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# Standing Committee on Environment and Sustainable Development

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**Wednesday, May 7, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Wednesday, May 7, 2008

• (1535)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** I will begin. We are slightly constrained by time because we have votes today.

I welcome our guests. Everybody knows who they are, but I'll introduce them formally in a minute.

Because of our water problem last Monday, we do have witnesses coming on Monday, and we have actually added a couple of witnesses we wouldn't have had before. They will be coming on Monday. As a result, I'm suggesting that although we obviously should hear the witnesses first, in order to give the clerk and everybody else sufficient time, we need to move the deadline for amendments to Wednesday, probably. Would that be long enough?

Mr. Godfrey.

**Hon. John Godfrey (Don Valley West, Lib.):** Anticipating the point you're about to make, I'm going to make a suggestion that I have discussed with various other parties, the clerk, and with the legislative drafters.

The bulk of the amendments have already been submitted to the drafting people, and negotiations are going on now as we speak. We're still waiting on the Conservatives, but if we could get the bulk of the amendments in earlier and leave the possibility for amendments to be submitted on the Tuesday before the following Wednesday, I am assured that they have enough capacity at the drafting level to be able to handle that and circulate them on Wednesday morning, so we could proceed with clause-by-clause study on Wednesday afternoon and extend if necessary. We would be able to meet our deadlines and be done before the break. That would allow us to get back on the path of the other things we have to do, notably estimates.

This is all doable. It's not such a great burden. I have checked with other parties, and they seem to be agreeable. The earlier we can get amendments in, the easier this process will be.

**The Chair:** Are you anticipating doing clause-by-clause consideration in one day?

**Hon. John Godfrey:** Because we lost a day in the process, I would suggest that we extend on that day if necessary. We were looking for two days, but if we can go a bit longer on the Wednesday, we could be all done. That would still allow us to incorporate amendments, which would be influenced by the witnesses we might hear on Monday.

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

**Mr. Mark Warawa (Langley, CPC):** Chair, I don't agree with Mr. Godfrey. I'm quite surprised that he has already made up his mind before we've even heard from the witnesses. His suggestion that we rush through this is exactly 180 degrees opposite from the advice we were hearing from the witnesses.

We have to be very careful. I would ask that we do extend. Your suggestion was May 14. We have a steering committee at the end of this meeting; before we have our steering committee, maybe we could discuss this further. I don't want to see the witnesses waiting.

**Hon. John Godfrey:** My procedural suggestion, then, is that instead of taking up the time, we pursue this discussion further at the steering committee at five o'clock today.

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

**Mr. Mark Warawa:** Procedurally, if that's the case, then the next time the steering committee is not able to make decisions. It is this committee that makes decisions, so then you would have to have the steering committee report back on the 14th and then the decision of the steering committee would be agreed to or not agreed to.

We need to make this decision today, and I'd like us to do that after we've heard from the witnesses.

**The Chair:** We do have it on the agenda for the steering committee, so let's deal with that then and hear our witnesses.

Before I do that, I would like all of us to take a moment to remember Charles Caccia. Charles was, of course, chair of this committee. He was chair when I started on this committee, and of course he served in Parliament 36 years as the member for Davenport.

I can say a lot about Charles. I think when I first came on this committee in late 2000, Charles knew immediately that he didn't like me and I decided I didn't like him. Over time, over the year or so as we worked through species-at-risk legislation and so on, Charles and I grew closer and closer in terms of respect for each other. I think Mr. Bigras would agree that that happened, and Mr. Cullen will remember Charles very closely, and of course Mr. Godfrey and most of the rest of you.

He had great passion; he had great dedication. He was very proud of the creation of an environment commissioner, so it's even fitting today that we have you here to pay tribute to Charles.

I don't want to belabour this, but I guess the best time probably for you and I, John, was when Charles set up a debate on climate change at the University of Ottawa. Charles said, "Bob, you're probably going to have a pretty rough time here. It's not going to be a friendly audience for you, but I think you'll do okay." At the end, he said, "You know, both you and John did really well, and I don't think there was a winner or a loser."

So that was Charles, always willing to listen to all sides but very definite in what he believed and how he ran this committee. I know as you do that he attended a number of our sessions, even up to probably up to a year ago, and a few weeks ago, and always watched this committee closely. He'd phone me sometimes three or four times a week to advise me on what should happen and shouldn't happen. So I feel that we've all lost a real friend, and certainly someone who I had a great deal of respect for.

I would propose that we move a motion of condolence to his wife. I would be more than happy to deliver that tomorrow. As you know, between two and four o'clock respects can be paid to his wife and family, and certainly I'll take advantage of that opportunity. On behalf of this committee, I'd very much like to have a unanimous motion to extend our condolences to his wife.

