



House of Commons
CANADA

Standing Committee on International Trade

CIIT • NUMBER 036 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, November 7, 2006

—
Chair

Mr. Leon Benoit

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• (0905)

[English]

The Chair (Mr. Leon Benoit (Vegreville—Wainwright, CPC)): Good morning, everyone. We're here this morning, honourable members, to proceed with clause-by-clause consideration of Bill C-24.

As members are aware, the committee adopted a motion at its meeting of October 31, 2006, to limit the amount of time allotted for the consideration of this bill. Pursuant to the third paragraph of the motion we will first vote on all of the clauses that do not have any proposed amendments. These clauses are 7, 8, 9, 16, 20, 21, 22, 27, 29, 30, 31, 35 to 39, 42 to 47, 51, 52, 53, 58 to 63, 71, 74, 79, 80, 85, 90, 91, 92, 97, 101, 102, 103, 110, 112, 115 to 119, and 121 to 125.

On the other clauses of the bill for which we have received amendments, each member may speak once to each amendment for no more than three minutes. Since subamendments are amendments to amendments, each member may also speak once to each subamendment for three minutes.

After all of the amendments to a clause have been adopted, each member may speak once to the clause, amended or not, for a total of three minutes. Should there be any motions moved related to this bill, each member may only speak once for three minutes. Motions not related to the bill cannot be moved.

The motion states that the committee must finish consideration of the bill before the end of the day, and the end of the day is midnight. Therefore, should we get toward the end of the day, I will use my discretion on how long I believe it'll take to vote on the remaining amendments. We'll start doing that at the time that seems appropriate to ensure that we are finished by midnight, should we be approaching midnight. I remind all members that 12 noon would work fine too.

Let's start with the procedure. We're going—

Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): I would like to move that the BC First Nations Forestry Council be invited to testify before this committee. I will speak to the motion.

As you know, Mr. Chair, this week the BC First Nations Forestry Council, which is an organization sanctioned by the B.C. First Nations Leadership Council, representing virtually all B.C. first nations, heard that the Standing Committee on International Trade was moving forward to clause-by-clause consideration of Bill C-24.

The Chair: Mr. Julian, I would argue that this motion is out of order, based on the motion that was passed at the last meeting.

We'll go now to the clauses that we determined would be voted on. We'll do that first and vote on all clauses that don't have amendments.

Mr. Peter Julian: On a point of order, there is absolutely no doubt that we have the ability to move motions here. You're right that we have the handcuff of the three-minute limit, but we do have the right to move motions. This motion is perfectly in order. Could you please consult the head table?

The Chair: I have ruled this out of order. In the motion we passed we said, "That clause-by-clause consideration of Bill C-24 be completed before considering any other committee business". This is other committee business, Mr. Julian.

Mr. Peter Julian: But this is a hearing on Bill C-24.

The Chair: No, we are dealing with clause-by-clause, Mr. Julian, and I will proceed. Please. Let's retain order here.

• (0910)

(Pause)

• (0913)

The Chair: Mr. Julian, you may be allowed to bring this motion at the end of the meeting, but the motion we passed at the last meeting clearly says that we'll deal first of all with all of the clauses that have no amendments. It also says "That the clause by clause consideration for Bill C-24 be completed before considering any other committee business".

After that, you may bring your motion.

Mr. Peter Julian: Mr. Chair, it is very clear that the motion that we adopted does not preclude motions being raised at the beginning of this meeting, and this is directly related to Bill C-24. The First Nations Leadership Council has directly requested to appear before the committee on Bill C-24.

The Chair: Mr. Julian, I've made my ruling on this. You know there are options available to you, but I will proceed. I believe my ruling is the appropriate one.

Mr. Peter Julian: On a point of order, Mr. Chair, I do challenge your decision, and I would request a recorded vote.

The Chair: It will be a recorded vote. There is no debate on this. I believe the wording is that the ruling of the chair be sustained. If you vote in favour of this, it means you're supporting the decision of the chair.

(Chair's ruling sustained: yeas 10; nays 1)

•(0915)

The Chair: As agreed, we will now go directly to the clauses with no amendments. Could we go to a vote on that, to the clauses with no amendments?

Mr. Julian has requested recorded division on all clauses, so we will do that.

(Clauses 7, 8, 9, 16, 20, 21, 22, 27, 29, 30, 31, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46, 47, 51, 52, 53, 58, 59, 60, 61, 62, 63, 71, 74, 79, 80, 85, 90, 91, 92, 97, 101, 102, 103, 110, 112, 115, 116, 117, 118, 119, 121, 122, 123, 124, and 125 agreed to on division: yeas 10; nays 1)

The Chair: Mr. Cannan.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thank you, Mr. Chair.

In continuing to try to streamline the process and for the logical flow of debate, I'd like to propose the following motion: That the amendments pertaining to the Atlantic exemption be considered as a group, to be debated and voted on individually and in the correct order. These amendments are as follows: 5, 6, 9, 10, 11, 12, 13, 22, 23, 24, 25, and 26.

The Chair: Any problem with that? Is that supported?

As I understand it, Mr. Cannan, you're saying that we will still debate them one by one and vote on them one by one. We'll just deal with them, starting now, in that order.

Mr. Ron Cannan: It makes more sense to do them in sequential order.

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: I'd like to see a written copy of that motion, please. It should be circulated to all members of the committee before we vote on it.

The Chair: Yes, we have that. Of course, as you understand, it was read into the record so that it would be in both official languages, through the interpreters. The members provide that as a courtesy.

Mr. Cannan, do you want to speak to that up front?

Mr. Ron Cannan: Thank you, Mr. Chair.

As I mentioned, it makes sense to have a sequential amendment order that groups all of the Atlantic amendments together. It just helps, I think, to have a sequential debate. It's a better use of our time and it makes more sense.

The Chair: Have copies now been distributed?

Okay.

Let's begin with the first amendment on that list, amendment 5.

Yes, Mr. Menzies.

Mr. Ted Menzies (Macleod, CPC): Are we ready to table this amendment, then? Is that the point?

The Chair: Yes, we're on amendment 5 now, so someone—

Mr. Ted Menzies: Since Mr. Casey has been called away, I would ask for the indulgence of the committee, Mr. Chair, to move forward with that, if I can.

I would like to explain—because I have the floor at this time—the reason for this.

The Chair: Did we not vote on...?

Oh, my apologies. I was jumping ahead, Mr. Menzies. We have to pass the motion.

Mr. Ted Menzies: And I was so excited. I thought we were actually moving ahead with this.

The Chair: Mr. Cannan has spoken to the motion. Everyone has it in front of them now.

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

I would like to speak against this latest chapter in railroading. Mr. Chair, what we saw last Thursday and what we're seeing today is the railroading through of legislation that has profound consequences for the softwood industry and for softwood communities across the country.

We're looking at a situation in which, on October 13, we won the victory in the Court of International Trade. As of last Friday, Mr. Chair, what we've seen is that Customs and Border Protection is now paying out 100% dollars to the companies that have not signed on to the government's botched arrangement. So we have companies that have arranged through EDC and are actually having deductions made from their moneys that they shouldn't have to have made because we won October 13 and because there are 100% dollars coming back.

We don't have to give away \$1 billion. We don't have to impose these handcuffs on our softwood industry. We have to go very carefully in considering Bill C-24 clause by clause.

We've had only one day of witnesses, Mr. Chair. Again, we've had the refusal on behalf of this committee to hear witnesses, even though we've had witnesses from across the country indicating very clearly that they want to be heard by this committee. It is incumbent upon us to be very careful and to be very responsible when we are moving to consider the clause-by-clause amendments.

Mr. Chair, what we have here before us is something that would put us out of sequence. The Atlantic exemption is something the NDP fought for. I was very happy to see the comments by Monsieur LeBlanc in today's newspaper, talking about the fact that the NDP's work last Thursday helped contribute to pushing the government to repair at least that portion of Bill C-24.

The normal process of clause-by-clause amendment, as you well know, Mr. Chair, is sequential. It is done that way, sequentially, so that, assuming the drafting has been done right, we can work through the bill clause by clause, moving from one clause to the next one that is related. By doing this, we are throwing that sequence out. We are throwing out the sequence that has been established by the bill. I believe it is going to lead to further confusion, Mr. Chair, as we continue on into the evening and the early morning hours tomorrow and as folks get tired.

Definitively, this is not the way to approach legislation, especially legislation that has such a profound consequence on the lives of Canadians in softwood communities across the country. If we're going out of sequence, what we're essentially doing is throwing a monkey wrench into our own functioning as a committee. We then come back to what is out of sequence, and I can predict right now, Mr. Chair, that we're going to have difficulties. People are going to be unaware of where we are. There's not going to be the consideration that needs to be taken.

Thank you, Mr. Chair.

● (0920)

The Chair: Time's up, Mr. Julian. That's three minutes and ten seconds. Thank you.

Mr. Cannan, do you want to go ahead now?

Mr. Ron Cannan: Call the question.

The Chair: We have to vote, of course.

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Thank you, Mr. Chairman.

I want to ensure that officials will be providing important clarifications with respect to all of the amendments listed here, because some points deal with exactly the same clauses. Changes have been made by officials from time to time, as well as by the government and the various parties.

As well, I did not think that you were going to ask us to vote on all of these as a package. With many of these clauses, we need to be able to make a choice. It is important that officials provide clarification regarding certain amendments, so that we can see the differences between them and can then make an enlightened decision. I hope that in such cases, we will be given more than three minutes.

[*English*]

The Chair: Monsieur Cardin, in fact, what the motion says is that we will still deal with these amendments one at a time. We'll still have the debate on each of these amendments, and we'll vote on them separately. It's just that we will do them in this order rather than going through the amendments in the order they're presented. It's just an order change; that's all it is. The debate will still take place on each amendment, and we'll vote separately on each amendment, I assure you.

Is there any other debate? No? Then let's go to the recorded division on this motion.

(Motion agreed to: yeas 10; nays 1)

● (0925)

The Chair: Mr. Cannan, I jumped the gun before, but you can go ahead.

Mr. Menzies, okay.

(On clause 10—*Charge imposed*)

Mr. Ted Menzies: Thank you, Mr. Chair.

As I started to say, Mr. Casey was going to put forward this amendment. Unfortunately, he's not able to be here today and he asked if I would present it on his behalf. I hope, with the indulgence of the committee, I'm allowed to do that.

It's very specifically just a clarification of the wording.

Mr. Peter Julian: On a point of order, Mr. Chair, what is Mr. Menzies referring to?

Mr. Ted Menzies: It's amendment 5 to clause 10, the first one on the motion we just passed.

The current version of the bill fails to reflect—

The Chair: Sorry, I thought you were finished, Mr. Julian. My apologies.

Mr. Ted Menzies: Are we ever going to get this done?

The Chair: Let Mr. Julian make his point of order.

Mr. Peter Julian: We're going to amendments on clause 5, not on clause 10.

The Chair: On amendment 5, which is an amendment to clause 10... You have the sheet there and these are the amendments. The motion said we will deal with those amendments in the order listed, starting with amendment 5.

Mr. Peter Julian: Mr. Chair, I'm not sure all of us—

The Chair: The amendment numbers are on the bottom of the page.

It's actually the page number. You're correct, Mr. LeBlanc.

Mr. Peter Julian: Mr. Chair, the amendment number I have is amendment 9. There's some real confusion. If Mr. Menzies is referring to amendment 5, I have amendment 9, and I'm not sure what the other parties have. The amendments should be based on the clauses and the amendments would move to clause 5, not to amendment 5, which is numbered differently.

[*Translation*]

It's because...

[*English*]

You have a different numbering system, Ted.

The Chair: I understand what you're saying, Mr. Julian. Technically, on page 5 it is amendment CPC-1.

Mr. Peter Julian: Mr. Chair, that's not the motion we adopted. The motion we adopted is based on clauses, which means we are moving to clause 5.

The Chair: I understand what you're saying, Mr. Julian.

Could we make a quick correction to the motion to refer to it as the amendment on page numbers, and then...the page numbers as mentioned?

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Mr. Chairman, here we have the list of clauses to be covered. Normally, if we were following the list of amendments, we would now be at page 3, clause 5, and therefore, BQ-1. It's important that we be told which clause we're looking at, the page number, and who has moved the amendment in each case.

We will come to the motion that has been tabled once we are on clause 10. That is the first one of the series. We will cover them all, but for the time being, it would be advisable not to cause too much confusion. We are now on clause 5, which is on page 3 of the amendment booklet. This is the first BQ amendment. When we arrive at clause 10, CPC-1, which is on page 5, we will consider all similar amendments together.

• (0930)

[*English*]

The Chair: Monsieur Cardin, Mr. Julian's point was that technically the amendment on page 5—and page 5 is what's referred to in the motion—is actually amendment CPC-1, so for easier reference, perhaps we could just modify the motion to say “the amendments on page” and then “5”, “6”, “9”, “10”, and so on. It makes it easier to deal with them that way, because we've been referring to them all the way through so far based on their page numbers. That was the intent of the motion, clearly.

For clarification, the number at the bottom of the page is a page number. The amendment, technically, is CPC-1. We have been referring to the page number of the amendment as we have been working through them, so can we just understand that's what we're referring to in the motion—the amendment on page 5, page 6, page 9, and so on?

Mr. Cannan is next.

Mr. Ron Cannan: Thank you, Mr. Chair.

I just wanted to clarify. I did check with the legislative clerk before I presented the motion, and those were the conditions and the understanding—that the page and the amendment were one and the same, so if you want to put a friendly amendment instead of the amendments on pages 5, 6, and 9, that would be fine.

The Chair: Mr. Cannan, excuse me. There's no need for an amendment here. We understand what is intended. The clerk has indicated that is the case as well, so let's just go ahead with it.

Go ahead, Mr. Julian.

Mr. Peter Julian: On a point of order, this is not the way to proceed—based on page numbers. We've been proceeding clause by clause. I think the assumption around the table was that the amendments were being based on clause-by-clause consideration, which would mean—

[*Translation*]

that the next one would be the amendment to clause 5 which is being proposed by the Bloc Québécois. Now we are not proceeding clause-by-clause, but rather, based on page number. We are addressing several amendments at the same time that relate to the same page, rather than actual clauses, which are actually clearer and easier to follow, while at the same time providing for a certain amount of transparency.

[*English*]

The Chair: Mr. Julian, you've made your point. We are going to proceed based on the clauses on these pages. Let's proceed, please, starting with the amendment on page 5, which is technically CPC-1.

Mr. Ted Menzies: Thank you, Mr. Chair. I will proceed.

The current vision of the bill fails to reflect the total exclusion for Atlantic Canada and for two other categories under section 1 of article X of the softwood lumber agreement. The problem with the current language is that it would make everyone subject to the export charge, with various carve-outs later in the bill. This is directly contrary to the total exclusions laid out in section 1 of article X of this softwood lumber agreement.

Section 1 of article X of the softwood lumber agreement states that the export measures shall not apply to exports from, number one, Atlantic Canada, referred to under the agreement as “the Maritimes”; number two, exports from the Yukon, the Northwest Territories, and Nunavut; and number three, excluded companies listed in annex 10 of the agreement.

This amendment corrects this problem and clarifies that the legislation aligns precisely with the agreement by stating that the export charge cannot apply to the exclusions provided for in the softwood lumber agreement.

This amendment is essential. It preserves the total exclusion for Atlantic Canada that dates back to 1986. We agree to the other amendments provided that the amendment to section 1 of article X is enacted.

Mr. Peter Julian: I have a point of order.

Mr. Ted Menzies: Thank you, Mr. Chair, for letting me finish that statement, finally.

The Chair: Mr. Menzies, I— Mr. Julian, go ahead with your point of order.

Mr. Peter Julian: We are considering clause 5 and we have Mr. Menzies speaking to clause 10. That is, to say the least, confusing.

We adopted a motion that proceeds by order of amendment by clause, so I would ask that you direct Mr. Menzies to speak to clause 5, not to clause 10.

The Chair: Mr. Menzies, here's the situation, and it's an error on my part.

This motion has been passed, but what the motion doesn't do is state where we start, so we will have to debate. We'll go through the clauses until clause 10, at which time we can take all of these together as proposed here. It doesn't change an awful lot, except that we'll deal with the clauses up to clause 10. At that time this motion comes into effect, and we will deal with those all together. It's not a big deal, but Mr. Julian and Mr. Cardin are correct on this. I just didn't understand what was being said, Mr. Menzies. I apologize for that.

We will go ahead to clause 5, as has been indicated here.

Mr. Julian and Monsieur Cardin, I didn't understand what you were saying. I had it explained, and you're correct.

Ms. Guergis is next.

(On clause 5—*Time of export*)

● (0935)

Ms. Helena Guergis (Simcoe—Grey, CPC): I would like to start off by saying that I support this Bloc amendment, Mr. Chair.

The Chair: The Bloc will move their amendment.

We're on clause 5. The Bloc amendment is on page 3.

Go ahead, Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Thank you, Mr. Chairman.

As you can see, clause 5 deals with the time of export. In terms of quotas, we all know that they are calculated on a monthly basis. When the softwood product is loaded onto a truck, it automatically leaves to be exported. In that case, the date corresponds. However, when the product is shipped by rail, it may be loaded on to a railcar that stays in the yard for quite some time. In that case, the date may be carried forward several days and end up in the following month. Because of the time that can elapse before the product is actually exported, a significant imbalance could affect the way quotas are managed.

As a result, we would like the export date to be the date when the product is loaded onto the railcar, and not the date the car is assembled to form part of a train.

[*English*]

The Chair: Merci, Monsieur Cardin.

Ms. Guergis, then Mr. Julian.

Ms. Helena Guergis: Thank you, Mr. Chair.

I'd like to say that we support this amendment. It clarifies the timing under which a shipment sent by rail is deemed to be exported and will provide increased certainty for the lumber companies. We, on the government side, support this amendment.

The Chair: Thank you, Ms. Guergis.

Mr. Julian.

Mr. Peter Julian: I have a subamendment to offer, but before I do that, Mr. Chair, I'd like to ask our panel what they believe the impact of this particular amendment would be.

The Chair: Go ahead.

Their time would technically be included when we're having—

Mr. Peter Julian: No, it isn't. Sorry, Mr. Chair.

The Chair: Gentlemen, please keep in mind that your time will be included in the three minutes of debate.

Mr. Peter Julian: I have a point of order, Mr. Chair—

The Chair: On a point of order, Mr. Julian.

Mr. Peter Julian: Questions and clarifications are not included, very clearly, in last Thursday's draconian motion. So no, that is not the case. Questions of the panel are separate from the actual speaking time. That's obviously an omission of Mr. Menzies, but that's the reality. If you check with the head table, I'm sure they will reinforce my contention that the question time is separate from the intervention time on amendments.

● (0940)

The Chair: Mr. Julian, I appreciate your input into this, but in fact in any committee I have been with, the questioning time of a member includes the answer from the witnesses, and that's the way this has been interpreted.

Let's go ahead, please, gentlemen,

If on certain issues we feel more time is needed for the officials, the committee can agree to it at that point in time.

Mr. Peter Julian: What you're saying, then, is that it is a disadvantage for members to ask questions of the panel. You're saying that because of the three-minute rule, essentially—

The Chair: That's debate.

Gentlemen—

Mr. Peter Julian: No, it is not, because it raises the question of whether or not we should have the panellists here throughout the day.

The Chair: We'll go ahead with the answer from the officials now. Go ahead, please, Mr. Seebach.

Mr. Dennis Seebach (Director, Administration and Technology Services, Department of Foreign Affairs and International Trade): Thank you, Chair.

The bill is based upon the shipment being deemed exported on the date of shipment, and what we're trying to provide to the exporters is certainty as to when they can count their shipments in quota situations and paying the export charge. This amendment would create greater certainty for the exporter so that when it was released to the railway company, the transport agency, it would provide for greater certainty so the exporter would know at that time what his export charge would be or how his shipment would count against his quota limit.

The Chair: Thank you.

Mr. Peter Julian: Mr. Chair, I'd like to offer the following subamendment.

[*Translation*]

In the French version, it says: “contient est placé sur le chemin de fer pour être rattaché au train en vue de son”.

I am proposing the following sub-amendment which would read: “the railcar that contains it was released to the railway for assembly to”.

When you're ready, I will give my rationale.

[*English*]

The Chair: Mr. Julian, do you have it in writing?

Mr. Peter Julian: No, but I could certainly write it out for you, Mr. Chair. It would be my pleasure.

The Chair: Go ahead, Mr. Julian. If you would do that, it would be helpful, or you could explain it again.

[*Translation*]

Mr. Peter Julian: The wording is “the railcar that contains it was released to the railway for assembly to”. I can provide that the clerk.

Mr. Chairman, Mr. Cardin is absolutely right: in the vast majority of cases, the railways are responsible when there is a significant delay between the time the product should be exported and the time when it actually crosses the border. However, the railways are not entirely to blame for that type of problem. Occasionally truck drivers also experience delays. There may have to be a change of driver because of unexpected situations. For example, a truck may remain on the Canadian side of the border for a certain amount of time, however brief that may be, before crossing.

And the kind of dynamic Mr. Cardin has explained can also apply to road transport. I think it's important to consider this for cases where truckers may be forced to park along the side of the road at night, for example, in order to change the cab or wait for a new driver to arrive, before being able to take our high quality Canadian softwood lumber over the Canada-U.S. border.

Thank you, Mr. Chairman.

[English]

The Chair: Your time is up. Thank you very much for that subamendment.

Is there any other debate on the subamendment?

We'll read the subamendment.

Monsieur Cardin.

[Translation]

Mr. Serge Cardin: Thank you, Mr. Chairman.

[English]

The Chair: I will read the subamendment first, if you'd like, Mr. Cardin.

[Translation]

Mr. Serge Cardin: No, that won't be necessary.

In subclause 5(1), it talks about the conveyance, and I imagine that could include trucks. It reads:

the time at which an exported softwood lumber product is considered to be exported is the time at which the product was last loaded aboard a conveyance for export.

So, if a trucker stops for a few moments by the side of the road, that is not the time at which the product was last loaded. And I would emphasize that point.

We are asking that subclause 5(2) specifically include the railways. So, I don't see the relevance of the sub-amendment.

•(0945)

[English]

The Chair: Okay. We'll go to the vote, but we will read the motion.

Could the clerk read the motion? It is in French.

Mr. Marc Toupin (Procedural Clerk): The motion is on clause 5. I'll start reading it in French, starting at line 3, on page 4.

It would read as follows:

[Translation]

“is considered to be exported is the time at which the railcar that contains it was placed on the track or next to the road to be assembled to form part of a train or a truck for export.”

[English]

The Chair: Thank you.

We'll now go to the recorded vote on the subamendment.

(Subamendment negated: nays 10; yeas 1)

The Chair: We will now go to the recorded vote on the amendment.

Yes, Mr. Julian.

Mr. Peter Julian: On the amendment itself, we haven't had a chance. I've spoken to the subamendment and I would now like to speak to the amendment.

The Chair: Mr. Julian, yes, you did in fact speak to it.

Mr. Peter Julian: No, I have not, Mr. Chair.

The Chair: You spoke to it before you moved your subamendment.

Mr. Peter Julian: No, I did not.

The Chair: Part of your time was taken by the witnesses.

Mr. Peter Julian: That was about a minute, Mr. Chair.

The Chair: You completed your three minutes, Mr. Julian.

We will now go to the recorded vote on the amendment.

Mr. Peter Julian: I have a point of order.

The Chair: On a point of order, Mr. Julian.

Mr. Peter Julian: You have introduced a completely new rule of procedure that was not adopted last Thursday. We adopted rules of procedure last Thursday.

We've had the guests here to help us along and to facilitate this. You are now penalizing any member who asks a question of the panel. It is not going to lead to better legislation. It is going to lead, I would submit, to worse legislation.

The Chair: Mr. Julian, those are the rules. Let's go ahead with this. It's routine at committees.

Mr. Peter Julian: I challenge your decision.

The Chair: For any committee I've ever been at, the answers of the witnesses are considered to be part of the time of the questioner. It's routine, Mr. Julian.

Mr. Peter Julian: It's not routine on clause-by-clause.

The Chair: Mr. Julian has challenged the decision of the chair. The motion that we vote on is not debatable, but it will be to sustain the ruling of the chair.

(Chair's ruling sustained: yeas 10; nays 1)

The Chair: We'll go to the recorded vote on the amendment.

(Amendment agreed to: yeas 11; nays 0)

The Chair: We now go to clause 5 as amended. Is there any discussion?

Yes, Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

On clause 5, we have improved it to a certain extent, but certainly not to the point that I would see complete approval. We still have the problem of some obscurity and lack of clarity around clause 5 itself in the case where we have products that are exported by truck.

Mr. Cardin was very eloquent in defending subclause 5(1), although I think it's important to say there's some ambiguity around subclause 5(1).

We could certainly try to clarify it in discussions with our panel here, but unfortunately, you've ruled that we can't use the panel to ask questions, without taking away from the 180 minutes.

● (0950)

The Chair: Mr. Julian, in fact, that's not what I said at all. I said normal procedure will apply, which is that the responses from the witnesses will be included in the time for the member. It's standard procedure, Mr. Julian.

Do not misconstrue what I've said. I hope that clarifies what I said.

Mr. Peter Julian: Mr. Chair, on clause-by-clause, witness time—when you have a panel that represents the government—is not deducted from the time that is actually allotted to members to speak to clauses and amendments. So we have a situation here where you have, just the same, penalized members for going to the panel for clarification on issues.

The Chair: Mr. Julian, this is not relevant to the debate on clause 5. Get to the debate or we'll go straight to the question.

Mr. Peter Julian: Mr. Chair, I am speaking to clause 5; I'm speaking to the somewhat ambiguous subclause 5(1). I'm speaking very deliberately to that. But at the same time, I regret your ruling and I feel it is unfortunate.

The Chair: Okay, there is a relevance issue.

Let's go to the vote on clause 5.

Mr. Peter Julian: Mr. Chair, I have a point of order.

The Chair: You can make a point of order, Mr. Julian.

Mr. Peter Julian: Mr. Chair, you're running rampant over the rules of order here. When you have a three-minute time limit, the issue of repetition or relevance is not something that can be imposed. In the same way, with the House of Commons, when we have imposed time limits, the issue of relevance and repetition cannot be used as a tool of censorship, and that is indeed what you are doing. You are censoring the speech of the members around this table.

We have an imposed time limit of three minutes. You have handcuffed members even more by now saying that if we refer to the guests, that time will be deducted. You cannot start to impose censorship over what members are saying in relation to any clause.

The Chair: Excuse me, Mr. Julian. You're starting to repeat yourself in your point of order. I'm going to end that if you're not going to get to some new material.

Let's move on with this.

Mr. Peter Julian: So if we go to clause 5, Mr. Chair, we have subclause 5(1), which says that:

For the purposes of this Act, the time at which an exported softwood lumber product is considered to be exported is the time at which the product was last loaded aboard a conveyance for export.

The issue here—in subclause 5(1)—is the fact that the conveyance is not defined. And the conveyance, if it is indeed a truck wagon as opposed to a truck cab, would be subject to two different interpretations. That is something that I think we would need to clarify with our panel—had we the opportunity to do so.

I think that ambiguity is something that lessens the strength of clause 5, and despite the fact that we now have an amendment brought in by Mr. Cardin,

[*Translation*]

which, it should be said, does help to explain subclause 5(2), we are left with a situation that is ambiguous. Subclause 5(2) says: (2) However, if the softwood lumber product is exported by rail [...]

[*English*]

The Chair: Okay, Mr. Julian, your time is up, and I did deduct time for the point of order. Your time is up.

Thank you.

We'll go now to the recorded division on clause 5 as amended.

(Clause 5 as amended agreed to: yeas 10; nays 1)

(On clause 6—*Arm's length*)

The Chair: We now go to clause 6.

First is an NDP motion.

Mr. Julian, go ahead.

● (0955)

Mr. Peter Julian: I would like to move, for the rules of order, that questions asked of the panel that is here today not be deducted from the time allocated to amendments. That's a motion that's—

The Chair: No, Mr. Julian, I have ruled on this. I believe you've gone to a vote on the ruling already. It was upheld by the committee. Let's move ahead.

You're taking your time now; the clock is going.

You have an amendment you would like to move, NDP-3. If you would like to do that, go ahead, Mr. Julian. If you don't want to, that's fine, we can move on to the next one.

Mr. Peter Julian: Mr. Chair, I'd be delighted to move the amendment, believe me.

I'm not delighted with the rules of order that you're imposing on us, to say the least.

The Chair: It's the will of the committee, Mr. Julian, and you understand that very clearly.

Mr. Peter Julian: I disagree profoundly, Mr. Chair, and will be expressing that throughout the day.

This is no little clause, when we talk about clause 6, because in effect this is a clause that fundamentally changes how we talk about arm's-length dealing. As a result, I would like to move that the committee limit of three minutes for debate on this clause be waived for clause 6.

That's a motion that is in order, Mr. Chair.

The Chair: Of course, Mr. Julian, you've moved your amendment already. You can't make a subamendment to your own amendment.

Mr. Peter Julian: I did not move the amendment, Mr. Chair. If you check the blues, I did not move the amendment. I did speak to the importance of clause 6, which was a preamble for the motion.

The Chair: Mr. Julian, if you're not speaking to your amendment, then we'll get on to someone who—

Mr. Peter Julian: Mr. Chair, the motion to waive the three-minute time limit is perfectly in order, as the head table knows.

The Chair: Mr. Julian, what exactly is your motion? Please simply state that again.

Mr. Peter Julian: That for the consideration of clause 6, we waive the three-minute time limit.

The Chair: Let's handle this. Is there unanimous consent to do this?

Mr. Peter Julian: No, no, Mr. Chair, it's a motion.

The Chair: Then the ruling of the chair is that in fact there is no unanimous consent. Let's go on. It would require unanimous consent, I believe, to have—

Mr. Peter Julian: It does not require unanimous consent.

The Chair: Do you want to move your motion, Mr. Julian? We're getting on to that now.

Mr. Peter Julian: It is a *motion de fond*. It has been submitted. It is now time to debate that motion. The motion is, for the requirements and discussion around clause 6, to waive the three-minute time limit. It is a perfectly valid motion, as the head table can attest.

The Chair: No, Mr. Julian. In fact, the committee has ruled on this issue. We have limited debate to three minutes. If the committee wishes to extend, I believe it would require unanimous consent. Certainly, that was not the intent of the committee.

Mr. Julian, you are now either going to move your motion or we'll go to the vote on clause 6. It's entirely up to you. The clock is ticking here.

Mr. Peter Julian: The head table can rule that this motion is in order, and you know that this motion is in order. So rather than spending this time with verbal jousting, why don't you simply allow me to then speak to the motion to waive that time limit, the three minutes, for the consideration of clause 6?

●(1000)

The Chair: Are you finished your discussion on the amendment, Mr. Julian?

Mr. Peter Julian: I have not moved the amendment yet, Mr. Chair. I have moved the motion. I am asking for the head table—

The Chair: Mr. Julian, you are testing the patience of the chair. You will move your amendment and debate it or we will assume that

you do not wish to move that amendment. One or the other. The time is ticking here, Mr. Julian.

Mr. Peter Julian: Mr. Chair, the head table should be providing a ruling on this.

The Chair: Mr. Julian, as I've said, in terms of the issue of your motion, there are two ways that that motion can carry forward. The committee has made its intentions very clear here—three minutes' debate on a motion. There are two ways: unanimous consent or the committee can rescind. There is no indication that either is going to happen. So, please, Mr. Julian, go to your amendment or we will vote on the motion and you will not have spoken to your amendment. Are you going to move your amendment, NDP-3?

Mr. Peter Julian: Mr. Chair, I request unanimous consent then.

The Chair: Is there unanimous consent?

A voice: No.

The Chair: There isn't unanimous consent. Please get on with it, Mr. Julian.

Mr. Peter Julian: Clause 6 is extremely important. That's why more than three minutes are required to discuss how in this act the current clause is defined. In the current clause 6 it says:

6.(1) For the purposes of this Act,

(a) related persons are deemed not to deal with each other at arm's length; and

(b) it is a question of fact whether persons not related to each other were, at any particular time, dealing with each other at arm's length.

The difficulty here is that we are fundamentally changing the relationship of arm's length, what Canada has always defended as—

The Chair: Have you moved your amendment?

Mr. Peter Julian: I am moving the amendment and I am speaking to it.

The Chair: Thank you. That was just for clarification.

Please continue.

Mr. Peter Julian: Thank you, Mr. Chair. I appreciate your clarifying with me.

Traditionally, Canada has defended the idea of arm's length being defined, even in the case of related persons when they deal with each other, as if they were at arm's length; in other words, when two parties have treated each other as if they were unrelated. That is essentially the issue here. When two parties, even if they are related to each other, deem to deal with each other as if they were unrelated, that should be how we define the question of related or unrelated persons for the purposes of clause 6.

To take the American interpretation—

The Chair: Thank you, Mr. Julian, your time is up.

Is there any other debate on the motion?

Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair.

The government side does not support this amendment. I consider it to be a "waste of our time" amendment.

It is a question of fact as to whether unrelated persons are dealing at arm's length with each other. Because the existing provision is mirrored in other tax statutes, this would be a significant change in policy, creating an adverse impact. "Related person" is the concept of tax law.

The Chair: Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Thank you, Mr. Chairman.

I just wanted to commend Mr. Julian for his efforts. He gets a score of 8. On the other hand, I find he always uses a negative formulation. We are just changing words. Rather than saying they are related persons when they are, we're saying they are not related when they are operating at arms' length. I hope all the NDP's amendments are not drafted like that, because it may be a long day if they are.

• (1005)

[*English*]

The Chair: Merci, Monsieur Cardin.

(Amendment negatived: nays 10; yeas 1)

The Chair: Now we'll go to clause 6.

Mr. Julian.

Mr. Peter Julian: I just have had very clear confirmation, Mr. Chair, of why this process is not working. We've had two interventions, from the Conservative Party and from the Bloc, who seemingly are completely unaware of the capitulation that is made by referring to clause 6 in this manner.

What we are doing is saying that regardless of whether or not they treat each other at arm's length, the related persons are deemed not to deal with each other at arm's length. This is something that has been a major issue in British Columbia, and yet we've had an amendment that was important and endorsed by many of the lumber industry in British Columbia, because of their concerns that this definition is the United States' definition of arm's-length transaction rather than the Canadian definition, thrown aside without any due consideration.

We've been dealing for five and a half hours with this bill. This is the first major case where we have a major capitulation that the government is refusing to bend on.

It is a definition that has consequences, Mr. Chair—enormous consequences, because what we're doing is throwing away our legal victories. We fought for this principle at the WTO; we fought for it at NAFTA. Now, in subclauses 6(1) and 6(2), what we are doing, essentially, is throwing away those legal victories.

Mr. Chair, there is no more potent and visible example of why this process of ramrodding through this entire bill in the course of a day does not make sense than this one in clause 6, where, after years of legal victory at the WTO—and the Liberals should know this, because they were in government at the time—and at NAFTA, we are simply, in the course of a few minutes, throwing all that away and putting into legislation a definition that now confirms what the coalition has been saying all along about Canadian companies: that it doesn't matter if you've been treating that related person at arm's

length; what it means now is, according to the Canadian government, full capitulation—we'll simply take the American definition.

This has consequences not only for this bill. It's not at all clear whether this bill will even go through, as the deal falls apart. Only 25% of the companies have signed on. That tells you something, Mr. Chair: this badly botched bill is going down. But if we adopt this in legislation, you can bet your bottom dollar, Mr. Chair, the coalition will be coming back and pointing to this—this work done at 10:20 in the morning on a Tuesday, as we ramrod through Bill C-24—and they'll be pointing to it as an example that Canada accepts the American definition of what constitutes arm's-length transaction.

So here we have parties all uniting to sell out Canada's interest—

The Chair: Mr. Julian, time is up. Thank you.

Mr. Peter Julian: It is shameful, Mr. Chair. It is shameful.

The Chair: We now go to the recorded division on clause 6. We're voting on the clause, which wasn't amended.

[*Translation*]

The Clerk: There is a point of order.

[*English*]

The Chair: Monsieur Cardin has a point of order.

[*Translation*]

Mr. Serge Cardin: I would like to put a question to the witnesses regarding clause 6. Even though I made that joke earlier, based on the information I have been given, even though Mr. Julian's rationale is correct, it would be inconsistent with the Agreement.

Are you able to confirm or deny that?

[*English*]

The Chair: Gentlemen, who will answer that question?

Ms. McMahan, go ahead.

• (1010)

Mrs. Mary McMahon (Senior Counsel, Legal Services Branch, Canada Revenue Agency): Thank you, Mr. Chair.

For tax purposes, the determination of whether in a particular transaction the parties are dealing at arm's length is a factual decision that's made on the basis of the circumstances at issue. One of the criteria that might be looked at is whether the parties are related to one another, but there are others.

This amendment would have the wrong result, because it would deem persons who are unrelated to each other not to be dealing at arm's length. They may, however, in fact be acting in collusion to provide an inappropriate tax result, so we do not want to have a provision that would deem them to be dealing at arm's length.

The Chair: Is that okay, Monsieur Cardin?

Is there anybody else on that? I don't mean to pass people over.

Let's go to a recorded division on clause 6.

(Clause 6 agreed to: yeas 10; nays 1)

The Chair: Clauses 7, 8, and 9 have carried already, so we now go to clause 10.

(On clause 10—*Charge imposed*)

The Chair: Here is where we can start the process that was agreed to earlier in terms of discussing the amendments, including the one on page 5, dealing with clause 10. That's the first of that group. We will now deal with that group in the order agreed upon earlier.

Mr. Menzies, please go ahead with CPC-1, which is to clause 10, on page 5.

Mr. Ted Menzies: Thank you, Mr. Chair.

I can repeat the explanation if that's necessary, but it is already read into the record. As stated before, the reason is that Mr. Casey was putting this forward simply as a point of clarification. It's to bring the language in the enabling legislation into line with the actual softwood lumber agreement itself. It's very simple and not controversial at all, in Mr. Casey's estimation. I would concur with that, so I would like to move the adoption of this amendment, if I could, Mr. Chair.

