it's only Ontario and Quebec. For the rest, there's a number, eight people, who come from any region in Canada.

Mr. Brian Jean: Can you advise us how many are actually from Quebec now who sit on the board?

Mr. Simon Dubé: Currently there are five people who are Quebec residents.

Mr. Brian Jean: And how many are from Ontario currently?

Mr. Simon Dubé: There would be three from the NCR, plus two, so there would be five.

Mr. Brian Jean: Can you advise us how these people are chosen and by whom they are chosen?

Mr. Simon Dubé: The geographical representation is two from the NCR and three from the Ontario side, but then it's through the normal appointments process where people can apply if they are interested and feel they can contribute to the mandate of the NCC, and then there's obviously a selection made to ensure there are people from different regions of the country—so not all from Alberta per se. It's not that I have anything against Alberta, but there's something to make sure there's east, west, and the north as well.

Mr. Brian Jean: All right.

The Chair: Mr. Proulx.

Mr. Marcel Proulx: Mr. Chair, the previous amendment that was just voted down confirms there are 14 members. We know that the chair is the first member. Could we know, without looking at this amendment, as it is now, where they come from and how many come from where? I'm sorry, I missed that.

The chair comes from anywhere.

Mr. Simon Dubé: Yes, there's no—

Mr. Marcel Proulx: Fine.

Mr. Simon Dubé: Currently their CEO is a member of the board

Mr. Marcel Proulx: Yes, but not anymore.

Mr. Simon Dubé: —but as a result of this, not anymore. So currently there are five from Ontario, and then there are....

Mr. Marcel Proulx: Excuse me, I want to know what it is in the existing act, because you have so many from the Ontario side of the Ottawa River within the national capital region, so many from the Quebec side of the national capital region, and then the remaining group is from anywhere in Canada.

Mr. Simon Dubé: Yes, the eight others are from the rest of Canada.

Mr. Marcel Proulx: So how many are from the Ontario side of the national capital region?

Mr. Simon Dubé: Three.

Mr. Marcel Proulx: Three. How many are from the Quebec side of the capital?

Mr. Simon Dubé: Two.

Mr. Marcel Proulx: Okay. And how many from elsewhere in Canada?

Mr. Simon Dubé: Eight.

Mr. Marcel Proulx: That's what's in the act now?

Mr. Simon Dubé: Yes.

Mr. Marcel Proulx: Okay. Thank you.

The Chair: Are there any other comments?

Shall BQ-1.1 carry?

Mr. Dennis Bevington: Would you read the amendment again, please? We didn't get a copy of it. I'm sorry.

The Chair: Yes, we're getting one to you.

[Translation]

Mr. Richard Nadeau: Mr. Chairman, I would like a recorded division for this as well.

[English]

Mr. Brian Jean: Mr. Chair, may I? Is there a chance to get a copy of the letter that Monsieur Nadeau referenced twice? I don't have a copy of it.

The Chair: Monsieur Nadeau.

[Translation]

Mr. Richard Nadeau: I have the letter, but only in French.

[English]

Mr. Brian Jean: That's all right.

[Translation]

Mr. Richard Nadeau: It would have to be in both languages, and unfortunately that is not the case. I could have it circulated in both languages by the next meeting.

[English]

Mr. Brian Jean: Can I just have a copy? Would you mind? I'm not asking for it to go to the committee, but I just haven't seen it.

•(1610)

[Translation]

Mr. Richard Nadeau: I'm not sure whether you have been in the House recently, Mr. Jean, but we will not be making the same blunder twice. I'm sorry.

[English]

The Chair: Okay.

Mr. Bevington, do you still want me to read this to you?

Mr. Dennis Bevington: No, that's fine, thank you.

The Chair: That's okay? I apologize that you didn't have the amendments in front of you. Does everyone else have them, just to be certain?

Okay.

[*Translation*]

Mr. Richard Nadeau: I'm calling for a recorded division.

[*English*]

The Chair: A recorded vote.

(Amendment agreed to: yeas 6; nays 5)

(Clause 3 as amended agreed to)

(Clauses 4 to 7 inclusive agreed to)

(On clause 8)

The Chair: We are going to the Liberals' second amendment.

Monsieur Proulx.

Mr. Marcel Proulx: Yes, Mr. Chair. Subclause 3(1) and clause 8 confirm the abolition of the executive committee. For the best governance, we suggest the executive committee be maintained—that is more effective than the entire commission. Moreover, the Federal Accountability Act of this Conservative government, at section 288, had planned the creation of this executive committee. Therefore, we feel this committee should be recreated.

The Chair: Mr. Jean.

Mr. Brian Jean: My understanding is that that executive committee has not been utilized for many years, if ever, and I'm wondering... My understanding was that originally when this executive committee was designated, it was designated as a result of the board at large not being able to meet, which has obviously not happened, as a result of technology—telecommunications in particular. Is that indeed the case, and can you expand on that?

Mr. Simon Dubé: Yes, that is the case, and it's worth noting that the act will provide the possibility for the NCC to create any committee it deems necessary, so if they felt it was necessary to have an executive committee currently, with Bill C-37 they could do that without specifically having reference to an executive committee.

The Chair: Are there other comments?

(Amendment negated)

The Chair: The amendment is defeated.

We are moving to amendment G-4, Mr. Jean.

Mr. Brian Jean: Mr. Chair, this motion corrects a minor grammatical error by changing the “*lui*” to “*leurs*” in the French version of proposed subsection 9(2). It changes it from “*lui*” to “*leurs*”.

The Chair: Are there any comments?

(Amendment agreed to)

(Clause 8 as amended agreed to)

(On clause 9)

The Chair: We have amendment BQ-2.

Monsieur Nadeau.

[*Translation*]

Mr. Richard Nadeau: Thank you, Mr. Chairman.

Transportation is a provincial area of jurisdiction. The Constitution defines the roles of each order of government. Under the division of legislative powers, road development and maintenance, as well as public transit, are provincial areas of jurisdiction.

The Bloc Québécois therefore believes that it is absolutely unacceptable that representatives from the political parties seated around this table, who all voted in favour of recognizing the Quebec nation, would seek to grant powers which are rightfully those of Quebec to a federal agency like the NCC. Land use planning is a Quebec government area of jurisdiction and should remain so, even in border regions like the Outaouais.

• (1615)

[*English*]

The Chair: I will just advise the committee that if this amendment is adopted, then amendment L-3 will not be able to move forward. That is just for the information of the committee.

Mr. Jean.

Mr. Brian Jean: Mr. Chair, my understanding, in relation to this particular section of the proposed act, is that it is so the NCC can actually utilize the thought process of the flow of traffic and indeed make planning in relation to transportation, so that there is uniformity and they can make planning initiatives in relation to what happens in the park to reflect what's going on in the rest of Quebec, obviously, and the adjoining area. There is no intention at all to take any jurisdiction from the province.

If you look at the particular wording, it is talking about transportation planning. It is not talking about transportation initiatives.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: You are adding “notamment en ce qui concerne les transports dans cette région”. I am curious to hear what your constitutional lawyer has to say on this point. He referred to the Constitution, but it would seem to me that transportation, at least over Quebec lands, should fall under Quebec's jurisdiction.