**Some hon. members:** Agreed.

**The Chair:** I'll ask the clerk then to prepare that and deliver it tomorrow on your behalf.

All of us have memories of Charles, and I don't think we all can share them at this point, but let's take a minute just to remember him.

[*A moment of silence observed*]

**The Chair:** Thank you.

I think it's fitting as well that Karen Kraft Sloan hunted me down on Saturday, when Charles passed away, to let me know. It probably shows some of the compatibility that we developed, and comradeship and friendship, and so on, within the committee over the years, that someone as avid as Karen Kraft Sloan would be the one to chase me down and advise me about Charles's passing. That says a lot, I think, for what has happened in this place.

Anyway, I would like to welcome Sheila Fraser, of course, a good friend of ours, who has been here a number of times, our Auditor General; and our new environment commissioner, Scott Vaughan.

What we'd like is just a brief presentation.

Members, I would suggest that we keep this as brief as possible so that we can get on with the other business.

● (1540)

We did allocate 90 minutes, but if we can cut that to 60 minutes or less, I'm sure it will help you as well, and we'll move on. It's not that we're not interested; it's just that time is a problem to us, as always.

Let me ask you to make a brief presentation; then we'll ask questions.

**Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada):** Thank you, Mr. Chair.

I thank you for this opportunity to discuss the results of the review conducted by the green ribbon panel and to introduce our new Commissioner of the Environment and Sustainable Development, Mr. Scott Vaughan, to the committee.

As you are all aware, the Auditor General Act was amended in 1995, and those amendments gave us specific responsibilities with respect to environmental and sustainable development issues and notably created the position of the Commissioner of the Environment and Sustainable Development.

[*Translation*]

Twelve years after our act was amended, and consistent with past reviews of the office's other products to help us better serve Parliament, in Spring 2007, I asked an independent panel of experts to review the environment and sustainable development practice of our office.

The members of the panel were chosen for their valuable knowledge of environmental and sustainable development issues. They are Elizabeth Dowdeswell, James Mitchell and Ken Ogilvie.

[*English*]

The panel's report, *Fulfilling the Potential*, was presented to me and then provided to you with my responses earlier this year. The panel concluded that the Office of the Auditor General and the commissioner have had a positive impact on the federal government's management of environmental and sustainable development issues. It also emphasized that we have developed a strong domestic and international reputation as a centre of excellence in environmental auditing.

While the panel recognized our good work, it also pointed out several ways for us to strengthen our practice for dealing with environmental and sustainable development issues. The office has agreed with all nine recommendations contained in the report and that are presented as appendix I.

[*Translation*]

Among the more significant recommendations, the panel noted that we should make full use of the commissioner's existing mandate, using all our valuable tools, to draw parliamentary and public attention to key environmental and sustainable development issues.

It also recommended that we articulate how sustainable development will be effected into our work plan. We are currently working on various options that will help us respond to both these recommendations.

I committed to revisiting our strategy to implement our environmental and sustainable development mandate and to formalize our new strategy within one year of the new commissioner's appointment. During the course of this review, we will be contacting parliamentarians for their views.

I know that the committee has shown much interest in the reporting of the commissioner's work. Let me assure you that the commissioner will continue to issue a separate and distinct report or reports. We have been experimenting with different tabling approaches and we will continue to do in the coming year—all in an effort to increase awareness of our work.

• (1545)

[English]

Now, Mr. Chair, I'm very pleased to present to the committee the newly appointed Commissioner of the Environment and Sustainable Development, Mr. Scott Vaughan, who has been in the office only since Monday. He was selected following a rigorous process and, you will see, is eminently qualified for the position. Mr. Vaughan is an environmental economist with many years of experience. You will find details on his career path in the news release that is attached to this statement, which was made public today.

I will now ask Mr. Vaughan to address the committee.

**Mr. Scott Vaughan (Commissioner of the Environment and Sustainable Development, Office of the Auditor General of Canada):** Mr. Chair, thank you for inviting me here today.

I am delighted to have been named commissioner and feel honoured to join such a talented team of professionals in the Office of the Auditor General. I have the privilege of building on a very strong foundation that is based on the accomplishments of Ron Thompson, of his colleagues within the department, and of his predecessors.

I hope that my experience will contribute to advancing environmental protection and sustainable development priorities in Canada, including drawing upon lessons and best practices from the international sphere.

Let me highlight two issues briefly this afternoon. First, the sustainable development strategies prepared by the different agencies and departments are not working. I look forward to working with this committee and with all departments and agencies to frame some of the parameters needed to move forward.

[Translation]

Second, the environmental petitions process helps build a bridge between the important work of the government and the concerns of Canadians everywhere—a good start has been made, and there may still be opportunities to improve the profile of the petitions process, give voice to those now unheard and ensure that follow-up responses reach those concerned in a timely and meaningful way.