The Chair: Thank you, Mr. Menzies.

Monsieur LeBlanc.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Chairman, Mr. Menzies has correctly described the Maritime Lumber Bureau's concern with respect to this clause. They simply want to make sure the language of the legislation correctly reflects the language of the agreement. You will note that the Maritime Lumber Bureau's amendment uses exactly the same wording as the first Liberal amendment, L-1. Obviously, if this amendment to clause 10 is passed—and we certainly support it in its entirety—then L-1 would be withdrawn because it is identical to CPC-1 by Mr. Casey.

The Chair: Mr. Menzies.

Mr. Ted Menzies: Speaking on behalf of Mr. Casey, I'm sure we would accept that, as both are representing Maritime lumber interests.

The Chair: Very good.

Mr. Julian.

Mr. Peter Julian: Mr. Chair, we're speaking to CPC-1 on page 5, which changes subclause 10(1). What Mr. Menzies' introduction was referring to wasn't clear. Since he had spoken some time before, it is important to clarify that. He is speaking to the amendment that says "Subject to the exclusions provided for in subsection 10.1(1), every person who exports a soft-". . . . Is that the amendment he is speaking to?

The Chair: It is indeed.

And your time has been running for 30 seconds, Mr. Julian.

Go ahead.

Mr. Peter Julian: I'm aware of that, Mr. Chair.

I like to clarify these things, even if you do punish members who ask questions of the panel or who ask questions of you for clarification. This is legislation that has enormous consequences. We've seen that in clause 6. I think it is to the shame of the committee that 11 of the 12 members did not understand what they

were voting on, that essentially what we were doing is taking the legal victories that we had and turning them around into legal language that is actually a net loss for Canada.

When we go to clause 10, Mr. Chair, the NDP has been supporting for some time the Maritime exclusion. We were surprised and dismayed that in the drafting of this bill, as with the other errors that we have already seen in clause 6, an egregious error, clause 10 was very clearly a massive drafting error. There is no doubt about that, in the same way the softwood sellout was done rapidly and poorly and resulted in strong capitulation.

We see in Bill C-24 that the drafting was done so rapidly that the Maritime exclusion became a nil-level exemption. It was something that could have come back later on, because it was included within the text of Bill C-24. And because of the vagueness of the language, it could come back to bite the Maritime lumber industry significantly. So, Mr. Chair, there is no doubt that this needs to be substantially amended; it needs to be fixed.

The problem we're having as a committee, Mr. Chair, is that this is only one of a whole host of problems that exist and that the members of the lumber community want to see addressed. The problem is, Mr. Chair, as a committee we're not hearing from any of those. We've had one day of witnesses, and once those witnesses started to raise these serious concerns, the committee shut down any possibility of having other interventions. Again this morning, with the first nations, shut them down. We don't want to hear from them.

The Maritime lumber exclusion is only one of a host of problems with Bill C-24.

• (1015)

The Chair: Mr. Julian, your time is up.

Is there any other debate on this amendment?

We will go to the recorded division on this amendment. It is amendment CPC-1, on page 5 of our amendment booklet.

I call the question.

Ms. Helena Guergis: I abstain.

(Amendment agreed to: yeas 10; nays 0 [See *Minutes of Proceedings*])

The Chair: Okay, Mr. Julian. The Liberal amendment has been withdrawn. Amendment NDP-4, which is on page 7 of our amendment booklet...would you like to move that, Mr. Julian, or do you want to skip over it?

Mr. Julian, you are correct. We'll come back to your amendment when we're through the grouping here. So we will now go to the amendment on page 6.

Yes, Mr. Julian, on a point of order.

Mr. Peter Julian: We may have our differences sometimes, but you were bang on in calling amendment NDP-4, because that is the next amendment that is up. We then move from there to Mr. Casey's and Mr. LeBlanc's amendments, but NDP-4 is the next amendment up. You're absolutely right.

The Chair: Mr. Julian, because the Liberal amendment was withdrawn, we actually are on your motion now following the order. You are on your toes, Mr. Julian, so please continue.

Mr. Peter Julian: Thank you, Mr. Chair.

Despite the fact that I disagree with a lot of your rulings, you are on your toes as well today, though I would appreciate a little more respect for the time allocation.

Coming back to this in clause 10, it is an amendment of the initial date that is contained within the softwood agreement and in Bill C-24. What we have right now, Mr. Chair, is a date set at September 30, 2006. There is no doubt that this date has to be changed. What is the logical date that would need to be put in that is not going to be harmful to softwood communities across the country?

Mr. Chair, what has indeed happened, as we saw with the incredible confusion around mid-October, is that the AD and CV duties continued to be collected at the border in the United States past the "put into effect" date of the softwood lumber agreement.

Even though we have not adopted this legislation, it's important for folks to note that this government has just rammed in a deal, even though it's unravelling as we speak. The reality is that this was imposed when the date for the actual putting into effect of the agreement came. There were two duties being levied, and depending on whom you speak to, that continued for a number of days. As you know, we raised these questions at the committee hearings when the government officials were here, to find out exactly what the last date was that the illegal AD and CV duties were collected. We do not know at this point when those double duty collections actually ended, Mr. Chair.

Because of that, and because of the incredible strain that softwood companies have been under, what we need to do is set a date that actually respects their ability to work through the process, their ability as companies to try to right the wrongs of this egregiously bad agreement. The date that makes sense is the end of October.

To this day, we don't know exactly when the AD and CV duty collection ended. We do know when the duty collection started for these self-imposed penalties that are actually higher than the illegal American tariffs. We went from a 10.8% tariff to a 15% tariff overnight, Mr. Chair, and we saw what the results of that were: thousands of lost jobs.

•(1020)

[*Translation*]

In Abitibi-Témiscamingue, the Saguenay—Lac-Saint-Jean regions, and on the North Shore, some 1,700 jobs have been lost in one week alone. Across the country, 4,000 jobs have been lost since this Agreement came into effect.

This disastrous result is due to the badly botched...

[*English*]

The Chair: Mr. Julian, your time is up. Thank you.

Is there any other discussion on NDP-4, which is on page 7 of the package?

Ms. Guergis.

Ms. Helena Guergis: Thank you very much, Mr. Chair.

We do not support this amendment. Canada and the United States agreed to change the effective date of the softwood lumber agreement from October 1 to October 12. It is therefore necessary to make several amendments to Bill C-24 to ensure that Canada meets its obligations to collect the charge as of October 12. The proposed amendment would establish November 1 as the effective date when Canada would begin collection of the charge. The government's motion would establish the correct date of October 12. So we do not support this amendment.

The Chair: We'll go to the recorded division on NDP-4.

Mr. Temelkovski.

Mr. Lui Temelkovski: Is that a subamendment that Madame Guergis just...?

The Chair: No, she was just speaking against Mr. Julian's amendment.

Mr. Lui Temelkovski: Give us some clarity on the dates, please.

The Chair: Who would like to do that?

Mr. Seebach.

Mr. Dennis Seebach: Thank you, Chair.

As has been noted at these committee hearings before, the Government of the United States issued a notice to cease collecting the AD and CV duties at the end of October 11. On October 12, there were no CV and AD duties. We do have information from our counterparts at United States Customs and Border Protection that on the morning of October 12, a number of duties were collected. They've been isolated and they will be returned 100% to those exporters.

It was a matter of timing and getting the notice out to all the border points across the Canada—U.S. border late on October 11, and there were a few mistakes made in the morning of October 12. Our information is that it was the only morning that this instance happened, and those moneys will be returned to the exporters 100%.

•(1025)

The Chair: Thank you, Mr. Seebach.

Go ahead, Mr. Temelkovski. You have time.

Mr. Lui Temelkovski: If we change this from September 30 to October 31, how will that affect it?

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

It would impact it by bringing the entry into force date to November 1, and it would mean that from October 12 to October 31, no export charges would be collected.

The Chair: Thank you, Mr. Temelkovski.

We will now go to the vote on NDP amendment 4, which is on page 7 of the amendment booklet—a recorded division.

(Amendment negatived: nays 10; yeas 1)

The Chair: Now we go to government amendment 1, which is on page 8 of the amendment booklet.

Go ahead, Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair. Of course, the government and we on this side support this amendment. It is one of several amendments required to implement the revised effective date for the Canada-United States softwood lumber agreement on October 12. The original effective date for entry into force was October 1. The extension from the October 1 date was due to the complexities on both sides of the border, in particular with regard to determination of litigation and requests from Canadian industry for more time to complete the legal documentation.

The Chair: Thank you, Ms. Guergis.

Is there any other discussion on this motion? Go ahead, Mr. Julian.

Mr. Peter Julian: Because of the vagueness of how this is worded, I'd like to offer a subamendment, that it be "October 11, 2006, at midnight".

I'll speak to the subamendment.

The Chair: Let's just get the amendment again, Mr. Julian. Please repeat it.

Mr. Peter Julian: It is two words: "at midnight".

The Chair: You want to add "at midnight" after the year.

Okay. Go ahead and speak to your subamendment, Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

We've had the vagueness around this whole issue of the actual
[*Translation*]

implementation of the Agreement. In fact, Mr. Chairman, it is quite clear that duties have been collected on Canadian softwood lumber that crossed the boarder after October 2. According to certain rumours, depending on whom you speak to, it was October 13 or 14. In any case, the problem clearly lasted for several days.

Double payments were made, meaning that, once again, softwood lumber companies were penalized. That was not the most effective way to proceed. They have been penalized by this Agreement and they continue to be penalized. They would have been penalized had they agreed to sign the Export Development Canada documents, because we now see that 75 per cent of companies did not sign them and will be receiving...

[*English*]

The Chair: Mr. Julian, would you speak to your subamendment, please?

[*Translation*]

M. Peter Julian: They are also penalized because of a lack of rigour as regards implementation of the Softwood Lumber Agreement.

Because people are still paying double taxation, it will take some time before we know who paid twice — in other words, who paid Canadian tariffs levied against softwood companies and who paid U. S. tariffs, even though they were illegal. So, a specific time will have to be set in order to know to what extent companies were hit with this double taxation.

Mr. Chairman, I believe it will take months to make sense of all the problems that have arisen since the Agreement came into effect. We can't just say it's one day later or one day earlier. A company that delivered its exports at 11:59 p.m. on October 11 and paid twice could say to the government...

• (1030)

[*English*]

The Chair: Mr. Julian, your time is up.

Does anybody else want to speak on Mr. Julian's subamendment?

We go to the recorded division on Mr. Julian's subamendment.

(Subamendment negatived: nays 10; yeas 1)

The Chair: Now we'll go to the recorded division on the government amendment.

Mr. Julian, you have up to three minutes. You don't have to use all the time on the government amendment.

Mr. Peter Julian: I appreciate these little gifts of five and six seconds you're giving me as well, Mr. Chair, despite the closure, although overall, with the five or six seconds and with what you've taken away for asking committee witnesses, I still come out behind.

Mr. Chair, this is a pretty fundamental issue. We have companies that paid twice. We don't know how many. We don't know for how many days. We don't know, when we look at the Washington border crossings, the Minnesota border crossings, and the New York State border crossings, to what extent and where those double payments were made. But if we set it at October 11 and we don't have a precise hour—which will add further legal difficulties, there's no doubt about that—what we are doing is imposing that double tax in a way that is not to the benefit or the advantage of all the companies that have suffered from this botched agreement and this botched bill. We know that companies paid twice. We know that. We don't have the final comprehensive list, because the government didn't have its act together and didn't do the kind of tracking it should have done as this agreement was forced into place.

Mr. Chair, the end result is that companies paid twice. By saying that the duty payments are in effect as of October 11, we are enshrining that double payment for those companies in what I think is an extremely irresponsible way. Mr. Chair, we're forcing them to pay twice. They paid the 10.8% illegal American tariff that was removed by the Court of International Trade as of October 13, and we've seen, as I mentioned last Friday, that Customs and Border Protection is now paying out 100% dollars to Canadian companies that have not filed with the government. So we have the companies that stayed away from the government now getting those 100% dollars, and we have the companies that signed onto EDC having a double tax, which actually means that they'll be getting about 67¢ back. It's absolutely bizarre and irresponsible, Mr. Chair.

Now on top of that double tax that we're imposing through clause 18, we're also looking to impose a double charge: the illegal American tariffs and the 15% self-imposed Conservative capitulation tariffs. We're looking at egregiously poor treatment of softwood companies.

October 11 cannot be the date. I cannot speak in favour of this, because it is absolutely irresponsible. It was irresponsible of the government to impose this. It's irresponsible of the government to set this date.

• (1035)

The Chair: Mr. Julian, your time is up.

Is there anybody else who wants to speak on this government amendment 1, which is on page 8?

We'll go to recorded division on government amendment 1.

(Amendment agreed to: yeas 10; nays 1 [See *Minutes of Proceedings*])

The Chair: Thank you.

We now go to the clause. Does clause 10 as amended carry?

Mr. Julian.

Mr. Peter Julian: I have a point of order, Mr. Chair.

Actually, the biggest part of the change to clause 10 has yet to be considered by this committee.

The Chair: Mr. Julian, I appreciate your leading to a clarification. That will be clause 10.1, which is considered to be a new clause, so we will vote on clause 10 now.

If you follow the agenda, Mr. Julian, you'll see that.

Let's go to the recorded division on clause 10 as amended.

Mr. Peter Julian: On a point of order, Mr. Chair.

The Chair: Mr. Julian, you have to vote first. You can't bring a point of order. We're on the recorded division on clause 10 as amended.

Mr. Peter Julian: Mr. Chair, what you have done is added a new section—

The Chair: No, Mr. Julian, you cannot go to anything else until you vote on this. Are you abstaining?

Mr. Peter Julian: No, I will not abstain. But, Mr. Chair, with respect, what we have done is changed these rules of order, the rules of procedure—

The Chair: Mr. Julian, with all due respect, we cannot entertain debate or a point of order or anything until you vote. The rest have voted on this clause as amended, and either you vote, Mr. Julian, or abstain—it's up to you.

Mr. Peter Julian: I'm on a point of order, Mr. Chair, in terms of consideration of clause 10.

The Chair: You can't be, Mr. Julian. As you know, procedure does not allow for a point of order to be entertained during a recorded vote.

Mr. Peter Julian: Mr. Chair, with due respect, when you've changed the agenda around, as we did in the morning, and now we've changed the consideration of clause 10, we cannot vote on clause 10 having not considered the new clause 10.1; we cannot do that procedurally.

(Clause 10 as amended agreed to [See *Minutes of Proceedings*])

The Chair: Now, Mr. Julian, we could not discuss that during the vote. The vote is now—

Mr. Peter Julian: Mr. Chair, you cannot go over clause 10 and go back to a new clause 10.1.

The Chair: Clause 10.1 is actually the next clause. We are creating, should this pass, a new clause. If you look on the top of page 9, Mr. Julian, legislative counsel—unless you're questioning legislative counsel—have referred to this as a new clause. We have now passed clause 10. It relates to clause 10, but it is a new clause, and that's where....

Now we are going to new clause 10.1.

Yes, a point of order, Monsieur LeBlanc.

Hon. Dominic LeBlanc: Mr. Chairman, just to be helpful, since we have passed clause 10, under the agenda that Mr. Julian has referred to, consequently we would be on new clause 10.1, which is created by CPC-2, or L-2; they're identical. I would invite you, Mr. Chairman, to ask somebody to move those amendments.

• (1040)

The Chair: Except the issue is that we had agreed earlier...we passed a motion that we would go from clause 10 to clause 11—pardon me, the amendments on page 11; let's be clear on that.

Yes.

Mr. Ted Menzies: If I might, Mr. Chairman, part of that motion said the amendments pertaining to the Atlantic exemption be considered as a group.

The Chair: Oh, that actually is correct. So we do then go to 10.1 now.

Mr. Ted Menzies: Thank you, Mr. Chair.

The Chair: Well, thank you.

Mr. Ted Menzies: Once again, I'm glad to help.

Once again in the absence of Mr. Casey, and in the spirit of helping a colleague in putting this forward in his place—just to be clear, we are on new clause 10.1 on page 9 of our booklet, so everyone knows exactly where we are. This would be classified as CPC-2. The amendment clarifies precisely the exclusions that were set forth in article X.1 of the agreement.

The Chair: Mr. Menzies, are you going to move the motion?

Mr. Ted Menzies: I would like to move the motion. Would you prefer that I move it before I read it?

The Chair: Yes, part of moving it wouldn't be reading it.

Mr. Ted Menzies: I move the motion.

The Chair: Proceed.

Mr. Ted Menzies: Shall I read it, or since time is of the essence, should we—

The Chair: Everyone has it in front of them. That's fine. You don't have to read it. Go ahead.

Mr. Ted Menzies: Okay, so moved. Thank you.

The Chair: Your debate on it, then.

Mr. Ted Menzies: I would just like to suggest that this clarifies precisely the exclusions that were set forth in article X, paragraph 1 of the agreement.

Subclause 10.1(1) specifically sets forth the three categories that were excluded from export charges under the softwood lumber agreement.

Subclause 10.1(2) defines deemed exports from Atlantic Canada and is moved from subclause 14(2).

Subclause 10.1(3) defines deemed exports from the Yukon, Northwest Territories, and Nunavut, and is moved from subclause 15 (2). This section would even be better if the words “Despite section 10” in the first line of this amendment were deleted.

The Chair: Mr. Menzies, you can't amend your own motion; someone else would have to.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): I'd be happy to.

The Chair: Okay, Brian Jean has moved that it's amended.

Just explain the amendment, Mr. Jean, or—

Mr. Ted Menzies: If I might explain, this was handed to me by Mr. Casey, and probably I went too far in my explanation of this amendment.

I would like to pass the floor over to Mr. LeBlanc to comment on this.

The Chair: Okay.

Mr. Jean, are you willing to withdraw that?

Mr. Brian Jean: Yes.

The Chair: Okay, thank you.

Mr. LeBlanc.

Hon. Dominic LeBlanc: Mr. Chairman, thank you again, and thank you, Mr. Menzies, for moving that new clause 10.1.

Again, this is identical to Liberal amendment 2. Therefore, if this is accepted, obviously Liberal amendment 2 would be withdrawn because it's identical.

We would have no problem with supporting Conservative Party of Canada amendment 2. If we want to move directly to that without a subamendment, we would be ready to do so.

The Chair: Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Mr. Chairman, we have here amendments CPC-2, L-2 and G-2.

I would like to know the differences between CPC-2 and L-2, as compared to G-2. There don't seem to be many. If there are, however, I would like to know what that implies. Which amendment is best? If we had to choose between the Conservative one and the Liberal one, I suppose we'd have to go with the government one.

Madam Parliamentary Secretary, I would like some clarification from the witnesses.

●(1045)

[*English*]

The Chair: We'll go to you, Mr. Julian, but I want to point out before I do that there is a line conflict with CPC-2, which is on page 9 of our amendment booklet, and G-2, which is on pages 12 and 13 of our amendment booklet, just so you're aware of those line conflicts as we debate and vote on this particular issue.

Ms. Helena Guergis: Mr. Chair.

The Chair: Yes, Ms. Guergis.

Ms. Helena Guergis: Mr. Chair, I just want to say that if this amendment passes, the government one will no longer be necessary.

The Chair: That clarification is very helpful: G-2 will be withdrawn if CPC-2 passes.

Mr. Julian, you can speak now on CPC-2, which is on page 9 of the amendment booklet.

Mr. Peter Julian: Is Mr. Jean withdrawing his subamendment?

The Chair: He did, yes.

Mr. Peter Julian: I would like to move that subamendment, so I will now speak to the subamendment.

The Chair: Perhaps you would explain exactly what subamendment you are putting in place.

Mr. Peter Julian: We would remove, at the start, “Despite section 10”. We thus would say:

The following exports of softwood lumber products are excluded from the charge referred to in that section:

I will speak to the subamendment.

The Chair: Speak to the subamendment, Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair.

The problem we're having here is that we're complicating even further clause 10. As we initially talked about, clause 10 was botched in the drafting. We had very clearly, from the text of the softwood lumber agreement, an exclusion of the Maritimes from the provisions of the softwood lumber agreement. That's something that is historical. That's something that has been established over time. And I think it's fair to say that this is something that all four parties around this table have supported.

So having that exemption from the historical litigation that has occurred around softwood lumber over the last few years, and that was only resolved on October 13 with our final victory in the Court of International Trade, that has now led to U.S. Customs and Border Protection starting to pay back 100% dollars to the companies, which renders Bill C-24

[*Translation*]

obsolete, most definitely.

[*English*]

The historical Maritimes exclusion was not moved from the softwood lumber agreement to Bill C-24. Now we have a situation where we're endeavouring to fix this.

In a sense, with the wording of both CPC-2 and L-2, which we support in their essentials, we're still in a situation where we're referring back to the clause 10 we have crafted—which is, to say the least, somewhat contradictory in terms of what we have, or what we would be adding, in new clause 10.1. Effectively we're endeavouring to build into that a clause that refers to the specific maritime exclusion—Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador—and also exports from the Yukon Territory, the Northwest Territories, and Nunavut Territory.

It's very clear, Mr. Chair, that this is something that would need to be clarified as well in terms of subamendments.

By referring to clause 10 here, I think we would muddy the waters even further. In endeavouring to fix that particular clause by referring back to clause 10—we're now creating new clause 10.1—what we are doing is putting into place a series of building blocks of confusion, a labyrinth. If we are creating new clause 10.1, it stands on its own to refer to the exports of softwood lumber products excluded from the charge, specifically the four Atlantic Canadian provinces and our three northern territories.

As Mr. Jean mentioned when he moved the subamendment, as was right for him to do, by having that wording in there—Mr. Menzies referred to this as well—what we're doing is adding further confusion to the overall thrust of clause 10 and new clause 10.1 and how they interact.

I'm concerned about that confusion. I'm concerned about—

• (1050)

The Chair: Mr. Julian, your time is up.

We'll go to Mr. LeBlanc on the NDP subamendment.

Hon. Dominic LeBlanc: Mr. Chairman, I hope this doesn't become a pattern, but I agree entirely with Mr. Julian's subamendment. As Mr. Menzies explained at the table...and Mr. Jean was ready to move.

So we would certainly support the subamendment, which we believe strengthens new clause 10.1.

Thank you, Mr. Chairman.

The Chair: Anyone else on the subamendment?

Then let's go to a recorded division on the NDP subamendment.

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

The Chair: Now we will go to the vote on the amendment as amended.

Mr. Julian.

Mr. Peter Julian: I'd like to offer a subamendment, Mr. Chair. As I mentioned in our discussion of the previous subamendment on clause 10, to clarify the exclusionary aspects of clause 10.1, we would add to clause 10.1(1) the words “the provinces of” to “Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland and Labrador” in paragraph 10.1(1)(a), and the words “the” and “Territory” to “Yukon” and the word “Territory” to “Nunavut” in paragraph 10.1(1)(b).

The Chair: Mr. Julian, we're not certain that subamendment is in order.

Mr. Peter Julian: I think it is, Mr. Chair, so I'd ask the—

The Chair: We need it either in writing or we need you to go through it again.

Mr. Peter Julian: It would be my pleasure to do that.

Reading from amendment CPC-2, “That Bill C-24 be amended by adding after line 22 on page 5 the following new clause:

10.1(1) the following exports of softwood lumber products are excluded from the charge referred to in that section:

(a) exports from

I would add the words “the provinces of” before “Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland and Labrador”, and to paragraph 10.1(1)(b) the words “the” prior to “Yukon” and “territory” after, and the word “Territory” after “Nunavut”.

The Chair: Mr. Julian, are you speaking to that or have you done that?

Mr. Peter Julian: I'd be pleased to, Mr. Chair. I haven't spoken to it, but I appreciate your invitation to speak to that. It's an important subamendment and I appreciate your request that I explain it further. This is an important bill, as you know, so every word is important.

Here we're trying to increase the clarity around the particular jurisdictions that are excluded from the softwood agreement and from the charges that are levied in clause 10. We've added a new clause 10.1, and essentially what we need to do is to clarify in a very specific or definitive way what exports "are excluded from". It has to be something that holds up. As I mentioned earlier in relation to clause 6, what we do will have an impact on how the coalition approaches its next attack on Canadian lumber. Because of that, the decisions we take today on how to word specific clauses will have an impact on how the coalition puts together its legal case. That's certainly the case for clause 6, which we have adopted. It is equally the case, I would submit, Mr. Chair, for clause 10.1 We are trying to get clause 10.1 and 10 to work. It's much like trying to shove a V8 into a smart car; it's not going to work unless we make sure the space is there to try to put in that engine in a way that makes sense.

What we have been doing here by not referring specifically to the provincial jurisdictions, but in a more general way to areas—Nova Scotia, New Brunswick, Prince Edward Island, or Newfoundland and Labrador—is that we have been leaving open the possibility that the coalition could then come back at us. By referring to the provinces, we're referring to very strict legal definitions, those that have—

• (1055)

The Chair: Okay, Mr. Julian, your time is up.

Does anybody else want to speak to Mr. Julian's subamendment?

Then we'll go to the recorded division on Mr. Julian's subamendment.

(Subamendment negated: nays 7; yeas 3)

The Chair: I just want to make a comment here.

Mr. Julian, if I see subamendments such as the one that you just proposed, which I believe is frivolous, I will rule that way in the future, and I won't allow it to go ahead. That is just a caution, Mr. Julian. We have to deal with some substance here at this committee.

Let's now go to the amendment CPC-2 as amended.

Go ahead, please, Mr. Julian, talking to the amendment CPC-2.

Mr. Peter Julian: Thank you, Mr. Chair.

I'm offering another subamendment to the amendment CPC-2. That is in subclause (3):

An exported softwood lumber product is deemed to be exported from Yukon,

—we should have had more clarity on that, but—

the Northwest Territories or Nunavut if the product underwent its primary processing in one of those territories from softwood sawlogs originating in one of those territories or the state of Alaska.

The Chair: Mr. Julian, I didn't catch the subamendment there. Where was the subamendment?

Mr. Peter Julian: It was "or the state of Alaska".

The Chair: The state of Alaska was inserted where, Mr. Julian, just for clarity?

Mr. Peter Julian: It was at the end of subclause (3).

The Chair: It was after "territories".

Mr. Julian, was it "or the state of Alaska", or "and the state of Alaska"?

Mr. Peter Julian: It was "or the state of Alaska".

The Chair: We need clarification from the witnesses here on that proposed subamendment as to whether you believe it is within the scope of the bill.

Mr. Michael Solursh (Counsel, Trade Law Bureau, Department of Foreign Affairs and International Trade): No, it's not. There is no exclusion provided under the softwood lumber agreement for exports from the state of Alaska. It's solely for the Atlantic provinces, Northwest Territories, Yukon, Nunavut, and excluded companies. That's it. The state of Maine is also on that list.

• (1100)

The Chair: And the state of Maine.

Mr. Julian, your subamendment is out of order.

Mr. Peter Julian: Mr. Chair, with respect, it is not.

The Chair: There is no need to vote on that; it's out of order.

Let's go ahead with the vote.

A point of order, Mr. Julian.

Mr. Peter Julian: Mr. Chair, it is very much in order. This is something that has substance, and despite your comments about frivolousness, we added over 100 amendments because we take this bill very seriously indeed. I resent those comments, and I resent your trying to censor what are essentially important aspects to improve this badly botched bill. I challenge your decision, Mr. Chair.

The Chair: Mr. Julian, your subamendment is out of order because it's beyond the scope of this bill. We can't go back and renegotiate the softwood lumber deal. We talked about that upfront, I believe.

Let's just move on.

Mr. Peter Julian: A point of order.

I challenge your decision, Mr. Chair.

The Chair: We'll go to a recorded division to sustain the decision of the chair.

(Chair's ruling sustained: yeas 10, nays 1)

The Chair: The decision of the chair is upheld.

Mr. Peter Julian: We will now go to the amendment, with the addition of the subamendment.

The Chair: That is correct, Mr. Julian. If you'd like to speak to it, you get three minutes.

Mr. Peter Julian: Thank you very much, Mr. Chair. I appreciate that.

This is something that, in this corner of the committee room, I certainly will be supporting. This is an important fix for what was an egregious error in the drafting of this legislation. The maritime exclusion is something the NDP has fought for and supported historically. I think it's fair to say that through all of the litigation cases, there has been a certain level of unanimity around the issue of ensuring that maritime lumber is excluded.

We have a situation where the wording of this particular clause of the bill is even more important, because the coalition in the United States has signalled that they'll be taking the money that the Canadian government will be giving them, half a billion dollars, and they will be renewing litigation attacks on Canada. They wouldn't have been able to do that without the half a billion dollars because they were at the end of their ability to fund more legal challenges. But now they have a fresh infusion of cash, half a billion dollars taken right now from Canadian taxpayers.

Because of the fact that only 25% of industry has signed on to the EDC deal, the reality is that the moneys the companies are getting paid to them directly now, 100% dollars, are not deducted through U. S. Customs and Border Protection. Those cheques are already starting to go out; the meeting was last Friday, as you know, Mr. Chair. Thank goodness we didn't ram through this bill on Thursday, because now we know that the cheques have been going out as of Friday, 100% dollars going out to softwood companies because we won on October 13.

So now we have a situation in which this badly botched softwood sellout and this badly botched bill are going to complicate the lives of softwood companies considerably. We have to make sure the wording is exact and resist that legal challenge that will come from the coalition.

We know that challenge will come. They have half a billion dollars in Canadian funds with which to make it. So although it has not been improved to the extent that I would feel comfortable, the wording here is certainly better than the initial crafting of the bill that came out. That crafting changed the maritime exclusion to an exemption payment of nil.

We had to address that as a committee. We've certainly made some steps—important steps, I think—with both Mr. Casey's and Mr. LeBlanc's amendments that were brought forward. I don't think the government's amendments were as helpful. But with the addition of that clause 10.1, we certainly will have better protection for maritime lumber, though it's fair to say it's not the complete protection that we need.

•(1105)

The Chair: Your time is up.

We will now go to the vote on CPC-2, as amended, with a recorded division.

Ms. Helena Guergis: I abstain.

(Amendment agreed to: yeas 10; nays 0 [See *Minutes of Proceedings*])

The Chair: We go to the vote now on clause 10.1.

Yes, Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I'm pleased to now speak on the new clause 10.1. I think it is still the same confusing way of putting into place the numbering system for these new clauses. Though I disagree with the way the clause and numbering system is being put together, I do support the principle of what we are adopting.

I wanted to speak more specifically about northern areas, particularly the Yukon, the Northwest Territories, and Nunavut. I must say that despite the fact that we have improved this aspect of Bill C-24 to a certain extent, we still have a way to go, Mr. Chair. What we have is a situation with the softwood industry that is incipient, to say the least.

The Chair: Mr. Julian, I'm going to interrupt you. This is a bit of a different situation. Because clause 10.1 is a new clause, and we passed the amendment, we are in fact finished with it. We do not actually go to a debate or a vote on clause 10.1. In fact, it would cause problems if we did that, Mr. Julian.

We're moving on now.

You have a point of order, Mr. Julian.

Mr. Peter Julian: Mr. Chair, on a point of order, in this case you would have actually been better letting me finish, I think.

Here we have an agenda that you told me about when we talked about clause 10, moved immediately to consideration of clause 10. You said that we must follow the agenda as set out in last Thursday's meeting. Despite the fact that Mr. Menzies' motion ripped apart any possibility of a really effective move to clause-by-clause throughout the bill, we're in a situation now where, if we follow the agenda, we will be moving from the amendments to debate on whether clause 10.1 should carry.

Indeed, as you know, Mr. Chair, what you are endeavouring to do is exactly the opposite. We've had one process for clause 10, and we are now going to a completely different process for new clause 10.1. What gives, Mr. Chair? What is the agenda? How are we trying to move through this extremely complex bill that needs to be improved because it was badly botched in the drafting? There's no doubt, Mr. Chair, that we have work to do on every single clause, but if we change our rules of procedure and how we function in every clause, then what we're going to end up with is just a lot more points of order than the serious kind of consideration that needs to take place on this bill.

We moved through clause 10 having discussion on the amendments, and then we moved to debate on whether clause 10 should carry. We are now—and this is why I'm raising my point of order—moving to clause 10.1, a new clause. According to what is written very specifically in the agenda, we are moving to, "Shall new clause 10.1 carry?" Well, we are doing that without debate. Now, either we are adhering to this agenda that we set up, despite what Mr. Menzies did to rip apart that agenda, or we're not. But we can't have different rules of order and different rules of procedure for each of the clauses as we work through this process.

That is my point of order, Mr. Chair.

The Chair: Thank you, Mr. Julian.

We are now going to the amendment on page 22. We can't vote—

Mr. Peter Julian: Mr. Chair, I have raised a point of order. Could we have a ruling from the head table, please?

The Chair: Mr. Julian, in fact.... A ruling on what, Mr. Julian?

•(1110)

Mr. Peter Julian: Mr. Chair, you are changing the agenda. You went through a process on clause 10, and now you are taking what is clearly before us, which is consideration of new clause 10.1, and you're refusing debate.

There is debate. There is an alteration; there is a ripping up of the agenda.

The Chair: Mr. Julian, I will clarify it for you. The clarification is that we agreed—we passed a motion earlier—to modify the agenda, so now the new agenda is modified. I am in fact sticking to the agenda.

Don't interrupt me, please, Mr. Julian. I am speaking now.

Mr. Peter Julian: I'd like a ruling on the point of order, please.

The Chair: Mr. Julian, I've already done that. The chair makes these decisions. I get guidance from the people at the table. I have done that, in fact.

We are going—

Mr. Peter Julian: [*Inaudible—Editor*]

The Chair: Mr. Julian, I will have your microphone cut off if you're not going to respect some order at this committee.

We're going ahead now with the amendment on page 22. That is amendment CPC-3. It's Mr. Casey's.

Just for clarification, we're not going to go to the vote on the clauses that these amendments affect until later. We're going to deal with the amendments. We'll go through them—pages 22, 23, 24, 25, and 26—then we'll go back and proceed from the clause that we last had a vote on.

Ms. Guergis.

Ms. Helena Guergis: Can you clarify for me, Mr. Chair, that the three minutes will be the entire debate, because they're all being debated at once? Is that how it works?

The Chair: No, we're not debating them at once, but we are debating them together, in order, starting on page 22.

Mr. Peter Julian: On a point of order, Mr. Chair, we adopted a motion that said we were going to clauses 5, 6, 9, 10, and 11. We are now on clause 11.

The Chair: We were not talking about clauses, Mr. Julian. We were referring to amendments on those pages.

Mr. Peter Julian: Mr. Chair, this is what we adopted. We had that debate two hours ago. As far as I can see, though, we're not obeying any of these agendas. We haven't had a vote on new clause 10.1, we haven't had discussion on new clause 10.1, and we're not even moving to clause 11.

[*Translation*]

It's total confusion, Mr. Chairman.

[*English*]

The Chair: Mr. Julian, if you will look at pages 11, 12, and 13, because of the vote on new clause 10.1, those are no longer...

Mr. Julian, again, maybe the problem is that the motion referred to the page numbers that the amendments are on. We're dealing with those amendments in the order of page number. We're now on page 22, which is CPC-3, which is Mr. Casey's amendment.

Mr. Julian.

Mr. Peter Julian: On a point of order, we are moving to clause 11. That is what we adopted. We had discussion, there was intense confusion around it, and we have subsequently moved to clause-by-clause.

The Chair: Mr. Julian, we're no longer discussing this. In fact, we did pass this motion—

Mr. Peter Julian: And the motion says we're on clause 11.

The Chair: —and we're going now to page 22.

Ms. Guergis, go ahead, please.

Ms. Helena Guergis: Mr. Chair, I just wanted to start off by saying that I understand, looking at—

Mr. Peter Julian: On a point of order, Mr. Chair, I challenge your decision. We have a logical sequence.

The Chair: We'll go to a recorded vote on the motion. The motion—I should know this by now—says that we sustain the ruling of the chair. It will be a recorded division.

(Chair's ruling sustained: yeas 8; nays 1)

(On clause 14—*Export from Atlantic provinces*)

The Chair: Ms. Guergis, please continue.

•(1115)

Ms. Helena Guergis: Thank you very much.

I'm taking a look at both Mr. Casey's and Mr. LeBlanc's amendments, on pages 22 and 23. I do see that they are almost exactly the same, and I'd like to applaud both members for the great work they have done here.

But I do have a little concern here. I notice that there might be just a slip of the words. A couple of words seem to be wrong here. I'm looking at the top of Mr. Casey's, which says:

If, during a particular calendar quarter, exports of softwood lumber products from Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland and Labrador

The word “or” is correct, but when I come down to the very bottom of it, at the third line from the bottom, it says “and”. I think someone should be proposing a subamendment to change that to “or”.

I see Mr. LeBlanc seems to be in favour of that. I'm looking at his as well, and he has “and” in his two positions. They should read “or” as well.

So I just wanted to express my concerns, but I also wanted to comment that the amendment we put forward on the government side with respect to clause 14 will be withdrawn if this were to pass.

The Chair: Thank you, Ms. Guergis.

Mr. LeBlanc.

Hon. Dominic LeBlanc: Mr. Chairman, I agree with the parliamentary secretary. Mr. Casey and I both seem to have had a little difficulty with respect to this amendment. It should read “or”. Therefore, I would suggest a subamendment to CPC-3, which we’re looking at now on page 22. The third line from the bottom that begins “and Newfoundland and Labrador” should be changed to “or Newfoundland and Labrador”, to be consistent, as the parliamentary secretary said, with the fourth line at the top of that same page.

Thank you, Mr. Chairman.

The Chair: Mr. Julian, on the subamendment.

Mr. Peter Julian: I’m just shaking my head, Mr. Chair, about how this is being done.

What we have is a badly botched clause 10, which we endeavoured to fix by adding new clause 10.1, which we have not debated as a new clause. We are now moving to clause 14, and we have amendments that need to be fixed because right now, currently, the way this particular amendment is worded, you would have to have a softwood log product that has been processed in all four provinces before we’d be able to actually have the exclusion that was originally included within the softwood lumber agreement. This is not a way to make legislation in any way.