Mr. Philippe de Grandpré: There is no constitutional problem from a legal standpoint. Politically speaking it may be another matter, but legally speaking there is no problem. The federal government can always spend on planning, in any area.

Mr. Mario Laframboise: You're referring to the federal spending power which is granted and recognized by the Supreme Court. In this case we are referring to planning and not only spending.

Mr. Philippe de Grandpré: To plan, the National Capital Commission will be spending funds. There simply is no constitutional law problem here. There is no encroachment on provincial areas of jurisdiction.

Mr. Mario Laframboise: What you are saying regarding the Supreme Court and legal issues is really quite a stretch.

Mr. Philippe de Grandpré: I have nothing further to add.

Mr. Mario Laframboise: Thank you.

[*English*]

The Chair: Is there any further comment?

Shall the BQ-2 amendment carry?

Monsieur Nadeau.

[Translation]

Mr. Richard Nadeau: Is it time to vote?

I would call for a recorded division please.

[English]

The Chair: Okay.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll now move to NDP-1.

Mr. Bevington.

Mr. Dennis Bevington: This is an amendment to add the following after line 35:

(a.1) acquire immovables situated in Gatineau Park whenever the property becomes available on the market; and

The Chair: Are there any comments?

Mr. Jean.

Mr. Brian Jean: I thought there would be more emotional stirrings than that. I'm surprised this would come from the NDP.

I'm worried about the issue of property owners in the park. From the government's perspective, we're opposed to this particular amendment due to private property interests. Also, if you put in a fair market clause, the reality is that family members won't be able to dispose of it to other family members for a non-fair market... I think there are a lot of complications here that quite frankly are not in the best interests of the citizens of that area, in particular, those that border on the park. Quite frankly, I think it prejudices them in the future in relation to leaving that land to family members.

The Chair: Mr. Bevington.

Mr. Dennis Bevington: This amendment will give the NCC the legal mandate to buy real estate as it becomes available.

Mr. Brian Jean: You need a legal mechanism to do that, which would be the first right of refusal.

Mr. Dennis Bevington: Well, this amendment gives the NCC a legal mandate, not just a government order.

Mr. Brian Jean: Mr. Bevington, with respect, you need a legal mechanism to do that. That means you have to impose a first right of refusal and in fact register against land that first right of refusal. That would give an inability for the people who actually have land and want to pass it on to children to do so.

• (1620)

Mr. Dennis Bevington: This doesn't necessarily mean that the government will purchase the property. It just means that it will acquire a movable situation whenever the market becomes available on the property. Whenever the government has the opportunity to purchase property within the Gatineau, it will exercise that opportunity. If someone else gets the property, that's what's going to happen. This gives the government the clear mandate, the legal mandate, whenever property comes up and it has the opportunity to purchase it, to do that.

Mr. Brian Jean: Where do they stop? Is it somewhere in Nova Scotia or Alberta?

Mr. Dennis Bevington: It's situated in Gatineau Park, which is actually only in Quebec, as I understand.

Mr. Brian Jean: I think those people want to have the ability to keep their land. We heard clearly—

Mr. Dennis Bevington: This doesn't take that away.

Mr. Brian Jean: You need some mechanism to do so.

Mr. Dennis Bevington: I think what this does is show the intent of the government and the intent of this legislation to permit the NCC to purchase properties within Gatineau Park whenever they have the opportunity to do so. It doesn't mean they're actually going to purchase those properties, because there may be sales that are done privately. They may not have an opportunity to purchase them. It doesn't give them the sole right to purchase property when it comes on the market. It just means they're going to be purchasing properties when they come on the market.

Mr. Brian Jean: Can we ask the officials about the acquisition of land? I know they have bought and sold some in the past.

Mr. Simon Dubé: The NCC has identified, among all the private properties available in Gatineau Park, those that are a top priority for the mandate of the park to conserve environmental integrity. They work as the properties become available on the market. They have approached some landowners to indicate their interest in their property. In some cases, they have reached an agreement and in other cases the owner preferred to keep the land.

Mr. Brian Jean: What's their mandate for this? Is it in regulations or legislation?

Mr. Simon Dubé: There is no specific mandate. They have the ability to purchase property. They still need to seek Governor in Council approval for acquisition, except in Gatineau Park. Governor in Council granted the authority to go ahead without seeking approval. They have the power to acquire property, but they are not specifically mandated to purchase property in Gatineau Park.

The Chair: Mr. Volpe.

Hon. Joseph Volpe: I'm wondering whether Mr. Bevington would entertain a minor adjustment to this amendment. Would it satisfy Mr. Jean's and Mr. Dubé's interpretation if the word "open" were introduced in front of the word "market"?

I don't know what the correct French for "open market" would be. Would it be "*marché publique ouvert*"? Does that allay some of the concerns that have been raised by the parliamentary secretary? Does it accomplish the objectives of those who want to maintain the method of acquisition without creating the impression that there is a built-in expropriation mechanism?

The Chair: Before you answer that, Mr. Bevington, let me say this. When I read it, it sounds as if you're instructing a body to buy every available piece of property as it comes on the market. If I'm misinterpreting that, please tell me. But it seems like it's a command, an edict. It's not "if"; it's "always". Is that correct? Is that not what you're saying?

Mr. Dennis Bevington: It gives the board the authority and a mandate to purchase the properties that come on the market in the Gatineau Park. That is correct.

The Chair: Does that direction come without any boundaries put on it? They could acquire the land regardless of its sale price? To me it sounds like a command; it sounds as though they have to do it. I don't know if we want to say that. Is that what you want to say, that they have to buy all available land as it comes up?

• (1625)

Mr. Dennis Bevington: We're just giving a legal mandate to the practice that's already in place.

Mr. Brian Jean: They have that mandate already, but the present mandate is not forcing them to buy. You are suggesting that they be forced to buy it, which will price them out of the marketplace.

The Chair: I have an order of speakers here.

Mr. Bevington, go ahead.

Mr. Dennis Bevington: It gives the board the understanding that its job is to acquire property within the Gatineau Park as it becomes available on the market. Otherwise, you are going to be back and forth acquiring authority to purchase property. With this understanding, the board would have the authority under the law.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: If there's an occasion to talk about expropriation rights, it may come to this. But I don't believe what Mr. Bevington is trying to do is necessary. In the past, the NCC has acquired land without this mandate that he seeks to put in the law. They have acquired land in the Gatineau Park, at Mer Bleue, and in other areas. So they have that ability now.

I share my colleague's concern that the way it's written could be interpreted as saying that they have to. If the word "may" were in there, it might alleviate some of that concern. But I don't think it's necessary to put it in, since they already have all the authority they need.

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Chair, if you look at section 14, it talks about that, and it already talks about what Mr. Bevington said. It just doesn't reflect what NDP-1 is actually doing. My understanding, especially from the officials, is that they already have the authority to do so within Gatineau Park; they just aren't forced to do it. This would actually force them to do it, and actually it would price the land beyond what would be a reasonable and fair market value, in my opinion, because they would get into that debate on a consistent basis.

The Chair: That would be my thought only if I owned that property and I knew you had to buy it. It would be pretty hard for you to get any other price but the best price out of me.

Go ahead.