I look forward to meeting with all members of the committee in the coming weeks. I will be seeking your views on how to translate the recommendations of the Green Ribbon Panel into actions to provide parliamentarians with focused, timely, and relevant assessments of the challenges regarding Canada's environmental commitments.

[English]

Mr. Chairman and members of the committee, thank you. I look forward to working with you to advance the important mandate of this office.

**Ms. Sheila Fraser:** Mr. Chair, I would also like to take this opportunity to thank the interim commissioner, Ron Thompson, for his many contributions to the work of our office. Mr. Thompson has been trying to retire since 2006. Very fortunately for us, he stayed on to help us with a variety of pressing demands, including stepping in to act as interim commissioner in January 2007. Once again he has graciously agreed to stay to help the new commissioner during the transition, and in that role he will continue to appear before committee on his recent reports for the remainder of the parliamentary session.

We will soon be inviting committee members to an event we are organizing in Mr. Thompson's honour.

[Translation]

In conclusion, I would like to say that I take great pride in having the position of Commissioner of the Environment and Sustainable Development with the Office of the Auditor General. I look forward to working with Mr. Vaughan and determining the future directions of our environment and sustainable development practice.

That concludes my opening remarks, Mr. Chair. We will be pleased to answer any questions the committee may have.

Thank you.

[English]

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

We look forward to the opportunity of thanking Ron personally for his reports and his numerous appearances before the committee.

We'll begin with Mr. McGuinty, please. I understand you might share your time.

• (1550)

**Mr. David McGuinty (Ottawa South, Lib.):** Thanks, Mr. Chair.

Thank you very much for coming in, Ms. Fraser.

Mr. Vaughan, congratulations on your appointment.

I just have factual questions, housekeeping questions.

I see in the recommendations from the green ribbon panel report, Ms. Fraser, that the commissioner be appointed for a fixed seven-year, non-renewable term. Is that the case with Mr. Vaughan?

**Ms. Sheila Fraser:** Yes, that is the case.

**Mr. David McGuinty:** Is he appointed at pleasure?

**Ms. Sheila Fraser:** In the sense that he is an employee of the office on a term contract—there is a contract for seven years—

**Mr. David McGuinty:** Is that what the employment letters call a no-cut, seven-year contract?

**Ms. Sheila Fraser:** I'm not sure what all the conditions of the contract are, but I would not expect that there would be any difficulties over a seven-year contract.

**Mr. David McGuinty:** I'm not asking that lightly. I ask it in the context of what's been happening in Ottawa recently in the last couple of years with very senior Governor in Council appointees facing legal action, being dismissed in the dead of night. Objectively, it is a pattern. Linda Keen received a phone call at 10:30 at night at her home informing her she should not come forward to testify the next morning. So I am asking because I really want to make sure this commissioner is protected against the vagaries of government.

Is that the case here, Mr. Vaughan?

**Ms. Sheila Fraser:** Let me assure you, Chair and members of the committee, Mr. Vaughan is an employee of the Office of the Auditor General. We are a separate employer. We have our own hiring and classification practices. Government does not intervene in any decisions we have as regards human resources, and I would be the first to inform Parliament quite vocally should government ever try to intervene in our human resource practices.

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

My second question is to Mr. Vaughan directly.

Mr. Vaughan, in your opening remarks you really caught my attention, because in the third paragraph you said "the sustainable development strategies prepared by different agencies and departments are not working". This committee has put a lot of energy and a lot of time into examining the role of the office you now occupy. It voted in favour of an independent commissioner. The government opposed the notion of an independent commissioner reporting directly to Parliament. And we're now really in the thick of Mr. Godfrey's bill, which the official opposition thinks will help strengthen the hands of the officers inside the federal structure who are responsible for delivering on sustainability strategies and so forth.

I know it's way too early to ask you to comment on either Mr. Godfrey's bill or the independence of the office you are now occupying, but I would say just as a point of introduction, it's an issue that's not gone away. There are many hundreds of Canadians who still write to me asking me the outcome of that motion that was passed here in this committee before the government prorogued Parliament. So there's a lot of appetite and a lot of interest in how the office is occupied and your legislative responsibilities and so on.

So I want to thank you for at least tackling this very forthrightly by simply coming out and saying these strategies aren't working, and I hope there will be other times to have a more detailed conversation.

I also really want to commend you for your overture to meet with us to have a conversation about how we can improve the situation in Canada.

Those are my remarks, Mr. Chair. I asked Mr. Regan to pick up for a few minutes.

**Hon. Geoff Regan (Halifax West, Lib.):** Thank you very much, Mr. Chairman.

Mr. Vaughan, could you give us your interpretation of the precautionary principle?