[Translation]

Mr. Chairman, we can see here that our decisions are making the situation even more confused. That means we are likely to make mistakes that will have serious consequences in the coming years. With respect to the sub-amendment, if we keep the current wording, the Coalition would most certainly conclude that the four provinces as a whole are not affected. It is impossible, indeed, unthinkable to subject the product to four different steps, in this case, in the four Atlantic provinces. That definitely has to be clarified, to ensure that primary processing occurs in one of the four Atlantic provinces.

Mention is also made of the State of Maine, something that is very important to the north, as I mentioned earlier. The fact is that if we continue to draft wording on the back of a napkin, we will end up making mistakes and people will be harshly criticized subsequently, Mr. Chairman. The wording must be clarified to say that this does not apply to the four provinces as a whole. We need to ensure that a product from Northern New Brunswick or Nova Scotia is subject to the provisions that exclude the Maritimes. So, it is very important to pass this sub-amendment.

[English]

The Chair: Mr. Julian, your time is up.

Does anybody else want to speak on the subamendment? Then we’ll go to the recorded division on the Liberal subamendment

(Subamendment agreed to: yeas 10; nays 0)

• (1120)

The Chair: We’ll now go to the vote on CPC-3 as amended.

Mr. Julian.

Mr. Peter Julian: I propose a subamendment to subclause 14(1). The last three lines would read:

shall pay a charge calculated by applying \$100 per thousand board feet of exported lumber products to that person’s excess shipments.

The Chair: That would change the number from \$200 to \$100 per thousand.

Mr. Peter Julian: Yes.

The Chair: Can we have comments from the witnesses as to whether that would change the agreement itself?

Mr. Michael Solursh: Yes, it would change the agreement. The agreement provides for a \$200 charge on exports in the Atlantic provinces that exceed production in inventory. It’s specified in article XVII of the agreement. To remain consistent with the agreement, it should be a \$200 charge, not a \$100 charge.

The Chair: Yes, it is out of order, Mr. Julian, in fact. I’ve come to that conclusion.

Mr. Peter Julian: I’d like the witness to reference on what page of the agreement it is, for our....

The Chair: A minute left.

Mr. Michael Solursh: I don’t have the pages listed here, but it’s article XVII, “Anti-Circumvention”, paragraph 5(a).

The Chair: Mr. Julian, your time is up.

I would like clarification from the witnesses as to whether these changes would change the amount of money that would be paid out by government.

• (1125)

Mr. Michael Solursh: In order not to circumvent the agreement, it has to be a \$200 charge, not a \$100 charge.

The Chair: I was asking about whether that could require more expenditure on the part of government. If so, that would mean, of course, that the subamendment is out of order.

Mr. Michael Solursh: I can’t answer if it would require more expenditure. But obviously it would require expenditure because it would lead to a potential dispute. To defend disputes would require government expenditure if we are defending a charge. So in that respect, it would increase expenditure.

The Chair: All right.

A minute, Mr. Julian, please.

Okay, Mr. Julian, your subamendment is in order and you have spoken to it. Let’s go to the....

Yes, Mr. Julian.

Mr. Peter Julian: This is absurd. The subamendment is in order and you’re saying I can’t speak to it.

The Chair: You already have, to some extent.

Mr. Peter Julian: I haven’t spoken to it. What we’ve had is clarification from the panel. We know now that this is in order. As a result of that, I would like to speak to it now that it has been found to be in order, and I thank you for that.

I think this gets to the crux of what we are doing here today, Mr. Chair, which is to try to endeavour to lessen the series of penalties that are imposed upon Canadian softwood producers right across the board: eighteen months in prison for countermanding in any way Bill C-24; exceptional powers to go in and interfere with directors of companies and to interfere with trust funds they may have set up at any time in their lives. These are all issues that are front and centre in how we approach Bill C-24.

Now we have a situation where in the agreement itself we have simply, and I'll state it for the record: "Canada shall retroactively" impose on the entities or entities responsible for any excess shipments from the Maritimes a charge equal to "\$C X, where X is determined according to the following formula".

The formula—

The Chair: Okay, Mr. Julian, your time is up.

Did anybody else want to speak on that?

We will now go to the recorded division on Mr. Julian's subamendment.

(Subamendment negated: nays 10; yeas 1)

Mr. Peter Julian: Mr. Chair, are we now on consideration of the amendment itself?

The Chair: That is correct. I was coming to that, Mr. Julian. I am running the meeting.

We are now going to the amendment as amended. We will go to the vote on that.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

I'm glad to actually have the opportunity to speak to the clause 14 amendments—CPC-3—with the subamendments that we have adopted from Mr. LeBlanc. That is helpful, because from the way the amendment was originally crafted, what we ended up with was a situation in which primary processing had to happen in four provinces before the calculation could be made. It was obviously not in the interests of the maritime lumber industry.

The subamendment that we have adopted helps to clarify exactly what the primary processing has to be, but we still end up with this punitive charge on maritime lumber. It is an extremely tight margin for maritime lumber. In the case that you have an aggregate of total production in a calendar quarter such that total inventory is exceeded, we have this excessive punitive charge that is levied against maritime lumber. I don't see how any representative from the Maritimes could vote for it. We have to reduce that charge.

It's very clearly a formula that's set out in the agreement, but the percentage numbers are set out as an appendix—not in the agreement itself, where there is simply provision for a formula. That's an important thing to note, Mr. Chair.

We have to approach this whole issue very carefully to ensure that we're not penalizing the maritime lumber industry in the way that we're penalizing the industry elsewhere in the country. Let there be no mistake, Mr. Chair; this is a punitive bill. This is a bill that bullies and cajoles the lumber industry across the country.

It's important to note that only 25% of the industry has actually signed on to EDC; 75% said no way, including Canfor Corporation. Canfor Corporation has not signed on to the EDC process. That must raise serious questions, Mr. Chair, when you have 75% of the industry not going through EDC to get their 67-cent dollars, when they can go directly to U.S. Customs and Border Protection and get, as we saw last Friday, 100% dollars because of the win on October 13 in the Court of International Trade. That win has forced the hand of Customs and Border Protection, and now those moneys are starting to flow. Those first cheques from Customs and Border Protection are going directly to the softwood companies.

We're penalizing them in a wide variety of ways. Why would we penalize the maritime lumber industry for moving just notionally above what their actual aggregate sum of total production and total inventory is? We're putting handcuffs on them. Why? We won in the Court of International Trade. There's no reason to do this when we have, as we know, a Court of International Trade ruling that says all of the unliquidated entries must be liquidated, which is what U.S. Customs and Border Protection is doing—making those payments directly now, in 100% dollars. We're putting a straitjacket on the maritime lumber industry, imposing a punitive charge that is completely inappropriate.

It's hard to say what we should do now, Mr. Chair. We have a situation in which we have an amendment that penalizes severely the maritime lumber industry. It shouldn't. It doesn't have to. We have the court judgment—

•(1130)

The Chair: Mr. Julian, you're out of time.

We will now stand that amendment as amended for now.

We now go to number 26, which is out of order. The motion is to withdraw, which is out of order. You vote down the clause if you'd like to remove the clause.

Now we can go back to the vote, then, on our amendment.

Yes, go ahead, Mr. Julian.

Mr. Peter Julian: With respect, I do not know how you are proceeding. You are not obeying the rules of procedure that were distributed last Thursday. You are not obeying the resolution that was adopted this morning. I do not understand how you are proceeding.

If you are proceeding according to your own logic, could we have a paper that indicates how you are choosing to proceed, because you are off on both of them?

The Chair: I'll explain once again, Mr. Julian, which I've done, but I will do it again.

We have completed the debate on page 22. On the amendments I've been speaking about, pages 23, 24, and 25 have been withdrawn or dealt with in one fashion or another. Page 26 is out of order, Mr. Julian.

We are now going to the vote on the amendment, as amended, on page 22.

Mr. Peter Julian: I did not hear Mr. LeBlanc withdraw his amendment, and I did not hear Ms. Guergis.

The Chair: He did, Mr. Julian. He in fact did that explicitly.

We have done this. We are now going to the recorded division on amendment CPC-3, as amended.

Ms. Helena Guergis: I abstain.

(Amendment as amended agreed to: yeas 10; nays 0)

• (1135)

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: As it's 11:35, I'd like to move an adjournment.

The Chair: Mr. Julian, you're putting forth a motion to adjourn. It contradicts the motion we passed at the last meeting that governs our procedure here today.

Let's proceed. We are going to stand the vote on clause 14 and we're going back to page 14 of the amendments. We are now on page 14, amendment NDP-5.

(Clause 14 allowed to stand)

(On clause 11—*Export from a region*)

The Chair: Mr. Julian, do you wish to move the amendment?

Mr. Peter Julian: It's a point of order, Mr. Chair.

When you say we're standing the vote, you are also standing debate.

The Chair: Yes.

Mr. Peter Julian: We adopted a motion this morning that it would be debated and voted on individually. What that means is you are standing debate for clause 10.1 and clause 14. When we come back to those clauses, we will debate those clauses and we will then go to a vote on those clauses.

The Chair: Yes, Mr. Julian, that is in fact correct, just on the clause, because we haven't had the debate on the clause.

When I call for the vote, Mr. Julian can choose to debate it for three minutes. That is just on the clause—clause 14, I believe it is.

Mr. Julian, do you wish to move NDP amendment 5, which is on page 14 of the package dealing with clause 11?

Mr. Peter Julian: Mr. Chair, since we are jumping all over the place, I hope you will provide me with some consideration to zip through these many amendments and these many clauses.

The Chair: Mr. Julian, the clock is ticking.

Mr. Peter Julian: Mr. Chair, I asked for consideration to find my place and I was awaiting you, in a very polite, respectful way. I will start now.

• (1140)

The Chair: I've just started the clock.

Mr. Peter Julian: On Bill C-24, clause 11, what we have is a series of rates and punitive charges that are applied to softwood companies. On October 13, the United States Court of International Trade ruled on the softwood dispute. It was something, of course, Mr. Chair, that the Canadian government endeavoured to prevent, unbelievably. It endeavoured to intervene in a court of law to stop Canada from winning. Here is the judgment that was delivered on

October 13 by Justice Restani, Justice Barzilay, and Justice Eaton in the Court of International Trade in New York City.

Accordingly, all of Plaintiffs'

—that's Canadians—

unliquidated entries, including those entered before, on, and after November 4, 2004, must be liquidated in accordance with the final negative decision of the NAFTA panel. Judgment shall be entered accordingly.

Mr. Chair, what we have is a final victory in the Court of International Trade. It is an enforceable decision, and we have seen, Mr. Chair, that U.S. Customs and Border Protection are now paying out 100% dollars to Canadian softwood companies. We have the judgment that completely obliterates any need, if ever there was one, to capitulate as we did this summer in the softwood lumber agreement, reflected in Bill C-24. We have a legal case that is binding and is allowing those moneys to come back into Canada now, and what we are considering here is the imposition of punitive taxes. It's absolutely unbelievable, Mr. Chair, that we would impose on our softwood industry punitive tariffs when we know that we have won in the Court of International Trade and we know that Customs and Border Protection in the United States, despite the government's pretensions that it would take two years to make those payments, is actually making the payments now. It started last Friday. Those first cheques went out.

Why are we penalizing our softwood industry? Why are we insisting that somehow they have to pay these punitive self-imposed tariffs when we know very well that we do not have to do this? We have seen massive job losses, Mr. Chair, in the last few weeks—nearly 4,000 jobs have been lost across this country—because these punitive tariffs mean lost jobs. This was a badly botched negotiation. It was unnecessary. We won in a court despite the fact that the Canadian government intervened to stop us from getting the remedy. We have no reason to impose this penalty and we should act accordingly.

The Chair: Your time is up on this.

Is there anyone else who wishes to speak on Mr. Julian's amendment, that is, NDP-5?

Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair.

I would like to label this amendment as a “waste of our time” amendment. This actually goes against the core of the agreement. We do not support it. It would eliminate the export charge, which of course is one of Canada's obligations under the agreement.

If the officials have anything to add to that, they can.

The Chair: No, it doesn't look like they do.

Let's go to the recorded division then on Mr. Julian's amendment, NDP-5, on page 14 of the amendment booklet.

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

The Chair: Mr. Julian's amendment NDP-5 is defeated. We now go to NDP-6, on page 15.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair.

So we won. We won on October 13. We do not need to impose these penalties. We do not need to give away a billion dollars, and this is where I would disagree with the parliamentary secretary.

The Chair: We're dealing with the motion. Have you moved your motion? Go ahead and do that, please.

Mr. Peter Julian: I move NDP-6.

The Chair: Good. Go ahead.

• (1145)

Mr. Peter Julian: Thank you for clarifying that. This is an issue of the giveaway that does not need to happen. It is a giveaway that, because of the government's botching of this particular agreement, taxpayers will have to pick up. Essentially we have a situation in which only 25% of companies have signed on to this badly botched deal. It's incredible, Mr. Chair. And yet we are penalizing them for reference prices. We are penalizing them at the border. We are imposing export taxes that mean lost jobs and value-added production, not in Canada but in the United States.

Every single clause here, as it stands, means lost jobs: in northern British Columbia; in the interior and on the coast of B.C.; in northern Alberta; in northern Saskatchewan; as we've seen with the closures that have occurred already, in northern Manitoba, where I'll be going next week to speak to softwood workers; in northern Ontario, where I was last week speaking to softwood workers in softwood communities, as well as to the mayor of Thunder Bay, about the implications of this atrociously bad bill, the result of an incredibly botched negotiation.

[*Translation*]

People in Northern Quebec, the Abitibi, the Saguenay—Lac-Saint-Jean region and on the North Shore have lost jobs because of this Agreement. The Government of Quebec cannot intervene. If it did, anti-circumvention provisions would mean that it would be sued by the Coalition.

Here we have an amendment that would allow us to reduce all the costs, the tariffs that are being levied against our softwood lumber industry. If members vote in favour of this amendment, we will save the jobs that we are currently losing in Northern Quebec, in Ontario and British Columbia, as well as across the Prairies — in Saskatchewan, for example. Job losses due to this Agreement are considerable.

Mr. Chairman, we have a responsibility to take action and put an end to the government's irresponsible behaviour. It seeks to impose a tariff on our own industry which is worse than the illegal tariff. That one was 10.8 per cent. Now we're talking about a 15 per cent tariff. It's absolutely disgusting.

[*English*]

The Chair: Mr. Julian, your time is up.

Would anybody else like to speak to NDP amendment 6?

Yes, Mr. Breitreuz.

Mr. Garry Breitreuz (Yorkton—Melville, CPC): Mr. Chair, I have to correct one of the inaccuracies here, a blatant error on the

part of the previous speaker, Mr. Julian. In the northern part of my riding, the mill has in fact now been purchased by another company because they see the opportunities. So I think you should keep up to speed on what's happening in the industry. They see the new opportunities, and what you have just said is totally inaccurate.

Thank you, Mr. Chair.

The Chair: Thank you. We will now go to the vote, to the recorded division on NDP-6, page 15 of the amendment package.

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

The Chair: Okay, now we'll go to the vote on clause 11.

Mr. Peter Julian: A point of order, Mr. Chair.

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: We have put aside votes and debate on 10.1 and on clause 14. Now we are coming back to clause 11, and instead of standing the debate and adoption of the clause—

The Chair: Mr. Julian, I'll clarify what you just said. We did in fact vote on clause 10.1. In fact, we have the recorded division on clause 10.1.

Mr. Peter Julian: No, the recorded division was on clause 10.

The Chair: Mr. Julian, as I explained before, we do not vote on clause 10.1, because the full content of clause 10.1 was the amendment, as amended. That is correct, and we have done that, Mr. Julian.

We're going to vote on clause 14 when we arrive at that point. We're doing them in order.

We are now going to the recorded division on clause 11. Do you want to debate clause 11, or should we go directly to the recorded division, Mr. Julian?

• (1150)

Mr. Peter Julian: On a point of order, Mr. Chair, we have not had the debate and adoption of clause 10.1. We did that on clause 10. We have not had the debate and adoption of clause 14 either.

The Chair: Mr. Julian, I've explained that. If you want to challenge the chair, let's get it over with and let's move on. We have done it.

Mr. Peter Julian: I am suggesting, Mr. Chair, that we have to be consistent about how we're approaching these amendments.

The Chair: On the advice of the clerks, Mr. Julian, we have been and that is done with.

We are now going to a recorded division on clause 11.

Mr. Peter Julian: This is absolutely absurd. This is a travesty, Mr. Chair.

The Chair: Mr. Julian, if you wish to vote, vote now. If you want to bring a point of order afterwards, we'll do that. We cannot have a discussion or a point of order during a vote. Now, please vote.

Mr. Peter Julian: The vote was called when I had clearly signalled that I wanted to intervene on clause 11. You cannot continue to bulldoze your way through this bill.

(Clause 11 agreed to [See *Minutes of Proceedings*])

(On clause 12—*Definitions*)

The Chair: We are now going to clause 12 and Bloc amendment BQ-2 on page 16.

Mr. Peter Julian: On a point of order, Mr. Chair, could the head table please tell us exactly how many clauses have not received final debate and a final vote at this point?

The Chair: Mr. Julian, we've done that. All clauses have been voted on up to clause 12. We're now dealing with clause 12.

There is an amendment to clause 12 that is a Bloc amendment. If Mr. Cardin would like, he can move the Bloc amendment to clause 12, which is BQ-2, on page 16 of the amendment booklet.

[*Translation*]

Mr. Serge Cardin: Thank you, Mr. Chairman.

As you can see, this isn't particularly complicated. We are simply trying to ensure that the French and English versions match, so that the text is easier to understand.

[*English*]

The Chair: Thank you, Monsieur Cardin.

Monsieur LeBlanc.

[*Translation*]

Hon. Dominic LeBlanc: Mr. Chairman, I fully agree with Mr. Cardin. This amendment does bring the English version in line with the French version. We intend to support amendment BQ-2.

[*English*]

The Chair: Mr. Julian.

Mr. Peter Julian: I would like to move a subamendment, Mr. Chair, that the words read “incurred in the placement aboard any conveyance”, and I will speak to that.

The Chair: Go ahead, please.

Mr. Peter Julian: Thank you, Mr. Chair.

Referring to the *Concise Oxford English Dictionary*—which, they state, is the “world's most trusted” dictionary—the word “any” as a pronoun is defined thus: used to refer to one or some of a thing or number of things, no matter how much or many.

That's the first definition given. The second definition is this: whichever of a specified class might be chosen.

And then the adverb is defined this way: at all; in some degree.

Again, what we have here in this particular clause is loose language, language that doesn't get the job done. As we've seen with the Maritimes exclusion, and certainly as we've seen with the definition of “related persons”, the changing of one word can make an enormous difference in what the legal outcomes are. For this

particular bill, the decision to not make the language as tight as it needs to be puts us in a situation whereby, again, we could be looking at provoking litigation. As Mr. Pearson said very clearly last Tuesday, the lack of clarity and the loose language is going to provoke litigation. And as he testified, the litigation would commence almost immediately.

Mr. Chair, we're in a situation whereby if we choose the wrong word, we are not helping our cause. We've done it now in a number of other clauses. In this particular case, I'm offering the subamendment “any” because of the definition offered by the Oxford dictionary—namely, “one or some of a thing or number of things”.

So when we're talking about conveyances here, I don't believe it's appropriate to refer to it as “the” conveyance or “a” conveyance. Rather, it should be “any” conveyance, since that better reflects the language that's needed—

• (1155)

The Chair: Okay, Mr. Julian, your time is up. Thank you.

Does anyone else want to speak to Mr. Julian's subamendment?

Monsieur Laforest.

[*Translation*]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain): I just wanted to say that this sub-amendment is inconsistent with the amendment the Bloc Québécois has already proposed, which in fact clarified matters.

I think this one only complicates matters even more. I intend to vote against it.

The Chair: Thank you.

[*English*]

Let's go to a recorded division on the NDP subamendment to the Bloc amendment.

(Subamendment negated: nays 8; yeas 1)

The Chair: We will now go to the Bloc amendment....

Mr. Julian—surprise—go ahead.

Mr. Peter Julian: Thank you very much, Mr. Chair. I appreciate the opportunity to speak about this.

Although Monsieur Cardin has quite rightly said this amendment improves the language in English, it is important to note that we could have improved it even more.

The *Oxford English Dictionary* defines “the” as: denoting one or more people or things already mentioned or assumed to be common knowledge; the definite article used to refer to a person, place, or thing that is unique; with a unit of time, the present; and the informal is used instead of a possessive. It's used with a surname in its plural form to refer to a family or a married couple.

It's used to point forward to a following qualifying or defining clause or phrase. They note in the *Oxford English Dictionary* that chiefly with rulers and family members with the same name it's used after a name to qualify it. It's used to make a generalized reference rather than identifying a particular instance. Pronounced stressing is used to indicate that someone or something is the best known or most important of that name or type.

It's used adverbially with comparatives to indicate how one amount or a degree of something varies in relation to another. Usually "all the" is used to emphasize the amount or degree to which something is affected.

If we go back to the definite article denoting one or more people or things, as I mentioned, I would disagree that even though "the" is certainly better than the initial language used, it's certainly not as good as the subamendment we had offered on "any".

As a result of that, Mr. Chair, I think it's important to say this is a slight movement along a continuum that we have to pay more attention to. Every word in this agreement, every word in this bill, has implications down the road for us.

As with giving away \$1 billion, as with penalizing and destroying thousands of softwood jobs—4,000 since the agreement was rammed into place—if it's not a clear sign that this is a bad deal and a bad bill, I don't know what is.

Because every word has importance and every word can potentially be used by the coalition to justify litigation against us in the future, we have to make sure every word counts. I believe that "any" was certainly an improvement on the definitive article "the".

• (1200)

The Chair: Mr. Julian, your time is up.

Is there any other debate on amendment BQ-2 on page 16 of the amendment package?

We'll then go to the recorded division.

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

The Chair: We now go to amendment L-3, on page 17 of the package.

Mr. LeBlanc.

Hon. Dominic LeBlanc: Thank you, Mr. Chair. I am moving amendment L-3.

Mr. Chairman, as colleagues will know, and we've talked about this at a number of our hearings, this deals with the independent lumber remanufacturers, companies that are in every part of the country, in Atlantic Canada and across the country. Some of the larger ones, for example, are in western Canada and Alberta. They buy lumber on the open market and remanufacture the lumber to add value to it. So they have a unique circumstance with respect to exporting to the United States because they do not themselves harvest lumber or operate sawmills. They are independent, meaning they remanufacture, add value and create jobs to lumber that is sold on an open market.

The intent of amendment L-3 is simply to...we view it as a way to provide a definition of "independent remanufacturer" in the

legislation. The bill does not itself define what is an "independent remanufacturer". In the softwood lumber agreement, however, Canada and the United States have agreed to a definition. So we simply wanted to add the definition of what is an independent remanufacturer, as contained in the agreement, into the legislation.

For example, I know the parliamentary secretary will be happy that the date, October 11, 2006, has been inserted as the effective date, to be consistent again with the agreement.

With respect to "associated person" in our amendment, this is defined in relation to another statute, the Special Import Measures Act. Again, we view this as consistent with the intent of the softwood lumber agreement and the definition contained therein.

Our amendment, therefore, seeks simply to ensure consistency between the act and the original intent of the agreement. And it provides legal recognition and protection for this distinct class of exporters.

Mr. Chairman, I hope colleagues can support this effort to ensure the appropriate definition of these companies is inserted in the legislation.

Thank you, Mr. Chairman.

The Chair: Mr. LeBlanc, you actually submitted an amendment, L-3.1, as well as amendment L-3. Amendment L-3.1 is on page 18.1. I'm wondering which one you actually intended to introduce here. They are slightly different.

Hon. Dominic LeBlanc: Mr. Chairman, the reason was to respect the deadline that you set two weeks ago, I believe—how time flies in this committee. With respect to the deadline to submit amendments, I had submitted one that was only in English. The translation hadn't arrived in time. Therefore, amendment L-3 would be fine and we will obviously withdraw amendment L-3.1. This was as a result of a translation necessity, but we view them as consistent.

• (1205)

The Chair: That is good.

For the members to note, I see there is a line conflict with amendment NDP-7. Be aware of that as we're discussing and as we vote on this.

Mr. Julian, I believe, is next.

No, it's Ms. Guergis actually, then Mr. Julian.

Ms. Helena Guergis: You can go ahead, if you want.

The Chair: Go ahead, Mr. Julian.

Mr. Peter Julian: This is an important subamendment, Mr. Chair. The amendment would read: certified under section 25 and does not hold a renewable right to harvest over 10,000 cubic metres per year in a public forest.

We would then eliminate “specific rights to harvest timber” and “has not acquired standing timber directly from the Crown after October 11, 2006”. Then the subamendment would continue “and is not a person”, as opposed to “an associated person”...“with respect to any personal specific rights to harvest timber in a public forest”. And delete the rest of that section.

The Chair: Mr. Julian, could you repeat that, please?

Mr. Peter Julian: I can. And if you'd like to suspend temporarily, I could go down to the clerks and have it written out in full.

The Chair: Just go ahead, please, Mr. Julian, and read it again.

Mr. Peter Julian: It will read, “who is certified under section 25 and does not hold a renewable right to harvest over 10,000 cubic metres per year in a public forest”. We're adding that after “not hold”, and we are deleting “specific rights to harvest timber”.

We are then deleting “has not acquired standing timber directly from the Crown after October 11, 2006”, and then it would continue “and is not a person”—as opposed to “an associated person”—“with respect to any person who holds specific renewable rights to harvest timber in a public forest”.

Then we would delete from “or” down to the end of the clause.

The Chair: Thank you, Mr. Julian.

Is there any further debate on this?

Mr. Peter Julian: This is really important, Mr. Chair.

We refused to hear from the Independent Lumber Remanufacturers Association.

Here's what they have to say:

Tenure has always meant a renewable right to harvest over 10,000 cubic metres per year. If a company was not tenured, it was eligible to bid for timber in the B.C. small business enterprise program. In response to U.S. allegations of non-market administrative set stumping, we now have the new B.C. Timber Sales program. Under it, about 20% of the crown timber is put up for sealed bid auction in the form of non-renewable timber sale licences. Given that this wood is sold at arm's-length market prices via sealed bid, the results of this auction are then used in a formula to set the stumpages on the tenures.

The timber sale licences themselves are not tenure, or weren't tenure until the coalition insisted that they be called tenure in this agreement. In spite of our protests and protests from the B.C. government, Canada said okay to the coalition.

What we would do, Mr. Chair, if we do not approve this amendment, is that not only will we accepting the American definition of tenure, but we'll be ruling out of order all the independent lumber remanufacturers who use the B.C. timber sales program. The implications and the consequences are extremely serious.

We didn't hear from the Independent Lumber Remanufacturers Association; we refused to hear what they had to say. They are endeavouring as well as they can to avoid catastrophe in British Columbia.

Mr. Chair, yes, we do have to adopt the subamendment that changes this, because if we adopt this motion, not only are we putting in peril all the independent lumber remanufacturers across the country, particularly in British Columbia, but we are saying that those companies that have purchased through an arm's-length bidding process in the B.C. timber sales program will have to now

give up their timber sales or they will be defined as having tenure. It's absurd. It is probably—along with clause 18—the most egregious error that was made in the drafting of this bill. If this committee rubber-stamps it, there will be trouble.

• (1210)

The Chair: Thank you, Mr. Julian.

Is there any other debate on Mr. Julian's subamendment?

We will go to the recorded division on Mr. Julian's subamendment.

(Amendment negatived: nays 10; yeas 1)

The Chair: We will now go to the vote on the Liberal amendment.

Ms. Guergis, please go ahead.

Ms. Helena Guergis: Mr. Chair, I've taken a look at this, and it seems to me that we have agreement from around the table, just from conversations I've had, that we support a definition. I have just a little concern with the definition provided by Mr. LeBlanc's amendment. I'm a little concerned that it might be a little too restrictive and might limit the number of remanufacturers who want to participate.

I'm suggesting that perhaps someone should be making a subamendment. Perhaps it could just take the exact wording that sets out the definition of remanufacturers in the softwood lumber agreement and place it into the legislation. I think it would perhaps make the remanufacturers happy and would accommodate and accomplish exactly what Mr. LeBlanc was attempting to do.

I would very much appreciate it if someone would put forward a subamendment—oh, looky here.

Mr. Ron Cannan: Thank you, Mr. Chair.

I happen to have a subamendment that we've been working on to try to do exactly as Ms. Guergis has indicated. It provides some clarification and ensures that the definition of remanufacturers that appears in the agreement is brought into the legislation.

I have a copy in both English and French. Could I ask the clerk to distribute those? I'd greatly appreciate it.

The Chair: You've heard the subamendment—

Mr. Ron Cannan: I can read it out while we're waiting for it to be distributed.

The Chair: If it's in both languages, you don't have to read it. If you want to speak to it further, Mr. Cannan, you can do that.

Mr. Ron Cannan: It's there for our members' clarification.

The Chair: It is an excerpt of the agreement.

Is there any other debate on this subamendment?

Go ahead, Mr. Julian.

Mr. Peter Julian: Mr. Chair, to be fair, can we wait until it's actually...?

The Chair: We'll wait until you receive a copy, Mr. Julian.

I thought you were very familiar with the original agreement and would know, in fact, what was being referred to here. I'm very disappointed.

Mr. Julian, are you ready to speak to the subamendment?

Mr. Peter Julian: I do not have a copy in English yet, Mr. Chair.

The Chair: You don't have a copy yet? Can we give that to Mr. Julian, please?

Mr. Julian now has a copy.

Go ahead, Mr. Julian.

•(1215)

Mr. Peter Julian: I'm sorry, but this subamendment—I'm happy to consider it, but it amends two different clauses.

Is he just moving the first clause of the double...?

The Chair: It is apparently just to the first one.

It's in order, Mr. Cannan.

Go ahead, Mr. Julian.

Mr. Peter Julian: Is he moving two different clauses? What is he moving?

The Chair: One is consequential to the other, Mr. Julian, and it is in order.

Are we ready to call the question, then?

Would you like to speak it, Mr. Julian?

Mr. Peter Julian: Mr. Chair, again, this is very consequential. We're talking about amendments that have huge impacts. He is talking about certification under section 25, and then he is amending clause 100. These are two different clauses.

Mr. Chair, I would hope that you would rule that the second clause is out of order.

Mr. Chair, this is on a point of order.

The Chair: Mr. Julian, there is no line conflict or anything with any amendments in clause 100, which is where the other part applies, so we can just rule that the vote applies to both; there isn't a problem with that, Mr. Julian.

Mr. Peter Julian: I would like to move that the two clauses be treated separately, and I would like to speak to that.

The Chair: I have ruled that the second one is consequential and we can deal with them both together. There is no line conflict with clause 100, which is the other clause being dealt with. So let's move ahead.

Mr. Peter Julian: It's in order.

The Chair: No, Mr. Julian, it in fact is not. I have ruled on this already.

Mr. Peter Julian: You may disagree with how it is treated, but the motion is in order.

The Chair: What motion?

Mr. Peter Julian: It's that the two motions be treated separately.

The Chair: No. I've ruled on it, Mr. Julian. What you can do if you choose is challenge the ruling of the chair.

Mr. Peter Julian: Then I will challenge the ruling of the chair.

The Chair: Okay, let's go to a vote that the ruling of the chair be sustained.

(Chair's ruling sustained: yeas 6; nays 1)

The Chair: The ruling of the chair has been upheld.

Let's now go to the vote on the subamendment.

Mr. Julian.

Mr. Peter Julian: What we are doing is compounding the problem that existed in Bill C-24. This has enormous ramifications, and I'm really dismayed that the committee is not taking this particular clause with the seriousness it needs to take.

The Canadian Lumber Remanufacturers' Alliance, the largest association in the country, said they wanted to come before this committee. Their ability to intervene was refused. They want to see tenure defined as what it really is—the renewable right to harvest crown timber. That would allow independents to buy open market fibre to trade for what they need without disqualifying them from first mill.

They also note that the coalition has no legitimate argument against this. What the coalition has been doing is simply harassing the Canadian sector that buys all of its wood fibre at arm's-length market prices.

In addition, the disqualification of these companies means that the number of bidders for the B.C. timber sales program is reduced, or they'll have to discount their bids to make up for the increased tax they'll have to pay. Both of these undermine the credibility of the B. C. timber sales program in setting the stumpage on the tenures.

I'm surprised that we have a B.C. member pushing for something that is going to undermine the B.C. timber sales program that the B. C. government has already spoken out against as well and that Canada should not have capitulated on. To play around with loose wording and kind of throw in whatever definition we can won't just mean the coalition has the opportunity to broadly define timber on their basis when they come back at us with the half billion dollars that the Conservative government wants to give away; it also means that the B.C. timber sales program is going to be impacted.

Every single member around this table knows that this is going to impact the B.C. timber sales program. We can't throw out last-minute definitions. We can't try to just deal with it in a very superficial way. We have to take appropriate care and attention to ensure that tenure is defined on a Canadian basis, not an American basis.

Mr. Cannan's subamendment does not do that. In fact, Mr. Cannan's subamendment complicates things even more.

We have specific direction from the largest group of lumber remanufacturers in the country. This committee refused to hear them, as they refused to hear the vast majority of witnesses who came forward and said they wanted to testify.

Let's not make this egregious error and mistake. Let us not be irresponsible. Let us take the appropriate care and due diligence on this section.

• (1220)

The Chair: Thank you, Mr. Julian. Your time is up.

Is there any other debate on the subamendment? We will now go to a recorded division on the subamendment.

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

The Chair: Okay, go ahead, Mr. Menzies.

Mr. Ted Menzies: Thank you.

This is a subamendment to this clause that, as a consequence of the subamendment, Bill C-24 in clause 16 be amended by replacing line 8 on page 12.

Okay, sorry, I need to back up here. This was just handed to me as a wonderful amendment to that. We will start it over again.

The amendment, with reference number 2438017, is to be further amended by replacing lines 1 to 10 of the proposed amendment with the following, "who is certified under section 25, in accordance with the procedure established under schedule 1", and schedule 1 is the actual wording from the agreement that has already been tabled.

I'll try to stick to the amendment. As a consequence of the subamendment, Bill C-24 in clause 16 is to be amended by replacing line 8 on page 12 with the following, "name is set out in schedule 2 is exempt from".

Also as a consequence of the subamendment, Bill C-24 in clause 16 is to be amended by replacing line 14 on page 12 with the following, "regulation, amend schedule 2 by adding".

Also, as a consequence of the subamendment, Bill C-24 in the schedule is to be amended by replacing line 1 on page 100 with the following, "Schedule 2".

As a consequence of the subamendment, Bill C-24 is to be amended by adding the following, "Schedule 1" at line 27 on page 99.

• (1225)

The Chair: I need a bit of time.

Mr. LeBlanc, if you could, please help with this.

Hon. Dominic LeBlanc: Mr. Chairman, I'd be happy to help members of the committee.

There was some confusion originally in Mr. Cannan's—

The Chair: Mr. LeBlanc, I'm going to have to—

Hon. Dominic LeBlanc: I'm speaking on the subamendment.

The Chair: Yes, that subamendment is inadmissible in the form it's in.

We're now distributing some documentation here. We're going to try to figure this out.

Mr. Julian, yes, go ahead.

Mr. Peter Julian: I'd like to move to table the consideration of this amendment until we can get some clarification, to come back at a subsequent meeting.

The Chair: Mr. Julian, as I explained before, I'm considering this before I make a ruling on it. So it's on hold.

Mr. Peter Julian: The motion is still submitted in good form, Mr. Chair. We have the right to table discussion over an amendment. I don't think we're going to do it today. We need to come back at a subsequent meeting, because how we word this is critical. That's why I put forward the formal motion to table discussion on this amendment.

The Chair: Mr. Julian, I explained that I was making a ruling on this. We'll hold your motion until I make a ruling.

Mr. LeBlanc, do you have something to help the chair here?

Hon. Dominic LeBlanc: Mr. Chairman, to try to help the chair, I had originally proposed a definition, as I mentioned in L-3. I would view Mr. Menzies' subamendment to my amendment as a friendly subamendment.

If we weren't into the procedural games we're in, we would probably accept that without debate. Since we want to debate absolutely everything we can, this may not be possible, although it would be desirable.

Mr. Chairman, from my perspective, I would have no problem accepting Mr. Menzies' suggestions. The amendments that follow are consequential to my amendment and his subamendment. In my view, I would respectfully say they're in order.

If you judge, Mr. Chairman, they're not, Mr. Julian's motion to table to a future meeting is certainly out of order, because as we will remember in the original motion, there will be no future meetings until we dispose of this bill. We will dispose of this bill at this meeting.

The Chair: Of course, Mr. LeBlanc. I understand that.

Give the chair a minute to decide on this issue, please.

Okay, the subamendment has been withdrawn, and we'll go back to Mr. LeBlanc's amendment. Thank you for that. This, of course, can be dealt with at report stage.

Yes, Mr. Julian.

•(1230)

Mr. Peter Julian: This is too important an issue to screw around and throw in last-minute amendments. So I have moved to table the discussion of this clause. It is in order. We do have the right to choose to table certain amendments if they are difficult or if the wording is not right.

The Chair: Mr. Julian, actually, I have ruled, and the subamendment has been withdrawn. We're now back to Mr. LeBlanc's amendment.

Hon. Dominic LeBlanc: Mr. Chairman, thank you. I have—

The Chair: Mr. Julian

Mr. Peter Julian: On a point of order, Mr. Chair, I have moved the motion to table this particular amendment, and I so move.

The Chair: Let's go. Go ahead, Mr. LeBlanc, with debate on your amendment.

Mr. Peter Julian: On a point of order, Mr. Chair, it is very much in order.

On a point of order, Mr. Chair, could I get a ruling from your head—

The Chair: Mr. Julian, you're testing my patience here. As I've explained to you, I have ruled on this and this issue has been dealt with.