Mr. Marcel Proulx: If I may, though, Mr. Chair, when representatives of the National Capital Commission were in front of us and this was discussed, they were clear in the sense that they don't want to have a mandatory order to buy any property that comes on the market. They want to pick and choose. Because of their budgets, some properties might not be interesting for them at that particular time, while others might be. So they want to keep the option of buying or not buying.

The Chair: Okay.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll now move to Liberal-3.

Monsieur Proulx.

Mr. Marcel Proulx: Thank you, sir.

Because there was a mention some time ago that the NCC should be participating in the planning of transportation—not necessarily taking over, but planning... There are at this time five bridges crossing the Ottawa River, two of which are owned and maintained by the National Capital Commission, one being the Champlain Bridge and the other one being the Portage Bridge. Two are owned and maintained by the Department of Public Works and Government Services, namely, the Chaudière Bridge and the Alexandra Bridge. The fifth bridge is a partnership between the Government of Quebec, the Government of Ontario, and the Government of Canada.

We feel that it would be appropriate that these bridges, and the share of the Macdonald-Cartier Bridge that is owned by the Government of Canada, not the entire bridge, be transferred to the National Capital Commission. They would be in charge, if you want, of maintaining the four bridges—plus one-third of the Macdonald-Cartier Bridge being the fifth one—and all bridges crossing the Ottawa River in the future, whether it be for vehicles or pedestrians in the national capital region. These should fall under the National Capital Commission.

That's the intent of Liberal-3. However, there's a line missing where we should say that for the Macdonald-Cartier Bridge, the part owned by the Government of Canada should be transferred to the NCC. We can't transfer the entire bridge because it doesn't belong to the Government of Canada.

So that's the intent.

• (1630)

The Chair: Comment?

Mr. Jean.

Mr. Brian Jean: The government would be against this particular one. First of all, my understanding is that three are managed by Public Works at this stage. Is that correct?

Mr. Marcel Proulx: Two, plus one-third—

Mr. Brian Jean: One-third of another one.

Is the Government of Quebec's jurisdiction considered in any of this, because obviously—

Mr. Marcel Proulx: No...I'm sorry, I shouldn't say no. The Government of Quebec owns one-third of the Macdonald-Cartier Bridge. The second third is owned by the Government of Ontario, and a third one is owned by the Government of Canada. That's the Macdonald-Cartier Bridge.

Mr. Brian Jean: But again, we talked about transportation generally being a provincial matter and now we're suggesting—

Mr. Marcel Proulx: Yes, sir.

Mr. Brian Jean: Everybody was happy with Quebec and Ontario maintaining the transportation jurisdiction, and here we're turning transportation, through the bridges, to a federal government—

Mr. Marcel Proulx: No, no, we're just switching from one department to the other within the Government of Canada, sir. We're not saying that the Government of Canada is taking over a provincial part of a bridge. We're just saying that instead of it being operated and maintained by Public Works, it should be under the National Capital Commission. That's all. It doesn't change anything with the provinces. I wouldn't dare impose a federal decision on the provinces.

Mr. Brian Jean: What about the part the Province of Quebec owns? The Province of Quebec manages one-third of the—

Mr. Marcel Proulx: There are agreements between the Government of Quebec, the Government of Ontario, and the Government of Canada. Instead of having the snowplow from the Quebec government go to halfway on the bridge and then pull up the blade, the Government of Quebec has an agreement with the Government of Ontario and Canada. The Government of Quebec plows one side of the bridge, let's say going southbound, and the Government of Ontario maintains the other side, going north. It's an internal agreement.

The Chair: Mr. Nadeau.

[Translation]

Mr. Richard Nadeau: There are two points that should be made.

First of all, from Mr. Proulx I would need the amendment in his text so we may support it.

Second, there are five bridges which fall under federal jurisdiction, apart from the Macdonald-Cartier Bridge which is a shared Ontario, Quebec and Government of Canada jurisdiction. In this case, the federal government, instead of splitting the responsibility between Public Works and Government Services Canada and the NCC, would hand the issue over to the NCC. Quebec has nothing to win or lose from this, nor does Ontario. Except that with respect to bridge management, there would only be one agency, the National Capital Commission.

According to a representative from CREDDO who appeared before this committee, in this case, the NCC may have greater interest in the esthetic improvement of the federal capital, ensuring that bridges are painted and kept up in keeping with the rest of the landscape, rather than handing over this responsibility to departments like Public Works and Government Services Canada that has a great deal else to do. It would be a transfer of funds and the federal government would have everything under one umbrella organization. That is how I understand it, and in that case, we would be in agreement.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: I have two questions.

First, in my opinion we're trying to infringe upon provincial jurisdiction. If they did reach an agreement with the federal government, they have that agreement in place and they have the prerogative to make that agreement different from what it is currently. They certainly considered all the aspects of that when they did that agreement.

The other thing is that the NCC has a limited budget. Although it may seem simple to transfer money from one federal department to another to maintain bridges, I would suggest that based upon the snowfall in this area since I've been here—six years now—it's going to be quite a budget to maintain. It would have to be quite an enhanced budget, and I don't think we have the capability to do that at this stage.

I would like to hear from the officials if they recognize the budgetary constraints of this particular motion. From my perspective, it would be quite onerous on the NCC. I'd hate to see a situation where all of a sudden the parks suffer as a result of the cost to maintain bridges and to maintain something that has already been taken care of.

• (1635)

Mr. André Morency (Assistant Deputy Minister, Corporate Management and Crown Corporation Governance, Corporate Services, Department of Transport): It's certainly quite possible that for the NCC to take on maintenance and ownership of those bridges we'd first have to come up with funds. We all know that bridges are expensive to maintain. If they do that, then the National Capital Commission may have some issues with respect to how they use the existing funding and what priorities they set for themselves, because obviously maintaining a bridge for safety is going to be a top priority all the time. It certainly would impose an obligation on the NCC that it doesn't have today, and it doesn't have the budget to do that today.

Mr. Brian Jean: Doesn't it also...?

I thought I still had the—

The Chair: You have one question. Go ahead.

Mr. Brian Jean: Does this public snow removal, etc., fall within the National Capital Commission's mandate? Is that what the NCC was intended for? It just seems odd. I utilize the parks in the Outaouais, and the different areas there. It doesn't seem like clearing snowfall on a major artery is part of the NCC's mandate.

Mr. Simon Dubé: They would do it on their own assets or contract it out. Obviously, they don't do it for the assets that they don't own or if they don't have a contract with the owner for doing any maintenance such as snow removal.

Mr. Brian Jean: Is it possible that the other mandate of the NCC would suffer as a result of this? Certainly, you can't speak for something in the future, but it would seem fairly likely that other parts of the NCC mandate would fall behind if the financial encumbrance of this were so much.

Mr. Simon Dubé: If you add new responsibilities and don't add new funding, obviously then you work within the existing envelope and you make choices.

The Chair: Mr. Nadeau.

[Translation]

Mr. Richard Nadeau: Mr. Chairman, for clarification regarding the vote on this amendment, I would like to know whether the consequential amendment on the transfer of funds introduced by our Liberal colleagues is in order. If so, it would have an effect on the vote.

[English]

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: I've been listening to some false arguments here, Mr. Chair. The notion here is not to transfer any responsibility from one jurisdiction to another. It is to transfer responsibility within the federal jurisdiction so one party has the responsibility for whatever is the federal portion of the bridges the federal government owns. So there's no added or subtracted responsibility or liability from the federal government here. It maintains what it has. If this is accepted, it would be administered by the National Capital Commission instead of by Public Works and perhaps some other bridge authority.