**Mr. Scott Vaughan:** Well, different legal definitions have been adopted in the United Nations and elsewhere.

**Hon. Geoff Regan:** In your case, obviously your role now is as an advocate, in a sense, someone who holds the government to account on these things, and I'm thinking in that context.

● (1555)

**Mr. Scott Vaughan:** I'd be very happy—

**The Chair:** Point of order, Mr. Warawa.

**Mr. Mark Warawa:** Chair, I hate to interrupt, but I just want to make sure you are aware there is a legal definition within Canada, within CEPA, and the Liberals now also have a bill, Bill-474, which attempts to change the definition. So I just want to make sure you are aware that this may be the reason the question was asked.

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

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

**Hon. Geoff Regan:** I asked the question, and I'd like to hear Mr. Vaughan's answer.

**Mr. Scott Vaughan:** My understanding of the precautionary principle.... I think it was set out in the 1992 Earth Summit. It's contained in Agenda 21. It's contained in the Rio principles. I think there are different operational definitions for precautionary principle. I think one that's emerging now from an operational sense is to try to anticipate various levels of risk and to attempt to mitigate those risks prior to their opening into full-blown problems.

I'd be glad, sir, to follow this discussion, but as a first observation, that would be my answer.

**Hon. Geoff Regan:** How do you interpret the role of the commissioner, and how do you intend to implement the duties of your role?

**Mr. Scott Vaughan:** Within the context of the precautionary principle or generally?

**Hon. Geoff Regan:** Generally.

**Mr. Scott Vaughan:** I think the visions set out by the Auditor General as well as the recommendations contained in the green ribbon panel's report are ones I agree with, every one of them. I looked very closely at the green ribbon panel's report before having the discussion on moving into this post.

In terms of forward looking and backwards looking—that's what I think you're getting at—I think the main role of the commissioner's position, as I understand it, is on the audit side, and I think that was addressed directly in the green ribbon report. And I think a wealth of invaluable reports have come out from the commissioner's office, most recently the March status report.

If I understand your second point—can you then move forward from those audit reports—I think the auditing role plays an indispensable role in looking at, for example, advocacy and good management and good management of federal policies related to supporting environmental protection and sustainable development.

**Hon. Geoff Regan:** Do you mean that you would be looking at how advocacy happens, or that you would act as an advocate?

**Mr. Scott Vaughan:** I would act as an advocate for good management.

**Hon. Geoff Regan:** Good management?

**Mr. Scott Vaughan:** Yes, sir.

**Hon. Geoff Regan:** An advocate for sustainable development would be a different matter, I presume?

**Mr. Scott Vaughan:** This is a complicated discussion. This being my second day on the job, I look forward to your advice, your interpretation, and your view of this matter.

I would go back to my observations on the sustainable development strategies together with those of my predecessors, including Mr. Thompson. As an advocate for sustainable development, I think that the sustainable development strategies and the concept of sustainable development has now lost its operational focus. If you're trying to be an advocate for sustainable development, this committee affords an opportunity to put some concrete parameters around how elected officials and parliamentarians view the operational implications of sustainable development and sustainability.

Once the policy is articulated, the role of the commissioner and the Auditor General's office will be to see that the policies are implemented in an accountable and credible way.

**Hon. John Godfrey:** The work that the committee is doing on Bill C-474, an excellent piece of legislation, in my own view, might be part of the guidance you are talking about. It could create an operational definition of sustainable development that would help you in your work.

• (1600)

**Mr. Scott Vaughan:** Viewing the testimony of my predecessor, Mr. Thompson, and also looking at the draft of Bill C-474, I think that the office has been clear that there is a need for an overarching federal vision of sustainable development. Operationally, the devil is going to be in the details, as Mr. Thompson said. The overarching context would provide some guidance as well as an operational division of labour among the different departments and agencies mandated to submit the SDS. I think the overarching articulation of this vision would be a positive contribution, but this is a personal opinion.

**Hon. John Godfrey:** It's a very good one, though.

**The Chair:** Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Thank you very much, Mr. Chair.

Mr. Vaughan, I would like to start by congratulating you on your appointment. I would also like to congratulate Ms. Fraser on her choice.

Two things struck me when I read your biography and learned of your professional background. To begin with, you are a former head of the Organization of American States, where you were a specialist in sustainable development matters. Among other things, that organization sees it that there is some level of integration within the Americas.

You also worked at the North American Commission for Environmental Cooperation, which was created after the North American Free Trade Agreement was signed so as to provide for better environmental protection in international agreements such as, for example, those regarding north-south trade.

There is a lot debate on the subject of a partnership on North American security and prosperity. How does your past experience tie into the integration of the Americas and the increasing dialogue on a partnership on prosperity and security? Some people fear that there will be a streamlining of our environmental regulations and laws with the southern states and that there will be a lesser focus on the environment in these negotiations, including those which may take place between the north and the south on the topic of water.