Mr. Peter Julian: I challenge that ruling.

The Chair: Mr. Julian has challenged the ruling of the chair. We will now go to the familiar motion that the ruling of the chair be sustained. There is a recorded division.

(Chair's ruling sustained: yeas 7; nays 2)

The Chair: The decision of the chair has been sustained.

Let's go, Mr. LeBlanc, to your amendment.

Hon. Dominic LeBlanc: Thank you, Mr. Chairman.

Mr. Chairman, I had already spoken when I introduced amendment L-3. I'm sure members were impressed by the eloquent way in which I introduced and supported this motion, so I would encourage members, in the interest of being expeditious, to proceed to a vote on this amendment.

Mr. Peter Julian: Mr. Chair—

The Chair: Mr. Julian, you've spoken to that already.

Mr. Peter Julian: No, Mr. Chair, I spoke to the subamendment. We are now on the amendment.

The Chair: Go ahead, Mr. Julian. I can't remember for certain. It's been a while.

Mr. Peter Julian: I wouldn't play tricks on you, Mr. Chair. I spoke to the subamendment, and now I'll speak to the amendment.

The direction this committee seems to be going in is exceedingly dangerous. We've refused to hear from the independent lumber remanufacturers, even though they specifically requested to come before this committee. We've refused to hear witnesses who want to address serious and egregious deficiencies in the bill. Now we're throwing out an amendment that actually imperils the B.C. timber

sales program. It's absolutely ridiculous, Mr. Chair, that we would do that.

We've had a traditional definition of "tenure". It has been a traditional definition for some time. Tenure is a renewable right, not a one-off. That's the way we've always felt. That's the way Canada has always defended its position.

Because of the refusal on the subamendment, what we have now is an amendment that undermines all of that work over the years and creates a whole new definition of tenure. That means the B.C. timber sales program will henceforth be considered to be a tenure-based program.

The provincial government has spoken out against this. The Independent Lumber Remanufacturers Association has spoken out against this. Aside from people on this committee, there is nobody who believes that putting the B.C. timber sales program in jeopardy is a good idea.

You've heard some of the testimony that the independent lumber remanufacturers would have liked to have given to this committee had this bill not be ramrodded through and had they not been completely excluded from having the opportunity to say their piece and their words. It's absolutely absurd to me that we would try to adopt an amendment that destroys the traditional interpretation of tenure, particularly in British Columbia. I am surprised that there are B.C. members at this committee table who are ready to vote against lumber remanufacturers in B.C., who have very specifically said what they want to see. They want to see tenure defined as what it really is: the renewable right to harvest crown timber, not one-off purchases of timber sales that are done at an arm's-length, sealed bid auction.

How could we possibly accept the United States coalition's interpretation of tenure? Why would we do that? We don't even do it in the agreement. That we are now doing it in the bill is an absolute absurdity. It just makes absolutely no sense.

•(1235)

The Chair: Mr. Julian, thank you. Your time is up.

Would anyone else like to speak on this?

Mr. Harris.

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Chairman, I think it should go on record that Mr. Julian's rant is fundamentally a rant of ignorance. He does not understand that the independent remanufacturers are in fact supportive of Mr. LeBlanc's amendment. If anyone hasn't listened to the independent—

Mr. Peter Julian: [*Inaudible—Editor*].

Mr. Richard Harris: Excuse me....

The Chair: Order, please, Mr. Julian. Mr. Harris has the floor.

Mr. Richard Harris: Mr. Julian, would you wait your turn, please.

The Chair: Mr. Harris, please go through the chair. Go ahead, please.

Mr. Richard Harris: If anyone hasn't listened to the independent remanufacturers, it's Mr. Julian. However, he has another agenda here, rather than the swift passage of this bill that will benefit the softwood lumber industry and the independent remanufacturers' industry as a whole.

In fact, the independent remanufacturers support the amendment by Mr. LeBlanc. This committee should in fact pass this amendment, because it is the proper amendment that recognizes and fixes the concerns of the independent remanufacturers in the country.

Mr. Julian should be a little embarrassed at his ignorance of the support that this amendment has from the independent remanufacturers, Mr. Chair, and I believe that should be part of the record.

Thank you.

The Chair: Thank you, Mr. Harris.

Mr. Cannan.

Mr. Ron Cannan: In spite of the time, I echo Mr. Harris's comments.

Call the vote.

The Chair: Let us go to the vote on Liberal amendment L-3, on page 17 of the package. It will be a recorded division.

(Amendment agreed to: yeas 8, nays 4) [See *Minutes of Proceedings*]

The Chair: Amendment L-3 has been carried. NDP-7, therefore, cannot be moved.

Liberal amendment L-3.1 has already been withdrawn.

Mr. Julian.

• (1240)

Mr. Peter Julian: I have a point of order, Mr. Chair. NDP-7 is perfectly in order. What it does is define, in a more specific way, "who is certified as an independent remanufacturer by the applicable provincial or territorial government, in consultation with the Government of Canada".

You would not supersede.... It would help to address the egregious errors of what we just adopted. So it is very much in order.

The Chair: The amendment NDP-7 would be in order except that very section of clause 12 has been amended already at this stage, so we are not, of course, procedurally allowed to entertain that amendment.

We now go to Bloc amendment B-3.

Mr. Julian.

Mr. Peter Julian: Mr. Chair, it is very much in order. What we do, as we've done with some of the subamendments that have been offered by the government side, is we simply make the consequential amendments. In this case, we would make a consequential amendment based on what we've just adopted, adding in what I've put forward as wording. It is very much in order.

The Chair: Mr. Julian, you had an option to introduce this as a subamendment, and you missed that opportunity.

No, Mr. Julian, we're finished with that.

On Bloc amendment B-3, Monsieur Cardin, would you like to—

Mr. Peter Julian: I have a point of order, Mr. Chair. I challenge your decision.

The Chair: Mr. Julian has challenged the decision of the chair. We are now moving to a motion to sustain the decision of the chair—a recorded division.

(Chair's ruling sustained: yeas 10; nays 1)

The Chair: We will now go to Bloc amendment B-3, which is on page 19 of the amendment booklet.

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Mr. Chairman, I am withdrawing this amendment.

[*English*]

The Chair: We now go to the vote on clause 12, as amended.

Mr. Julian.

Mr. Peter Julian: Mr. Chair, it's important to set the record straight on this, because I'm surprised at my colleagues from British Columbia and their ignorance about the B.C. softwood industry.

We have a small organization in Ottawa, the Canadian Lumber Remanufacturers' Alliance, which represents a few dozen lumber remanufacturers that have said they're in favour of the amendments we've just adopted. It's true that they don't have the same tenure structure as we do in British Columbia. The independent lumber remanufacturers of British Columbia have very clearly expressed their disapproval of this egregious usurpation of the definition of "tenure". I'm appalled that we have two members from British Columbia who don't understand the distinction between B.C. lumber remanufacturers and an eastern organization that represents some eastern remanufacturers. That's the difference, the fundamental difference.

The Independent Lumber Remanufacturers Association was not consulted on the amendment that we've just adopted in this clause. In fact, they expressly objected to the wording and said so and wanted to come before this committee. This committee refused to hear from them, from the hundreds of British Columbia independent lumber remanufacturers that are represented by that organization, many of them in the Okanagan, many of them in northern British Columbia. You can be sure, Mr. Chair, that those lumber remanufacturers are going to be hearing about what transpired in committee today.

I understand now it wasn't done in bad faith. It was just appalling ignorance on behalf of some of the committee members who didn't understand the distinction between an eastern organization, based in Ottawa, and organizations in British Columbia that represent the vast majority of independent lumber remanufacturers in British Columbia.

They said very clearly that we cannot redefine tenure. If we redefine tenure according to the American model, what happens, Mr. Chair, is twofold. Number one, of course we're setting ourselves up for a fall next time there's litigation from the United States, as we have with clause 6. We seem to be hell-bent on doing that in clause 12 as well, as we've done with clause 10. What we are doing progressively, what other members of the committee are doing, is setting us up for a tremendous fall, and for serious consequences because they're not approaching this bill with the seriousness it requires. To define tenure now as something that is subject, even through a sealed bid, arm's-length auction.... A one-time auction will now be considered tenure because we've adopted this. What a catastrophic error.

Rather than agreeing that maybe we're ramrodding this through too fast, and maybe there are implications, and maybe there are lost jobs that will result from this, because, effectively, lumber remanufacturers are going to have to opt out of the B.C. timber sales program, this committee is just ramming through clause-by-clause no matter what the consequences.

I object fundamentally to this, Mr. Chair. It is very clear that what this committee is doing—

The Vice-Chair (Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.)): Thank you very much, Mr. Julian.

Mr. Peter Julian: —will have implications rights across this country.

• (1245)

The Vice-Chair (Mr. Lui Temelkovski): Shall clause 12 carry as amended?

Mr. Cannan.

Mr. Ron Cannan: Thank you, Mr. Chair.

I want to indicate to the committee that, as a member from British Columbia, I have consulted with the mills, and they're fully supportive of this agreement. The sooner we can get this passed, the sooner there will be certainty and some predictability for the industry. Premier Campbell supported it.

I think we need to attend to business, so I call the question.

The Vice-Chair (Mr. Lui Temelkovski): Let's have the question.

(Clause 6 agreed to: yeas, 8; nays, 1; abstentions, 1)

The Vice-Chair (Mr. Lui Temelkovski): We will now proceed to page 20, NDP-8, which is clause 13.

(On clause 13—*Surge mechanism*)

The Vice-Chair (Mr. Lui Temelkovski): Mr. Julian, are you prepared to move...?

Mr. Peter Julian: Yes, I am, Mr. Chair.

I'm still getting over that last vote. I'm appalled, as any Canadian listening in would be, that due care and attention is not being brought to this bill. What we have just done to independent lumber remanufacturers in British Columbia is absolutely appalling. I have not seen anything this egregious in my brief time here on Parliament Hill. It just makes no sense.

I now move on to the motion itself. Here, as elsewhere in the many dozens of clauses that we'll be examining over the next day or two, Mr. Chair... Unless somebody in this committee votes to reconsider these appallingly bad rules of order to ramrod this stuff through, no matter what the consequences, we've seen so far, at least in three areas, that we have provoked some very egregious consequences.

Here, in clause 13, what we have is replacing "The amount of the charge applicable to an export of a softwood lumber product from a region during a month is increased by 50%". That's how subclause 13(1) currently reads. We would be reducing that to 0.5%, so that what we would have is a penalty, but a penalty that is not a straitjacket for the softwood companies.

We've seen here that what we have done so far is penalize lumber manufacturers. We've given away our ability to deal effectively on arm's-length transactions, and accepted holus-bolus the American interpretation of what an arm's-length transaction is and what unrelated and related persons must be. We haven't adequately defined a whole series of aspects of this bill. And we have these punitive measures that permeate this bill.

As Mr. Feldman, one of the two non-governmental witnesses that this committee allowed before it moved to ram through each and every clause of this bill, said, most of this bill consists of punitive, unfair measures levied against the softwood industry. It's a recipe for disaster. That's why we've lost nearly 4,000 jobs in the few weeks that this agreement has been in place, with closures right across the country.

• (1250)

[*Translation*]

There have been plant closures in Abitibi-Témiscamingue, there have been plant closures in the Saguenay—Lac-Saint-Jean, and there have been closures on the North Shore. Those closures occurred because the industry has no faith in this Agreement; it has no faith in what we are doing here. People in the industry know full well that this is not in the interests of communities.

[*English*]

So we have here a clause that is increasing punitive charges for companies that, through no fault of their own—in fact, it often could be the fault of another company overriding anytime—

The Vice-Chair (Mr. Lui Temelkovski): Thank you very much, Mr. Julian.

Would anybody else like to debate?

Ms. Helena Guergis: I would. Thank you, Mr. Chair.

I just want to again label this amendment another waste of our time and tell the table that we will not be supporting this amendment. It would change the rate of the surcharge for regions under option A as that rate is set out in the agreement.

Call the vote.

The Vice-Chair (Mr. Lui Temelkovski): I call the question.

(Amendment negatived: nays 8; yeas 1) [See Minutes of Proceedings] [Translation]

The Vice-Chair (Mr. Lui Temelkovski): We move to amend NDP-9, on page 21.

Mr. Julian, would you like to move that?

Mr. Peter Julian: As we ramrod this bill through, with all of these punitive measures, we have a situation where essentially a monthly trigger volume is triggered at 101%. How easy is it to do that? Well, given the various penalties that are imposed in this bill, Mr. Chair, it is very easy—exceedingly easy—for any company or any exports to exceed that monthly trigger volume.

That's what the companies were crying out for this summer in the hearings we held, Mr. Chair. Company after company said this deal would not work, that it was not commercially viable. One of the clear reasons why it is not commercially viable, Mr. Chair, is that the trigger volume is triggered immediately.

Just think, for example. You're a softwood company in British Columbia. If you're one of the independent lumber manufacturers left after this disastrous decision to redefine tenure, you'll sell a product—let's say you're selling your product in the same region where a bigger company decides to impose or export a larger than normal quota.

Then everybody's penalized. In fact, it becomes a race to the border to see who can get their quota out quickly, because once we reach the trigger point that is imposed, the penalties start to fall into place. So a small company from northern British Columbia that is trying to export its lumber through no fault of its own sees itself penalized the way virtually every softwood company is penalized by this bad bill and this bad agreement.

Currently in the bill we have 101% as the trigger volume. What we're proposing by way of an amendment is that the trigger volume not be 101%, but rather 200%.

What does that do, Mr. Chair? What it does is give a comfort level for the trigger volume, so that small companies aren't engaged or entrained into that ridiculous series of punitive measures, including up to 18 months in prison, that come from the later punitive aspects of this bill.

We'll have time tomorrow morning, maybe, or tomorrow afternoon to go through all of the punitive measures that are contained within this bill; there's no doubt about that. However, the reality is this is excessively punitive. It's a hairpin trigger, and we know what kind of disaster can be entrained from a hairpin trigger that is set off almost automatically. We have to provide a margin of safety for that hairpin trigger. We have to provide a margin that does allow the softwood companies to export.

•(1255)

The Vice-Chair (Mr. Lui Temelkovski): Thank you very much, Mr. Julian. Your time is up.

Is there any other debate on amendment NDP-9?

Monsieur Cardin.

Mr. Serge Cardin: Mr. Chairman, I will be brief. With all due respect for Mr. Julian, he has stated a number of times that the entire industry is against this Agreement and this legislation. I simply want to remind Mr. Julian that the vast majority of companies are in fact in favour of the Agreement. The industry even asked us to support this Bill. However, it's also important to remember that the majority of them said although this is not the best agreement, we have to face up to the fact that, given the current situation, they have no choice but to ask us to support the Bill. Place things in the proper perspective. The industry did ask us to support this legislation. Mr. Julian has been saying that the industry is totally against this Agreement. I believe we need to set the record straight.

[English]

The Vice-Chair (Mr. Lui Temelkovski): That's a good point, Mr. Cardin. Thank you very much.

Ms. Guergis.

Ms. Helena Guergis: Thank you.

I just want to say that we will not be supporting this amendment. It would increase the amount by which a region could exceed its surge trigger volume beyond the level that is set out in the agreement. Again I label this one another waste-of-our-time amendment.

Thank you.

The Vice-Chair (Mr. Lui Temelkovski): Mr. Harris.

Mr. Richard Harris: I would simply echo the words of my colleague, Monsieur Cardin. Mr. Julian's objections and stalling tactics on this bill are out and out misleading this committee. In fact, as Mr. Cardin pointed out, it's simply some sort of twisted agenda that Mr. Julian has, which is obviously to waste time. At the end of the day, he and his party will be responsible for any delay in implementing this bill and getting billions of dollars back into the hands of Canadian softwood manufacturers that they are waiting for.

He has grossly overestimated the relationship between remanufacturers and tenure. He knows very well that in British Columbia remanufacturers hold tenure not necessarily to ever cut the trees, but to use as a pressure tool in case the mills that supply them decide they want to cut back on their shipments. Again, remanufacturers in British Columbia that hold tenure seldom or ever use their tenure as a source of fibre. Mr. Julian knows this, but of course absence of truth is not necessarily important to him.

I simply wanted to echo Mr. Cardin's words regarding Mr. Julian's blatant partisan display of.... I can't think of the word, Mr. Chairman, so I'd better not say it.

The Chair: Okay.

We are now ready for the vote, I believe, on NDP-9. It is on page 21 of the amendment booklet, and this is a recorded division.

(Amendment negated: nays 10; yeas 1) [See *Minutes of Proceedings*]

The Chair: We now go to the vote on clause 13.

Mr. Julian.

• (1300)

Mr. Peter Julian: Thank you very much, Mr. Chair.

As folks read these transcripts, which will be distributed across the country, particularly to lumber remanufacturers in British Columbia and elsewhere, it will be interesting for them to note that we have two arguments here. One argument is the NDP argument, based on what's actually in the agreement, what's actually in Bill C-24, and the egregious errors made in the drafting of the bill. The other argument, that comes from the government, is completely personal. Rather than defending any aspects of the deal, I guess because it's indefensible, they simply go for personal attacks.

That's very interesting, Mr. Chair, but it begs the question: are they well informed about what they are adopting?

Mr. Harris made a comment about companies awaiting their money. There are two problems with that. Number one, as of last Monday the taxpayers were picking up the tab of \$950 million. Tembec received \$242 million of that. This is through the EDC, so it's the taxpayers picking up the tab. The companies have received their money through the EDC process.

Last Friday, Mr. Chair, we actually had a situation where customs and border protection in the United States started to make the payments that came from—and I'll cite this—the New York City decision, October 13, at the Court of International Trade, that:

...all of Plaintiffs' unliquidated entries, including those entered before, on, and after November 4, 2004, must be liquidated in accordance with the final negative decision of the NAFTA panel. Judgment shall be entered accordingly.

So Judge Restani, Judge Barzilay, and Judge Eaton said Canada won. We're entitled to all the money back.

What is the debate around Bill C-24 right now? What is the debate around clause 13, where we tried to limit the punishment, the self-imposed punishment, this government is imposing on our softwood industry despite the ruling of October 13? What's at stake?

What is at stake is about \$1 billion and thousands of softwood jobs. We've lost 4,000 already, and we apprehend further losses of jobs, because this agreement is not, as every witness throughout the summer has attested, commercially viable.

Companies were bludgeoned into accepting a deal. They expressed their opinion by having only 25% support for the EDC program. If that does not show a lack of confidence by the industry in this government, I don't know what does. I mean, 75% said no to EDC; 75% did not sign up for the EDC process. Why? Quite simply, they are getting 100% of their money back through customs and border protection. If you're getting 100% dollars, why would you go through this bad bill and get 67¢ back—with the double tax here, which we'll be talking about later, maybe this evening—through this process? The folks in the softwood industry have said no, and they've said no very clearly.

The smoke and mirrors from the government does not—

The Chair: Mr. Julian, thank you. Your time is more than up here.

Is there any other debate on clause 13?

We'll go to recorded division.

(Clause 13 agreed to: yeas 10; nays 1)

(On clause 14—*Export from Atlantic provinces*)

The Chair: Mr. LeBlanc.

Hon. Dominic LeBlanc: On a point of order, Mr. Chairman, perhaps I could provide some recollection for you. I know it's been a long morning.

We're on clause 14 now. When we got there before, you stood the vote. You'll remember that amendment CPC-3 was passed as amended. We changed the “and” to an “or”. I withdrew amendment L-4. The parliamentary secretary withdrew amendment G-3. We're now directly on, I would think, “Should clause 14 carry?”

Is that correct?

• (1305)

The Chair: That is correct.

Shall clause 14 carry...?

Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair.

This gets back to the complete lack of clarity as we ram through, clause by clause, hell-bent, no matter what the consequences are. We've just given up on independent lumber remanufacturers by giving up on tenure. We have given up on the traditional Canadian support of the definition of who are related or unrelated persons. Here in this particular clause, though we support very much the intent of the Maritime lumber exemption, it is very clear that the wording needs to be tightened.

We had a subamendment offered that would help to address to a certain extent the issue of what indeed constitutes effective wording for Maritime lumber exports. We have New Brunswick, Nova Scotia, Prince Edward Island, or Newfoundland and Labrador. The original wording was that you had to have primary processing in all four of those provinces in order to qualify under the Maritime exclusion. Very clearly, Mr. Chair, we're seeing a bill that needed to be changed, with problems that were very significant.

Though I'm happy we are addressing one small part of what is a pretty irresponsible piece of legislation, the reality is that the decisions we're making in all of these other clauses have the same kind of impact we're seeing in clause 14 and in clause 10.

Why would we endeavour to fix clause 10 and clause 14 and not endeavour to fix errors that are even greater in other parts?

When the Independent Lumber Remanufacturers Association ask to come before committee, they are refused; when they ask that tenure be considered on a B.C. basis, and not as defined in Ottawa, we refuse that; this committee just rams through essentially amendments that are appallingly irresponsible as far as the lumber remanufacturers are concerned.

We have here in clause 14 some improvements, some redress. But I cannot stress enough to members of this committee, Mr. Chair, that we as a committee have to realize that the errors that are in the maritime lumber exemption, which should have been an exclusion, are errors that are repeated elsewhere in this particular bill, and they're even worse in other sectors.

We address it part of the way by addressing the subamendment that was adopted earlier, but by no means do we address the entire issue of the mistakes, if you like, or errors in drafting that took place with Bill C-24. It was done far too rapidly. It needed to be addressed, as parliamentarians should be addressing—

The Chair: Mr. Julian, your time is up. Thank you very much.

We will now go to the recorded division on clause 14 as amended.

(Clause 14 as amended agreed to: yeas 10; nays 0; abstentions 1)

(On clause 15—*Export from territories*)

The Chair: On clause 15, the government amendment proposed is inadmissible. The way we deal with this is just to vote against the clause. If you'd like to do that, it leads to the same end result.

We go to the vote now on clause 15.

Mr. Julian.

Mr. Peter Julian: Well, first we need to speak to it, Mr. Chair.

The Chair: The clock is ticking, Mr. Julian.

Mr. Peter Julian: This is again symptomatic, Mr. Chair, of how this bill has been approached generally. The government has thrown in an amendment that presumably they received advice on—I don't know; it's hard to say. The government apparatus has enormous resources, so one would expect they'd be able to get it right.

But we have clause 15 that originally was submitted to delete clause 15, and now we're having to vote on clause 15. I think it's emblematic or symptomatic, if you like, Mr. Chair, of how this has been conducted generally. So far today...and it's only 1:10; we've been debating the clause-by-clause essentially for only about nine hours. What we have done in those nine hours so far is zap the lumber remanufacturers and zap the historic definition of “arm's length”, which I think is something that should be the shame of all Canadians, Mr. Chair, that we're seeing this kind of irresponsible conduct.

Now we have a government deletion that is not in order, a kind of strange approach to clause 15. But it's important to note what's in clause 15. Subclause 15(1) says:

If a person exports a softwood lumber product from Yukon, the Northwest Territories or Nunavut, the amount of the charge with respect to that export is nil.

Subclause 15(2) says:

An exported softwood lumber product is deemed exported from Yukon, the Northwest Territories or Nunavut if the product underwent its first primary

processing in one of those territories from softwood sawlogs originating in one of those territories.

That is the emphasis in clause 15. The government wants to delete that, yet the definition is there, so it doesn't make sense to try to delete clause 15.

What we actually want and what we should expect, Mr. Chair, is more clarity, not less. We should have greater attention to detail to ensure that the coalition doesn't have the ammunition that they've already gained so far today from the adoption, I'm sad to say, of amendments that are badly botched and actually create more problems than they resolve.

So we now have a government motion before us to delete in a very clear sense the territorial exemption. That is something I would oppose. Why would we delete the territorial exemption? Do we know for sure that what is covered in the amendments that have been preferred on the maritime exclusion—

• (1310)

The Chair: Mr. Julian, your time is up. Thank you.

Is there any other debate on clause 15?

We'll go to the recorded division on clause 15, unamended.

Ms. Helena Guergis: What is it?

The Chair: Clause 15.

Ms. Helena Guergis: Is it unamended?

Can I ask us just to stand this one?

The Chair: Actually, we can't have discussion on this.

Yes, Mr. Julian.

Mr. Peter Julian: I have a point of order.

The Chair: We can't have a point of order during a recorded division, just like we can't have the discussion here.

What has happened with the vote so far here?

Mr. Cannan.

Mr. Ron Cannan: G-4....

The Chair: We're voting on clause 15 without amendment. I may have confused you with that. I never said “clause 15 amended”; I said “clause 15 unamended”.

So it's just clause 15 we're voting on here.

Ms. Helena Guergis: Thank you for the clarification.

(Clause 15 negatived: nays 9; yeas 1) [See *Minutes of Proceedings*]

(On clause 17—*Exempt exports*)

The Chair: We're now to clause 17, and there is an amendment, NDP-10, on page 27 of the amendment package.

Mr. Julian would like to move that, and debate. The clock is starting.

•(1315)

Mr. Peter Julian: Thank you, Mr. Chair.

As we move very rapidly through very important legislation, I think Canadians expect better of us.

We're on clause 17.1, Mr. Chair. This addresses the issue of consultation. We know that the softwood sellout that was imposed was not reached with any consultation with either industry or the provinces.

The provinces have been bought off, as it were, by the fact that the tariffs we're imposing on our own lumber companies go back to the provinces, so some provinces have decided that they will support the agreement on that basis. They get money out of it, so that's perhaps understandable.

The industry was very clear from the very beginning that what needed to happen was that there needed to be ongoing consultation with the industry. The industry voted right across the country in opposition to this.

[Translation]

In Quebec, for example, the outcome of the only vote that was held was 35 to 12 against the Agreement. The Quebec industry said that it was against the Agreement. Following that, in July, the government said that we had no choice: the only option was to accept the Agreement, however imperfect or flawed it may be. And here we have a Bill that is giving *carte blanche*, a blank cheque to the Minister of International Trade. He can do whatever he likes. There are no checks and balances that would force the Minister to consult with people. If we rely on the Agreement and the legislation, as currently drafted, we can assume that the Minister will be making all the decisions on his own. But there should be an obligation to consult the Government of Quebec, and those of the other provinces, like Ontario and British Columbia, to avoid a recurrence of what happened with the remanufacturers. The fact is that people in British Columbia have now been pushed out, as a result of the decisions made by this Committee. That could have been avoided, had there been consultations with the Government of British Columbia, for example, and the governments of the territories. My amendment to subclause 17(1) would provide for consultations with the provinces and the territories.

[English]

The Chair: Thank you, Mr. Julian.

Is there any other debate on Mr. Julian's motion?

Yes, Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair.

Is this a subamendment or anything like that?

The Chair: No, it is motion NDP-10.

Ms. Helena Guergis: I just wanted to be clear that the government does not support this amendment. It is government policy to do this type of regulation by Governor in Council and not by a single minister because of the importance of regulations authorized by this clause.

While the government is consulting with the provinces and territories on criteria for eventual regional exemptions, no legislation is required to provide this authority. Exemptions from the export charge are subject to conditions set out in the softwood lumber agreement and would have to be negotiated between the parties of the agreement. I would remind the honourable member that the parties of the agreement are Canada and the United States.

And I also want to point out, very clearly, that no province has requested this. They have no fears. They do not want this.

The Chair: Thank you, Ms. Guergis.

Is there any other debate?

We will go, then, to the recorded division on NDP-10, which is on page 27 of the amendment booklet.

(Amendment negatived: nays 9; yeas 1) [See *Minutes of Proceedings*]

•(1320)

The Chair: We go now to NDP-11, which is on page 28 of the amendment booklet.

Mr. Julian, the clock has started for your moving the motion and debate.

[Translation]

Mr. Peter Julian: Thank you very much, Mr. Cardin; you have just given me an idea. You said that we might have three minutes to vote. So, I will take that time the next time we vote, although I'm sure he was joking.

Mr. Chairman, this is a question of principle. The Parliamentary Secretary mentioned that people are not concerned about the fact that there have been no consultations. Only someone who is completely and totally unaware of what has gone on in the softwood lumber industry since the end of April could make such a statement. Nothing but concern has been expressed. Throughout the summer, the Quebec industry said quite clearly, through a vote of 35 to 12, that the Agreement signed in early summer was in the interests of neither the Quebec industry nor the industries in provinces like Ontario, Saskatchewan, Alberta and British Columbia.

There was no consultation either with the provinces or the industry, but there was some bargaining. A small amount of money has been promised for another project in certain provinces in exchange for their support, because the situation is disastrous from a political standpoint. The vast majority of Canadians reject this Agreement. The vast majority of Quebecers understand that we should not end up in a situation where we are losing jobs. That has been the case in recent weeks: we have lost 1,700 jobs in the Abitibi, in the Saguenay—Lac-Saint-Jean area, and on the North Shore. Yet the provincial government is completely powerless. It cannot come to the assistance of the forest industry because of anti-circumvention provisions contained in both the Agreement and this legislation.

As a result, the Charest government has been forced to limit itself to providing assistance for roads, and possibly for older workers. That's all it can do. It said so quite clearly when it brought forward its last-ditch plan, given what the softwood industry is currently experiencing. He said he is concerned that the Americans will use the anti-circumvention provisions. That is quite clear, Mr. Chairman. The Government of Quebec can do nothing because of what was negotiated by the federal government. So, the Government of Quebec and the governments of the other provinces must be consulted, rather than having things imposed upon them. This Bill has not been drafted in the interests of the provinces, except as regards the money coming back to them.

[English]

The Chair: Thank you, Mr. Julian. Your time is up.

Is there any other debate on NDP-11?

Mr. Cannan.

Mr. Ron Cannan: Thank you, Mr. Chair. I just want to confirm, like my colleague regarding the previous amendment proposed by Mr. Julian, that no province has requested this; nobody has any fears. It's basically a fact that it's government policy to do this type of regulation by Governor in Council, not by a single minister, because of the importance of regulations authorized by the clause. The government is consulting with the provinces and territories on criteria for eventual regional exemptions. No legislation is required to provide this authority. We continue to be in consultation with the provinces and territories, and we have their support and continue to work with them to get this bill through.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Cannan.

We now go to the recorded vote on NDP-11.

(Amendment negatived: nays 7; yeas 1) [See *Minutes of Proceedings*]

The Chair: We now go to the vote on clause 17.

Mr. Julian.

[Translation]

Mr. Peter Julian: Thank you, Mr. Chairman.

We are giving a blank cheque to the Minister of International Trade, as we just said. As well, there will be no discussion or negotiation with the Government of Quebec. Nor will there be any discussion with other governments, including the Ontario government.

We also know that provincial governments, such as the Government of Quebec and the government of other provinces, have no right to be consulted. The mistakes that we saw this morning and early this afternoon will perpetuate themselves. We are giving a blank cheque to the Minister of International Trade, who is currently Mr. Emerson, and he will be able to do what he likes, without any checks and balances in place whatsoever. That is quite important, Mr. Chairman.

It is very clear that this Agreement is detrimental to Quebec. The Quebec industry clearly stated that. Taxpayers' money has already

been returned. The U.S. money will go directly to companies, which will receive 100 per cent of their money following the decision by the U.S. International Trade Tribunal in New York on October 13.

We do not have the right to interfere in an area of provincial jurisdiction. As well, not only have we restricted the Government of Quebec's ability to assist the forest industry, even though this is the responsibility of Quebec alone, but there will be no consultations with the Government of Quebec or with any other government. In addition, we're giving the Minister of International Trade a blank cheque. I don't understand how we have ended up in this situation. Quebec is disadvantaged and, in addition to that, there is no obligation to hold talks with the Government of Quebec. As well, only one minister has the authority to grant exemptions. I find that absolutely disgusting and unacceptable.

That is why we have to vote against clause 17. Otherwise, what will we actually be doing? We will be giving the Minister of International Trade a blank cheque to do what he likes, without consultation.

• (1325)

[English]

The Chair: Mr. Julian, thank you. Your time is up.

Monsieur Crête, you would like to speak to the clause?

[Translation]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Thank you, Mr. Chairman. I would just like to set the record straight in a number of areas. Mr. Julian referred to a vote by the Board of Directors of the Quebec Forest Industry Council. That vote of 35 to 12 was not to reject the Agreement; rather, it mandated the Executive to seek amendments. Even without amendments, the majority of members of the Quebec Forest Industry Council adopted the Agreement in late August.

It has been stated repeatedly that the Quebec forest industry is against the Agreement, but that is completely untrue. Both the Quebec forest industry and unions have asked that we support this Agreement. This is a rather elastic and completely inappropriate interpretation of Quebec's position.

We fully agree that this is not the best of agreements, but at the same time, it is not correct to say that the industry and the unions have not given their support. That is a distortion of reality.

Le président: Thank you, Mr. Crête.

Mr. Cannan.

[English]

Mr. Ron Cannan: I just want to clarify the reason for this. It's one of the amendments required to implement the revised effective date. As we know, the effective date for the Canada-U.S. softwood lumber agreement was October 12. The amendment ensures that the special charge will be collected on refunds of all deposits paid up to the revised effective date of the agreement.

The Chair: Mr. Cannan, we're actually on clause 17, unamended. Should I go with the recorded division on clause 17?

(Clause 17 agreed to: yeas 8; nays 1) [See *Minutes of Proceedings*]

• (1330)

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: Mr. Chair, I'd like to move adjournment now, it being 1:30. We've worked on this for four and a half hours.

The Chair: No, Mr. Julian, you know....

Mr. Julian, we could suspend for question period right at two o'clock if you would like.

Mr. Peter Julian: I would be perfectly in agreement with that.

The Chair: We will start again at five minutes after three.

Mr. Peter Julian: I will be there, Mr. Chair.

The Chair: Let's continue.

(On clause 18—*Definitions*)

The Chair: We're now on clause 18. The first amendment to clause 18 is G-5, which is on page 29 of the amendment booklet.

Go ahead, Mr. Cannan, please.

Mr. Ron Cannan: Thank you, Mr. Chair.

I want to move the motion. As I mentioned, this is one of several amendments required to implement the revised effective date of October 12 of this Canada-U.S. softwood lumber agreement. The amendments ensure that the special charge will be collected on refunds of all deposits paid up to the revised effective date of the agreement. So that's the reason for it.

I propose—at an appropriate time, and I would defer to you or the clerk—that there are several other amendments that have this effective date, and perhaps it would be appropriate to provide that amendment for administrative ease.

I defer to the chair for your advisement.

The Chair: Yes, Mr. Cannan, just hold a minute on that. We had discussed this, and I'm just going to discuss it a little more.

Thank you for bringing that forth, Mr. Cannan. I'll get back to you on that. We are discussing how we can accommodate that.

Is there any other debate on this amendment, which is on page 29?

Are you sure, Mr. Martin, you really want to debate it? Go ahead, please.

Mr. Pat Martin (Winnipeg Centre, NDP): I very eagerly would like to debate it, Mr. Chairman. I appreciate the opportunity.

I'll be sitting in from time to time, Mr. Chairman, so thank you for recognizing me in this clause-by-clause analysis of Bill C-24.

I should point out, Mr. Chairman, it's unique—to me—to have time limits of three minutes put on motions, amendments, subamendments. We are probably setting history, to some degree, in having such a narrow limitation and opportunity to debate motions that can be, I'm sure we would all agree, complex in their nature.

The second thing that's novel, by way of introduction of my remarks on government amendment G-5, is that we're in a televised room but the television cameras don't seem to be following the debate.

Can I ask, from a point of clarification, if this meeting is televised or if it isn't, Mr. Chairman?

The Chair: Mr. Martin, you are an experienced parliamentarian, and you would probably know that if you look at the notice of the meeting it states whether it is televised or not. This one is not. The notice of meeting indicates it's not televised, Mr. Martin. And your time is ticking here.

Mr. Pat Martin: That explains why the cameras are not following the action here, Mr. Chairman. I was curious about that.

Mr. Chairman, government amendment G-5, on clause 18, deals with liquidation in respect, etc., and changes language. I think it's self-evident to any objective outsider or any third party that would come across this setting, Mr. Chairman, that the amendments are plentiful, not only from the NDP, but from government itself, as they try to repair or to put back into order what was clearly a rushed document, a flawed document. It's a document that came to us, to the House of Commons, in a state that cried out to be amended.

I've been observing that my colleague from Burnaby—New Westminster is quite isolated in this committee, in that he alone seems to be standing up for Canadians in trying to improve the softwood lumber deal to make sure that it's the best deal we can possibly achieve for Canadians.

What strikes me is the number of amendments that are necessary, Mr. Chair. To me, that's revealing about how what was put to Parliament was in fact a flawed document.

One of the themes that seems to flow through the softwood lumber deal reminds me of the crusade that the new Conservative government is on to kill the Canadian Wheat Board. You can't deny the similarity between these two initiatives, Mr. Chairman, because both are doing the dirty work of the American government. Both are key trade irritants that the U.S. government has remarked upon at every single opportunity, and finally they have a government that is willing to address both of those.

• (1335)

The Chair: Mr. Martin, much as I would love to hear your debate on the Wheat Board, your time is up.

I understand that the Bloc is going to withdraw their amendment on page 130 of the booklet. Therefore, we are now going to the vote on all of these together. They are consequential, and we have had debate take place on all of these together.

Mr. Julian.

Mr. Peter Julian: On a point of order, Mr. Chair, you are saying that the amendment on page 29—

The Chair: And also, as Mr. Cannan suggested, the amendments on pages 114, 115, 116, 119, 120, and 130, as listed.

The Bloc has removed the amendment on page 130. There was a line conflict on page 130, but that one has been withdrawn, so the rest have been debated and will be voted on together. They are consequential amendments.

Yes, Mr. Julian.

Mr. Peter Julian: Mr. Chair, are you saying that the bundling of these amendments was voted on by the committee?

The Chair: No. I'm saying this was an issue that was pointed out to me by Mr. Cannan. I've examined it, and I have ruled that these are consequential amendments. We're going ahead with one vote on all of the amendments together. Therefore, the debate is complete, I believe.