As a citizen of this region, I would feel the National Capital Commission is a tad more responsive to the needs of this community than, say, Public Works, for reasons we've heard, first, that Public Works is a fairly large portfolio compared to the NCC.

Second, the responsibility for maintenance, whether it's snow removal, painting, or maintaining the integrity of the bridges, rests currently with the federal government willy-nilly. So whether it rests with Public Works or the National Capital Commission, it will continue to rest with the federal government.

I can't for the life of me imagine the federal government walking away from its responsibility to maintain the bridge in safe condition. It's unthinkable. Also, the NCC does have maintenance responsibility for some roadway now, whether it's the parkways or others. They are free to maintain it themselves or enter into an agreement with the local municipalities, which they do from time to time. So the ability to remove the snow from the bridge is unchanged, whether its responsibility is within the NCC element of the federal government or within the Public Works element. And the budgets would have to flow wherever the responsibility is located.

The Chair: Before I recognize Mr. Bevington, Mr. Nadeau asked about the Liberal amendment. I'm presuming you mean the Liberal-8 amendment?

[Translation]

Mr. Richard Nadeau: That's correct, Mr. Chairman.

[English]

The Chair: There's no correlation. They're not contingent on each other.

[Translation]

Mr. Richard Nadeau: Very well.

[English]

The Chair: The only question I have is for Monsieur Proulx. Is this asking or instructing whoever is that authority to construct or renovate a new bridge? That's if.

• (1640)

Mr. Marcel Proulx: No.

What it says is in future, if there are new bridges in which the federal government is involved, they will be under the NCC.

The Chair: Okay, great.

Mr. Bevington.

Mr. Dennis Bevington: If we pass this amendment, I think the NCC would have another obligation to raise money. Through the federal government the NCC already has to raise money to purchase properties. I don't think this extra burden is going to help them in their primary mandate.

I'm sure there's a capacity issue here within the NCC. They're not responsible for bridges now. The capacity to deal with these very important structures exists now within Public Works and Government Services. I don't see how this is going to help the NCC, and as such I'm not very much in favour of this.

The Chair: Mr. Jean.

Mr. Brian Jean: Very quickly, Mr. Chair, to Mr. Bélanger, what I was referring to when he suggested I was making a false argument is the one-third the province has responsibility for now. I think it's beyond our jurisdiction to impose that on them.

Hon. Mauril Bélanger: Then change it.

Mr. Brian Jean: I'm just wondering, if Public Works already has a snowplow out and they're plowing up to the bridge, and then they stop at the bridge and allow another contractor to do it, it seems impractical, if that's indeed the case.

How do they do it? Is it per square foot?

I know from my own commercial experience, when we remove snow we do it from one particular area; we don't stop halfway. Public Works already has all the equipment to do that. At least I've seen it around town, or I thought I had.

Mr. Marcel Proulx: Have you seen snow plows?

Mr. Brian Jean: I have seen lots of snow plows. I'm not sure who owns them, though.

Mr. Marcel Proulx: Not Public Works.

Mr. Brian Jean: Are they contractors? That's what I'm wondering.

Mr. Marcel Proulx: No. The agreement as far as the Macdonald-Cartier Bridge is concerned is that it's maintained by the provinces—Ontario and Quebec.

Mr. Brian Jean: So it would just be a budgetary item.

Mr. Marcel Proulx: That's right, and the costs are then shared.

Mr. Brian Jean: Instead of Public Works paying it, it would be—

Mr. Marcel Proulx: That's right. But then—

Mr. Brian Jean: So why does it matter? They don't do the work—

Mr. Marcel Proulx: Well, it matters because the NCC would have the role of maintaining, of managing, of looking after these bridges instead of having two different groups.

But if it's too complicated, we'll never get to the end of this. We're going to be here until next summer, I guess.

The Chair: Shall Liberal amendment L-3 carry?

Mr. Marcel Proulx: Well, there would need to be a slight amendment because—

Mr. Brian Jean: He's already called the vote.

The Chair: I know there was discussion on the amendment.

Mr. Marcel Proulx: Brian, let's not start playing games like that.

Mr. Brian Jean: It's not a game. Let's—

Mr. Marcel Proulx: Okay, fine.

Call it.

Mr. Brian Jean: If you have an amendment, and if the chair—

Mr. Marcel Proulx: I'm sorry, you've already called it. That's right.

The Chair: If you're working on an amendment, which I know you had some discussions on... Do you want to defer this and move on and come back to it when the amendment is written? I am prepared to do that.

Mr. Marcel Proulx: That's fine, go ahead.

The Chair: Call it?

Mr. Marcel Proulx: Call it. You've already called it, according to Brian.

(Amendment negated)

(Clause 9 agreed to)

(On clause 10)

The Chair: We move to amendment NDP-2.

Mr. Bevington.

Mr. Dennis Bevington: I move that clause 10 be amended by adding after line 10 and before the heading, "MASTER PLAN", on page 5 the following:

GATINEAU PARK

10.01(1) Gatineau Park, the boundaries of which are set out in Schedule 2, is hereby established.

(2) Gatineau Park is hereby dedicated to the people of Canada and Quebec for their benefit, education and enjoyment and shall be maintained and made use of so as to leave it unimpaired for the enjoyment of future generations.

(3) Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Commission when considering all aspects of the management of Gatineau Park.

• (1645)

The Chair: Before I look for comment, I will advise the committee that if this amendment is adopted, then the Bloc amendment BQ-3 will not be proposed.

Comments?

Mr. Jean.

Mr. Brian Jean: My understanding is that this is pulled from the Canada National Parks Act. I'm not 100% certain if that's what took place.

As drafted, actually, the first concern is that the private properties that are owned by Quebec residents would actually be dedicated to the people of Canada and Quebec, and that would obviously impinge upon the rights of the private property holders within the park's boundary.

I'm also worried about the term "unimpaired" because it could be interpreted as to unduly restrict the rights of the property owners and the general public in the park.

Those are a couple of the concerns, but I think this is not necessary, quite frankly, given that Bill C-37 already proposes to introduce a definition of Gatineau Park as the area described within the schedule. So it's not necessary.

The Chair: Further comments?

Seeing none, shall amendment NDP-2 carry?

(Amendment negated)

The Chair: On amendment NDP-3, Mr. Bevington.

Mr. Dennis Bevington: Thanks, Mr. Chair.

We understood there was a counter proposal to amendment NDP-2. Is that not forthcoming now?

The Chair: It's a little further down, and we take them as they're submitted.

Mr. Brian Jean: Are you referring to government amendment G-5?

Mr. Dennis Bevington: Is that the one where it comes in?

Mr. Brian Jean: Yes.

The Chair: We're actually dealing with amendment NDP-3.

Mr. Dennis Bevington: Okay. If I can go ahead, then, with amendment NDP-3, it reads that Bill C-37, in clause 10, be amended by adding after line 10 and before the heading, "MASTER PLAN", on page 5, the following:

PUBLIC PARTICIPATION

10.02(1) The Minister shall provide opportunities for public participation at the national, regional and local levels in the development of policies and management plans for Gatineau Park and in any other matters that the Commission considers relevant.