Can you confirm that you will be an environmental policy watchdog at a time when there is an increased focus on discussions over the economic integration of the Americas?

**Mr. Scott Vaughan:** Mr. Chair, thank you very much for the question. I apologize, but I am going to have to answer in English.  
[*English*]

Part of the mandate of the commissioner's office—and they have looked at it in previous reports—has been Canada's role and its participation in the international environmental agenda. You correctly identified a strong partnership at the North American level. In addition, there are 185 international environmental agreements to which Canada is a signatory. Some of the issues and preoccupations you touched upon are things that have been and will be of primary importance for the work of the commissioner. I very much look forward to working with you and to talking in more detail about some of these issues.

[*Translation*]

**Mr. Marcel Lussier (Brossard—La Prairie, BQ):** Thank you, Mr. Chair.

Ms. Fraser, according to the expert panel's report's fourth recommendation, it is suggested that the Auditor General consult parliamentarians in an informal manner before appointing the new commissioner.

What consultative process was undertaken before you appointed Mr. Scott Vaughan?

**Ms. Sheila Fraser:** Thank you, Mr. Chair.

To begin with, I consulted the chair of this committee and the chair of the Senate Committee on Energy, the Environment and Natural Resources with respect to the process surrounding the search for and recruitment of a new commissioner. We engaged the services of a firm to look for candidates. There was the whole process involving the selection committee, among other things. I indicated to the two chairs of the parliamentary committees that it was my intention to consult with them before making a formal offer in case they had any concerns about the person selected for the position. So, that is what I did before appointing Mr. Vaughan.

• (1605)

**Mr. Marcel Lussier:** I see, thank you.

Mr. Vaughan, the expert panel's report included a recommendation that the environment commissioner should produce a separate report from the Auditor General's. Elsewhere, it states that the environment commissioner should submit an environmental performance review of the government annually to the House of Commons.

Is it your aim to produce an annual report on the government's environmental performance?

[English]

**Mr. Scott Vaughan:** The recommendations on the continuation of the separate reports have been accepted by the Auditor General, and this will be a practice that will continue. More specifically, on the generation of annual reports, my understanding is that now, at least in the short term, there will be reports produced by the commissioner's office. In fact, I believe that reports will be produced more than once a year. A status report was released in March. In November a comprehensive report will be released that will deal with six different issues. In February 2009 there will be a report on water, the issue you raised, Mr. Bigras, and also on sustainable development strategies.

There is a schedule for the generation of reports—they will build upon the recommendations of the green ribbon panel's report.

[Translation]

**Mr. Marcel Lussier:** Mr. Environment Commissioner, will you make it a priority of yours to closely review the strategies developed by every department to achieve sustainable development? As one of your priorities, do you intend to review the plans submitted by each department?

[English]

**Mr. Scott Vaughan:** Yes, sir, it is. Let me reiterate: it is a strategy of me and of my colleagues. We very much look forward to working with you and the members of this committee. We need your advice and your views on how to fix the problems with the strategies and to make them more relevant.

[Translation]

**Mr. Marcel Lussier:** Perhaps...

**Ms. Sheila Fraser:** Mr. Chair, may I add something to that answer? There is a statutory obligation to verify the sustainable development strategies and to report on them annually.

**Mr. Marcel Lussier:** In addition to each department's strategies, there is an overall government strategy. Do you intend to review it? Who needs to spearhead Canada's sustainable development strategy?

[English]

**Mr. Scott Vaughan:** My understanding, sir, is right now the scope is to look at the strategies that are generated by the category one agencies, as well as some crown corporations. Right now there is no law that would mandate the office to look at an overarching strategy. If there is a policy, then our office would obviously look at that.

[Translation]

**Mr. Marcel Lussier:** What are the class 1 departments?

**Mr. Scott Vaughan:** There are 26 or 27 departments. Obviously, they would include Environment Canada, Transport Canada, Industry Canada and Agriculture and Agri-Food Canada, and there are three, four or five corporations.

**Mr. Marcel Lussier:** Just by way of information, were you aware that not all crown corporations have an obligation to develop a strategy?

Isn't that correct, Ms. Fraser?

**Ms. Sheila Fraser:** When we carry out the special reviews of crown corporations, which include a fairly in-depth audit every five years, we factor in environmental considerations. However, crown corporations are not obligated to produce a sustainable development strategy.

•(1610)

**Mr. Marcel Lussier:** Thank you very much.

Thank you, Mr. Chair.

[English]

**The Chair:** Thank you.

Mr. Cullen, please.

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

Ms. Fraser, welcome back.

Mr. Vaughan, congratulations and welcome to the committee. It is appreciated that you've come to the committee so early in your tenure, and it certainly won't be the last.