Mr. Peter Julian: On a point of order, Mr. Chair, this was not a motion that was adopted by.... He says that given that the implementation of the softwood lumber agreement was extended from October 1 to October 12, the government has proposed a number of amendments—

The Chair: Mr. Julian, it's not a motion at all. It was a ruling of the chair, so we're going to go ahead with the vote now.

Mr. Peter Julian: That's completely inappropriate, so I challenge the chair's ruling.

The Chair: This is a very interesting situation, Mr. Julian. I've heard of chairs being challenged before, but when the rulings of the chair are continually upheld, it is a very odd thing that these challenges would continue.

But I will go to the vote. It's not debatable. The motion is that the ruling of the chair be sustained. It will be a recorded division.

Yes, Mr. Eyking.

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Chair, just for the record, how many times has this been done so far today?

The Chair: I think it's sixteen, but who's counting?

Hon. Mark Eyking: I'm counting. Thank you.

• (1340)

The Chair: I'm not certain, but that was the number I was told.

That was out of order, by the way, Mr. Eyking. We'd gone to the recorded division.

Mr. Rob Anders (Calgary West, CPC): This is on a vote to challenge the chair, right?

The Chair: On the motion to sustain the ruling of the chair.

(Chair's ruling sustained: yeas 10; nays 1)

The Chair: We will now go to the vote on G-5, and it applies to all the other votes that I listed, of course. Let's go to that vote—a recorded division.

(Amendment agreed to: yeas 10; nays 1) [See *Minutes of Proceedings*]

The Chair: We now go to NDP-12, which is on page 30 of the amendment booklet.

Shall we go directly to the vote?

Mr. Julian, I think you have to move the motion. You don't have to; you could withdraw.

Mr. Peter Julian: That's kind of you to invite me, Mr. Chair.

I appreciate you allowing Mr. Martin to sub in for me. I've had cold water and am aching to go for the second 10-, 12-, or 14-hour shift that we'll have here.

I will say that this really comes to the heart of what we are doing here. This deal is falling apart, there's no doubt. When only 25% of industry signs on to the EDC, then what we're seeing is a massive rejection by the industry. They were bludgeoned, and only the NDP was standing up for them in Parliament.

The reality is this deal is unravelling. We have the U.S. Customs and Border Protection sending 100% dollars out to the companies directly. We have this judgment of the Court of International Trade—and I will stress it because it's important for members around this table to note: "...all the Plaintiffs"—that's Canadians—"unliquidated entries, including those entered before, on, and after November 4, 2004, must be liquidated in accordance with the final negative decision of the NAFTA panel. Judgment shall be entered accordingly."

We have had the decision that obliges the United States to pay us back 100% dollars, and companies are taking advantage of that now. They are moving forward, Mr. Chair, and they are getting those 100% dollars, no thanks to this government. We have in place instead, in clause 18, a clause where we are double-taxing those who did sign up to the EDC. Mr. Feldman said that very clearly last Tuesday. It would be irresponsible to rubber stamp this one, as irresponsible as it was to destroy the right to tenure of the independent lumber remanufacturers in British Columbia, which is what happened about an hour ago, Mr. Chair, and as irresponsible as it was earlier today when we simply changed how Canada has traditionally defended the right of related and unrelated persons in arm's-length transactions. We've thrown that away too.

Now we come to the heart of the matter of what Mr. Feldman and Mr. Pearson indicated in the one day of testimony, the two hours of testimony that this committee actually permitted. These two people who testified raised serious concerns about this agreement. What Mr. Feldman said is that we now have, because of the way this is configured, a double tax on the companies that do sign up for the EDC formula. They were told by the government it would take two years for the United States to pay back on the basis of the Court of International Trade's decision. We find out that the difference is actually, Mr. Chair, five days.

What this amendment does is it takes away that double taxation. It actually calculates the formula on the basis of what this bill and what this softwood sellout is worth, which is about a buck. What this means is that companies are not double-taxed, they're not penalized for filling out, as Mr. Feldman testified, the EDC forms, which penalized them 18%, and then a second time penalized them through this formula with a special charge. It's a double penalty. What we have now is the companies that have opted out not paying and companies that did not paying twice.

• (1345)

The Chair: Thank you, Mr. Julian; your time is up.

(Amendment negatived: nays 10; yeas 1) [See *Minutes of Proceedings*]

The Chair: We now go to NDP-13 on page 31 of the package.

Mr. Julian, you may move the motion.

Mr. Peter Julian: Thank you very much. We're on the same wavelength now, Mr. Chair. I hope that continues.

This amendment amends Bill C-24 in clause 18 by adding after line 12 on page 14 the following:

It does not include the final scope ruling made on March 3, 2006.

As we heard from Elliot Feldman in the one day of testimony this committee held... Even though literally a dozen organizations from across the country indicated they wanted to testify in this committee, all of them were refused. The only two who were able to appear were Mr. Pearson and Mr. Feldman.

Mr. Feldman made it very clear that due to poor drafting in this bill we end up including end-match lumber, not excluding it. What we end up doing—in the same way as with the Independent Lumber Remanufacturers and the issue of tenure that we have just stomped all over in a most irresponsible way; in the same way that we have repudiated the traditional Canadian interpretation of what constitutes related or unrelated persons, which has crucial consequences after going through many WTO and NAFTA rulings—is saying that what the Americans decide is okay with us.

So the final scope ruling made on March 3, 2006, effectively includes in this agreement end-match lumber. No one who is paying their due diligence to this bill would include end-match lumber when the traditional position of Canada and the provinces has been to exclude end-match lumber.

What are we doing with this? Are we simply throwing caution to the wind and adopting these motions holus-bolus without proper thought to the consequences? Are we actually taking that little bit of testimony we agreed to hear from Mr. Feldman, who said to be careful and don't include end-match lumber, that that would be irresponsible...? He suggested in his testimony that we include an amendment that says very specifically it does not include the final scope ruling made on March 3, 2006. This is something that members on all four corners of the table should support, because it just makes sense. It ensures that end-match lumber is not included—

• (1350)

The Chair: Mr. Julian, thank you. Your time is up.

Is there anybody else to speak on NDP-13?

Ms. Guergis.

Ms. Helena Guergis: I would ask the officials to comment on this one for us, please.

The Chair: Would someone like to comment?

Mr. Solorsh, we haven't been calling on you an awful lot today.

Mr. Michael Solorsh: Basically, how it works is that the scope is frozen under the agreement as of April 27, 2006. When I say "scope", I'm referring to the scope of product coverage under the agreement. That scope of product coverage is based on the revocation of the anti-dumping and countervailing duty orders that existed up until recently, so as of April 27, 2006, it was based on the anti-dumping countervailing duty orders.

On March 3, 2006, the U.S. Department of Commerce ruled that end-matched products were included in that scope. Because they're included in that scope, as of April 27 they are included in the scope of product coverage under the agreement. Therefore, they're included in the scope of the agreement and this amendment isn't correct; they're included in the scope of the coverage under the softwood lumber agreement. They're not excluded from the scope of the coverage.

If a NAFTA panel were to rule in the future that possibly they should have been excluded from this coverage, at that point we could go to the U.S. and ask for a technical working group to resolve that issue, but as it currently stands, they're included—end-matched products are included in the scope of the coverage.

The Chair: Thank you very much.

Does anyone else want to speak to that?

Go ahead, Mr. Cannan.

Mr. Ron Cannan: Thank you.

Just to clarify, are we basically saying this amendment goes beyond the terms of the agreement?

Mr. Michael Solorsh: It's not in line with what is in the agreement, which is that anything that was in the duty order as of April 27, 2006, is included in the scope of the coverage. This product was in the duty order as of April 27, 2006, and therefore this amendment is not correct.

The Chair: Thank you.

We go to the recorded division on amendment NDP-13.

(Amendment negatived: nays 10; yeas 1) [See *Minutes of Proceedings*]

The Chair: We now go to NDP amendment 14. It is on page 32 of the amendment booklet.

Mr. Julian, if you want to move that motion and speak to it, you may go ahead. If you want to pass it over, that's okay.

Mr. Peter Julian: Mr. Chair, I'd actually like to move that we waive the three-minute speaking requirement on this particular amendment.

The Chair: You need unanimous support for that.

Some hon. members: No.

The Chair: No. Go ahead; your time is ticking, Mr. Julian.

Mr. Peter Julian: Mr. Chair, for clause 18, we voted in the first amendment a double penalty now on softwood companies. So those who go through EDC, that 25% of companies that actually accept the government pressure, will actually be penalized twice. They're getting 67¢ back on the dollar, as Mr. Feldman testified. We have also included end-matched lumber. That's a brilliant stroke of genius, Mr. Chair, that we are now in a situation in which we are reinforcing something that Canada has traditionally opposed. In other words, the softwood sellout is right here and right now, Mr. Chair. We're seeing it through the course of this committee hearing, where we are selling out on a wide variety of areas on which Canada has traditionally stood firm. As one member of the lumber industry asked me last night, why are the Liberals supporting what the Conservatives are trying to do? That's a question the Liberals will have to answer.

We've imposed the double tax, and we've now said that end-match lumber is included, completely in opposition to the way we have traditionally stood on this. Even the Liberal government stood on this, and now it's repudiated and end-match lumber is in.

So now we look at the punitive charge that is actually levied currently on the basis of earlier days, the date on which this act is assented to, and the date that is the earlier of that for duty deposit refund, or that on which the specified person sells the rights.

As we heard in testimony two weeks ago, when we talked with officials from the department, there was no provision in this bill to ensure that companies who opted to go through EDC weren't being doubly penalized. There's no provision for that. Essentially, the companies that go through EDC—and they're the ones that are hardest up, like Tembec, as I mentioned—the moneys that are getting taxpayers' funds, because this government so badly botched the agreement.... We now have a situation where we know within the category of clause 18 that we're forcing a special charge before any of these companies necessarily gets money. So we are attempting to say that it is based on receiving payment, either on the date on which the duty deposit refund is issued, or on the date the person receives payment for selling the rights.

• (1355)

The Chair: Mr. Julian, your time is up, and you haven't moved your motion. There's no need to go to a vote on this one at all.

We will now, Mr. Julian, go to clause....

Mr. Peter Julian: Point of order, Mr. Chair.

The Chair: We'll go to the vote—

Mr. Peter Julian: Point of order, Mr. Chair. Point of order.

The Chair: —on the clause.

Yes?

Mr. Peter Julian: Thank you, Mr. Chair. Here I thought we were going to get along better, but obviously not.

I disagree with that decision. You have simply allowed other folks to implicitly move through, rather than expecting that they're moving. If you look at the transcripts, you have not proceeded that way up until now. If that is how you are going to play, it is your right to say that this is your expectation, but I challenge your decision.

The Chair: Okay, Mr. Julian.

We'll go to a recorded division that this committee sustain the decision of the chair.

(Chair's ruling sustained: yeas 9; nays 2)

The Chair: Mr. Julian, I just want to note that you are for some reason hesitating for a long time before casting your vote, even on your own motion, which seems very odd. I just want to note that, and to ask you if you could speed that up.

Mr. Julian, I also want to make a comment. I have asked you on more than one occasion to move your motion and get on with the debate. You have three minutes in total. You went over the three minutes. If you've made a decision not to move your motion, then there is no motion to vote on.

We are now going to the recorded division on clause 18.

Do you want to speak on clause 18?

• (1400)

Mr. Peter Julian: Yes, of course, Mr. Chair.

The Chair: Go ahead and speak, Mr. Julian.

Mr. Peter Julian: Please make sure that you offer that option before you move to recorded divisions, Mr. Chair.

The Chair: Here is your chance to speak, Mr. Julian.

Mr. Peter Julian: I appreciate that.

What have we done, Mr. Chair?

Here is bad news for the Canadian softwood industry right across the country. We're imposing a double tax now. This is what this committee is deciding, or at least 11 of the 12 members, aside from the NDP. We're deciding to impose a double tax that we know—that we have been informed—results in 67-cent dollars coming back to the companies through EDC. We know that. We heard the testimony, and yet irresponsibly, like driving over a cliff with the softwood industry in the back seat, we're simply saying: it doesn't matter that there's double taxation; we're not going to fix the bill.

We have also included end-matched lumber historically. For years we have assiduously defended ourselves from including end-matched lumber in the penalties that are applied, and yet now in clause 18 we do so. Again we were informed, Mr. Chair; Elliot Feldman was very clear in his testimony about the implications and the consequences of this. As a result, the 11 members who are voting for this have to take responsibility for the implications and the consequences of what I consider to be irresponsible action.

We are also not correcting the fact that under this clause, clause 18, the punitive special charge is levied even before any money might come to a company. We know from testimony two weeks ago from departmental officials that this is the case. We know it's the case, and yet irresponsibly, 11 of the 12 members are moving forward.

These are irresponsible actions, Mr. Chair. These are actions that are not befitting responsible parliamentarians. We know the consequences, we've been informed of the consequences, and yet rather than taking action, we are simply saying, let's railroad this bill through.

Mr. Chair, this is absolutely inappropriate. We know now that in clause 6, in clause 12, in clause 18, by this committee's decision, by virtue of 11 of the 12 members railroading it through, we are seeing the implications and consequences of what this means to the softwood industry. It should surprise all Canadians to know what is being rammed through today.

Now, Mr. Chair, I would like to share an e-mail with you that just came in from the first vice-president of the United Steel Workers in Maple Ridge, British Columbia. He says the softwood deal will lead to more layoffs, as it makes it more profitable for companies like Interfor to export logs to the States, where it can produce lumber without the penalties the softwood deal imposes.

The Chair: Thank you, Mr. Julian; your time is up.

Unless someone else wants to speak on the clause, we will go to recorded division on clause 18 as amended.

Was there not an amendment?

Yes, it's as amended; that is correct. It's a recorded division. We're voting on the clause as amended.

An hon. member: Thank you for the clarification.

(Clause 18 as amended agreed to: yeas 9; nays 1) [see *Minutes of Proceedings*]

Mr. Peter Julian: Mr. Chair?

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: I'd like to move that we suspend our deliberations for 55 minutes.

The Chair: We'll go to a vote.

Those in favour of supporting Mr. Julian's motion please signify.

Oh, do you want to speak to it?

Mr. Julian, go ahead.

Mr. Peter Julian: Thank you very much, Mr. Chair.

You suggested that we suspend for question period earlier. I think that makes good sense, because of the complexity of the work we are going through. It would make sense and it would be responsible to take a break. I certainly would love to see an actual adjournment of the committee, but if that's impossible, I think it makes sense to have a suspension. That way, those who choose to go to question period can, and coming back, of course, we will be able to resume our work until late tonight, or early tomorrow, or Wednesday, or whatever.

I don't think it's a particularly controversial motion. I, of course, am fine working here also—I've had my bathroom break—for six hours. I'm fine—I have splashed water on my face—but I expect most members of the committee would appreciate having a brief suspension.

• (1405)

The Chair: Thank you, Mr. Julian.

I'm in the hands of the committee.

Some hon. members: Vote.

The Chair: Let's go to the vote then.

Do you want a recorded vote, Mr. Julian?

Okay. We'll have a recorded vote on this.

(Motion negated: nays 10; yeas 1)

The Chair: Once again I would like to note for the record that Mr. Julian is hesitating a long time routinely before casting his vote. It's something that wouldn't show in the written transcript, but it is to be noted.

Yes, Mr. Eyking.

Mr. Eyking actually had the floor.

Hon. Mark Eyking: Thank you, Mr. Chair.

I think it's a good time now to reassess how we're doing here. I've been on this Hill for six years and I have never attended a committee that was so non-productive. We are only 15% done. We only have probably 17 clauses done and there have been 17 challenges of the chair. In order to move this along at a speed where we can all have some debate, my motion would be that we reduce the time limit to debate for each amendment or subamendment to one minute per member, unless there's unanimous consent to extend it.

The Chair: You've heard the motion. Shall we go directly to a vote?

Mr. Julian.

Mr. Peter Julian: Mr. Chair, this is absolutely unbelievable.

The three-minute rule was already unprecedented. This is something that has never happened in parliamentary history. This is a serious bill with serious flaws. It is absolutely unbecoming of any member to even think that within sixty seconds we can deal with the complexity of legislation. Even within three minutes it's been difficult for members to understand what the implications and consequences of their decisions are.

Mr. Chair, as you know, you do have the ability to adjourn a meeting, if the meeting simply is not...and if any one member decides that the rules of order that have been imposed are unreasonable. I would suggest that Mr. Eyking would prefer to withdraw his motion rather than put us in a situation where what is already untenable becomes absolutely irresponsible. This has never happened before in the history of House committees. Never before has a bill this complex been rammed through with so many implications. I mean, the screw-ups around voting through amendments that have profound implications for the independent remanufacturers, as we've seen, are consequences that will continue with us for many years to come. This is absolutely irresponsible and it should not be considered by the committee. If it's considered by the committee, then what we are saying is that we are not going to respect the proper parliamentary procedure and we're going to try to ram this through in one day. This is not in Canadians' interests, and most Canadians would disagree profoundly with this. We're dealing with the complexity of the bill.

I would ask Mr. Eyking to withdraw his motion because it is absolutely the most irresponsible thing that I have heard in my two and a half years on the Hill. It is unbecoming any parliamentarian to try to muzzle members of Parliament. We already have a muzzling that's without precedent. Why doesn't he make it five seconds? Why doesn't he just go the whole route? I mean, why not? If we're not going to seriously consider the bill anyhow, Mr. Chair, why not make it two and a half seconds? Why don't we just assume that we have no due diligence or responsibility at all?

As I mentioned, a member of the lumber industry asked me last night why the Liberals are assisting in this. He said, I thought they were opposed to the softwood sellout. Very clearly, with what we're seeing today, this is not the case; there is as much support from the Liberals as there is from the Conservatives. People in British Columbia, who are strongly opposed to this sellout, will be able to take the proper conclusions based on that.

I would ask the member to withdraw his motion.

• (1410)

The Chair: Mr. Julian, your time is up.

Is there any other debate on the motion?

(Motion agreed to: yeas 8; nays 2)

The Chair: Mr. Julian, could I just ask you to cast your vote a little more quickly? It is taking a long time, and you've expressed concern about not having enough time. Certainly, you would increase the amount of time you have by speeding up your vote.

Let's go ahead with NDP-15, which is on page 33 of the amendment booklet.

Go ahead, Mr. Julian, for one minute.

(On clause 19—*Minister's duty*)

Mr. Peter Julian: This is a kangaroo court, Mr. Chair. It is absolutely absurd what has happened here today. We'll be making sure we get out right across this country; we'll be making sure independent lumber remanufacturers in the Okanagan and northern B.C. know what has transpired here today, making sure that all

aspects of the deal being rammed through today are known to the public at large.

We have amendment 15 that asks for cooperation with the provincial and territorial governments; that is the amendment I move.

But this is absolutely ridiculous. This is the most deplorable episode I think in parliamentary history that I'm aware of; this softwood lumber sellout and egregiously poorly written bill is being rammed through with no debate.

The Chair: Thank you, Mr. Julian, your time is up.

Mr. Peter Julian: Mr. Chair, I challenge that. I don't believe it was a minute.

The Chair: We now go to—

Mr. Peter Julian: Mr. Chair, on a point of order.

The Chair: —a recorded vote.

Mr. Peter Julian: Mr. Chair, I have a point of order.

The Chair: Mr. Julian.

Mr. Peter Julian: I challenge your decision. I don't believe it was a minute, so I would like to challenge your decision on that.

Some hon. members: Oh, oh!

Mr. Peter Julian: And it'll happen every single time, Mr. Chair.

I challenge the chair.

• (1415)

The Chair: Mr. Julian, there's nothing to challenge. I have a clock in front of me. I have given you the time, so it's not a decision to be challenged.

We will go to the recorded vote.

Mr. Peter Julian: Mr. Chair, a point of order. A point of order, Mr. Chair. It was not one minute, and I challenge your decision on that basis, Mr. Chair.

The Chair: We're voting on NDP-15.

Mr. Peter Julian: A point of order. A point of order.

The Chair: Mr. Julian, order, please. We are voting. The clerk must hear the votes being cast.

Please continue with the recorded vote.

Mr. Peter Julian: I have asked for a point of order.

The Chair: And I've asked for order, Mr. Julian, please.

Mr. Peter Julian: And I have asked for a point of order.

The Chair: Mr. Julian, please show some respect for the chair and the committee. I would like order before this committee, Mr. Julian.

Mr. Peter Julian: I challenge on the basis...[Inaudible—Editor]

The Chair: Please continue with the recorded division.

Mr. Peter Julian: Mr. Chair, I have asked you to consider the point of order. Please consider that point of order. It is, of course, my right to do so, Mr. Chair, and I would like you to consider that point of order. Otherwise you are breaching parliamentary privilege and parliamentary procedure. It is the right of a member of Parliament to propose a motion that challenges a chair's ruling.

You have made a ruling. I have challenged that, and I would like you now, Mr. Chair, to allow the committee to hear that challenge to the chair.

The Chair: Mr. Julian, please indicate how you are voting or we'll assume that you are abstaining.

Mr. Peter Julian: Mr. Chair, I have asked you for a—

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

The Chair: Mr. Julian's motion NDP-15 has been defeated. We now go to the vote on clause 19.

Mr. Cannan.

Mr. Ron Cannan: I spent nine years in local government, and as a citizen and as a taxpayer of this country, I'm just appalled by the waste and disorganization. This is our federal government, and the leaders are supposed to be running this country. You have no respect another. We're supposed to be working together for the betterment of our government.

I'd ask the clerk if there is any way we can bring decorum to this committee.

The Chair: The answer, Mr. Cannan, is that the only way is either for Mr. Julian to show that respect or for us to suspend the meeting. I have no indication from anyone that they'd like to suspend the meeting.

Mr. Peter Julian: I have not been showing you disrespect, Mr. Chair.

The Chair: Let's continue.

Shall clause 19 carry?

Mr. Peter Julian: I have not been shown that respect.

Mr. Peter Julian: I have a point of order first, Mr. Chair.

The Chair: No, I've called for the vote.

Mr. Peter Julian: Mr. Chair, you cannot decide to ignore points of order. You cannot do that. That is a question of parliamentary privilege. You absolutely have to acknowledge points of order, Mr. Chair. For five minutes now I've been trying to raise a point of order, and you know full well that I have the right to do so.

The Chair: Mr. Julian is abstaining from the vote, so clause 19 is carried.

(Clause 19 agreed to [See *Minutes of Proceedings*])

The Chair: Mr. Julian, you now have the floor on a point of order. I had called the vote beforehand, Mr. Julian.

Mr. Peter Julian: This is absolutely the most despicable chapter I've ever seen from the government. The point of order is that when parliamentarians raise a point of order, you must acknowledge that. I raised a point of order about five minutes ago regarding time allocation. It was my right to do so. Subsequent to that, I challenged

your decision. It was my right to do so. From there, Mr. Chair, rather than pretending the point of order doesn't exist, you have the responsibility...in fact, you have the obligation to submit that challenge against the chair to the committee. That is what you must do.

If what you are saying is that there are no longer any rules of parliamentary procedure, then this committee should not continue meeting. It's very simple. You've already imposed extraordinary degrees of punitive actions by not allowing a member of Parliament to actually intervene, but you have to recognize points of order. If you endeavour to do that, we can continue. If you are saying that points of order will not be recognized, then this committee should suspend.

● (1420)

The Chair: Mr. Julian, I have to say that you have raised a point of order on a ruling that doesn't exist, because as I've said before, based on the advice of the clerks, they have indicated that a simple matter of time is not something on which you can challenge the chair. I went ahead, Mr. Julian. I recognized your point of order. I've found out since then that your point of order is not a valid point of order because it's on a non-ruling, so let's continue with the meeting.

(On clause 23—*Registration*)

The Chair: We are now on NDP-16.

Mr. Julian, on clause 23, page 34, of the amendment booklet.

Mr. Peter Julian: This is....

I am going to raise a point of order, Mr. Chair:

A point of order is a question raised by a Member who believes that the rules or customary procedures of the House have been incorrectly applied or overlooked during the proceedings. Members may rise on points of order to bring to the attention of the Chair any breach of the relevance or repetition rules, unparliamentary remarks, or a lack of quorum. They are able to do so at virtually any time in the proceedings, provided the point of order is raised and concisely argued as soon as the irregularity occurs. Points of order respecting procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place. As a point of order concerns the interpretation of the rules of procedure, it is the responsibility of the Speaker to determine its merits and to resolve the issue.

And when recognized on a point of order, members should state the standing order under which the point of order is raised.

Mr. Chair, by refusing to acknowledge points of order, what you are doing is essentially countermanding the privilege of parliamentarians. You cannot do that. You already have an enormous amount of tools at your disposal. This is turning into a farce of a committee hearing.

The reality is that one thing you have to do—one thing that is very clearly in the rules of order and decorum—is you have to recognize points of order. That is what you have to do. And I want you to commit—

The Chair: You're repeating yourself, Mr. Julian.

I'd like to say that I certainly do recognize points of order, Mr. Julian. I also recognize that you have now raised a point of order on an issue that has been settled.

There is no point of order here. Therefore, let's continue.

We are now going to NDP-16, which is on page 34 of our amendment booklet.

You have one minute, Mr. Julian, if you would like to move that amendment.

Mr. Peter Julian: I will move the amendment, Mr. Chair, but I want an undertaking from you—that's why I raised the point of order—that you will recognize points of order.

The Chair: Mr. Julian, you know I do that. I have done that faithfully, in spite of some very trying circumstances, because I respect procedure. You know that, Mr. Julian.

Let's continue, please.

Mr. Peter Julian: You have not. But we will come back to this issue later on.

I will now move NDP-16, which reads as follows:

The Minister shall register any person applying for registration who meets the prescribed requirements and shall notify the person

What we have is an extremely punitive bill, unparalleled—like this committee—irresponsible beyond belief, making decisions that are punishing the softwood industry right across the country. We need to take a look at the amendments that are present and try to soften what is an egregiously draconian, meanspirited, dictatorial bill.

•(1425)

The Chair: Thank you, Mr. Julian. Your time is up.

Would anyone else like to speak to amendment NDP-16?

Yes, Ms. Guergis.

Ms. Helena Guergis: Mr. Chair, we do not support this amendment. It should be rejected. The amendment would remove discretion from the minister. In addition, registration would be available on demand. Therefore there is really no need for prescribed requirements.

The Chair: Thank you for your very concise input, Ms. Guergis. Anyone else?

Then we will go to a recorded division on NDP-16, which is on page 34 of the amendment booklet.

(Amendment negated: nays 10; yeas 1)

The Chair: Mr. Julian, I had a conversation with the clerk in the time it took you to cast your vote. I would encourage you to please speed up the procedure.

Have you voted, Mr. Julian?

Mr. Peter Julian: I have indeed, Mr. Chair.

The Chair: Thank you.

Shall clause 23 carry...?

Debate, Mr. Julian, for one minute.

Mr. Peter Julian: This is absolutely incredible. I thought I'd seen it all, but I haven't. I've seen a government that is hell-bent on driving the softwood industry right over the cliff, without any attention to any of the details. There's the poor drafting of Bill C-24,

and there is the shutting off of television cameras so the public can't be aware of what this government is doing, with the assistance of two opposition parties. That's something I can certainly understand, because if the public knew what this government was doing, there'd be an even greater cost, in British Columbia particularly.

What we have is a bad bill that is being made worse by the lack of attention to detail by members of this committee, who are ramming through amendments that make it even worse than it was before.

For Bill C-24, clause 24, amendment NDP-17, which I move, we add that "registered mail" should be added to the cancellation and effective dates so they're not simply set by fiat of the minister; they are set by registered mail.

The Chair: Your time is up, Mr. Julian.

Does anybody else want to speak on clause 23, which is unamended?

Mr. Peter Julian: Just for clarification, are we now voting on amendment 17?

The Chair: Have you not voted?

Mr. Peter Julian: We were on clause 24.

The Chair: We were on NDP-16 that amends clause 23. We are now voting on clause 23.

Have you voted, Mr. Julian?

Mr. Peter Julian: No.

The Chair: Did you vote no just now, or you're telling me you haven't voted?

Mr. Peter Julian: No.

The Chair: Please vote, Mr. Julian.

(Clause 23 agreed to: yeas 10; nays 1)

(On clause 24—*Cancellation*)

The Chair: We're now on amendment NDP-17.

You have one minute, Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

Through this comical circus it is actually supposed to be called due clause-by-clause consideration of Bill C-24, and we haven't had that. What we've had is a bit of a kangaroo court, ramming through amendments that are going to hurt lumber remanufacturers in British Columbia and the softwood industry, particularly those companies that were so cash short they had to sign up to the EDC. That's only 25% of the companies, but nonetheless they're important.

Here we have a situation in clause 24 where the minister notifies of cancellation, but without any real substantial direction. In our amendment we're saying it has to happen by registered mail. Essentially we are saying that this egregiously bad bill, which is being rammed through at lightning speed without due consideration, has to be changed.

•(1430)

The Chair: Thank you, Mr. Julian. Your time is up.

Would anyone else like to speak to NDP-17?

Ms. Guergis.

Ms. Helena Guergis: Thank you.

We do not support this amendment. Of course, it takes away the discretion of the minister. I note that registered mail is only available through Canada Post, so this amendment pretty much takes away the flexibility of the government and the minister to use the most efficient and cost-effective mail service. I think that's just wrong.

Thank you.

The Chair: Thank you, Ms. Guergis.

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

The Chair: We now go to the vote on clause 24. Shall clause 24 carry?

Mr. Julian, you have one minute on clause 17.

Mr. Peter Julian: I'm moving the following amendment....

I'm sorry, you said clause 17, Mr. Chair. Would you please verify where we are? We're going through this at such a breakneck pace.

Did you say clause 17?

The Chair: Your time is ticking, Mr. Julian. You know it's clause 24. You should, if you're speaking on it.

Mr. Peter Julian: No, you said clause 17, and given the lightning speed with which we're demolishing the softwood industry, it stands to reason that I would at least ask which clause you are pushing us through next.

I'm moving that in clause 25 we amend by replacing lines 35 to 41, on page 16, with the following:

The Minister shall, when so requested by a provincial or territorial government, provide that government with all relevant information in the Minister's possession that the Minister may lawfully provide in relation to any person who has applied to that government for certification as an independent—

The Chair: Mr. Julian, that's out of order. We're on clause 24, for one thing, and second, you haven't—

Mr. Peter Julian: We voted on clause 24, Mr. Chair.

The Chair: No, we are now debating clause 24, Mr. Julian. I'm surprised you don't know that.

Mr. Peter Julian: The chair said...[*Inaudible—Editor*]...so it is absolutely—

The Chair: The time is up. We'll go to a recorded division on clause 24.

(Clause 24 agreed to [See *Minutes of Proceedings*])

(On clause 25—*Certification of independent remanufacturers*)

The Chair: We are now on clause 25, with amendment NDP-18.

Mr. Julian, you have a minute if you would like to move that motion and debate it.

Mr. Peter Julian: Thank you, Mr. Chair, for the sixty seconds we're giving in close attention to clause-by-clause consideration, never before seen in parliamentary history: the most heavy-handed, mean-spirited, draconian attempt to force a bill through that has enormous repercussions and consequences for Canadians.

I move that in clause 25 we add new wording:

The Minister shall, when so requested by a provincial or territorial government, provide that government with all relevant information in the Minister's possession that the Minister may lawfully provide in relation to any person who has applied to that government for certification as an independent remanufacturer.

We killed independent remanufacturers early on in this bill, Mr. Chair. We've seen how irresponsible the government is when we're dealing with independent remanufacturers. They specifically requested that the traditional interpretation of tenure be held. We didn't do that. We've thrown that out the window, Mr. Chair. Essentially what we have done is opened them up, not only the B.C. timber sales, but we have opened them up to litigation—

The Chair: Thank you, Mr. Julian.

I just want to note for the committee that should NDP-18 carry, there are line conflicts with NDP-19 and L-5. Of course, if NDP-18 doesn't carry, there is no conflict whatsoever.

We'll go to the recorded division on NDP-18.

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

The Chair: NDP-18 has been defeated.

Mr. Julian, would you like to move NDP-19, or would you like to pass that one over?

Go ahead. You have one minute to move it and debate it if you would like.

• (1435)

Mr. Peter Julian: I so move it, Mr. Chair, despite the kangaroo court character of this egregious, appalling, irresponsible committee hearing, ramming through each of these sections. I still hold out some hope that some members might actually realize that we're here to improve the legislation, which is very badly drafted. As a result of that, we have to take these responsibilities in hand.

I've moved amendment NDP-19, but let me speak to what people out in the community are saying.

This is what we have from the first vice-president of the USW:

The softwood deal will lead to more lay-offs, as it makes it more profitable for companies to export logs. The forests of British Columbia belong to the people of this province and should be used to provide good-paying jobs for British Columbians. This deal does not do it and should be stopped. Thanks for listening and keep up the good fight.

We're getting e-mails like that, Mr. Chair—

The Chair: Thank you, Mr. Julian.

Would anyone else like to speak to amendment NDP-19?

We'll go to the recorded division on amendment NDP-19.

(Amendment negated: nays 10; yeas 1)

The Chair: Mr. Julian, if you take just a little longer to vote, I could have a meaningful nap while I'm waiting. But this way, I barely get into a full sleep and then you decide to vote. Please speed that up.

On clause 25, we have amendment L-5, on page 38 of the amendment booklet.

Mr. LeBlanc.

Hon. Dominic LeBlanc: Thank you, Mr. Chair, and thank you, colleagues.

Amendment L-5 is consistent with the one we made earlier with respect to independent remanufacturers. In subclause 25(2), the minister's authority is limited to matters as required for purposes of the act, and this is consistent with earlier clauses in the act as well.

Subclause 25(3) ensures that basic notice will be provided to companies. This is consistent with earlier sections of the act as well.

Subclause 25(4) is new. We believe it improves the bill by making the certification process consistent with the principles of open and transparent administration. We believe that, basically, people have a right to know which companies have been certified as independent remanufacturers, similar to the list that's in the legislation. There's an annex of other companies. So we see it as a straightforward administrative amendment that simply improves the legislation by making it clear which companies have in fact been certified as independent remanufacturers.

Thank you, Mr. Chair.

• (1440)

The Chair: Thank you very much, Monsieur LeBlanc.

Mr. Julian.

Mr. Peter Julian: I'd like to offer the following subamendment, Mr. Chair, for subclause 25(3):

If the Minister cancels the certification of a person, the Minister shall notify the person in writing, by registered mail, of the cancellation and of its effective date.

I'll now speak to that subamendment, once you've determined that it's in order.

The Chair: You've heard the subamendment. Let's go to debate on the subamendment.

Mr. Julian, you have one minute.

Mr. Peter Julian: Mr. Chair, despite the ramrodding through of this legislation, each clause in Bill C-24 has an impact on softwood companies, on mom-and-pop operations right across the country. We're not making it easy for them to make any sort of viable business. We know that the softwood sellout itself is not commercially viable. There is a whole host of clauses that are retroactive to these companies, and as every single witness who appeared before this summer who actually is involved in the industry said, it is not commercially viable when things are retroactive. We have to make things simpler and easier for the softwood companies, and one of the ways to do that is to ensure that they get effective and adequate notice from the minister. That can only happen by registered mail. Notify a person in writing, how? Drop a letter in the mail and assume that it gets to somebody? With registered mail, we know that the party involved has received the notice from the minister. And we have to make it easier for the softwood companies.

The Chair: Thank you, Mr. Julian.

Would anybody else like to speak to Mr. Julian's subamendment?

Ms. Guergis.

Ms. Helena Guergis: Oh, no. Sorry.

The Chair: We'll go to the recorded division on the NDP subamendment to L-5.

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

The Chair: We now go to L-5, unamended.

Are there any more speakers to L-5?

Mr. Julian, for one minute.

Mr. Peter Julian: I have one minute, Mr. Chair, one minute to debate each of these amendments, each of these clauses that are contained within the agreement. It's absolutely ridiculous and irresponsible. What we've done so far today is handicapped severely the lumber remanufacturers, put in place a double taxation now on companies who choose the EDC, and taken away the historical Canadian stand on how we approach the issue of related and unrelated people in arm's-length business, something that Canada has always defended between the WTO and NAFTA.

Here we have an opportunity to provide a small degree of administrative convenience in the midst of all these punitive measures that we're going through, and the committee has rejected it, which means that this motion as a whole is something that is not administratively easy or in keeping with the interests of softwood companies across the country, which is where we have to keep our focus.

• (1445)

The Chair: Mr. Julian, your time is up. Thank you.

Is there anybody else to speak to Liberal 5?

Yes, Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair.

Taking a look at subclauses 25(2) and (3), I don't have any problem with those. I'm happy to accept them.

I have a little concern about subclause 25(4) when we're talking about a registry because it has been raised with me that there is a possibility that it could break some confidentiality laws. Maybe I could ask the advice of the officials here. Could they give us a quick comment on that?

The Chair: Yes, thank you.

Who would like to comment?

Ms. McMahan.

Mrs. Mary McMahan: Thank you, Mr. Chair.

This bill contains confidentiality provisions that are consistent with those contained in other tax statutes. The reason they are there is because taxpayers and individuals are required by law to provide the government with information in order for us to be able to establish their liability for tax. It's very important that this information, which can be personally or commercially sensitive, be protected.

So the bill sets out a number of circumstances in which taxpayer information of the type at issue here could be provided to particular individuals for purposes of administering the act, but that is something different from establishing a public registry, which would make it widely available.

The Chair: Okay. Is there anyone else who would like to speak to this amendment?

Then we'll go directly to the recorded division on L-5.

Ms. Helena Guergis: I abstain.

Mr. Rob Anders: I abstain.

(Amendment agreed to: yeas 9; nays 0)

The Chair: Shall clause 25 carry as amended?

Mr. Julian.

Mr. Peter Julian: We're now on clause 25 as amended in this breakneck, reckless, irresponsible drive right over the cliff with the softwood industry in the back seat. We're ramming through each of these clauses with about a minute's consideration.