(2) In carrying out his or her functions under subsection (1), the Minister shall consult with the Government of Quebec.

The Chair: Are there comments?

Mr. Jean.

Mr. Brian Jean: I'm wondering if the committee would agree to consider this with the government's counter proposal. After the meetings with all the parties, the government actually proposed something that was not exact but similar to this. I'm wondering if we could table that at the same time, or would you rather deal with this and deal with that later, Mr. Chair?

The Chair: It's entirely up to the committee.

Is there comment? We'll deal with this as it is?

Okay.

Are there any other comments?

Mr. Jean.

Mr. Brian Jean: I would just like to add my comments to it. I think the reality is that from the government's perspective it does have a good thought in principle, and indeed when a master plan is proposed, I think it's important for the public to comment across the country and for the public to have that opportunity, and certainly that is included within G-5. G-6 also includes the master plan, which will include principles and the objectives for the park and the greenbelt itself.

So we would be against this particular one, but we would suggest something similar later on in relation to, in particular, the annual reports and also its activities regarding Gatineau Park, so that the public would have an opportunity to comment, and indeed it would be reported to Parliament.

(Amendment negated)

The Chair: Moving right along. Mr. Bevington, NDP-4.

Mr. Dennis Bevington: Mr. Chair, if I might be so bold, the government has a counter proposal to this one, so why don't we just go on to that and we'll deal with it there?

The Chair: So you'll withdraw this one?

Mr. Dennis Bevington: Yes.

The Chair: Okay. Thank you.

NDP-4 is withdrawn, and I was going to make the comment that it's very similar to G-11.

On Bloc-3, Mr. Nadeau.

[Translation]

Mr. Richard Nadeau: Mr. Chairman, this amendment has to do with recognizing the legal status of Gatineau Park and its purpose. The bill provides a definition of the park and establishes its limits. However, it fails to grant the park proper status and determine the use that is to be made of it. These aspects would simply help ensure the sustainability of this very important park in the region.

• (1650)

[English]

The Chair: Are there comments?

Mr. Jean.

Mr. Brian Jean: Again, Mr. Chair, it's very similar to what was suggested, and indeed I think my understanding is there was something that was proposed by the government as being very similar to this. As a result, the government would vote against this one in favour of its own.

(Amendment negated)

The Chair: On Bloc-4, Mr. Nadeau.

[Translation]

Mr. Richard Nadeau: Mr. Chairman, the purpose of this amendment is to ensure that when a master plan is developed every 10 years to set guidelines for the next 50 years, the NCC consults

with the public and the provinces. The purpose is to ask the NCC to establish a master plan and general direction. It seems absolutely logical to us that this be done every 10 years.

What makes less sense would be for the NCC to do so without consulting the provincial governments involved or the public, specifically people who live in the sector. The Bloc Québécois believes that the individuals and governments that are directly involved are often in the best position to identify the real needs.

[English]

The Chair: I will advise the committee that if this is adopted, then Liberal-4 and Liberal-5 cannot be proposed.

Are there comments?

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

Specifically, we think it is necessary. We have put forward another proposal that actually requires public comment from across the country. Specifically in G-6, if the other members have received that, the master plan shall include also the principles and objectives for Gatineau Park and the greenbelt, which of course wasn't included. And finally, one other proposal by the government that would deal with this even further is to require the NCC to include in its annual report information on all of its activities regarding Gatineau Park, and the greenbelt again, including acquisition of real estate properties in those areas. So it would have not just a reporting function but also a comment function from across the country.

The Chair: Go ahead, Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: I do not mind having the government member read his document, but I would like to get back to what we were discussing from the start. I sense that there is a desire to simply set the provinces aside in terms of future direction for the National Capital Commission. I am prepared to listen to constitutional experts tell us that the federal government can do whatever it pleases, but it must be said that these lands are those of the Quebec nation. They're also those of Ontario. When we are discussing broad general direction, the provinces that are involved should be consulted. I believe it is simply a matter of respect.

Earlier on the parliamentary secretary was telling us that the Department of Public Works and Government Services had the right of expropriation. I would prefer to have that department make use of its power of expropriation because at least it would never do so without holding discussions with the provinces. The problem is that an arm's length committee is being given the power to make all sorts of decisions on provincial lands without consulting the province in question. I would prefer to have the government make use of its right of expropriation. At least it would not do business with the provinces without consulting them first. The problem is that an arm's length commission is being given the authority to do anything it chooses without consulting the provinces. At some point this is going to have to come to an end. These are not elected representatives. I would prefer to have the minister and the government make use of their authorities. These authorities are being granted to an arm's length agency which would have unlimited powers. When it is in the planning stages, it should be compelled to consult with the public and provincial governments. It is simply a matter of logic.

The parliamentary secretary was saying that they may do as they choose, when they choose. It would be made public, and there may nor may not be consultations. I believe my colleague's motion is quite appropriate. We are referring to long-term planning. I would move that there be consultations with the provinces involved, out of respect for public administrations. If you want to have an agency which acts without any regard for others, keep doing what you are doing.

• (1655)

[English]

The Chair: We'll go to Mr. Bevington.

Mr. Dennis Bevington: This amendment is perfectly in order. Quite clearly, this is what you want to see happen. This is a process that I think gives the assurance that consultation with the bodies will take place. That's something that I think is absolutely critical to the development of a master plan. It couldn't be ignored anyhow. It just reinforces the basic principle.

Having lived next to a national park for most of my life, and having had to deal with the master plans the national parks institute, I'd say that the primary ingredient in a successful master plan is consultation. So what we're doing here is ensuring that this commission will follow a good pathway, a pathway that can be successful in dealing with master plans. The thought that the commission would not have this ingrained in the process is just not on. It has to be there.

The Chair: Mr. Jean.

Mr. Brian Jean: I am concerned particularly with what Monsieur Laframboise said. I would like to hear from our experts in relation to that and consultation, first of all.

Also, isn't it true that there is a member from the Province of Quebec appointed to the NCC board? Is that not true? Or is that...?

Mr. Simon Dubé: No.

Mr. Brian Jean: Is there any direct representation at the NCC from the Province of Quebec, or do they have any input?

Mr. Simon Dubé: There is not representation on the board itself. They would have input, obviously, if they wanted to share their

concerns directly with the corporation. The corporation also discusses with the Ontario and Quebec governments files that are within their jurisdictions. But that's the extent of it. It would be within the context of their business and whatever specific file they would need to discuss with the provincial government.

Mr. Brian Jean: What would happen in a case now in relation to the acquisition of land, in particular, by the NCC? Would they consult with the Province of Quebec or not?

Mr. Simon Dubé: If it's a private property, I don't think they would consult. As with anybody who wants to buy a property, they would go directly to the owner and buy that property. Obviously, if it is land owned by the provinces, they would discuss it with the landowner, which in this case would be the province.

Mr. Brian Jean: Then obviously the Province of Quebec would have discretion as to whether or not to sell that land to the NCC.

Mr. Simon Dubé: Yes.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: I'd like to confuse the issue a bit more here, Mr. Chairman, if I may; I'll give it a good shot anyhow.