A sort of frame for my questioning today is around the advocacy of your role in terms of the tone and tenor of the conversation in the public that comes out of this place. I think this time is an extraordinarily critical time, and it has been for a number of years now, and the role you're playing is one important voice—often a voice in the wilderness—of accountability when it comes to the government's performance on the environment, which is obviously important to Canadians.

First of all, Ms. Fraser, I hope this statement wasn't vetted by anybody and I hope that no future statements ever face such a vetting by any spin doctors. Good.

Mr. Vaughan, we've had much debate—Ms. Fraser and this committee and individually—around the difference between advocacy and auditing: the advocacy of programs and capacity of programs to deliver, versus the traditional role of auditing the past, what's happened. It seems to me there's a spectrum, within auditors and between commissioners of the environment around the world, as to where they fall. Some are framed often as more traditional—the audit, the look back—and one by design of their role plays much more of an advocacy role on government policy. If you had to place yourself on that spectrum, where would you be?

**Mr. Scott Vaughan:** Thank you, Mr. Cullen.

To refer back to the green ribbon report, I think I agree with their interpretation of this potential choice between either auditing or advocacy. I think that their recommendations essentially say that within the existing scope and mandate of the commissioner's office, there is a potential for advocacy in the context of promoting essentially good management of accountability, good management of a large number of federal programs related to environment and sustainable development. Also, there was scope within the existing mandate to use different practices—for example, identifying issues through studies, identifying methodologies, benchmarking best practices from elsewhere, both within Canada and internationally.

**Mr. Nathan Cullen:** Let me perhaps make this specific, which might help me understand. The unfortunate thing with a lot of the terminology around this is that it becomes very vague for Canadians. Words get thrown around by politicians and those auditing the politicians, and it sometimes doesn't translate.

Take climate change as an example. You, as the commissioner, are auditing the government's performance on some measures they've done on climate change. A story on governments reporting to the United Nations—like the one that came up today—is now under investigation by the UN. It's connected to what you're auditing, that the government is failing to meet targets. At the same time, a piece comes forward that says an outside body—the UN, in this case—is raising serious questions about Canada's actual capturing of those numbers.

Do you see how your audit can stray over to “and the government going forward shall not do this any more”? This is causing the problem, and it becomes an advocacy role to correct it in the future, as opposed to a pure audit. Because what's happening right now, and I don't know if there is a fine line between these things....

I see you as a spokesperson, in a sense. It's as much about how you present your information as it is the information you are presenting. We've seen a spectrum of commissioners with very different styles, very different personalities, and that has an effect. That has an effect on their effectiveness and also on the effect of our committee and the government.

When I'm looking at something specific like that—and maybe this is something we develop over time—I'm trying to find out what your tendency is. Are you comfortable with some of the auditing we've seen from New Zealand or Great Britain—that while auditing says we see a government plan for the future, we have concerns about their management of the information, because we don't think they're going to get there. That's suddenly an advocacy role about the future. Does that bother you, as an auditor?

• (1615)

**Mr. Scott Vaughan:** I think that's probably going to be a longer discussion.

To take the example you used, in spring 2009 there's going to be a report from the office on Kyoto implementation. That report will look at issues related to the implementation of the existing obligations the federal government has taken in the Kyoto context. The report will not comment on the policies related to that issue. We will look at the extent of the implementation and whether it was done in a way that is credible under the existing obligations.

If there's a broader policy issue related to Kyoto, for example, I'm not an elected official. The policy issues related to the options would go to the members of Parliament and the elected members of government. These are substantive issues related to policy direction.

**Mr. Nathan Cullen:** Let me quote something from someone who previously held the job:

Although widely used and even essential, the audit tool cannot all by itself create change within government administration. In the air of sustainable development, what is needed above all is education and collaboration, not solely auditing. And the very nature of the Office of the Auditor General of Canada does not permit this kind of work.

So we're talking about location of where it is that your work happens. This is important. And I agree with you, this is a longer conversation. But with respect to what I just read, do you agree with that statement?

**Mr. Scott Vaughan:** I probably would have to go back and look again. I think, though, that a good audit report is produced not only to show what has happened in the past but to provide guidance on correcting what is not working and to strengthen what is working.

I don't think you go through the process of auditing for some historical or academic reason; it's to provide the people involved in the implementation of policies with potential course corrections related to the information in the audit.

**Mr. Nathan Cullen:** Let me ask you this, then. There was a question put to you about a current piece of legislation, which your predecessor commented on to this committee and said “I like this piece of legislation. I think it's helpful.” Is that not advocacy of policy?

I'm getting confused as to where the line is. This is a bill that doesn't yet exist. The questions were immediately put to the commissioner because he was in the bill; the role was in the bill. But then when questions were put about policy, to my mind—I'm trying to be objective—it very much became advocating: “I like this bill. We think this is a good bill.”