How's that going to play out there in softwood communities across this country? I don't think it's going to play very well. When people ask why the lumber remanufacturers were given the back of the hand when they should have been supported, they will be told that clause-by-clause consideration—

The Chair: Mr. Julian, you have a minute, but even if you had more time I would still caution you on relevance here. You're not speaking to the clause.

Mr. Peter Julian: I am indeed speaking to the clause, because what we have here is a ministerial fiat that allows the certification to take place on amending, suspending, renewing, cancelling, or reinstating a certificate, with the improvement of the actual amendment itself. We still have a central ministry-of-international-trade-driven agenda. This is what I'm talking about. When people ask why we are adopting these amendments and why you gave sixty-second consideration to any of these very complex amendments, it will be important—

The Chair: Thank you, Mr. Julian.

Would anybody else like to speak on clause 25? I want to give everybody ample opportunity. No? Then let's go to a recorded division on clause 25, as amended.

Ms. Helena Guergis: I abstain.

Mr. Rob Anders: I abstain.

(Clause 25 as amended agreed to: yeas 9; nays 0)

(On clause 26—*Monthly returns*)

• (1450)

The Chair: We have amendment CPC-4 on page 39, which is identical to amendment L-6. We have a Conservative amendment and a Liberal amendment. Who is going to move the Conservative amendment?

Mr. Menzies.

Mr. Ted Menzies: In the essence of time, I so move.

The Chair: Mr. LeBlanc had his hand up first, so go ahead.

Hon. Dominic LeBlanc: Thank you, Mr. Chair.

Obviously, if amendment CPC-4 in the name of Mr. Casey and moved by Mr. Menzies carries, I will withdraw amendment L-6. As Mr. Menzies indicated, they are identical.

We're seeking a reporting requirement that is directly related to the export charge and the special charge on duty refunds. This amendment would simply limit the information contained in the reporting forms to information that is directly related to these charges. The Maritime Lumber Bureau feels this is an important restriction to make sure the information is pertinent and relates only to these charges. We see it as a fairly simple administrative amendment, and I urge colleagues to support it.

The Chair: Thank you.

Mr. Julian.

Mr. Peter Julian: I would like to move a subamendment, so it reads, "containing information limited to the charges payable under the section and kept confidential". I will speak to that.

The Chair: Go ahead.

Mr. Peter Julian: Thank you, Mr. Chair.

As we go on this hell-bent, sixty-second-a-clause, rapid run through Bill C-24, never before seen in parliamentary history, we have to realize that each of these clauses has substantive import and importance to the softwood companies that are going to have to deal with each of these clauses that are being run through at unprecedented breakneck speed.

I've offered a subamendment to ensure that ministerial information or information going to the minister is kept confidential. The type of reporting is extremely onerous. Many people testified this summer that the administrative burden around Bill C-24 was absolutely appalling. Not only was it not viable for a business, but the administrative weight caused additional charges. So they have to know that the information is kept confidential—

The Chair: Thank you, Mr. Julian.

Is there anyone else who would like to speak to CPC-4?

I believe we have Ms. Guergis on the subamendment.

Ms. Helena Guergis: I don't want to speak to the subamendment.

The Chair: That's right, Ms. Guergis, you were on for the amendment.

Anyone else on the subamendment?

Let's go to the recorded division on the NDP subamendment to CPC-4.

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

The Chair: The NDP subamendment is defeated. We'll now go to the vote on CPC-4.

Ms. Guergis, you were on for that.

Ms. Helena Guergis: Thank you very much, Mr. Chair.

I do have some concerns about this. The government really has no independent way of monitoring the situation. They do need to be able to make their own assessment to ascertain whether the charges payable really are correct, and the minister does require returns from exporters respecting exports that qualify for the Atlantic exclusion. This information will also assist in the administration and enforcement of the act. This provision is consistent with other statutes.

I very much support and appreciate that the association could do this good work, but I would like to see the association actually forward this information to the government so the government has the information. As I've said, they have no independent source for finding this, so they do need to have this information. Perhaps someone could propose a subamendment that the Maritime Lumber Bureau would forward this information to the government.

• (1455)

The Chair: You have a point of order, Mr. Julian.

Mr. Peter Julian: Could we get a copy of that, please?

The Chair: Pardon? We were speaking to the amendment. Now there has been a subamendment proposed.

Mr. Cannan.

Mr. Ron Cannan: Thank you, Mr. Chair.

I just wanted to clarify my colleague's comments and maybe ask the staff about the idea of having a subamendment that the Maritime Lumber Bureau forward the information to the government. Would that be a possibility to help clarify the concerns that have been raised?

Let me move that as a subamendment.

The Chair: Where would you fit in that subamendment?

Mr. Ron Cannan: The association would forward the information to the government.

The Chair: Mr. LeBlanc.

Hon. Dominic LeBlanc: Mr. Chairman, in an effort to be helpful again, I would consider this to be a friendly amendment. The wording may read, and obviously our legislative clerk will be able to help us.... But in my amendment, as such, the exact words read:

containing information limited to the charges payable under this section;

If Mr. Cannan wanted to move that subamendment, I would be amenable to having the words, "and such information to be forwarded to the Minister of Trade in a timely manner".

Mr. Legislative Clerk, you might suggest the wording. If the intent is simply that the Maritime Lumber Bureau share this information, obviously I think that's a reasonable subamendment.

Does somebody want to suggest very simple language so that Mr. Cannan may be able to move?

The Chair: Mr. Cannan, is that wording what you had intended?

Mr. Ron Cannan: Yes, in the spirit of cooperation, I think that's a very friendly amendment, but such information should be afforded to the Minister of National Revenue instead of to the government.

The Chair: You have a point of order, Mr. Julian.

Mr. Peter Julian: Could we have that in writing, please?

The Chair: We could have it read to you.

Mr. Peter Julian: No. Can we have it in writing, please?

The Chair: Yes, we can write that out, Mr. Julian.

I'll read it.

Mr. Peter Julian: No, Mr. Chair.

The Chair: Yes?

Mr. Peter Julian: Sorry, I need to have a written copy of this amendment.

The Chair: You will get one, Mr. Julian.

• (1500)

Mr. Peter Julian: Will that be before we consider it?

The Chair: I just want to read it and make sure. I'll read it out and you see if this is what you had intended.

At the end of CPC-4 amendment, add:

and such information be forwarded to the Minister of Revenue.

Mr. Julian, you have a copy coming to you.

Do you want to speak to that, Mr. Cannan?

Mr. Ron Cannan: No.

The Chair: Okay. Would anyone else like to speak to it?

Yes, Mr. Julian, and Monsieur Cardin. Mr. Julian will go first.

Mr. Peter Julian: Mr. Cannan is moving his subamendment first, right? He wanted to speak to it.

The Chair: Yes, he did, and he spoke to it.

Mr. Peter Julian: Well, I'm speaking against this subamendment, Mr. Chair.

Here, again, we have the punitive aspects of Bill C-24. We're taking sixty seconds for each of the 110 clauses that are in this bill. It's absolutely absurd. And now we have this subamendment that would essentially allow the Minister of International Trade to forward information to the Ministry of Revenue. We're talking about companies that have already been penalized and beaten up year after year. We now come to the point where this very punitive, draconian, dictatorial, mean-spirited regime is imposed on them, and what we are doing is forwarding information between the Ministry of International Trade and the Ministry of Revenue. It does not make sense, particularly given the punitive measures that we'll be going through later on this evening, punitive measures, case after case—18 months in jail for people who are just trying to run a softwood business. It's absolutely absurd.

The Chair: Thank you, Mr. Julian. Your time is up.

Is there anyone else?

Yes, Mr. Cannan.

Mr. Ron Cannan: Mr. Chairman, I have one minute left, so maybe I can just have our officials clarify how this proposal—

The Chair: Sorry. Actually, Mr. Cannan, Monsieur Cardin had requested to speak to this amendment.

Go ahead, Monsieur Cardin. My apologies.

[*Translation*]

Mr. Serge Cardin: Mr. Chairman, I have a question with respect to the sub-amendment.

Why should this information be forwarded to the Minister of Revenue? I imagine that some information is always passed on for calculation purposes. But we are only asking for charges to be returned. At the same time, there must be some mention in the Bill of the information that is to be provided for technical purposes. Why do we have to specifically say that the information must be forwarded to the Minister of Revenue?

[*English*]

The Chair: Okay, Mr. Crête.

[*Translation*]

Mr. Paul Crête: I have a question for our technical experts.

Is there something in the Bill stating that this information has to be passed on to the Minister of Revenue? Is so, would it be redundant to say it again?

Also, this clause says that a return must be filed with the Minister — and it refers to the Minister of International Trade. But the amendment to this clause provides for information to also be forwarded to the Minister of Revenue.

Is my understanding the same as your understanding of this sub-amendment?

First of all, I want to know whether there is anything in the Bill providing for this information to be forwarded to the Minister of Revenue.

[*English*]

Ms. Cindy Negus (Manager, Legislative Policy Directorate, Canada Revenue Agency): Thank you for your question.

Clause 26 as it currently stands is a provision that requires every person who is registered to send in their information basically to the CRA, to the Minister of National Revenue. This is the only place where this occurs throughout the act.

This is necessary, of course, for the Minister of National Revenue to be able to administer and enforce the act and to impose the obligations contained within. We would not be able to accept this information through a third party, which the MLB is.

To respond to your second question, on whether the information could be sent to the Minister of International Trade, we don't believe that's a logical suggestion, unfortunately. The information has to come, from the exporters who are registered, directly to the Minister of National Revenue in order for the act to be enforced properly.

The Chair: Thank you, Ms. Negus.

Anybody else on this?

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Mr. Chairman, it's not particularly clear, since we are told that it has to go to the Minister of National Revenue.

But in the Bill, it doesn't say “the Minister of National Revenue”; it says “file with the Minister”, and nothing more. As a general rule, Bill C-24 refers to the Minister of International Trade, whereas here, it just says “the Minister”.

Mr. Paul Crête: Perhaps we could get some clarification.

• (1505)

Le président: Thank you, Mr. Cardin.

[*English*]

Ms. Negus.

Ms. Cindy Negus: If you refer back to clause 2, you'll see that the minister is defined as the Minister of National Revenue.

The Chair: Thank you.

Yes, Mr. Cannan.

Mr. Ron Cannan: Just as a supplemental, Mr. Chair, that's what my friendly amendment was, that such information be afforded to the minister of revenue, not international trade.

The Chair: Ms. McMahon.

Mrs. Mary McMahon: I would like to clarify one point. Clause 26 is the general requirement for monthly return from all registrants. If there was an amendment here to require information to be forwarded by the Maritime Lumber Bureau, you'd be talking about the returns of information from a B.C. lumber producer going through the Maritime Lumber Bureau.

This is a general requirement for the monthly return to be forwarded by the taxpayer to the Minister of National Revenue.

The Chair: Thank you, Ms. McMahon.

Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair.

I actually need some clarification here. Were your comments to the amendment by Mr. LeBlanc or to the subamendment by my colleague here? I'm not getting a clear answer from you.

Mrs. Mary McMahon: Clause 26 is a requirement that registrants under the act, the exporters of softwood lumber from all parts of the country affected by the requirement to file returns, would file those returns with the Minister of National Revenue. No information is forwarded by anyone other than the taxpayer directly to the minister.

Ms. Helena Guergis: I understand that, but we were asking specifically, right now, about the subamendment that suggests such information should be forwarded to the Minister of National Revenue. I understand that you're speaking directly to Mr. LeBlanc's amendment, and I appreciate what you're saying, but now we have a subamendment. Would the subamendment not somehow be a friendly amendment to bring it back around to what the original clause was intended to do?

Ms. Cindy Negus: Do you have a copy of the subamendment that we could look at, please?

The Chair: Okay.

Mr. Julian first, and then Mr. Crête.

Mr. Peter Julian: There's a lot of confusion around this particular clause. I'd like to move that we table consideration of this clause.

This is just another one of these cases where sixty seconds per amendment does not do justice to the impact of the decisions we make today. I move that we table consideration of this amendment and the subamendment.

The Chair: There is no provision to table, Mr. Julian.

Mr. Peter Julian: Then I move that we stand.

The Chair: Until we come back to it at some future time today.

Mr. Peter Julian: May I speak to that, Mr. Chair?

The Chair: Yes, Mr. Julian, for one minute.

Mr. Peter Julian: Thank you, Mr. Chair.

Because of the confusion around this clause, as we've had confusion over so many of these other clauses that we're ramming through today... It makes no sense that we go hell bent, sixty seconds an amendment, sixty seconds a clause, to try to ram this bill through. I implore the government to see good sense. The decisions we're making have huge consequences. In each of these cases we're seeing these amendments being rammed through without due consideration of what the implications are. Sixty seconds an amendment—it's never been seen in the entire history of Confederation that a committee has acted so irresponsibly.

In this case we have a great deal of confusion around the amendment and the subamendment, differences of interpretation. It is very clear to me that what we have to do is set aside this amendment, set aside this particular subamendment, set it aside so that we can provide due consideration later on. I'm certainly hoping that my colleagues around the table will see the good sense of adjourning this meeting at some point. We're making more and more mistakes, Mr. Chair, and this particular clause—

•(1510)

The Chair: Thank you, Mr. Julian.

Does anyone else want to speak to the motion to stand this until later?

Monsieur Cardin.

On a point of order, Mr. Julian.

Mr. Peter Julian: We do have a motion on the table. If the motion passes, of course we would not be going back to the subamendment.

If the motion is defeated, then we would be able to go to Mr. Cardin, if he's speaking on the subamendment itself.

The Chair: Monsieur Cardin, did you want to speak on the subamendment or on Mr. Julian's motion to stand?

[*Translation*]

Mr. Serge Cardin: I'm sorry; I didn't get that. Are you talking about his motion?

M. Peter Julian: Mr. Peter Julian: Yes, my motion, which is to table this because...

M. Serge Cardin: Mr. Serge Cardin: No, I do not wish to speak on that.

[*English*]

The Chair: Okay, let's go to the vote on the motion to stand the subamendment. Mr. Cannan's subamendment is what the motion was to stand.

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

The Chair: The motion to stand the subamendment has been defeated.

Now we go to the vote on the subamendment.

Mr. Cardin, were you on the subamendment? Go ahead.

[*Translation*]

Mr. Serge Cardin: Earlier, when we were talking about the phrase “file with the Minister”, we were told that this referred to the Minister of National Revenue. But in the sub-amendment that has been tabled, it again states “the Minister of Revenue”. If it is implicit that the minister referred to is the Minister of Revenue, then this is redundant.

[*English*]

The Chair: I guess we just go to a vote? We'll go to a vote on the subamendment.

You have already spoken, Mr. Martin. You might not know this, but you have.

Go ahead with the recorded division on the subamendment.

Ms. Helena Guergis: I abstain.

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

The Chair: We'll go to the amendment, which is amendment CPC-4, on page 39. We will now go to the vote on that amendment, with a recorded division.

Sorry, Monsieur Cardin, we've already started the vote on amendment CPC-4.

[*Translation*]

Mr. Serge Cardin: Yes, but had we really completed our discussion? Sub-amendments have been tabled.

•(1515)

[*English*]

The Chair: No, the subamendment was defeated, so it's just on the amendment as you see it.

[Translation]

Mr. Serge Cardin: Well then, we should debate the amendment, but you already called the question.

[English]

The Chair: I'd opened it for debate and I saw none. We could ask for unanimous consent to go back, if you want.

[Translation]

Mr. Serge Cardin: Fine.

[English]

The Chair: Is there unanimous consent to go back to debate on that motion?

Okay, it's agreed, Monsieur Cardin.

[Translation]

Mr. Serge Cardin: Thank you, Mr. Chairman.

If I am mistaken, ladies and gentlemen, please say so, but this amendment seems to limit the information that exporters should normally provide to the government. That's my impression. I don't really understand the purpose of this amendment.

Perhaps someone can enlighten me as to whether it does or does not limit information.

[English]

The Chair: Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair. I come back refreshed.

So we are now on amendment CPC...

The Chair: We're on amendment CPC-4 on page 39 of the amendment booklet—

Mr. Peter Julian: After the subamendment.

The Chair: On the actual amendment.

Mr. Peter Julian: On the actual amendment.

This is the difficulty, Mr. Chair, as we ram through sixty seconds per clause. We are making mistakes one after the other. These are errors that can't be corrected once we throw them into the bill. So what we have here is an amendment that I think had a good intent; however, without the necessary qualifications that we were talking about earlier, we risk putting our softwood companies in a worse situation. We've done that with lumber remanufacturers earlier. It's appalling, absolutely appalling, to change the definition of tenure. It boggles the mind. B.C. timber sales are now impacted because this committee did not do its due diligence. At sixty seconds per amendment, it's difficult to imagine—

The Chair: Thank you, Mr. Julian.

Does anyone else wish to speak to that?

Let's go to the recorded division on amendment CPC-4.

[Translation]

Mr. Serge Cardin: Mr. Chairman, I asked some questions earlier but I never received any answers.

[English]

The Chair: Had you asked a question of the officials?

[Translation]

Mr. Serge Cardin: Yes, I asked for clarification. I saw that people were working very hard to try and find the answers. It's important that they be given a chance to speak.

[English]

The Chair: I apologize, Monsieur Cardin. I hadn't recognized that you had asked a question.

Is there a response from the officials? Are you aware of the question?

Mr. Paul Robertson (Director General, North America Trade Policy, Department of Foreign Affairs and International Trade): Perhaps it would be useful, Monsieur Cardin, if you would repeat the question so that everybody understands what we're replying to.

[Translation]

Mr. Serge Cardin: Well, that is rather a lot to ask, because I only have 60 seconds.

My impression is that this amendment will limit the amount of information that exporters have to remit to the government on a monthly basis. I just wondered how relevant this amendment really is.

[English]

Ms. Cindy Negus: Thank you for your question.

Limited information will make it very difficult for the Minister of National Revenue to administer and enforce this act.

● (1520)

The Chair: Okay. We will go to the vote now, a recorded division on amendment CPC-4.

Ms. Helena Guergis: I abstain.

(Amendment agreed to: yeas 7; nays 3)

The Chair: We'll now go to the vote on clause 26 as amended.

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

We're going sixty seconds per clause, sixty seconds per amendment. Perhaps clause 26 is one of the best examples of why that breakneck, absolutely irresponsible draconian, dictatorial, and mean-spirited pace is bad for our softwood companies.

We're throwing out amendments left and right. There is no real consideration of what the implications are. Now we have an amended clause 26 and we are not completely aware of what that clause may in fact do to softwood companies.

Sixty seconds a clause is not the way to write legislation. It's irresponsible. You ask any Canadian whether sixty seconds should be used for each clause on a bill that's brought forward and what will they say? They will say, "That's absurd. You mean you took sixty seconds to consider the implications of each clause? You took sixty seconds to decide on the future of the softwood industry even when you were told there were problems with it."

The Chair: Mr. Julian, just in the spirit of the committee, and as chair, trying to help out a member of the committee, might I suggest that if you find the sixty seconds isn't enough, you could actually use the sixty seconds to discuss the amendment or the clause before the committee? That way, you wouldn't find that you're short of time. Thank you.

Mr. Peter Julian: On a point of order, Mr. Chair, your comments, with respect, are completely inappropriate. Sixty seconds is not an adequate time, regardless, when we're dealing with the complexity of a bill such as Bill C-24. Under no circumstances is sixty seconds adequate, and you know that as well as I do.

The Chair: Okay, Mr. Julian, on a point of debate....

Let's go on to the recorded division on clause 26 as amended.

(Clause 26 as amended agreed to: yeas 6; nays 3)

The Chair: We'll go on. Clause 27 is finished.

(On clause 28—*Small amounts owing*)

The Chair: We'll go to clause 28, and amendment NDP-20, which is on page 41 of the amendment booklet.

Mr. Julian, would you like to move that motion?

Mr. Peter Julian: Yes, Mr. Chair, but if you would give me a moment's consideration....

Thank you, Mr. Chair. I'm moving amendment NDP-20.

As we're going through at this breakneck pace of sixty seconds a clause, we're forgetting what's actually happening to the softwood companies out there. Currently under this legislation, in a case where there's a discrepancy of less than \$2, the amount owing by the person is deemed to be nil. We are suggesting that amount should be raised to \$100.

The obligations of this bill are incredibly heavy and onerous on softwood companies. The punitive actions—18 months in prison if you don't obey the law under Bill C-24—are completely irresponsible. It is a draconian bill by any stretch of the imagination. Very clearly, the only two people we called on to be witnesses outside of the government attested to that, and then we shut down debate. We shut down hearings. We shut down any possibility of folks actually getting to comment on this bill. We need to have it raised to \$100—

•(1525)

The Chair: Thank you, Mr. Julian. Actually, your time is up.

Does anyone else want to speak to NDP-20? No? Then we'll go to a recorded division.

(Amendment negated: nays 7; yeas 1)

The Chair: NDP-20 is defeated. Shall clause 28 carry?

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

As we ramrod through clause after clause, at sixty seconds per amendment, we're doing it at a breakneck pace that has never happened at a committee before. This is completely unprecedented. In a majority government, one could imagine that this would happen. In a minority government, it is

[*Translation*]

inconceivable that the Opposition parties would introduce procedural rules that limit a Member of Parliament's speaking time to 60 seconds.

Clause 28 currently imposes a penalty. If a company owes \$3, it is required to immediately remit that money to the government, because other provisions yet to come in the Bill impose an 18-month prison term. So, that being the case, penalties will be imposed as soon as someone owes \$3.

That is the reason why I am voting against this motion.

[*English*]

The Chair: Thank you, Mr. Julian. Your time is up.

Would anyone else like to speak on clause 28?

We'll go to the recorded division on clause 28.

(Clause 28 agreed to: yeas 9; nays 1)

(On clause 32—*Extension of time*)

The Chair: What we're on now is amendment NDP-21, which is on page 42 of the amendment booklet.

Mr. Julian, would you like to move your amendment and debate it?

•(1530)

Mr. Peter Julian: Thank you, Mr. Chair.

I so move amendment NDP-21, as we race through at sixty seconds a clause—absolutely the most irresponsible action in Canadian parliamentary history.

But what do we do here, Mr. Chair? What we are doing is saying that basically the penalties are required to be paid on the day the time expires. So what we have are penalties on top of penalties—18 months' imprisonment, if you don't follow the strict letter of this draconian legislation—and there is no provision to provide any sort of respite or period of transition from the time the moneys are due.

Now the penalties, as we'll see later, are onerous—absolutely ridiculous. So the amendment basically states that those penalties or moneys would be required to be paid ninety days after the date on which the extended time expires—not immediately. There would be a period of ninety days for companies with serious cashflow difficulties, so that they would actually be able to meet—

The Chair: Your time is up.

Would anyone else like to speak to amendment NDP-21?

We'll go to a recorded division on amendment NDP-21.

(Amendment negatived: nays 9; yeas 1)

The Chair: Shall clause 32 carry?

Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I have sixty seconds on clause 32. What are the implications of that for Canadians and Canadian softwood workers who bear the brunt of the past few years and are now having this appallingly bad legislation forced on them because of this committee? What are we doing with clause 32? We're simply saying that the moment the amount is required to be paid, the softwood company—those poor mom-and-pop operations in northern B.C.—are required to pay those amounts immediately. If they don't, we'll see later on, Mr. Chair, that we're talking about a series of punitive actions—18 months in prison and that kids' trust funds can be taken over—because this government, with the support of opposition parties, is ramming through the unthinkable: the most draconian legislation that, as many members of the softwood industry said, follows the worst negotiation in Canadian history.

So in sixty seconds, without any due consideration, it's impossible to pay justice to the impact that ramming through clause 32 has. It requires that companies pay immediately, that they enter that jungle of punitive actions, which the government can take—

The Chair: Thank you, Mr. Julian.

That was on clause 32.

Does anybody else want to speak on clause 32?

We'll go to the recorded division on clause 32.

(Clause 32 agreed to: yeas: 10; nays 1)

(On clause 33—*Demand for return*)

•(1535)

The Chair: On clause 33, amendment NDP-22 is on page 43 of the amendment booklet.

Mr. Julian, you have a whole minute, if you need it all, to move your motion and debate it.

Mr. Peter Julian: Thank you, Mr. Chair.

It's a bit of an embarrassment to any Canadian to know that we have sixty seconds to devote to each of these clauses. What an absolutely farcical situation.

It would make a good play or movie, I'm sure, Mr. Chair.

This is so egregiously bad, I cannot believe the Liberals would agree to these appallingly bad rules of order.

We're now on clause 33, amendment NDP-22, which I so move.

In this particular case, when we look at clause 33, we again have specific and strict requirements that the minister himself or herself sets. The minister sets a reasonable time. It's not defined in the act. It doesn't appear anywhere.

The minister, given the rest of this act, would probably think sixty seconds would be a good period of time to impose this particular

demand, because sixty seconds is clearly what the government believes—

The Chair: On amendment NDP-22, does anybody else want to speak to it?

We'll have the vote on NDP-22.

(Amendment negatived: nays 9; yeas 1 [See *Minutes of Proceedings*])

The Chair: Mr. Julian, you've taken over a minute to cast your vote. Maybe it's time for a designated voter to come and fill in for you.

Mr. Peter Julian: On a point of order, Mr. Chair.

The Chair: On a point of order, Mr. Julian.

Mr. Peter Julian: Thank you very much.

What we have here is an egregious usurpation of parliamentary privilege, with sixty seconds on each amendment.

I believe that at least in this corner of the committee room we should at least pay some attention to our vote rather than voting without any forethought. We've already seen a number of amendments that are completely and horribly irresponsible—

The Chair: Mr. Julian, it's your own amendment. It should not take you a minute to decide how you're going to vote on your amendment.

Mr. Peter Julian: It's the only area, Mr. Chair, in which you are allowing due consideration. I will take the due consideration that I'm allotted.

•(1540)

The Chair: Shall clause 33 carry?

Mr. Julian.

Mr. Peter Julian: Mr. Chair, in ramming through in sixty seconds, the only time for due consideration seems to be in the vote. That's it. Aside from that, we're ramming this through.

What have we done so far? We've destroyed the B.C. timber sales process by refusing to acknowledge what the independent lumber remanufacturers have clearly called for in terms of tenure. We have gone the opposite route of what we've defended for so long in the WTO and NAFTA.

In this case, what we had was the opportunity to actually have a reasonable period defined by the act rather than by the minister. I don't believe sixty seconds to debate amendments that will be having implications and consequences for the softwood industry for years to come is adequate or reasonable at all. The minister and the government obviously think sixty seconds is reasonable. I can only surmise, Mr. Chair, that in this particular clause, clause 33, the government's interpretation is sixty seconds. In other words, you owe the money, pay up right now—and that's irresponsible.

The Chair: Mr. Julian, your time is up.

Does anybody else wish to speak to clause 33?

I call the vote on clause 33.

•(1541) _____ (Pause) _____

•(1543)

The Chair: Mr. Julian, it's somewhere around two minutes since the clerk has asked you to declare your vote. You probably forget what it's on, and so do I.

Mr. Peter Julian: Certainly not, Mr. Chair.

The Chair: It's on clause 33, Mr. Julian.

Mr. Peter Julian: It's on clause 33, but, Mr. Chair, given that there is no due consideration on any aspects of this bill, the vote is the only opportunity a responsible parliamentarian has to provide some consideration.

I will be voting no on clause 33, Mr. Chair.

(Clause 33 agreed to: 7 yeas, 2 nays)

(On clause 34—*Compound interest on amounts not paid when required*)

•(1545)

The Chair: We go now to clause 34, NDP-23, which is on page 44 of the booklet.

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

I move NDP-23. Here we have another punitive clause, another clause that of course will be glossed over by members of this committee. Let's just ram it through, they'll say. Let's have sixty seconds' consideration. Well, in this particular case, Mr. Chair, another punitive action occurs for mom-and-pop softwood operations in northern B.C. If they fall ill or there is a sudden disability and they are not able to pay, the full weight of the draconian Bill C-24 comes on top of them—the full weight. They are required to pay right away.

The amendment offers that when there is sudden illness or disability, those would be extenuating circumstances that should allow that individual to not have the full draconian weight of this Orwellian bill fall on top of them.

We have a reverse onus in tax law, Mr. Chair. What that means is that the person is guilty until proven innocent—

The Chair: Thank you, Mr. Julian.

Mr. Peter Julian: —and we need to amend clause 34.

The Chair: Does anyone else wish to debate amendment NDP-23?

Go to the vote on NDP-23.

Mr. Julian, I'll remind you that this is an NDP amendment we're voting on. It shouldn't take you long to consider it, effectively.

Mr. Peter Julian: Somebody, Mr. Chair, has to take due diligence and responsibility, and I intend to do that. The due diligence means taking some time, and that means both in terms of votes and in terms of the pitiful sixty seconds.

Yes, Mr. Chair.

The Chair: Mr. Julian, do you vote yes?

Mr. Peter Julian: I'm voting yes.

(Amendment negatived: nays 6; yeas 3)

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Chair.

The Chair: Yes, Mr. Bruinooge.

Mr. Rod Bruinooge: I would like to make a motion that we amend our current process to allow for only ten seconds per vote, per individual, as a maximum.

The Chair: You've heard the motion.

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

Well, this is beautiful. This is beautiful. I would love to see the government press conference on this: sixty seconds a clause, ten seconds to vote, let's just ram it through. It shows the complete lack of responsibility of this government.

You failed. You screwed up on the negotiating.

Mr. Chair, what we've had is a government that has completely failed in its responsibility to take care of softwood companies. We now have a bill that is unravelling as we speak.

Do you think the senators are going to take this with any degree of seriousness—sixty seconds per amendment, ten seconds to vote, let's just ram this through as quickly as possible? Do you think for a second, Mr. Chair, that we are actually going to be treated with any degree of respect as a committee, with these rules of order that come from Picasso? I mean, they're absolutely appalling. It's farcical.

So it's sixty seconds an amendment, ten seconds a vote, Mr. Chair. This goes beyond belief. Not only has it never happened in committee history, but it would mean that many of the things the Conservatives used to do when they were out of power, they won't be able to do any more, either as Reform or as the Alliance or as the Conservative Party. What they're doing is setting a precedent now that, when they are no longer in power, they will no longer be able to do everything they did from 1993 right through to 2006.

They should be very careful about the kinds of precedents they're setting. What this means is a completely different approach to committees, at all times from now on. We're going over the abyss, Mr. Chair. This is unbelievable.

The irresponsibility I can understand, coming from the government side; what I can't understand is opposition members supporting this type of absolutely appalling conduct: sixty seconds an amendment, sixty seconds a clause, ten seconds a vote. Why not make it five? Why not make it 1.3? Why stop there? Why don't we just decide that there will no longer be any votes and that the government will prevail.

Since you're in the mood to be authoritarian, dictatorial, draconian, and mean-spirited, why stop there, Mr. Chair? Why don't we just say that certain people can't vote, certain types of people can't vote, people we disagree with can't vote anymore? Why don't we go all the way?

If this is going to be the farcical type of committee hearing that we have put into place—that we essentially no longer pay any respect, pay any heed, to parliamentary rules, that the types of tactics the Reform Party and the Canadian Alliance and the Conservative Party used to use when they felt very strongly about legislation, to try to improve that legislation...that that no longer carries any more, that we will now have rules of procedure that are bludgeoning members of Parliament—

• (1550)

The Chair: Thank you, Mr. Julian.

Ms. Guergis.

Ms. Helena Guergis: Thank you, Mr. Chair.

I just would like to point out that Mr. Julian's behaviour around the committee table is appalling, to be honest. It's very childish. In fact, he thinks he can sit here and waste the committee's time by taking one, two, or three minutes to cast his vote on amendments that he actually introduced.

To suggest that maybe he hasn't thought about his work here, is that what he's telling us? Because that's irresponsible of him if he hasn't actually put his time and his thought into the amendments he's put forward here for us to discuss clause by clause around this table, if he hasn't actually given it any thought, if he's just put them together for a stall tactic. Is that what I'm hearing from him? I think he's confirming what I thought all along today, and even last Thursday, that his only purpose here is to try to stall.

He has absolutely no respect for the work of this committee and the responsibility of this committee to go clause by clause. So I very much support this motion to limit the time for a vote to ten seconds. Because, quite frankly, it doesn't take you any longer to say yes or no. And you should already know. He should already know what he's going to be doing with respect to his own amendments. So what are we even doing here discussing them in the first place?

The Chair: Thank you, Ms. Guergis.

On a point of order, Mr. Julian.

Mr. Peter Julian: I'd like to consult the head table.

Has this ever happened, has this type of motion ever been brought forward? And has the Speaker ever ruled on this type of draconian—

The Chair: Mr. Julian, the committee is of course the master of its own destiny.

We're moving ahead.

Mr. Eyking.

Mr. Peter Julian: On a point of order, I did ask a question of the head table.

The Chair: Mr. Julian, the head table is here to advise me. We've discussed this already and I've given you my answer.

Mr. Eyking.

Mr. Peter Julian: On a point of order, I asked a specific question and I would like a response. It is a very specific question. I would like to hear from the head table whether or not this has happened before in parliamentary history.

The Chair: It's not a point of order.

Mr. Eyking.

Hon. Mark Eyking: Thank you, Mr. Chair.

I'd first like to show my disappointment that this committee has come to this sort of action. I was hoping our committee could move along in a very productive way and use our time and that each one of us could have a fair share maybe in having discussions over some of these clauses.

This might not have happened in any other committee before, and it might not have to happen again, but it's too bad that we had to succumb to this.

I'd like to hear the motion again for the record, exactly what it is.

Mr. Rod Bruinooge: The motion was that we limit the voting time of each individual member to ten seconds for them to cast their individual vote.

Hon. Mark Eyking: And no ifs and buts?

Mr. Rod Bruinooge: That was the motion.

The Chair: Okay, Mr. Eyking.

Mr. Julian.

Mr. Peter Julian: First off, Mr. Chair, I'd like to see that motion in writing. Secondly, this very clearly overrides the powers that were given to this committee when Bill C-24 was assigned to it.

There were very clearly no rules enforcing the limited period of time, a few scant seconds, in order to cast the vote. I'm assuming that this means—

The Chair: Mr. Julian, that is not a point of...This committee does control its own destiny, and that's exactly what it is doing with this motion.

Mr. Maloney.

Mr. John Maloney (Welland, Lib.): Mr. Chair, I would submit that extraordinary mischief requires an extraordinary response.

Mr. Julian has lost the credibility of this committee. He has shown no respect to you as chair or to us as colleagues on this committee.

I will support this motion, but I wonder if the member would consider a friendly amendment to the effect of an addition: "and if no individual vote is cast, it shall be deemed an abstention".

•(1555)

The Chair: Okay, friendly amendment. All right.

Yes, Mr. Julian, on the amendment.

Mr. Peter Julian: Mr. Chair, this is a question of the committee's credibility and this is a question of credibility beyond some members' comfort level. Obviously this is flawed legislation, and obviously it required some responsible approaches to how it was being addressed. What we are seeing—

The Chair: Are you speaking to the amendment to the motion? Get to it quickly then, because I haven't heard that.

Mr. Peter Julian: What we are doing is enforcing how a parliamentarian should vote. This is something that is, again, without precedent in Canadian parliamentary history. This committee has been meeting now for seven hours. For a bill of this nature, we should be taking 20 to 25 hours. That's how most committees deal with complex legislation.

Instead, what we've seen from the Conservatives and the Liberals is a cutting back, a slicing and dicing of time, so we have no serious consideration of any of these motions. Now we have an enforced vote. The enforced vote is an abstention. You're absolutely forced to it. This is without precedent and it violates parliamentary procedure.

The Chair: Time is up, Mr. Julian. We will now go to the vote on the amendment to the motion.

The amendment is “and if no individual vote is cast, the member shall be deemed to have abstained.”

Mr. Peter Julian: On a point of order, Mr. Chair, could I have the subamendment in writing, please?

The Chair: We have it right here, Mr. Julian. So let's go to the vote on the amendment to the motion.

Mr. Peter Julian: Yes, Mr. Chair, I'm considering the vote.

Mr. Chair, I indicated to you I was considering the vote, and I vote no.

(Amendment agreed to: yeas 9; nays 1)

The Chair: Now, on the motion as amended, Mr. Julian.

Mr. Peter Julian: I'd like to offer an amendment to the subamendment that has just been offered: “unless the member indicates otherwise.”

The Chair: Can you read that proposed amendment, Mr. Julian?

Mr. Peter Julian: It would read, “and if no individual vote is cast, the member shall be deemed to have abstained unless the member indicates otherwise.”

The Chair: That's out of order, Mr. Julian.

•(1600)

Mr. Peter Julian: That's very clearly in order, Mr. Chair.

The Chair: Let's go to the vote on the motion.

Mr. Peter Julian: On a point of order, Mr. Chair, I challenge your decision on this. It's inappropriate.

The Chair: We will go to a vote that the ruling of the chair be sustained.

(Chair's ruling sustained: yeas 10; nays 1)

Mr. Peter Julian: Mr. Chair, that was on sustaining the chair?

The Chair: The ruling is upheld, yes.

Oh my gosh, were we still on that one?

Mr. Peter Julian: Yes.

The Chair: After a wait like that, I'd forgotten we were there.

Mr. Julian.

Mr. Peter Julian: That's quite all right, Mr. Chair. I'm pleased to help you along.

On the motion itself, I'd like to move the following—

The Chair: We're going now to the vote on the motion.

Mr. Peter Julian: Mr. Chair, on the motion itself, I'd like to move the following—

The Chair: I've already called the question.

Mr. Peter Julian: Mr. Chair, I had very clearly indicated—

The Chair: No, I've called the question. The clerk will now take the vote.

•(1604)

(Pause)

•(1606)

The Chair: Mr. Julian, have you voted?

Mr. Peter Julian: No, I have not, Mr. Chair, but I will be voting no.

The Chair: The motion is carried, as amended.

(Motion agreed to: yeas 10; nays 1)

The Chair: NDP-24, page 45, which is a proposed amendment to clause 34.

Mr. Julian.