You ruled on something that is perplexing: that if BQ-4 is adopted, Liberal-4 could not be considered. The two are not addressing the same thing at all. The BQ-4 amendment addresses a consultation process. They are arguing that the public and the governments of the provinces concerned, in this case Quebec and Ontario, should be consulted. That's one concept I personally don't have a real problem with. I don't sense that the government has a problem with that either. I may be wrong.

LIB-4 does not deal with the consultation but with the results of the consultation. Once the consultation, whichever way we decide, has been done, it's "the Commission shall lay before each House of Parliament", instead of the Governor in Council.

Mr. Chairman, I would invite you to reflect on your ruling, to see if you still hold fast to it.

The Chair: To add to the confusion, basically both are amending line 13. If we accept the first amendment to line 13, all we're doing is amending line 13 again. Therefore, if you accept one—

Hon. Mauril Bélanger: It's only a part of line 13.

With regard to BQ-4, and I'm going from the English text here, the last four words are "shall submit to the". If you remove "shall submit to the" and add LIB-4, "shall lay before each House of Parliament, for approval, a master plan" for the national capital region, you could weave the two together. You don't have to rule them against each other because they are not.

It may take a bit of wordsmithing, but not all that much. You have your consultation process, the result of which is then presented to both Houses of Parliament. I think we have a plan there.

• (1700)

The Chair: The recommendation I would make, if that is what you choose to do, would be to make a subamendment to the Bloc amendment to make it match. If not, both amendments are attempting to change the same line and you can't do that.

Hon. Mauril Bélanger: Mr. Chairman, I'd like the group to consider that—

The Chair: This will be offered as a friendly amendment to BQ-4?

Hon. Mauril Bélanger: Yes. The group should consider that the BQ-4 amendment be amended by reading:

force, the Commission, after consultation with the public and governments of the provinces concerned, shall lay before each House of Parliament for approval a master plan.

If that fits, you would then take out all of line 13 and half of line 14, including “Governor in Council”. So the entire proposed subsection 10.1(1) would read:

At least once every 10 years after the day on which this subsection comes into force, the Commission, after consultation with the public and governments of the provinces concerned, shall lay before each House of Parliament for approval a master plan for the National Capital Region for the next 50 years, including principles and objectives

The Chair: Mr. Jean.

Mr. Brian Jean: The government's position is similar but not exact. I thought I would read that out to see if there could be some consistency and then deal with them all at once.

The government's position, quite frankly, is that they would be tabled in the House and would not be dealt with until a period of time elapses, rather than for a vote in the House. It would be similar to international treaties, etc. It would bring consistency in relation to that kind of act and proposal.

The Chair: Mr. Proulx.

Mr. Marcel Proulx: Through you, Mr. Chair, to Mr. Jean, on your proposal, the approval would be with the Governor in Council and not Parliament, right?

Mr. Brian Jean: The same as it is right now, yes.

Mr. Marcel Proulx: We're saying it should be with Parliament.

Mr. Brian Jean: I understand that.

The Chair: What I'm working on here is clarification, because amendment L-4 impacts another amendment further down.

Mr. Bevington.

Mr. Dennis Bevington: I don't like the words “provide opportunities for public comments”. I prefer “consultation”.

Mr. Brian Jean: Consultation, however, has a specific legal meaning, which sometimes requires two or three years to fulfill, and that's the difficulty with it. I would like to hear from officials in relation to that in particular, because I think it is quite onerous. We've discovered that as a result of aboriginal consultations in the Northwest Territories, in particular. The term “public comments” has a similar English meaning but not a similar legal meaning. That's exactly why.

Actually, I was going to propose that we include provinces within that comment time as well, as part of a synopsis to try to bring about an agreement.

The Chair: Mr. Bélanger.

Mr. Brian Jean: I was seeking the...

Hon. Mauril Bélanger: While he's thinking, this is the capital of almost 32 million Canadians. It wouldn't be a bad thing, once every

10 years, for the population to be consulted, for the provincial governments concerned to be consulted, and I imagine for the two Houses of Parliament, whether one of them is elected or not—who knows by then—to actually have their members once every decade consider what their national capital should look like. I don't think that's asking a whole lot of parliamentarians to give for what the capital of every Canadian should look like or does look like. So I don't have a great deal of difficulty with the notion that a plan for the nation's capital is laid before both Houses once every decade and that parliamentarians are asked to approve it.

I think that would perhaps trigger some interest and something good for the capital of all Canadians, Mr. Chair. I would urge members to consider this one seriously.

● (1705)

The Chair: Before I go to Mr. Jean, I will just advise the committee again that both the Governments of Ontario and Quebec were asked to come to present their positions to this committee and both chose not to.

Mr. Jean.

Mr. Brian Jean: That's exactly what I was going to say, Mr. Chair. In fact, I think we made several requests at the committee level to have them here, or at least the Government of Quebec, and they decided not to.

My biggest difficulty, just from having dealt with some legal issues before, is that if we are going to make a change like this and reflect the local needs—which primarily this bill deals with, on the grand scale of things—the consultation issue and the onerous nature of that, and the ability to make changes after this if we do put in law the consultation process.... From my perspective, the government doesn't have any problem with a public comment period and a provincial comment period, but “consultation”, which may mean the same thing in the normal English language, certainly does not mean the same thing in law. That's the difficulty. If we are going to make changes for the local level and we have to do so in a timely manner, it's going to be impossible.

I was wondering if we could hear from the officials in relation to the term “consultation” and what that means.

Mr. Simon Dubé: Mr. Jean, I would just confirm what you said earlier about the legal risk or the legal meaning of “consultation”, and the recent cases with aboriginal consultations. What is enough consultation for one person is not enough for some others. So there's a legal risk.

Mr. Brian Jean: I don't know if you have any track record with aboriginal consultations. For instance, with the Mackenzie Valley pipeline consultations and other consultations, what happens as a result of that? What kinds of timeframes are we talking about here?

Mr. Simon Dubé: I would not be able to comment on that.

Mr. Brian Jean: Is anybody else at the table able to comment on that? Consultations require a positive...

Maybe Mr. Bevington could. You're from the Northwest Territories.

Mr. Dennis Bevington: I think there are processes within the Canada National Parks Act perhaps that would be more appropriate for consultation. I understand those processes. Those processes have been hard fought, to get those ideas in place within the national parks for their master plan, so I don't think we would want anything less. If public comments are all that national parks are required to achieve from provincial governments, from the stakeholders around there, then I'm okay with public comments. If, on the other hand, the Canada National Parks Act demands more significant types of representation in a very formal fashion—because you're making choices that affect people—I'd be willing to go with at least the level the national parks master plan process calls for.

The Chair: Okay.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: I would like to come back to what Mr. Jean said earlier.

It is true that a request had been made to the Government of Quebec. A letter was sent to the then Minister of Transport. The bill had been tabled by Minister Pelletier. Once it is translated, we will send you a copy. For having spoken to their officials, we know that the Government of Quebec had already issued a letter setting out its positions, which it still maintains today.

Obviously, if the government imagines that Quebec and Ontario government representatives will scramble to appear before our committees, then I think there is some misunderstanding out there. They want to retain a certain independence, especially regarding the lands that are located on their own territory. I do think we must be aware of that.

I maintain that the consultation is a nice exercise. Once the legislation is enacted, there will be a duty to consult, according to an established schedule. The consultations will take as much time as required; there will be negotiations with the provinces. That is not a problem. We are talking here about a 50-year planning cycle.