That presents, to me, confusion. When I put forward a question, “Do intensity targets work?”—because that is the government's plan going ahead—and the audit office says, “Well, we don't want to comment on government policy”, I'm confused. It's unpredictable what kind of response I'm going to get, if you follow my logic on this.

In one moment, I get, “This is a thing that does not yet exist, and I advocate for it, as commissioner.” And then I get, “Here is yet another thing that does not yet exist, but I'm hesitant, because it's a central platform in the government's plan, which has faced a great deal of criticism. I'm going to stay away from it.” What's the difference?

This might be unfair. I apologize. You're new to the job.

**Mr. Scott Vaughan:** No, no, on the contrary—

**Mr. Nathan Cullen:** I could have just been nice. I should have been nice today.

**Ms. Sheila Fraser:** If I may, I think this is actually a very important question. I think the reason Mr. Thompson made comments about the bill that's under study right now is that based on the audit work that has been done by several commissioners, it has been very clear that there is a need for an overall framework and an overall strategy, that these individual strategies within departments are not working, and that there needs to be this overall strategy. I think it was in that context that he would have said that.

Now, if we had done work, for example, on mechanisms for climate change—

**Mr. Nathan Cullen:** And looked at intensity targets and found them to be failures....

**Ms. Sheila Fraser:** —and looked at intensity targets, and had something to say, then we could have at least brought that information forward, but it would have been on the basis of fact-based work that we would have done either in government or in studies.

To respond to the comment that you made, one of the recommendations of the green ribbon panel was to make fuller use of the various tools available to us, as Mr. Vaughan mentioned—studies, reports, benchmarking—and we will certainly look at that. So we are not limited to simply audits, in fact.

**Mr. Nathan Cullen:** You also mentioned guidance, which I think is an interesting thing.

**Ms. Sheila Fraser:** Yes, we have done guidance. Actually, the first commissioner gave a lot of guidance on how to prepare sustainable development strategies. We have done guidance on financial management. Why can't we do guidance on environmental management? Those are the kinds of issues we will be looking at, including where would be the best use of our resources and what kinds of other products.

So I want to assure the committee that we are not simply limited to audit. That's a choice that was made by a particular commissioner in terms of the kind of direction they wanted to go in. Given the green ribbon panel, I think we will be looking at a whole series of tools and different products that are available to us.

• (1620)

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

Mr. Chair, I'm going to wedge another....

**The Chair:** Your time is up, I'm sorry, Mr. Cullen.

Mr. Warawa.

**Mr. Mark Warawa:** I want to welcome Madam Fraser and Commissioner Vaughan. I look forward to working with you. Minister Baird just released a statement saying that accountability and oversight is an important keystone of responsible government. It's also important when it comes to ensuring the health of our environment, and that's why I look forward to working with Mr. Vaughan now and in the future.

I'm sure you've seen this document. We received this about two months ago, and we also had a report in October. At that time, we agreed to a review. In about five months, we'll be reporting back, department by department. We acknowledge that since 1995, since the establishment of the Office of the Commissioner of the Environment, there have been year after year of shortfalls. In the most recent report of two months ago, we saw that, of the 14 departments audited, five were satisfactory and nine were not. So I believe we have a lot more work to do, and I appreciate your challenges.

This is a politically charged committee, and at times there are shots that are used. Your future comments may or may not be used in that way. In the past, some comments have been turned this way to address the shortcomings of the previous government. But today I'm going to focus on where we go from here—to clean up the environment. We have a duty to make our country healthy—

economically, environmentally, and socially—for this generation and those to come.

You focused on two primary topics. You said that:

First, the sustainable development strategies prepared by different agencies and departments are not working. I look forward to working with this committee and all departments and agencies to frame some of the parameters needed to move forward. Again, within five months we'll be reporting back, and we look forward to working with you.

The second point was the environmental petition process. I found the reports from Madam Fraser's office to be interesting reading. They pointed out the importance and the level of participation in the petition process. Of the few people who are aware of this process, there were some who used it repeatedly. When you consider the number of petitions according to the multiplication factor, you find that maybe a lot of people don't know about the process. I look forward to seeing this promoted and made available to average Canadians who are concerned about what the government is doing.

I know you're not here to discuss Bill C-474, but it has been mentioned. My concern is that we have legislation that is well thought out and that takes the government in the right direction. Our witnesses have been very critical of this bill. Yet we're already rushing toward clause-by-clause and submitting amendments—this before we've finished hearing from the witnesses. That concerns me. But in the end, we as a Parliament are responsible for achieving something that works.