Mr. Peter Julian: Mr. Chair, the committee has entered new lows. Explain to Canadians out there that it's a couple of seconds to vote and 60 seconds to speak on each of these individual clauses. What a farcical approach to governance. This is absolutely the lowest period I've seen in my two and a half years on the Hill. Absolutely inappropriate. We have a bill now that we are ramming through. We know there are errors and mistakes, and yet we're continuing to do it, or at least some members of the committee are.

We have a situation here now, another one of these many punitive clauses we'll be talking about throughout the evening, on the issue of how interest is compounded. Now, in this draconian act, interest is compounded daily, which means increased costs for the softwood companies that are already paying the penalties. There is absolutely no flexibility because this committee has shut down any approach to allow certain bridge funding or a bridge period before people have to pay the bills as they come. They're artificial. This entire agreement is based on the Conservatives trying to save—

The Chair: Mr. Julian, your time is up.

Would anyone else like to speak to NDP-24?

Go to the vote.

•(1608) _____ (Pause) _____

•(1609)

The Clerk: Mr. Julian.

Mr. Peter Julian: Please let me know when the ten seconds is up, Mr. Clerk.

The Clerk: Yes.

Mr. Peter Julian: No.

The Chair: NDP-24 is defeated.

(Amendment negatived: nays 11; yeas 0) [See *Minutes of Proceedings*]

The Chair: Let's go to NDP-25, page 46 of the amendment booklet.

Mr. Julian.

Mr. Peter Julian: I will withdraw NDP-25, Mr. Chair.

Now, as I recall, we still have that clause consideration, so I will speak to that now.

The Chair: To the clause?

Mr. Peter Julian: No, the amendment itself. When the amendment is withdrawn, we still have debate on it. You'll recall back to clause 15—

The Chair: No, actually, the procedure, Mr. Julian, is if you don't wish to move it, just don't move it. Otherwise, we'll go to a vote, if you want to move it. It's one or the other.

Mr. Peter Julian: Chair, on clause 15, you'll recall the governmental amendment that was actually withdrawn, we still had debate on that clause and on that amendment.

The Chair: No, Mr. Julian, that was attempted, and then the chair ruled that was inappropriate and we had a vote and defeated the clause. We're going the same route here, Mr. Julian.

•(1610)

Mr. Peter Julian: Mr. Chair, we had debate and we had a vote on that amendment just the same, despite the government's willingness to withdraw it.

The Chair: Your time is up, Mr. Julian.

Does anybody else want to speak on NDP...? Oh, he hasn't moved it, so it isn't moved.

What about NDP-26, Mr. Julian, would you like to move that?

Mr. Peter Julian: Yes, I will, Mr. Chair. Thank you very much.

I will move NDP-26, again trying to address the most egregious aspects of this bill.

It important that parliamentarians are here to do a job, not to simply rubber stamp bad legislation. Here we have bad legislation and unprecedented rules of order to muzzle and to censor members who speak up about the various aspects of this bill that are punitive in nature and that are going to have very negative implications for the softwood community right across the country, the softwood communities and particularly softwood lumber companies.

Now, here, in Bill C-24, clause 34, we'd be amending line 34, which is on page 20: "period is not more than \$25, the Minister may cancel the interest and penalty." The amendment would be: "period is not more than \$250, the Minister shall cancel the interest and penalty." So for a period of not more than \$250, the minister shall cancel the interest and the penalty. In other words, the minister is directed—doesn't have the option but is directed—to cancel that penalty in order to benefit the softwood communities and the softwood companies that are having to suffer under this egregiously bad bill. So it would be amending from \$25 to not more than \$250—

The Chair: Thank you, Mr. Julian. Your time is up.

Is there anybody else on amendment NDP-26?

Call the roll.

•(1612) _____ (Pause) _____

•(1613)

The Clerk: Mr. Julian?

Mr. Peter Julian: Please let me know when the ten seconds are over, Mr. Clerk.

The Chair: Mr. Julian, if you don't vote within the ten seconds, you will be deemed to have abstained.

Mr. Peter Julian: Mr. Chair, that's why I'm asking the clerk to let me know that.

Oui.

(Amendment negatived: nays 10; yeas 1)

The Chair: We're at amendment NDP-27.

Do you want to move that one, Mr. Julian?

Mr. Peter Julian: Yes, I will, Mr. Chair. I'll be moving amendment NDP-27, for a reason similar to what I mentioned earlier.

What we have is reporting periods. We have small amounts of money. The government has a sledgehammer to go after...

There are huge punitive aspects of this bill—18 months in prison—and we are giving scant examination to this, 60 seconds a clause. This is unprecedented in Canadian parliamentary history, unprecedented. What kind of precedent does it set for a majority government? That remains to be seen.

Here, we would allow the minister the option whether to cancel the company's interest and penalty, but would set the actual bar at \$250 rather than the \$25 that is currently in the bill, to allow some—

The Chair: Thank you.

Is there anybody else on amendment NDP-27?

Call the roll.

(Amendment negatived: nays 10; yeas 1)

The Chair: Shall clause 34 carry?

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair. I'd like to take 60 seconds to talk about clause 34.

This committee has refused any modifications to actually make it easier on softwood companies. That's no surprise. I've seen 4,000 lost jobs in the last few weeks, and this type of off-the-cuff, back-of-the-napkin drafting of legislation is going to mean that more companies will go out of business and more people are going to be unemployed.

Here we had some very reasonable statements—interest should be compounded annually rather than daily, and we'd be looking at a \$250 payment for a bar to actually trigger the draconian reporting mechanisms the minister has—and the committee is rejecting any softening to actually ensure softwood companies can do their job.

What we're seeing is an ugly trend, Mr. Chair. We're seeing draconian legislation that is being adopted holus-bolus, with 60 seconds of consideration per clause. This has not been seen in parliamentary history.

The Chair: Thank you, Mr. Julian.

Is there anyone else to speak on clause 34?

We'll go to the vote on clause 34.

(Clause 34 agreed to: yeas 8, nays 2)

•(1615)

The Chair: We will now go to clause 40 and amendment NDP-27.1.

Mr. Julian, would you like to move that?

(On clause 40)

Mr. Peter Julian: Thank you, Mr. Chair.

The Chair: Is anyone looking for it? That one's in a separate package. It isn't in the—

Mr. Peter Julian: I will give a moment, Mr. Chair, for people to find the clause.

The Chair: The clock is ticking, Mr. Julian.

Mr. Peter Julian: Mr. Chair, I think it's important that they actually read these amendments, which they're taking 60 seconds to

consider and vote on—this type of back-of-a-napkin legislation that is going to make a huge difference for softwood companies. We've already seen what this committee has done to lumber remanufacturers.

What we have in clause 40, Mr. Chair, are very tight timelines and what we wanted on the company side. But in terms of how the minister acts, we don't have tight components at all. What we have is fairly loose language, as far as the minister is concerned.

We already know when we talk about reverse onus, what we have is as Vern Krishna said in *The Lawyers Weekly* a couple of weeks ago. The taxpayer must either prepay his taxes—

The Chair: Thank you, Mr. Julian.

Would anyone else like to speak to NDP-27.1?

Yes, Mr. Cannan.

Mr. Ron Cannan: Thank you, Mr. Chair.

Could our representatives here clarify if this is the standard language that's used in other acts?

Mrs. Mary McMahon: Yes, it is.

Mr. Ron Cannan: Thank you.

The Chair: Thank you.

So let's go to the vote on NDP-27.1.

(Amendment negatived: nays 9; yeas 1) [See *Minutes of Proceedings*]

The Chair: We now go to NDP-28, on page 49 of the amendment booklet.

Mr. Julian.

•(1620)

Mr. Peter Julian: I move NDP-28, and I would like our panel of guests to talk about the impact of this particular amendment, if they could please explain it to the committee.

The Chair: Ladies and gentlemen, could you comment on whether there is a problem with the royal recommendation and spending provisions here?

Mrs. Mary McMahon: Subclause 51.5 of the proposed legislation would require that a taxpayer be paid interest at the specified rate—i.e., plus 4%—from the 30th day after a refund application is filed with the minister. The proposed amendment would not provide for the higher rate of interest to be paid. The provision is currently worded to ensure that a taxpayer is not prejudiced by any unexpected delay in processing a refund under the proposed legislation.

The Chair: Are you saying, Ms. McMahon, that under this amendment, amendment NDP-28, on page 49, there could be an increase in the amount of money required to be spent by the government, to be paid out by the government?

Mrs. Mary McMahon: No, I believe it would be less money paid out, because it would be at a lower rate rather than the specified rate at which interest would be paid.

The Chair: Right. So we will allow the amendment.

Mr. Julian, your time is up.

Is there anyone else on that?

Then we'll go to the vote on amendment NDP-28.

(Amendment negatived: nays 10; yeas 1) [See *Minutes of Proceedings*]

The Chair: We'll now go to clause 40. Shall clause 40 carry?

Mr. Julian, on clause 40.

Mr. Peter Julian: Thank you for the 60 seconds that I'm allotted on this.

It shows how absurd this process is. We ask a question to our guests, and we're not allowed to speak, because it's deducted from our time. What absurdity. What an irresponsible way of adjusting and dealing with important legislation. We ask a question, and we're not able to deal with the consequences or the feedback on that question. This is not the way legislation is supposed to be drafted. This is an absolute absurdity. It's abominable that we have around this committee the intention to ram these clauses through without dealing effectively with each of them.

For example, when we look at clause 40, there are various clauses here that actually have substantive impact on the companies that are dealing with the government on this. These are companies that did not choose this agreement—

• (1625)

The Chair: Thank you, Mr. Julian.

Is there anyone else on clause 40?

We'll go to the vote on clause 40. This is on the unamended clause. I can understand how you could lose focus.

(Clause 40 agreed to: yeas 9; nays 2)

(On clause 41—*Refund of payment*)

The Chair: On clause 41, we have amendment NDP-29, on page 50 of the amendment booklet.

Mr. Julian, you have one minute.

Mr. Peter Julian: Why, thank you, Mr. Chair. You're very generous, 60 seconds.

This is a completely inappropriate way of dealing with legislation.

I will move amendment NDP-29 that is within clause 41.

Essentially, what it does is expand the period of prescribed information from two years to five years. What that does is provide a greater period of time for companies to go after what should be a refund in this respect. That is why we offer this amendment. The two-year time period is certainly too short.

The Chair: Thank you, Mr. Julian.

Is there anybody else on NDP-29?

We'll go to the vote on NDP-29.

(Amendment negatived: nays 10; yeas 1) [See *Minutes of Proceedings*]

The Chair: Shall clause 41 carry?

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

It took 60 seconds' duration to pass clause 40—60 seconds. It's incredible. We've just looked at some of the components of what that means for softwood companies, and we are giving all of a scant 60 seconds to consider the impact, both of the amendment that would have made it easier for companies to come after the government for refunds—this is for moneys that the government owes to these companies. Instead of applying a longer period that would make it easier on softwood companies, we're simply, in 60 seconds, ramming through this clause.

It is an extremely sad day for Parliament, Mr. Chair, when we ram through legislation that has a negative impact on softwood companies. None of them asked for this type of short refund period. None of them asked for the types of penalties and the thuggish authoritarian approach, with an 18-month prison sentence if you don't obey this particular bill. What they would ask for is some respect; that they have a certain logical period of time in which to claim refunds, because they would not be—

The Chair: Thank you, Mr. Julian.

Is there anyone else on clause 41?

Let's vote on clause 41.

(Clause 41 agreed to: yeas 8; nays 2)

• (1630)

The Chair: Now we go down to clause 48, and amendment NDP-30, on page 51 of the package.

Mr. Julian.

(On clause 48—*Keeping records*)

Mr. Peter Julian: Mr. Chair, as we're going through at a lightning pace, I'm going to just reference the lines....

Essentially what this amendment would do, Mr. Chair, again trying to provide some support to the softwood companies instead of ramming through a bill that has a very negative impact on them, is say, "unless otherwise requested by the person and authorized by the minister", instead of the minister deciding unilaterally that records shall be kept in Canada in English or French.

We support the general thrust of that particular clause, that records shall be kept in Canada. This is an important component. As we've seen with the U.S. Patriot Act, records that go to the United States are records that are often subject to the Patriot Act. Some records kept in Canada are as well, Mr. Chair, but of course, because we're moving at a breakneck pace, we're not going to consider that.

The Chair: Thank you, Mr. Julian.

Is there anyone else on NDP-30?

We'll go to the vote.

(Amendment negatived: nays 9; yeas 2) [See *Minutes of Proceedings*]

The Chair: Should we just group NDP-31, NDP-32, NDP-33? Is there unanimous support to do that?

An hon. member: Sure.

Mr. Peter Julian: No.

The Chair: Okay, Mr. Julian, go ahead with NDP-31.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I don't think 60 seconds for our softwood industry is asking too much. Obviously the government would disagree with me on that, but that will be something that softwood communities will be able to judge in the next few months.

Currently within Bill C-24, among the many onerous provisions that we are railroading through, ramrodding through without scant consideration, we are asking companies to keep records for six years. For these companies that already have the administrative burdens, already have the punitive taxes, the double taxation that has been adopted in clause 18, despite warnings, very clear warnings to the committee, the punitive taxes that they're paying at the border, and the fact that a whole host of amendments that would have improved this legislation have been refused, we have here a situation where we're requiring these companies to keep six years of records. This amendment I've moved, amendment NDP-31, would ask that the records be retained for half that period.

The Chair: Thank you, Mr. Julian.

Is there anyone else on amendment NDP-31?

We'll go to the vote.

(Amendment negatived: nays 10; yeas 1) [See *Minutes of Proceedings*]

The Chair: On amendment NDP-32, Mr. Julian.

We could deem it to be defeated, if you'd like.

Mr. Peter Julian: Mr. Chair, I'm still hoping that there will be common sense around this table and that members of the committee will realize that what is happening here is irresponsible. That's what I'm hoping. One might consider me an idealist, but I honestly believe parliamentarians believe in their hearts that they have a responsibility to softwood companies and softwood communities across the country that are going to pay the price for what is happening today.

Currently, under Bill C-24, records are required to be retained for any period specified in the demand. So what we have is that the minister can basically force any period upon the softwood companies. We talked about six years, and that's already onerous, but beyond that now, the minister may demand that records be retained for any period. What this amendment does is provide for a reasonable period. Now, according to the government, "reasonable" is, I guess, 60 seconds—or even better, 10 seconds.

•(1635)

The Chair: Thank you, Mr. Julian.

Is there anyone else on amendment NDP-32? We want to allow ample time for debate.

Is there no one else? Then we'll go to the vote.

(Amendment negatived: nays 9; yeas 1) [See *Minutes of Proceedings*]

The Chair: On amendment NDP-33, Mr. Julian.

Mr. Peter Julian: I'm sorry, Mr. Chair, is that the vote bell? It certainly seems to me to be the vote bell. I would move that we suspend, given that we have the vote being called.

The Chair: The idea is moving the amendment here, Mr. Julian.

Mr. Peter Julian: Mr. Chair, we are definitely being called to vote. There is no doubt about that.

The Chair: That is not a vote. We'll see what happens. You know how this works, Mr. Julian. I believe it has stopped now.

Mr. Peter Julian: Thank you, Mr. Chair.

Moving back to clause 48, this is replacing line 1, on page 34.

[*Translation*]

The French version of the bill now reads as follows "peut autoriser par écrit toute personne à se départir des registres qu'il doit conserver". We would like to amend this to say:

(9) Le ministre peut autoriser par écrit toute personne à

This jibes more with...

[*English*]

The Chair: Thank you, Mr. Julian; your time is up.

Is there anyone else on amendment NDP-33?

We'll go to the vote.

(Amendment negatived: nays 9; yeas 1)

The Chair: Shall clause 48 carry?

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

I'm granted 60 seconds on clause 48—60 seconds.

What this refers to, the records and information required by clause 48, I note for the Canadians who will be reading this transcript, is a variety of impositions on softwood companies and a variety of penalties as well that are being provided for, including a penalty of providing six years of records to softwood companies.

It's important to note, Mr. Chair, that we are having all of 60 seconds to examine this clause, which comes in nine sections, nine paragraphs, each of which is a disposition that softwood companies have to follow. And there are severe penalties if they do not follow them. It is I think a betrayal of Canadians' interests that we are giving 60 seconds for a nine-paragraph clause of this bill that has enormous implications for softwood companies across the country, in terms of their records, in terms of the information they will be required to keep.

The Chair: Thank you, Mr. Julian. Your time is up.

Shall clause 48 carry?

(Clause 48 agreed to: yeas 8; nays 2)

(On clause 49—*Requirement to provide records or information*)

•(1640)

The Chair: Amendment NDP-34. Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

It takes us a few seconds even to get our amendment books up to the page we're specifically referring to. Moving at this breakneck pace, certainly there will be many errors made today; there's no doubt about that.

I'm moving amendment NDP-34. What that does is amend the issue of records to ensure there are the prescribed alternative formats or prescribed equipment to ensure people with disabilities are able to comply with any such requirement. What we have here is very onerous burdens on softwood companies. Some of those softwood companies are operated with people with disabilities, Mr. Chair. Since we've been running rampant through this bill, not providing any sort of due diligence to what the actual impacts are, what this clause does for the five million Canadians with disabilities is it allows persons with disabilities the ability to comply with the onerous information requirements that are put in place for this bill.

The Chair: Thank you, Mr. Julian.

Does anybody else wish to speak on amendment NDP-34?

Mr. Cannan.

Mr. Ron Cannan: Thank you, Mr. Chair.

I just want to clarify an issue with our panel of guests, specifically from the CRA. Do we not already have provisions or accommodations to assist people with disabilities through telephone and alternative format publications?

Ms. Cindy Negus: Yes, that's correct.

Mr. Ron Cannan: So this would be redundant, then?

Ms. Cindy Negus: Yes.

Mr. Ron Cannan: Thank you.

The Chair: Thank you.

We'll go to the vote on amendment NDP-34.

(Amendment negatived: nays 9; yeas 2) [See *Minutes of Proceedings*]

The Chair: Shall clause 49 carry?

Mr. Julian, go ahead.

Mr. Peter Julian: Thank you.

We do not have any provisions in this bill for alternative formats, not a single one. So to say that somehow legislation in other areas is going to have an impact on this draconian legislation would quite simply be wrong.

What this committee is saying to the five million Canadians with disabilities is that it doesn't matter—the alternative format, running a softwood company. We're going to impose the kind of format that you have to follow. This is extremely unfair, Mr. Chair.

I think any reasonable Canadian would see the possibility of providing alternative format as an essential right in society. But we don't seem to be very concerned with rights, such as parliamentary

privilege or the responsibility to do due diligence on this bill. There are no provisions in this act for alternative formats.

That is the decision the committee is making, and it's wrong.

The Chair: Thank you, Mr. Julian.

Would anyone else like to speak on clause 49?

We'll go to the vote on clause 49.

(Clause 49 agreed to: yeas 8; nays 3)

(On clause 50—*Assessment*)

The Chair: Clause 50, NDP-35. Mr. Julian.

•(1645)

Mr. Peter Julian: I'd like to ask our committee of guests—despite the fact that there is no time for them to respond with these ridiculous Kafkaesque rules of procedure that have been invented—about the impact of the two amendments proposed to clause 50.

Ms. Cindy Negus: Thank you.

From CRA's point of view, we apologize, but we didn't understand the intent of this particular amendment, so we're not able to speak to it.

The Chair: Okay.

Mr. Julian, you still have some time. I don't want to encourage you.

Mr. Peter Julian: No, that's fine, Mr. Chair. I didn't realize that the CRA had not done the clause-by-clause analysis.

Essentially what you're suggesting is that you haven't gone through all of the clauses that are being proposed today?

The Chair: Is there anybody else on NDP-35?

Then we'll go to the vote on NDP-35.

(Amendment negatived: nays 9; yeas 1) [See *Minutes of Proceedings*]

The Chair: Shall clause 50 carry?

Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

At this breakneck speed, I was unaware that our guest panellists have not had the clause-by-clause examination of the impacts of each of the amendments on the legislation. I think this just compounds the very surreal atmosphere we have here.

We've imposed a 60-second time limit on the consideration of any amendments of any clauses; then a few seconds to vote hurriedly; and we can't go to our guests to request an examination, because they haven't necessarily analyzed all the amendments.

It's very clear that there are serious problems with this bill. There are serious issues that have to be resolved, and we can't do it in this kind of environment. So I would implore committee members to be responsible and look to the type of due diligence that we need to have, rather than ramming through these clauses one after the other without any forethought as to the implications.

Mr. Chair, I think it's important for committee members to realize that the committee has already made decisions that are going to have very negative impacts on—

The Chair: Thank you, Mr. Julian.

Is there anybody else on clause 50?

We'll go to the vote.

(Clause 50 agreed to: yeas 9, nays 1)

• (1650)

The Chair: Mr. Julian, go ahead.

Mr. Peter Julian: I'd like to move, Mr. Chair, that the committee suspend its clause-by-clause review of Bill C-24 until the full impact of the amendments has been assessed by the ministry.

The Chair: Of course that is out of order, Mr. Julian. We have passed a motion that says we will deal with this today, before midnight.

We will continue with NDP-36.

Mr. Peter Julian: Point of order, Mr. Chair.

The Chair: Point of order, Mr. Julian.

Mr. Peter Julian: I challenge your ruling on this.

This is a motion that is very much in order.

The Chair: The vote is that the ruling of the chair be sustained.

(Chair's ruling sustained: yeas 10; nays 1)

The Chair: Are there any other speakers on NDP-36?

We'll go to the vote.

Mr. Peter Julian: Mr. Chair, I said there's a point of order.

The Chair: Mr. Julian, then we went to debate on NDP-36.

Mr. Peter Julian: We have not yet moved it, Mr. Chair.

The Chair: Mr. Julian, go ahead and move it, if you would like to.

Mr. Peter Julian: Thank you, Mr. Chair.

I move amendment NDP-36.

In the current legislation, a person who has been assessed and objects to the assessment has only 90 days after the date of the notice of motion of assessment to file a notice of objection with the minister.

Now, certainly that's more than the 60 seconds that the government is giving for debate on clause-by-clause here, or the few scant seconds that they're providing in terms of due diligence, but 90 days is not enough time to necessarily appeal assessments. For some of these softwood companies, they already have an onerous administrative burden.

In this amendment, what we are suggesting is that it be 150 days, a longer period of time for these companies, so that they actually have the capacity to appeal the assessment in the midst of all of the other administrative charges that are brought onto them by Bill C-24.

A hundred and fifty days is a reasonable period, and a hundred and fifty days should be—

The Chair: Thank you, Mr. Julian.

Is there anyone else on NDP-36, on page 57 of the amendment booklet?

We'll go to the question on NDP-36.

(Amendment negatived: nays 9; yeas 2) [See *Minutes of Proceedings*]

The Chair: Mr. Julian, have you voted?

Mr. Peter Julian: Mr. Chair, I can certainly vote again if you'd like.

The Chair: Amendment NDP-36 is defeated.

Go ahead, Ms. Guergis.

Ms. Helena Guergis: Mr. Chair, I have a motion. It is that this committee consider together amendments on pages 60 to 104, because all of these amendments address provisions that are standard within existing tax legislation.

That is my motion. I have it in both French and English for everyone around the table. We can pass that.

I will speak to it a little bit. Changes that these amendments are suggesting would have significant impact on administration. The provisions that are suggested are directly parallel to similar provisions that appear in other tax statutes administered by the Canada Revenue Agency. In some cases, such provisions have appeared in one or more of the statutes for decades.

The Canada Revenue Agency and the Department of Finance have worked very hard to ensure that these types of provisions remain consistent in all federal tax statutes where possible. Changes to standard provisions take away consistency in law, and it will make it very confusing for the taxpayer. CRA officials have provided this committee with a table that I remind all honourable members illustrates the relationship between existing legislation and the amendments referred to in my motion.

• (1655)

The Chair: Ms. Guergis, this motion is not in order. You cannot group amendments dealing with several clauses and dispense with them at one time unless there is unanimous consent.

You can ask for unanimous consent; I'm sure you will receive that, Ms. Guergis.

Ms. Helena Guergis: This is exactly the same motion that we all supported when we grouped the others together as well, Mr. Chair. We've done it twice with respect to the date change, and we've also done it with others that had no amendments to them, so it has been done already. Can we not remain consistent, if we've done it already twice?

The Chair: Yes, go ahead, Monsieur Paquette.

[*Translation*]

Mr. Pierre Paquette (Joliette): Would it not be preferable to complete clause 54, before considering the Parliamentary Secretary's motion? We have another amendment to withdraw.

[English]

The Chair: We do have a Bloc amendment, and I will get to that.

There was a motion moved.

Yes, go ahead, Mr. Julian.

Mr. Peter Julian: As a point of order, that clearly is not in order. The government keeps seeking to not do its due diligence. We're moving along at a very fast clip—too fast, to my taste—but this is completely needless, and it is obviously out of order.

The Chair: Mr. Julian, if you will think back to when this happened earlier, there was no objection to it, and that is why it was allowed to happen. I don't think I've heard an objection here.

Mr. Peter Julian: You heard objection. It was a point of order, and I said it was out of order. That I think is what would constitute an objection in most courts of law.

The Chair: Okay, we can't proceed with this.

Let's just continue.

It is not supposed to happen. Things shouldn't be grouped like this unless there is unanimous consent or no objection. There has been an objection expressed, so we will go ahead with the Bloc amendment on clause 54. It is amendment BQ-4 on page 58 of the—

Mr. Ron Cannan: Mr. Chair, can we clarify on that previous motion? It's the same substance that we had before, so I don't understand what the difference is.

The Chair: Mr. Cannan, as I explained earlier, there was no objection expressed, and there has been an objection clearly expressed on this occasion.

Mr. Ron Cannan: We haven't got any cooperation from Mr. Julian in the whole process. Nothing's changed.

• (1700)

The Chair: Mr. Cannan, I've explained why this has happened.

Yes, go ahead, Mr. Menzies.

Mr. Ted Menzies: The last time there was an objection, and we voted on it. I think we've heard all sorts of ranting from Mr. Julian about how draconian this is, but we listened to Mr. Julian filibuster for four and a half hours and waste everyone's time, and now he's concerned that we're ramming this through.

This is, I would suggest, a very friendly way of moving this agenda forward, and I see no reason you couldn't accept it. With the similarity to the former motion, there should be no reason we couldn't accept it, Mr. Chair.

The Chair: Yes, Mr. Menzies, and I've explained that.

Could we go to the Bloc amendment?

[Translation]

Mr. Pierre Paquette: I just wanted to let you that we are withdrawing this amendment.

[English]

The Chair: Then we will go to clause 54.

(On clause 54—*Person leaving Canada or defaulting*)

The Chair: Shall clause 54 carry?

Go ahead, Mr. Julian.

Mr. Peter Julian: That's too bad.

[Translation]

It's too bad the Bloc withdrew its amendment because the fact is it added an important element to this Bill. It was an improvement. So, I am really sorry that the Bloc decided to withdraw something that would actually have allowed us to substantially improve this clause.

In spite of that, Mr. Chairman, we still have huge and excessive penalties under clause 54 for companies that object to the government's assessments. The fact is that the government is saying here that companies will pay that assessment. A person has a short 90 days to register an objection to the assessment. Following that, there is a period of time, which is not necessarily limited, for the Minister to reply.

In the meantime, we also know that there is all this interest charged under this utterly dictatorial piece of legislation. So, I would have liked to see the Bloc pursue Mr. Cardin's motion. It would have represented an important addition to clause 54, something that might have made all the difference...

[English]

Hon. Dominic LeBlanc: I have a point of order, Mr. Chair.

The Chair: Go ahead with your point of order, Mr. LeBlanc.

Mr. Julian, your time is up as well.

[Translation]

Hon. Dominic LeBlanc: I think Mr. Julian is to be commended for his attempt to move a motion that Mr. Paquette has just withdrawn. If Mr. Julian wanted to move Mr. Paquette's amendment, he had plenty of time to table the same amendment himself.

Mr. Chairman, you actually allowed Mr. Julian to speak for quite a long time, going well beyond the allotted speaking time, on an amendment that he did not himself move and that Mr. Paquette has withdrawn.

I suggest that we put clause 54 to a vote so that we can hear Mr. Julian speak to his next amendment, which is amendment 37. I'm sure it will be very interesting.

[English]

The Chair: Good point, Mr. LeBlanc. Mr. Julian was actually speaking to clause 54.

Is there anybody else on clause 54?

We'll go to the vote on clause 54.

(Clause 54 agreed to: yeas 10; nays 2)

(On clause 55—*Extension of time by Minister*)

The Chair: Government amendment number 6, on page 59 of the booklet.

Who would like to move G-6?

Ms. Helena Guergis: I so move.

Of course, we support this amendment, which is a technical correction. It corrects the meaning in the French language to authorize the minister to accept an application from a person who wishes to file a notice of objection but who has not done so within the prescribed time period.

•(1705)

The Chair: Does anybody...?

Mr. Julian.

[Translation]

Mr. Peter Julian: I would like to suggest a sub-amendment to the amendment moved by the government. It would read as follows: “Que le ministre reçoit la demande”.

Given that this is in order, Mr. Chairman, I would like to speak to it. You will be able to confirm that it is in order.

[English]

The Chair: We have a subamendment by Mr. Julian.

Do you want to speak to that subamendment?

[Translation]

Mr. Peter Julian: I would like to quote from *Le Petit Robert*, the French language dictionary which is the authoritative reference where the French language is concerned. In fact, it was my first French dictionary when I arrived in Chicoutimi.

The definition it gives for the verb “recevoir” is as follows:

Se voir adresser (qqch). 1. Être mis en possession de (qqch.) par un envoi, un don, un paiement, [...] Recevoir une lettre, un colis, un catalogue. J'ai reçu une lettre de mes parents.

For example:

Recevoir un cadeau, des étrennes. L'aumône avilit « celui qui la reçoit et celui qui la fait ». Recevoir de l'argent. [...] Recevoir une somme, un salaire, une gratification.

That is how the verb “recevoir” is defined in the *Petit Robert*.

Now, Mr. Chairman, coming back to this clause on page 39 of Bill C-24, the current wording in the French version is: “Le ministre peut faire droit à la demande”, which would be replaced by: “Le ministre peut recevoir la demande”. Mr. Chairman, rather than saying that, my suggestion is to say: “Le ministre reçoit la demande”. That is my opinion, and I would certainly...

[English]

The Chair: Thank you, Mr. Julian. We have that.

Is there anybody else on the NDP subamendment? No?

We'll go to a vote on the subamendment.

(Subamendment negated: nays 10; yeas 1)

The Chair: We now go to G-6.

Mr. Julian, do you want to speak to that?

[Translation]

Mr. Peter Julian: Thank you very much, Mr. Chairman. In terms of changing the current wording, which is “Le ministre peut faire droit à la demande” to “Le ministre peut recevoir la demande”, the question is whether that is the equivalent of the wording in the English version. We have to determine whether the French and English versions are equivalent. That is really important. The English version reads as follows:

[English]

“The Minister may accept an application even if it was not made in accordance with subsection (3).”

[Translation]

In French it says: “ le ministre peut [...] ”. If you read the proposed amendment, it says: “ Le ministre peut recevoir la demande qui n'a pas été faite en conformité avec le paragraphe (3) »”

In my opinion, when you read the original version which says: “Le ministre peut faire droit à la demande”, it is quite clear that is not the proper wording. In other words the French and English versions do not jibe...

[English]

The Chair: Thank you, Mr. Julian; your time is up.

Is there anybody else on the government amendment 6?

We'll go to the vote on government amendment 6

(Amendment agreed to: yeas 11; nays 0) [See *Minutes of Proceedings*]

•(1710)

The Chair: We'll now go to NDP-37, on page 60 of the amendment booklet.

Go ahead, Mr. Julian, one minute.

Mr. Peter Julian: Sixty seconds, Mr. Chair, thank you very much. Sixty seconds. I appreciate the opportunity to speak for a brief sixty seconds on what is in clause 55.

Now I'm moving NDP amendment 37, which would extend the application period for those who have the ability to object to whatever assessment the minister makes. The amendment would change the assessment application period from within one year, which is punitive, when we see how these softwood companies are dealing with the immense administrative load that this act is imposing on them, and would extend it from one year to two years.

This is extremely important, Mr. Chair, because essentially what we have is a series of punitive bills, punitive assessments, all of which fall on softwood companies.

The Vice-Chair (Mr. Lui Temelkovski): Thank you very much, Mr. Julian. Your time is up on that.

Is there any other debate?

I call the vote on NDP-37.

(Amendment negated: nays 9; yeas 1) [See *Minutes of Proceedings*]

The Vice-Chair (Mr. Lui Temelkovski): Shall clause 55 carry as amended?

Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair. I appreciate the opportunity to talk to clause 55, which we seem to be willing to adopt regardless of the consequences.

Sixty seconds. It's a sixty-second move on objections to an assessment.

What softwood companies are going to be caught in is this appallingly severe net that is being constructed by the Minister of International Trade. For the assessment, we haven't seen a really valid appeal period—it's a very short period of time—for softwood companies that are endeavouring to keep up with the administrative burden as well as all of the punitive taxes and keep their doors open as a result of this particular agreement. And what we are doing in the agreement and the bill is punishing them yet again, ensuring that they can't make the application if it goes on one year beyond the assessment date.

What a ridiculous concept, Mr. Chair, that these companies that have given so much and that have borne the brunt of the softwood fight on their own do not have any opportunities—

The Vice-Chair (Mr. Lui Temelkovski): Thank you very much, Mr. Julian; your time is over.

Is there any other debate?

I'll call the vote.

(Clause 55 as amended agreed to: yeas 10; nays 1)

(On clause 56—*Extension of time by Tax Court of Canada*)

• (1715)

The Chair: We now go to clause 56 and amendment NDP-38. It is on page 61 of the booklet.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

I move amendment NDP-38. Here again we have a punitive appeal process. This committee has refused in any way to make things a little more livable, to make this a little more business-viable for softwood companies. This crushing burden is being imposed by members of this committee, something that I think would surprise and dismay softwood companies.

One of the punitive aspects is for appeals under clause 55. What we see here is that no application for the appeal may be made after the expiry of 30 days after the decision referred to in subclause 55(5) was mailed to the person. The application is sent, and the decision is mailed to the person at who-knows-where in Canada. Certainly I think we can allow a week to two weeks; then they have a few scant days to turn around to file an application for appeal. It is incredible, Mr. Chair.

The amendment that I have moved makes that expiry 90 days after the decision referred to, and does not base it—

The Chair: Thank you, Mr. Julian.

Does anyone else want to speak to amendment NDP-38? No?

We'll go to the vote.

(Amendment negatived: nays 8; yeas 2) [See *Minutes of Proceedings*]

The Chair: Now we go to asking if clause 56 shall carry.

Go ahead, Mr. Julian.

Mr. Peter Julian: Thank you very much, Mr. Chair.

We're refusing even to provide a 90-day period for the appeal process. We're refusing even that. The application—it is simply imposed upon the softwood company, the softwood person, 30 days after it's mailed to them. Goodness knows when they receive it if there's a long weekend or if it's mailed across the country. It doesn't say where it's mailed from, but it's often from Ottawa to Vancouver. If you're in northern British Columbia, we could be talking about a week and a half. We have imposed on these companies a scant week—two weeks, maybe—to make their application to appeal.

It is absolutely irresponsible, Mr. Chair—there's no other word for it—that we would put into place legislation that we know is going to impose penalties that are beyond belief to these softwood companies. All they wanted to do was sell their product, and they're not going to be permitted to do even that.

The Chair: Thank you, Mr. Julian.

Is there anyone else on clause 56?

Then we'll go to the vote on clause 56.

(Clause 56 agreed to: yeas 9; nays 2)

(On clause 57—*Appeal to Tax Court of Canada*)

The Chair: We shall go to amendment NDP-39 on clause 57. It is page 62 of the amendment booklet.

Go ahead, Mr. Julian.

Mr. Peter Julian: Mr. Chair, I move amendment NDP-39.

Again, what we have here are very egregious and severe penalties and impositions on softwood companies. I can't understand why the committee is going down this road of punishing softwood companies for simply wanting to sell softwood lumber. It is beyond belief what is transpiring here.

Amendment NDP-39 actually shortens the period that would allow the notice of objection to an assessment to be appealed to the Tax Court of Canada. We are endeavouring to make it an easier burden on these softwood companies that are being punished by the minister for owing as much as \$2.50, Mr. Chair. For owing as much as \$2.50, the whole process starts. We haven't even provided the ability for the minister, for amounts of over \$2, to simply waive them. This is absurd.

• (1720)

The Chair: Thank you, Mr. Julian.

Does anyone else want to speak to NDP-39?

We'll go to the vote.

(Amendment negatived: nays 9; yeas 2) [See *Minutes of Proceedings*]

The Chair: Mr. Julian, your time is up. That was an extension.

We'll go now to amendment NDP-40.

Mr. Peter Julian: On a point of order, Mr. Chair, I don't understand the problem with the microphone. I voted again.

The Chair: Did you?

Mr. Peter Julian: Yes, I did. I vote every time.

The Chair: Mr. Julian, if you could speak up for the vote, we'd appreciate it very much.

Mr. Peter Julian: Well, the microphone is on. I speak right into it.

The Chair: Okay, Mr. Julian. We'll take that then.

Which way did you cast your vote?

Mr. Peter Julian: I voted *oui*, yes.

The Chair: Okay. That amendment is defeated.

We'll now go to NDP-40. Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

I move amendment NDP-40.

As with all these other punitive actions, what this does is not allow any appeal after the expiry of 90 days. After notice that the minister has reassessed or confirmed, the assessment is sent to the person under subsection 54(10). It's another punitive component, another draconian aspect to this bill. What we essentially have in the NDP amendment is at least allowing for an expiry of 150 days after notice has been provided. The 90-day notice is too short, as I've mentioned. The 30-day notices are even more absurd.

What are we expecting of our softwood companies—that they simply roll over and allow the government to beat them? Or are we going to provide some tools that balance this off so that the substantial powers that the government is given with softwood companies are balanced off with some rights that softwood companies have to actually make appeals within a reasonable time?