• (1710)

Mr. Marcel Proulx: But if the process takes 5 years, that might drag things out.

[English]

The Chair: Are there any other comments?

Monsieur Bélanger.

Hon. Mauril Bélanger: Yes. This notion Mr. Dubé brought up, Mr. Chairman, of the obligation of consultations imposed upon the crown for aboriginal populations is a real one. It's called the "honour of the crown". Whether it is in this bill or not, the honour of the crown rests with the crown at all times, so it's irrelevant; it's a red-herring argument. If there are any considerations in the national capital region that pertain to the aboriginal communities—and there are, and we've seen them in the paper today, because the entire territory is under claim—therefore, *ipso facto*, there is an honour-of-the-crown obligation in any event, whether we include consultations or not. Let's not put some red herrings in the window here; there are enough.

The notion that we would not want to consult Canadians once a decade on what their capital should be is ludicrous.

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Bélanger, with respect, that's not what's being suggested here. We're asking for public comments; we're asking for provincial comments. The government would have a positive obligation to go and seek comments from the public and from the provinces. It's a totally different meaning within consultation. Consultation sets out a time period and certain things the federal government has to do within those time periods, to seek consultation and to address those issues. It's a totally different onerous obligation.

Hon. Mauril Bélanger: I know, but whether it says "public comments" or "consultation", the crown has an obligation vis-à-vis the aboriginal communities, regardless.

Mr. Brian Jean: I'm not talking about aboriginal—

Hon. Mauril Bélanger: That notion was brought up by Mr. Dubé.

Mr. Brian Jean: No, it was brought up by me, but I was using it as an example because of consultations. If it doesn't mean anything different to you, Mr. Bélanger, then let's go with "comments".

Hon. Mauril Bélanger: That's not what I'm saying. You asked and Mr. Dubé tendered an opinion that, yes, if we put "consultation", it would have a different obligation because of the significance the word has with the aboriginal community. I'm saying it doesn't matter whether you put "public consultation" or "public comment" in this act, because the crown has a constant obligation of public consultation with the aboriginal communities wherever there are claims.

Mr. Brian Jean: That was just an example. It's the Supreme Court that actually came up with "consultations" and the legal definition it required in relation to aboriginal consultations. I brought it up because I'm familiar with that particular law. What I'm suggesting is that we seek "public comment" instead of "consultation", in order to avoid all those onerous time periods and all the challenges and court challenges in relation to the future.

Hon. Mauril Bélanger: The Supreme Court is clarifying this obligation of "honour of the crown", but it dates back to the 1800s.

Mr. Brian Jean: I agree.

The Chair: Mr. Bevington.

Mr. Dennis Bevington: Thank you, Mr. Chair.

I would ask the witnesses, if they would, to read the section they showed me of the parks act. I think it may give us ground for a bit of improvement here.

Mr. André Morency: The Canada National Parks Act, under the rubric "Public consultation", reads in subsection 12(1):

The Minister shall, where applicable, provide opportunities for public participation at the national, regional and local levels, including participation by aboriginal organizations, bodies established under land claims

—etc.

Mr. Dennis Bevington: I think the word is “participation”. If we could change the government’s position from “comments” to “participation”, I think we would cover off pretty well where I’m coming from concerning it. That would be a sort of in-between word, between “consultation” and “comments”, because it implies that there’s a to and fro between those who are planning and those who want input into the plan. If you have “participation”, then you have some structure, rather than simply calling for comments and not having an opportunity for a debate over those comments or over those things.

So “participation” is a better word. I think it implies a better position.

• (1715)

The Chair: Mr. Jean.

Mr. Brian Jean: Let me, if I may, refer the committee to the first page of amendment G-6, which is on page 14.1 of our amendments package, I believe.

The Chair: I’m glad you did that. I was going to refer the committee there, because if the amendment as we are looking at it, with the subamendment, is approved, it basically eliminates amendment G-6.

Mr. Brian Jean: I take your comments, Mr. Bevington.

If you look at G-6, proposed subsection 10.1(2), which deals with public comments at the national and regional levels, and also in relation to the master plan and having it laid before each House of Parliament, and then in relation to the days that it can approve the master plan, they have to wait 30 sitting days, which is approximately two months, or 160 calendar days before they can approve it. This gives an opportunity for parliamentarians to give public input and also for the public to participate in it.

That’s the issue, in essence. I know I beat this horse to death in relation to consultations, but I think it has tremendous, onerous provisions that are not really being considered, so I would like members to look at this. This is what the government proposed after speaking to Mr. Nadeau, Mr. Proulx in particular, and also Mr. Dewar.

Mr. Marcel Proulx: Don’t put me in that.

Mr. Brian Jean: It’s after speaking with you—not agreeing with, but speaking to you.

Mr. Marcel Proulx: Thank you, because I still want it approved by Parliament and not by the Governor in Council.

Mr. Brian Jean: I understand.

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: I understand that Mr. Jean was a lawyer before entering politics, that he wants to argue his case and have us adopt amendment G-6, i.e., that “The Commission shall provide opportunities for public comments and at the national and regional levels.” Clearly, the provinces will be providing public comments.

I fail to see why the government does not want to include the provinces in the discussion concerning such an important matter as the future of the National Capital Commission. I have a hard time understanding that. Following Mr. de Grandpré’s constitutional

explanations, I now better understand that the federal government can go it alone without the provinces. That is its choice.

As I said, I would prefer that Public Works and Government Services Canada make a decision concerning an expropriation because at least there will be a discussion between elected officials. The problem is that unelected persons will be granted more powers than the elected officials of Quebec and Ontario. I find that very problematic and I do not understand why the government wants to maintain a situation wherein a commission will be given more powers than the provincial governments. I find that quite disconcerting.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: What I suggested, Monsieur Laframboise, was specifically that we address this particular clause and include provinces and territories in it. I made that comment, but it might have been lost in the shuffle of discussion. I did actually suggest that it be amended to include that—particularly provinces and territories, not just the public.

The Chair: Mr. Bevington.

Mr. Dennis Bevington: There is quite a difference between “comments” and “participation”. When you think of participation you think of terms of reference for a particular master plan. You think of participating at that level. Then you can think of participating at a level at which you actually look at the issues individually.

This is why I am saying that simply asking for comments at the end of a plan’s being laid out doesn’t give me much confidence in the scope of what the public is going to be involved with in the development of this master plan. I’m saying we need a little stronger word than “comments”. The word in the National Parks Act is “participation”.

I’d like to think that the government could look at that word rather than “comments”. Then I’d be fine with what they have there.

• (1720)

The Chair: Is there any further comment?

Mr. Jean.

Mr. Brian Jean: I’m not from Gatineau, though I spend more months here than anywhere. But I’m curious and am wondering what Monsieur Nadeau and Monsieur Proulx think about this particular area, and also Mr. Bélanger. What is your belief in relation to the word “comment” versus “participation” versus “input” or—

Hon. Mauril Bélanger: —“consultation”?

Mr. Brian Jean: We’ve already heard “consultation”.

Is “input” a difficulty, or is “comment” a difficulty, if we include provinces and territories in it? What kind of “participation” are we talking about? That’s the difficulty.

[Translation]

Hon. Mauril Bélanger: It is not hard to understand.

[English]

Mr. Brian Jean: With respect, Mr. Chair, those people who want to comment on the national park will be commenting and participating in the debate and the discussion.

Hon. Mauril Bélanger: Is there a public consultation act?

Mr. Brian Jean: I think there is, actually. Isn't there?

Hon. Mauril Bélanger: Let's find out.

Is there a public consultation act, Mr. Chair? This is for our witnesses.

Is there a federal public consultation act?

The Chair: It's called an election.

Voices: Oh, oh!

Hon. Mauril Bélanger: And we do that every two or two and a half years, so there's no problem doing it every ten years.

The Chair: I look for direction. I will advise the committee that if we deal with the amendment and include L-4 as a subamendment, then basically you're looking at amendment L-5 being adopted, and amendment G-6 would not be proposed.

Are there any other comments?

Mr. Jean.

Mr. Brian Jean: My comment would be, quite frankly, to vote down the one we're dealing with and at the very least amend amendment G-6. That would be my comment, if we are going to do something, because we've already lost two parts of amendment G-6, in that Mr. Bevington removed one before, I thought. I could be wrong on that, but just from memory, was there not a previous one too?

"The plan must contain principles and objectives"—I thought that was it.

Hon. Mauril Bélanger: That was defeated.

Mr. Brian Jean: Yes, exactly; that's what I mean. So we would have to make more amendments to include it. What the government has proposed is that the master plan be laid before the House and that there be comments.

The Chair: Mr. Proulx

Mr. Marcel Proulx: The problem with amendment G-6 is that the approval of the plan still remains with the Governor in Council and not—

Mr. Brian Jean: We did debate that issue. You could move an amendment; that's what I'm suggesting.

The Chair: Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: Aside from paragraph 2, I have no problem with amendment G-6. In fact, the amendment will apply once the master plan has been laid before each house of Parliament. Paragraph 2 as drafted might be problematic, but that is not the case with paragraphs 3 and 4, because amendment G-6 deals with the stages that the master plan must pass through once it has been tabled in the House of Commons.

By consultation, we are talking about a stage that occurs prior to the tabling of the plan. This is not the same thing. My understanding is that you want to prevent any consultations before that time, but if we adopt the amendment and make sure that consultations are held beforehand, your amendment will not pose any problems, that is if we withdraw paragraph 2.

[English]

The Chair: Just to clarify again, if the combined amendments are proposed, then amendment G-6 couldn't be presented as is. It could be changed, but it wouldn't be in a position to be proposed.

Mr. Brian Jean: Monsieur Laframboise, particularly, I would accept a friendly amendment, from the government's perspective, to include "public, provincial, and territorial comments", or something in that order. Is that not satisfactory?

[Translation]

Mr. Mario Laframboise: No.

[English]

Mr. Brian Jean: Or "public comments and provincial consultations"?

What is the difficulty with subclause 10(2)?

[Translation]

Mr. Mario Laframboise: That is because we have included a timeframe.

[English]

Mr. Brian Jean: Just so I understand directly, because I must not be understanding, what is the difficulty with subclause 10(2)?

• (1725)

[Translation]

Mr. Mario Laframboise: That is because those are not real consultations. You state that "In the development of a master plan, the commission shall provide opportunities for public comments [...]". We have been having the same debate from the outset. To provide comments and to consult, are two completely different things. Even if you added "the two governments, i.e., Quebec and Ontario, will be able to submit their comments", they will submit them, but they will not have been consulted. However, what we are proposing is a true consultation. You should join us on this. As for the rest of your amendment, it is satisfactory.

[English]

The Chair: Mr. Volpe, on a point of order.

Hon. Joseph Volpe: Some of us have been paying attention for the last 40 minutes as we've gone from one amendment to another to another in an attempt to clarify the two previous amendments and part of a third one. When I really focused, I thought Mr. Bélanger had made a suggestion of a friendly connection of a previous amendment to the Liberal amendment that would have covered our concerns. Would it be inappropriate for me to ask the chair to go back to Mr. Bélanger and ask him to present again what he had proposed? We could deal with it and then worry about amendment G-6.

Mr. Marcel Proulx: It's almost 5:30 now.

The Chair: I don't think that would be a problem at all. In fact, we were just discussing that.

Hon. Joseph Volpe: Could we do it now?

The Chair: One, we have to recognize that it's a friendly amendment, and if he wants to continue to put it forward, we would vote on the subamendment first, and then the amendment with the subamendment.

Mr. Jean.

Mr. Brian Jean: Could we just understand exactly what's going on? I got a little lost after "Listen carefully."

The Chair: Okay. We're dealing with amendment BQ-4 and Mr. Bélanger has proposed a friendly amendment to it, a subamendment. If that's acceptable to Mr. Nadeau, I will have Mr. Bélanger read it to the committee. There can be debate and then the committee will vote on the subamendment. Then we will add it to the original amendment, there will be debate, and we can vote on the amendment as amended.

Monsieur Bélanger.

Hon. Mauril Bélanger: Mr. Chair, what I had suggested was that where amendment BQ-4 now reads "force, the Commission, after consultation with the public and governments of the provinces concerned, shall submit to the", I would add—

The Chair: Pardon me. I think you stopped after "shall".

Hon. Mauril Bélanger: Well, I had removed the words "submit to the" and would say, "shall lay before each House of Parliament, for approval, a master plan", therefore incorporating amendments LIB-4 and BQ-4.

If you wish, I can read the entire clause 10.1 as it would—

The Chair: First we have to deal just with the subamendment.

Hon. Mauril Bélanger: The subamendment.

The Chair: Yes.

It has been proposed by Mr. Bélanger that we add, after the words "provinces concerned, shall", the following words: "lay before each House of Parliament, for approval, a master plan".

Is there any debate on the subamendment?

Mr. Jean.

Mr. Brian Jean: I'm wondering what this does in relation to amendment NDP-3. First of all, my understanding is that we've already dealt with amendment NDP-3.

Bear with me here while I just explain my thought process. That's why I want to deal with it, because if we accept this particular motion—amendment BQ-4 with the amendment—does it not eliminate amendment G-6?

It eliminates amendment G-6. We've already deleted amendment NDP-3, which dealt with public participation in the policies and plans, because of amendment G-6. I don't want to lose that, because I think public participation is very important.

I know we're on that amendment, but from my perspective, I see no difficulty in amending amendment G-6 to include provincial and territorial consultations.

Ms. Candice Hoepfner (Portage—Lisgar, CPC): How about public comments?

Mr. Brian Jean: But there would be public comments.

• (1730)

The Chair: Mr. Proulx, on a point of order.

Mr. Marcel Proulx: Sir, if I may say so, we were invited from 3:30 to 5:30 today. It is now 5:31. We have other commitments. Could you tell us how late you intend going with this meeting today?

The Chair: I plan on ending right away, and we will continue the debate on Wednesday. We've set aside Wednesday's meeting for continuation of clause-by-clause.

Mr. Marcel Proulx: Thank you very much, sir.

The Chair: With that, I will adjourn.

Mr. Jean, on a point of order.

Mr. Brian Jean: Could we just have the clerk find out the exact legal obligations under consultations for the next meeting so we can deal with this appropriately? I think that would be—

The Chair: Absolutely. The meeting is adjourned.

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