The Chair: Thank you, Mr. Julian.

Is there anyone else on NDP-40?

(Amendment negatived: nays 8; yeas 2) [See *Minutes of Proceedings*]

The Chair: Shall clause 57 carry?

Mr. Julian.

Mr. Peter Julian: Well, I have another 60 seconds, Mr. Chair, on another important clause that is simply not being given the due diligence that is required in this particular case.

We have clause 57, which subjects the softwood companies to a very short and punitive period, as far as the minister is concerned. Once the minister has made the assessment—we've already seen this in clause 56—we're simply railroading the softwood companies through the process, in the same way we are railroading through this legislation. There is no attempt to provide any checks and balances.

What this means, Mr. Chair, is that softwood companies are going to find themselves in horrible situations. I think it's fair to say that the committee members have been well warned about the implications of each of these punitive actions and punitive measures that are being taken in this bill. We have a responsibility to simply make the important changes so that there is some leniency in this bill.

• (1725)

The Chair: Thank you, Mr. Julian.

On clause 57, is there anybody else?

(Clause 57 agreed to: yeas 9; nays 2)

(On clause 64—*Failure to file a return when required*)

The Chair: We have NDP-41, on page 64 of the booklet.

Are you going to move that, Mr. Julian?

Mr. Peter Julian: Thank you, Mr. Chair, for recognizing me. I was waiting for you, of course.

The Chair: I recognized you eleven seconds ago, Mr. Julian.

Mr. Peter Julian: Actually, you did not, Mr. Chair. You recognized me about five seconds ago.

I will move NDP-41.

Here are more penalties, more punitive actions against softwood companies, more attacks on these mom-and-pop operations that are just trying to create jobs in their communities. What we have is a series of penalties that are imposed by this government on these companies.

Again, as mentioned earlier, we're talking about a series of punitive actions presumably designed to drive the softwood companies out of business. That seems to be the only logic behind this. The amendment would limit the interest penalties to 0.1% of the amount, rather than the punitive percentage that's there in the administration and enforcement.

The Chair: Thank you, Mr. Julian.

Is there anyone else on the NDP-41 proposed amendment?

We'll go to the vote then.

(Amendment negatived: nays 9; yeas 2) [See *Minutes of Proceedings*]

[*Translation*]

Mr. Peter Julian: It's too bad, because we were starting to see a trend emerge. I will reinstate that trend by voting in favour, Mr. Chairman.

[*English*]

The Chair: Shall clause 64 carry?

Yes, Mr. Julian.

[*Translation*]

M. Peter Julian: Mr. Peter Julian: I very much appreciate Mr. Temelkovski's vote and Mr. Paquette's half vote; it gives me hope.

The fact is that penalties are provided for under clause 64 that are completely unjustified from a legislative standpoint, given that Canada won. So, companies should not be required to pay any amount of money. In my opinion, all the penalties provided for under this Bill are inappropriate. Committee members should consider that, as responsible parliamentarians, and lower these charges — indeed, all the charges and penalties included in this legislation. We have a responsibility to do that. What we are seeing now are all the penalties being imposed here, in addition to everything else we have already seen and that we will be seeing in the course of this evening or tomorrow morning. That obviously includes the 18 month prison term that the government wants to impose, as well as all the other measures we will be discussing at another session.

• (1730)

[English]

The Chair: Thank you, Mr. Julian.

Is there any more debate on clause 64?

(Clause 64 agreed to: yeas 7; nays 2)

Mr. Peter Julian: A point of order, Mr. Chair.

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: I would like to request the suspension of the committee, given that we have a series of important votes to participate in.

The Chair: Thank you for your cooperation, Mr. Julian.

We will suspend until immediately after the votes.

• (1731)

_____ (Pause) _____

• (1844)

The Chair: Mr. Julian, I do have some comments...go ahead, Mr. Julian.

Mr. Peter Julian: I'd like to move, Mr. Chair, that we adjourn the proceedings this evening at 8 p.m.

The Chair: Will we be finished at 8 p.m., Mr. Julian?

Mr. Peter Julian: Well, what I'm suggesting is that we adjourn the proceedings at 8 p.m., Mr. Chair.

The Chair: Mr. Julian, we have a motion that says we will complete this procedure tonight before midnight.

On that, Mr. Julian, as you know, that motion is out of order, but here's the situation. We have 68 amendments left. We have 62 clauses left. That's 130 votes in total, which means, when you work it through, that we have to start right now going directly to votes on the amendments and the clauses—without any debate whatsoever—to get through by midnight.

• (1845)

Mr. Peter Julian: Mr. Chair, I have a point of order.

The Chair: We've passed the motion to do that, Mr. Julian, so this is just carrying out the will of the committee.

Yes, go ahead, Mr. Julian.

Mr. Peter Julian: I have a point of order, Mr. Chair. It is perfectly in order to move the motion of adjournment.

This committee may have made one decision. The committee could very easily make another decision, and as you pointed out, it would not be effective for us in doing our due diligence to continue to move through these motions without any debate.

I'm certainly not prepared to stop the debate, the pitiful little amount of sixty seconds, so I move the motion—

The Chair: Mr. Julian, as you know, the motion you have moved directly contradicts a motion that was passed by this committee earlier. You don't do that, Mr. Julian.

Mr. Peter Julian: The committee has the opportunity to do that, and you know that the motion is in order, Mr. Chair. It's in order, and I'd like to speak to it.

The Chair: We will now go ahead with the voting.

Mr. Peter Julian: I have a point of order, Mr. Chair.

The Chair: Yes, Mr. Julian.

Mr. Peter Julian: I challenge your decision.

The Chair: Everybody knows the routine for the decision of the chair to be sustained. We will now go to the recorded division on that.

(Chair's ruling sustained [See *Minutes of Proceedings*])

The Chair: The ruling of the chair has been upheld.

We are now going to vote on these clauses. It's my responsibility as chair to ensure that the motion passed by the committee is actually fulfilled.

Mr. Peter Julian: I have a point of order. Are you saying there is no longer any debate on Bill C-24?

The Chair: Mr. Julian, there is an option, and the option would be that you would remove the need for recorded votes. That would leave more time for debate, but otherwise, Mr. Julian, it's the only way we're going to get through by midnight.

Mr. Peter Julian: Mr. Chair, you know that what you have proposed is not in order.

The Chair: It's definitely in order.

Mr. Peter Julian: It is not in order—

The Chair: It's not only that; it's my responsibility.

Mr. Peter Julian: —to stop debate on clause-by-clause consideration.

The Chair: Okay, we're moving ahead right now—

Mr. Peter Julian: I have a point of order, Mr. Chair.

The Chair: —with recorded division on amendment NDP-42 on clause 65. It is on page 65.

Mr. Peter Julian: I have a point of order, Mr. Chair.

The Chair: Mr. Julian, if you go back to the same point of order, I will not entertain points of order from you in the future.

Mr. Peter Julian: But you have stated there will no longer be any debate, anywhere. That's what you've stated. Have I understood you correctly?

The Chair: No. I'm saying you have a choice. If you moved away from the recorded votes, there would be time for debate on the motions.

Mr. Peter Julian: The recorded votes are important, Mr. Chair, so what you'll have to do is advise the committee that we cannot finish by midnight and that we should continue that work on another date.

The Chair: We have no alternative. The motion we passed goes to that.

Go ahead, Mr. Eyking.

Hon. Mark Eyking: Mr. Julian likes to be done at 8 o'clock. There was a suggestion brought before us this afternoon that we group some of these clauses together. We could expedite this process if we grouped some of these clauses together, debated them, and voted on them accordingly.

The Chair: Mr. Eyking, let's move ahead on the votes. There wasn't a motion there.

We're now voting on NDP amendment 42.

Mr. Peter Julian: This is absolutely absurd.

I have a point of order, Mr. Chair. I have a point of order.

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

The Chair: A point of order, Mr. Julian.

•(1850)

Mr. Peter Julian: Mr. Chair, it's absolutely outrageous not to have this paltry little sixty seconds of debate that is incumbent on each of these amendments. This is absolutely beyond anything that has been conceived before.

The Chair: Mr. Julian, this is not a new point of order.

Mr. Peter Julian: I would like a ruling from the head table as to whether—

The Chair: We've already given you the ruling, Mr. Julian.

Mr. Peter Julian: No, from the head table, Mr. Chair.

The Chair: We are moving ahead.

Mr. Peter Julian: I'd like you to consult the clerk as to whether—

The Chair: Shall clause 65 carry?

We'll go to the recorded division.

Mr. Peter Julian: This is absolutely unbelievable.

(Clause 65 agreed to [See *Minutes of Proceedings*])

Mr. Peter Julian: This is Stalinistic, to say the least, Mr. Chair. This is absolutely unacceptable to not allow debate on any of the amendments, to not even consider the clauses. This is absolutely the most bizarre and inappropriate committee I have ever seen.

The Chair: The motion is carried. We now go to clause 66, NDP-43.

Let's go to the recorded division.

Mr. Peter Julian: This is absolutely—

The Chair: That's an abstention again?

An hon. member: Yes.

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

The Chair: Shall clause 66 carry? We'll go to the recorded division, please.

Mr. Peter Julian: I absolutely refuse to answer. This is a complete betrayal of democracy.

The Chair: Another abstention by Mr. Julian.

(Clause 66 agreed to [See *Minutes of Proceedings*])

The Chair: We are now at NDP-44 on clause 67. Let's go to the recorded vote.

Mr. Peter Julian: A point of order, Mr. Chair.

The Chair: You can't, Mr. Julian. We've started the recorded vote.

Mr. Peter Julian: Mr. Chair, this is absolutely an abomination. I cannot believe this.

Mr. Ted Menzies: Mr. Chair, are we still voting?

The Chair: Mr. Julian has abstained again.

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

The Chair: We will go to the recorded division on clause 67.

Mr. Peter Julian: I absolutely refuse to endorse this absurd and bizarre process. This is an absolute affront.

•(1855)

The Chair: We have another abstention by Mr. Julian.

(Clause 67 agreed to [See *Minutes of Proceedings*])

The Chair: Now we go to amendment NDP-45 on clause 68, a recorded division.

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

Mr. Peter Julian: This is absolutely disgusting, Mr. Chair. What are you going to do, finish up at eight o'clock? I thought the idea was that you would go till midnight. Instead of that we see this monstrosity.

The Chair: We have another abstention by Mr. Julian.

Shall clause 68 carry? We'll go to a recorded division.

Mr. Julian has abstained on clause 68.

(Clause 68 agreed to [See *Minutes of Proceedings*])

The Chair: On clause 69, we have amendment NDP-46. We'll go to the recorded division.

Mr. Julian has abstained.

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

The Chair: We will go now to the vote on clause 69. It will be a recorded division.

(Clause 69 agreed to [See *Minutes of Proceedings*])

The Chair: Now we're on clause 70 and amendment NDP-47. We'll go to the recorded division.

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

The Chair: We go now to the vote on clause 70 and a recorded division.

• (1900)

Mr. Peter Julian: I'm not voting on this, but as soon as this vote is finished, I'm going to raise a point of order.

The Chair: Mr. Julian has abstained.

(Clause 70 agreed to [See *Minutes of Proceedings*])

The Chair: We've done clause 71.

Mr. Peter Julian: A point of order, Mr. Chairman.

The Chair: Mr. Julian, make sure it is a point of order and make sure it is on a new—

Mr. Peter Julian: On a point of order, this is absolutely farcical. You could spend two hours just on what has been violated in parliamentary procedure today. It's absolutely disgusting.

In terms of parliamentary procedure, and Marleau and Montpetit is very clear, an amendment that is moved gives the opportunity for a member to state the reasons why he or she believes a clause should be amended. There is no provision in the rules of order—absolutely no provision—unless there is unanimous consent to proceed in this manner. There are absolutely no precedents, and there is nothing in Marleau and Montpetit that allows debate to be completely ended in the way you are doing, Mr. Chair.

That is my point of order, and I would expect a ruling from the clerk that this charade will end.

The Chair: The ruling comes from the chair. I've gotten advice from the clerks already. They have advised me that you're right, Mr. Julian, except when the committee decides we're going to proceed in another manner. The committee controls its own destiny; we have decided this, and we will continue.

We go to NDP amendment 48 on clause 72. Let's go to the recorded division.

Mr. Peter Julian: I am not in any way going to endorse this bizarre, inappropriate process for legislation that has such a huge impact on British Columbia, and I think British Columbia voters would be ashamed at this kind of action—

The Chair: Let the record show that Mr. Julian has abstained.

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

The Chair: Shall clause 72 carry? We'll go to the recorded division.

Let the record show Mr. Julian has abstained.

(Clause 72 agreed to [See *Minutes of Proceedings*])

The Chair: We go to NDP amendment 49 on clause 73, a recorded division.

Another abstention for Mr. Julian.

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

The Chair: Shall clause 73 carry? We'll go to a recorded division.

Mr. Peter Julian: A point of order, Mr. Chair.

The Chair: You have about three seconds to vote, Mr. Julian.

Mr. Peter Julian: And I have a point of order.

The Chair: Another abstention by Mr. Julian.

(Clause 73 agreed to [See *Minutes of Proceedings*])

The Chair: A point of order, Mr. Julian.

• (1905)

Mr. Peter Julian: None of these amendments has been moved. You ruled earlier today that you had to move all of these motions of amendments; otherwise, they were not considered valid. Now you are very clearly contradicting the common rules of procedure. That isn't a surprise. You've done it all day. But you're also contradicting what is the normal process. We have these motions, not moved, that you are applying votes to.

The Chair: Thank you, Mr. Julian. We are disposing of all of the amendments and clauses before the committee. We deem that these have been moved. We're carrying on with the votes and moving to the next clause.

Mr. Peter Julian: Mr. Chair, you would need a motion to that effect.

The Chair: Clause 75. We're on NDP-50.

Yes, Mr. Julian.

Mr. Peter Julian: You would need to have a motion to that effect. You have not done so.

The Chair: No, Mr. Julian.

Mr. Peter Julian: Yes.

The Chair: We're moving ahead.

NDP-50, a recorded division.

Mr. Lui Temelkovski: We didn't vote on clause 74.

The Chair: We passed that before. It was in the grouping we did earlier.

Mr. Peter Julian: Mr. Chair, we've broken pretty well every parliamentary rule of procedure it is possible to break. We are no longer acknowledging points of order. We are no longer acknowledging the ability to actually move motions.

This is just a free-for-all.

The Chair: Mr. Julian has chosen to abstain from the vote.

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

The Chair: Mr. Julian abstains from the vote on clause 75.

(Clause 75 agreed to [See *Minutes of Proceedings*])

The Chair: A point of order, Mr. Julian.

Mr. Peter Julian: I would like a written interpretation from the head table, from the head clerk, that this type of approach is permissible under parliamentary rules of procedure.

Mr. Chair, that is a point of order—

The Chair: Mr. Julian, you know that the chair makes these decisions. I get advice from the clerks and from others, and we have done that.

Mr. Peter Julian: —and it is a perfectly valid point of order.

The Chair: We are continuing.

Clause 76, NDP-51. Let's go to the recorded vote on NDP-51.

Mr. Julian has abstained on NDP-51.

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

The Chair: Let's go to the vote on clause 76, a recorded division.

A point of order, Mr. Julian.

Mr. Peter Julian: We are now moving on to the NDP amendment...

Oh, thank you, Mr. Chair. I appreciate the opportunity to say a few brief words as we railroad through Bill C-24.

The Chair: Mr. Julian, we're on clause 76, actually.

Let's go to the recorded division on clause 76.

(Clause 76 agreed to [See *Minutes of Proceedings*])

● (1910)

The Chair: Mr. Julian has a point of order.

Mr. Peter Julian: I would like to move the following motion: given that we are not considering this bill in any serious way or doing any due diligence, I suggest we send all of these officials home. There is no due diligence, there are no questions permitted, and there is no debate. We have eight members here who cannot receive questions. People from the Foreign Affairs and International Trade department and Revenue Canada can't answer questions because there is no debate. So I would like to move—

The Chair: We're having no motions here. There is no debate. We've decided that and we're moving ahead with the voting.

Mr. Peter Julian: I have moved a motion.

The Chair: We will go to the vote on NDP-52, clause 77.

Mr. Peter Julian: A point of order, Mr. Chair. A point of order. I challenge your decision.

The Chair: We are on NDP-52, clause 77.

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

The Chair: Mr. Julian has a point of order.

Mr. Peter Julian: I have moved the motion and it is in order, absolutely. We have not passed the inability to have any motions whatsoever. We have eight people sitting here doing absolutely nothing because there is no due diligence. So I respectfully submit the motion so this committee can make the decision as to whether or not to send them home.

The Chair: We are not allowing debate because we decided to carry out the motion that the committee voted on and passed, which is to be finished today before midnight. We've decided to proceed in this fashion without debate.

Mr. Peter Julian: This was not a decision of the committee. It was a decision of nobody that there be no debate and absolutely no

questioning or improving of this legislation. It's just ram it through as it is. There was no motion adopted by this committee. I am moving a motion and I expect you to entertain that motion.

The Chair: Mr. Julian, there is no new point of order here.

Let's go to the vote on NDP-53, please.

Mr. Peter Julian: [*Inaudible—Editor*]...it's very simple. I am moving a motion to that effect. It is very simple and in order, and I would ask that you move the motion. If you choose not to move the motion, then what you are doing is an egregious violation of parliamentary rights and responsibilities.

This is absolutely the most disgusting thing I've ever seen. I can understand why the government didn't want to televise this. Canadians would be absolutely appalled at what's going on right now. I have moved a motion.

The Chair: Mr. Julian has chosen to abstain.

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

The Chair: Mr. Julian, I ask you for order at this committee.

Mr. Peter Julian: Mr. Chair, I ask for respect. I have moved a motion.

The Chair: Mr. Julian, order.

Let's carry on. Let's go to the recorded division on clause 77.

● (1915)

Mr. Peter Julian: [*Inaudible—Editor*]...without consulting us. We're just ramming it through. So given that there is no reason why they should be here, you must dismiss them. I have moved a motion. It is in order, as you know. I would ask that you put the motion forward. It's very simple, Mr. Chair. I'm not talking about a big issue here. I'm talking about an issue of respect for the eight people who are doing nothing because there is no way to consult them, and that's why I am asking that you move that motion.

Mr. Chair, I have moved a motion. It is in order and I challenge your decision on the motion.

The Chair: Mr. Julian has abstained.

(Clause 77 agreed to [See *Minutes of Proceedings*])

The Chair: We will go to the recorded division on NDP-54.

Mr. Julian has abstained.

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

(Clause 78 agreed to [See *Minutes of Proceedings*])

The Chair: We've done clauses 79 and 80.

Let's go to the vote on amendment NDP-55 on clause 81.

Mr. Peter Julian: It appears that all of these amendments are in order for report stage now, because they have not been effectively considered by the committee. So for that I certainly thank you, Mr. Chair.

The Speaker will be receiving all of the amendments where debate was not allowed.

The Chair: Mr. Julian has abstained.

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

The Chair: We now move to amendment NDP-56.

Mr. Julian has abstained.

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

The Chair: Shall clause 81 carry? We'll go to a recorded division.

•(1920)

Mr. Peter Julian: It's a sad day for democracy, Mr. Chair, a very, very sad day for democracy. This has never happened in Canadian parliamentary history. It is the most disgusting sight that one could possibly imagine—

The Chair: Mr. Julian has chosen to abstain.

(Clause 81 agreed to [See *Minutes of Proceedings*])

The Chair: For amendment NDP-57 on clause 82, we're going to a recorded division.

Mr. Julian has abstained.

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

The Chair: We now go to NDP-58 for the recorded vote.

Mr. Peter Julian: Mr. Chair, since none of these amendments is being treated in the appropriate fashion, they are all going to report stage—

The Chair: Mr. Julian has abstained.

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

The Chair: Shall clause 82 carry? We'll go to a recorded division.

Mr. Peter Julian: It's absolutely appalling, Mr. Chair.

The Chair: Mr. Julian has chosen to abstain.

(Clause 82 agreed to [See *Minutes of Proceedings*])

The Chair: We're going to clause 83, amendment NDP-59, for a recorded vote.

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

The Chair: We go to NDP-60 for a recorded vote.

Democracy can be damned messy.

Mr. Peter Julian: Democracy be damned, absolutely, Mr. Chair. That's what you said, and that's what you're absolutely right about. Democracy be damned—that's what's happening here tonight.

The Chair: "It can be messy", is what I said.

Mr. Peter Julian: It's not messy; it's damned by—

The Chair: Mr. Julian has chosen to abstain.

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

The Chair: We go to NDP-61, for a recorded vote.

Mr. Julian has abstained.

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

•(1925)

The Chair: Shall clause 83 carry? Let's go to a recorded vote.

Mr. Julian has abstained.

(Clause 83 agreed to [See *Minutes of Proceedings*])

The Chair: We'll go to amendment NDP-62 on clause 84 for a recorded vote.

Mr. Julian has chosen to abstain.

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

The Chair: We'll now go to NDP-63 for a recorded vote.

Mr. Peter Julian: Mr. Chair, this is an appalling affront to democracy, and you should be embarrassed and ashamed of your role in this.

The Chair: Mr. Julian has chosen to abstain.

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

The Chair: Shall clause 84 carry? Let's go to the recorded vote.

Mr. Peter Julian: This is the most thuggish attempt to stop parliamentarians from intervening on a bill that I've ever seen. I just cannot believe—

The Chair: Mr. Julian has chosen to abstain.

(Clause 84 agreed to [See *Minutes of Proceedings*])

The Chair: We're on clause 85, NDP-63.1. Let's go to a recorded vote.

Mr. Peter Julian: Why even bother having votes, Mr. Chair? Why don't we just dispense with all that? What is the point of going through this charade of due diligence?

The Chair: Mr. Julian has chosen to abstain.

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

The Chair: We're going to amendment NDP-63.2 for a recorded vote.

Mr. Julian has chosen to abstain.

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

The Chair: Shall clause 85 carry? We'll go to a recorded vote.

Mr. Julian has abstained.

(Clause 85 agreed to [See *Minutes of Proceedings*])

•(1930)

The Chair: We go to clause 86, starting with amendment NDP-64, for a recorded vote.

Mr. Julian has abstained.

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

The Chair: We'll go to amendment NDP-65 for a recorded vote.
(Amendment negated [See *Minutes of Proceedings*])

(Clause 86 agreed to [See *Minutes of Proceedings*])

The Chair: We'll go to clause 87, amendment NDP-66, for a recorded vote.

Mr. Peter Julian: I am abstaining, Mr. Chair, and calling a point of order.

The Chair: Mr. Julian has abstained?

Mr. Peter Julian: I have, and I'm calling a point of order, Mr. Chair.

I hope that's not a glass of wine that I see in front of you, Mr. Chair, because that would be extremely inappropriate at a committee hearing.

The Chair: NDP-66 has failed.

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

The Chair: We'll go to the point of order, Mr. Julian. I just wanted to complete the vote on NDP-66. Let's go to a point of order.

Mr. Peter Julian: I certainly hope that is not a glass of wine that I see in front of you, Mr. Chair. That would be inappropriate when we're doing the country's business.

The Chair: Mr. Julian, you should know better than that.

Mr. Peter Julian: I certainly hope it isn't.

I am going to raise a point of order around the postponement of clauses. These clauses are not being treated with any due respect, so I would like to move that the next clause be postponed.

And you will check with the head table and you will see that that is in order.

The Chair: Actually, I have received advice from the head table from the clerks, and they have rightly indicated that motions are not accepted at this time.

We'll go to a recorded vote on NDP-67.

Mr. Peter Julian: I have no confidence in this vote. There has been no consideration of this clause, and the committee has no idea what it is doing, or not doing, with these clauses as we ramrod them through, Mr. Chair. So I am not going to—

The Chair: Mr. Julian has abstained.

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

The Chair: We go to NDP-68, for a recorded vote.

•(1935)

Mr. Peter Julian: I won't be voting, Mr. Chair, because of the absurdity of what this committee is doing.

The Chair: Mr. Julian has chosen to abstain.

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

The Chair: Shall clause 87 carry?

Mr. Peter Julian: Mr. Chair, you know my feeling about this incredibly pathetic process. It's a bad example to Canadians right across the country, who expect more from Parliament.

The Chair: Mr. Julian has abstained.

(Clause 87 agreed to [See *Minutes of Proceedings*])

The Chair: We go to clause 88, amendment NDP-69, for the recorded vote.

Mr. Julian has abstained.

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

The Chair: Shall clause 88 carry? We'll go to the recorded vote.

Mr. Julian has abstained.

(Clause 88 agreed to [See *Minutes of Proceedings*])

The Chair: On clause 89, we go to NDP-70 for the recorded vote.

Mr. Julian has abstained.

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

The Chair: Now to amendment NDP-71 for the recorded vote.

Mr. Julian has abstained.

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

The Chair: We now go to the recorded vote on amendment NDP-72.

Mr. Julian has abstained.

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

•(1940)

The Chair: We now go to amendment NDP-73 for a recorded vote.

Mr. Julian has abstained.

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

The Chair: Now to NDP-74 for the recorded vote.

[*Translation*]

Mr. Peter Julian: Mr. Chairman, what we did today other Opposition parties will continue to do. Today it is me doing this, but in the coming days, another party will fall victim to this completely unacceptable and inconceivable method of chairing a meeting.

[*English*]

The Chair: Mr. Julian has abstained.

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

The Chair: We will go to the recorded vote on clause 89.

Mr. Julian has abstained.

(Clause 89 agreed to [See *Minutes of Proceedings*])

The Chair: We've already carried clauses 90, 91, and 92.

On clause 93, we will go to NDP-75 for the recorded vote.

Mr. Julian has abstained.

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

The Chair: We go to NDP-76 for the recorded vote.

Mr. Peter Julian: I abstain, Mr. Chair, and I have a point of order.

The Chair: Okay.

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

The Chair: NDP-76 has failed. Mr. Julian.

Mr. Peter Julian: It failed. Yes, you're right, Mr. Chair.

The Chair: To a point of order, Mr. Julian.

Mr. Peter Julian: Mr. Chair, even if you are refusing any debate, and even if you are refusing, except for the very occasional point of order, any motions, the amendments still have to be read out.

• (1945)

The Chair: No, Mr. Julian, actually they don't.

Mr. Peter Julian: Yes, they do.

The Chair: Not under these circumstances. The committee has decided.

Shall clause 93 carry? Go to the recorded vote.

Mr. Julian has abstained.

(Clause 93 agreed to [See *Minutes of Proceedings*])

The Chair: We go to clause 94 and NDP-77 for the recorded vote.

Mr. Julian has abstained.

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

The Chair: Shall clause 94 carry? We'll go to the recorded vote.

Mr. Peter Julian: I'm not even going to dignify that with an answer.

The Chair: That is an abstention.

(Clause 94 agreed to [See *Minutes of Proceedings*])

The Chair: We now go to clause 95, NDP-78, for a recorded vote.

Another abstention.

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

The Chair: Shall clause 95 carry? We'll go to the recorded vote.

Mr. Julian has abstained.

(Clause 95 agreed to [See *Minutes of Proceedings*])

The Chair: On clause 96, let's go to NDP-79, with a recorded vote.

Mr. Peter Julian: Mr. Chair, we have a government that's treating parliamentary committee members who oppose it in the same way they treated the softwood industry. It's the same approach: the big, big stick. What I can't understand is why opposition members would accept this kind of—

• (1950)

The Chair: Mr. Julian has abstained.

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

The Chair: We now go to NDP-80 for the recorded vote.

Mr. Peter Julian: Mr. Chair, we're having no debate on any of these motions. We're having no debate on the clauses, no debate on the amendments. Canadians are quite frankly appalled by this—

The Chair: Mr. Julian has abstained.

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

The Chair: Shall clause 96 carry? Let's go to the recorded vote.

Mr. Peter Julian: Mr. Chair, if you're asking me to vote on a process that is the most reprehensible I've ever seen and that is jackboot politics at its worst, I am not in any way going to countenance this appallingly egregious and bad process.

The Chair: Mr. Julian has abstained.

(Clause 96 agreed to [See *Minutes of Proceedings*])

The Chair: We already voted on clause 97. We'll go to clause 98 and to amendment NDP-81 for the recorded vote.

Mr. Julian has abstained.

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

The Chair: We'll go to the recorded vote on clause 98.

[*Translation*]

Mr. Peter Julian: Now we are moving to the Bloc Québécois motion without even looking at it or discussing it. That is absolutely unacceptable.

[*English*]

The Chair: Mr. Julian has abstained.

(Clause 98 agreed to [See *Minutes of Proceedings*])

The Chair: We now go to clause 98.1. This is a new clause. It is out of order because of the royal recommendation issue. If it passed, it would lead to the expenditure of money.

Monsieur Cardin.

[*Translation*]

M. Serge Cardin: I am withdrawing it, Mr. Chairman.

[*English*]

The Chair: Okay.

We go now to clause 99. We'll go to amendment NDP-82 for the recorded vote.

Mr. Julian has abstained.

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

The Chair: We go to NDP-83 for the recorded vote.

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

• (1955)

The Chair: Amendment BQ-6 is consequential.

[*Translation*]

M. Serge Cardin: It has been withdrawn.

[*English*]

The Chair: Okay. Thank you, Monsieur Cardin.

We now go to clause 99 for a recorded vote.

Mr. Julian has abstained.

(Clause 99 agreed to [See *Minutes of Proceedings*])

The Chair: On clause 100 we have Liberal amendment L-7. Just note that it has a line conflict with amendment NDP-84.

We will go to the recorded vote on amendment L-7.

Ms. Helena Guergis: I abstain.

The Chair: Mr. Julian has abstained.

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

The Chair: Amendment NDP-84 cannot be voted upon.

We will go to the Bloc amendment BQ-7.

[*Translation*]

Mr. Peter Julian: I would have liked Mr. Cardin to explain his amendment, but there is no longer any room for explanation. Nor are we having any discussion to ensure that we understand exactly what is in this Bill.

So, it doesn't really matter whether this amendment was defeated without being given any serious consideration. No consideration...

[*English*]

The Chair: Mr. Julian has abstained.

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

The Chair: We will go now to amendment NDP-85 for a recorded vote.

Mr. Julian has abstained.

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

The Chair: Shall clause 100 as amended carry? We'll go to the recorded vote.

Mr. Julian has abstained.

(Clause 100 as amended agreed to [See *Minutes of Proceedings*])

● (2000)

The Chair: Clauses 102 and 103 have been dealt with. Government amendment G-7 was carried. We vote on clause 104, as amended—a recorded vote.

Mr. Peter Julian: Mr. Chair, this will move to the court of public opinion. What happened tonight is not going to receive public acceptance, that's for sure. I'm in agreement that people—

The Chair: Mr. Julian has abstained.

(Clause 104 as amended agreed to [See *Minutes of Proceedings*])

The Chair: Amendment G-8 has already been carried. We go to the vote on clause 105 as amended.

Mr. Julian has abstained.

(Clause 105 as amended agreed to [See *Minutes of Proceedings*])

The Chair: We will go to a recorded vote on amendment NDP-86 on clause 106.

Mr. Julian has abstained.

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

The Chair: We now go to clause 106 for the recorded vote.

Mr. Julian has abstained.

(Clause 106 agreed to [See *Minutes of Proceedings*])

The Chair: We will go to a recorded vote on government amendment 9 on clause 107.

● (2005)

Mr. Peter Julian: Mr. Chair, there are various faults in the amendment that this committee is adopting. You can read it right here, that it isn't even written out correctly. I'm absolutely appalled that the committee would be adopting an amendment that isn't even written in English. It's absolutely—

The Chair: Mr. Julian has abstained.

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

The Chair: Shall clause 107 as amended carry?

Mr. Julian has abstained.

(Clause 107 as amended agreed to [See *Minutes of Proceedings*])

The Chair: Amendment G-10 has already been carried, so we'll go directly to the vote on clause 108 as amended.

Mr. Julian has abstained.

(Clause 108 as amended agreed to [See *Minutes of Proceedings*])

The Chair: Amendment G-11 has already carried, so we go directly to the vote on clause 109.

Mr. Julian has abstained.

(Clause 109 as amended agreed to [See *Minutes of Proceedings*])

The Chair: Clause 110 has already been dealt with. We now go to clause 111 and the recorded vote on amendment NDP-87.

Mr. Julian has abstained.

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

The Chair: We go to amendment NDP-88 for a recorded vote.

Mr. Julian has abstained.

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

The Chair: We move on to amendment NDP-89 for a recorded vote.

Mr. Julian has abstained.

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

The Chair: Shall clause 11 carry?

Mr. Julian has abstained.

(Clause 111 agreed to [See *Minutes of Proceedings*])

● (2010)

The Chair: We go to amendment NDP-90 on clause 113 for the vote.

Mr. Julian has abstained.

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

The Chair: Shall clause 113 carry?

(Clause 113 agreed to [See *Minutes of Proceedings*])

The Chair: We move now to NDP amendment 91 on clause 114 for a recorded vote.

Mr. Julian has abstained.

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

The Chair: We now go to NDP-92.

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

The Chair: We now go to NDP-93.

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

The Chair: We now go to NDP-94, for a recorded vote.

Mr. Peter Julian: See you at report stage, Mr. Chair.

● (2015)

The Chair: Mr. Julian has abstained.

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

The Chair: Shall clause 114 carry?

Mr. Julian has abstained.

(Clause 114 agreed to [See *Minutes of Proceedings*])

The Chair: We have already dealt with clauses 115, 116, 117, 118, and 119. We're at clause 120 now, for a vote on NDP-95.

Mr. Julian has abstained.

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

The Chair: Shall clause 120 carry? We'll go to a recorded vote.

Mr. Julian has abstained.

(Clause 120 agreed to [See *Minutes of Proceedings*])

The Chair: To clause 126 now. Amendment G-12 has already passed. Because of the line conflict, BQ-8 cannot be moved.

He didn't move it, that is correct, Monsieur Cardin.

Mr. Julian has abstained.

(Clause 126 as amended agreed to [See *Minutes of Proceedings*])

The Chair: We're on the schedule now. We go to the recorded vote on amendment G-13.

Mr. Julian has abstained.

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

● (2020)

The Chair: Now we move to schedule 1 as amended.

Shall schedule 1 as amended carry?

A point of order, Mr. Julian.

Mr. Peter Julian: On a point of order, Mr. Chair, we're now on consideration of motions to report stage back to committee. This is the time to actually have a discussion on the motions before us.

The Chair: We are actually just going to the vote on schedule 1, Mr. Julian.

Mr. Peter Julian: So what you're saying, Mr. Chair, is you're not allowing debate on any of the concurrent motions that come out of the report stage. This would also be unique in the annals of Parliament. It doesn't surprise me at all that you would ramrod this through, as everything else has been, but very clearly there's parliamentary precedent that the motions themselves of concurrence back to the House of Commons are debatable.

The Chair: Mr. Julian, we go to schedule 1 as amended for the recorded vote.

Mr. Peter Julian: I have a point of order, Mr. Chair.

The Chair: We have called for the vote, Mr. Julian. We're going to go ahead with the recorded vote.

Mr. Julian has abstained.

(Schedule 1 as amended agreed to [See *Minutes of Proceedings*])

Mr. Peter Julian: On a point of order, Mr. Chair, we have concurrent motions that are coming before us. The point of order is that those are debatable. That is what I am submitting to you. What is your decision? Would you consult the head table, if they have any credibility left?

The Chair: Mr. Julian, the short title, of course, is clause 1. Therefore, the same rules apply, so we will go to the recorded vote on the short title, which was stood.

Mr. Julian has abstained.

(Clause 1 agreed to [See *Minutes of Proceedings*])

The Chair: You had a point of order, Mr. Julian. Go ahead with that now, if you'd like.

● (2025)

Mr. Peter Julian: Mr. Chair, again, as you did earlier today, you have ignored a point of order. This is fast and loose with the rules, beyond belief. It is beyond Canadians' comprehension. This has been run like some sort of elementary school. It has been deplorable.

My point of order was to challenge your decision that the concurrence motions that go to the House of Commons are not debatable. You have said there will be no debate on these four remaining motions.

The Chair: That's as the committee has decided, Mr. Julian.

Let's go to Mr. Julian's challenge of the chair.

There is a motion before the committee. Shall the ruling of the chair be sustained?

The ruling is that the same rules apply to this as have applied to the other clauses. Therefore, we just move ahead as we have. Mr. Julian has challenged that decision, so we are now moving to a vote on the decision of the chair. The motion before the committee is whether or not the decision of the chair shall be sustained.

(Chair's ruling sustained: [See *Minutes of Proceedings*])

The Chair: Shall the title carry?

Mr. Peter Julian: I vote no on this motion, Mr. Chairman.

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

The Chair: Shall the bill as amended carry?

Mr. Peter Julian: Absolutely not.

(Bill as amended agreed to [See *Minutes of Proceedings*])

The Chair: Shall the chair report the bill as amended to the House?

Mr. Peter Julian: Absolutely not. This has been a farcical evening.

(Agreed [See *Minutes of Proceedings*])

The Chair: Shall the committee order a reprint of the bill as amended for use of the House at report stage?

Mr. Peter Julian: Absolutely not.

(Agreed [See *Minutes of Proceedings*])

The Chair: A point of order, Mr. LeBlanc.

● (2030)

Hon. Dominic LeBlanc: This has been a long day, at eleven and a half hours. Certainly the witnesses from the department should be thanked for their good humour and patience.

I suggest—and I hope other members agree—that in light of this and the fact that a lot of us have work we were hoping to do today and couldn't, perhaps you could cancel the meeting of this committee on Thursday morning. We could all get together after Remembrance Day to look ahead to other trade issues.

The Chair: We couldn't schedule the witnesses for Thursday so there will be no meeting then. The next meeting will be after the Remembrance Day break.

I'd like to thank all members of the committee for their patience, in spite of the testing times on the part of all of us. Everyone certainly maintained their composure, and I appreciate that very much.

Thank you very much to all of the witnesses for their extreme patience today. Thank you to all of the researchers, clerks, and everyone involved for their patience.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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