• (1625)

I apologize for rambling a little bit here. My question is, how important is it that we work together, as a political body, to focus on solutions that will see absolute reductions in greenhouse emissions, absolute reductions in pollution for cleaner air, cleaner water? How important is it that we focus on the technological tools we have here in Canada to help Canada and the world?

**Mr. Scott Vaughan:** I think, generally, that your trying to find practical approaches to problems is welcome from our side, as it gives us a clear sense of what your priorities are as a committee and the advice you will be providing us as we continue our work. So yes, without knowing the details—and I apologize for not knowing the details—these are important issues you face.

**Mr. Mark Warawa:** We look forward to working with you. Thank you.

**The Chair:** Mr. Jean.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** Thank you, Mr. Chair.

Thanks very much, witnesses, for coming today. I really appreciate it. I have always enjoyed this committee, and I actually worked on it for two years. But I'm more interested in the future, not necessarily in the past or the Liberal record, or whatever record there may be, because the health and future of Canada and Canadians depends on it.

I'm a 41-year resident of Fort McMurray, and I would say it's one of the most beautiful places I've ever been in the world. In fact the air quality in downtown Fort McMurray is four to ten times better than it is in downtown Toronto, as surprising as that may be. Indeed, I can still drink right from the Clearwater River, which flows through the community. So it's quite a nice place, and I would invite you to come there. If you do, I'd consider it an honour to take you around. I think that of all the times I've invited members of this committee there, only two members have ever shown up.

**An hon. member:** Who was that?

**Mr. Brian Jean:** Mr. Mills and Mr. Warawa, as shocking as that may be.

I'm interested in balance. I think you have a very tough job in front of you, because you have a situation, for instance, in the oil sands, where 500,000 jobs have been created across this country, including 85,000 jobs for workers in Ontario supplying stuff for the oil sands. It fact it's 6% of the GDP of the country.

So I'm wondering how you balance that, because your job is to monitor and report progress and to take into account economic costs and different environmental and natural resource options. Quite frankly, I think it's extremely tough. So how do you perceive this balance is going to be done? Because it really is a balancing act in your reporting.

**Mr. Scott Vaughan:** Thank you, sir.

I think you've hit the nail on the head. The issue of balance was the overarching concept of sustainable development, as articulated by the Brundtland Commission. I just spoke with Jim McNeill this morning, who was the secretary of the Brundtland Commission.

This is the issue that not only Canada, but also literally every single country is grappling with now, the issue of balance and what it means in real terms. But I think from your opening statement it's clear that Canadians are demanding and have high expectations of clean water, clean air, healthy food, and also of economic prosperity, employment and employment security. These issues of how to move forward with the trajectory of economic growth while ensuring that high standards of environmental quality are maintained are a priority of this office. It's something that's really at the forefront of our mind every single day.

**Mr. Brian Jean:** To be very fair, I've been in this job for four years now, and I can tell you that for this government in particular, it's at the forefront of their minds too. It's the future of our children and our grandchildren. It's very important.

The subprime mortgage crisis obviously happened in the U.S. and is creating economic turmoil elsewhere. I was in Australia in January, and they've been hit very hard. The entire world has been hit hard. In fact Canada seems to be the only country right now that's producing jobs in net terms, 750,000 in the last two years, for instance.

Will that be taken into consideration by you in your job, the economic condition of the rest of the world and the economic condition of Canada?

**Mr. Scott Vaughan:** In a word, sir, yes. In the context of the three pillars of sustainable development, obviously the issues related more

generally to economic conditions are important questions. There's the question of whether or not there are changes in liquidity and what they do, for example, in terms of capital turnover for new technologies, or in terms of energy efficiency gains. This is why the parameters of sustainable development are inherently complex.

I think these types of issues are ones that, for example, the International Monetary Fund just looked at in a report two months ago on climate change. So I think one of the issues that a lot of countries, including Canada, have taken note of is that environmental issues are inherently related to and interact with economic issues and social issues as well. This balancing issue is something that has to be addressed.

• (1630)

**Mr. Brian Jean:** Thank you very much. I appreciate that, because I think it's very important.

I have a final question. I read in your bio about one of your recent publications, and I was concerned about it. It was called "Water Privatization: The Role of the GATS and Interests of Developing Countries". I tried to find it, but I could find it only in French, and although I'm practising my French as much as possible, I have to tell you I couldn't read it and understand it thoroughly.

First of all, do you have a copy in English? Secondly, what, in essence, is that paper driving at?

**Mr. Scott Vaughan:** I'd be very glad to give you a copy of the paper. I'm not sure I would understand it any more. I wrote it about five years ago.

Very briefly, it was about the issue that many countries are facing on water management and the role of privatization generally. What the paper tried to look at was the conditions of ownership generally, and I think it came to the conclusion that there's no one single model. It depends not only on the country, but it also depends very much on a county and the municipalities. In some areas, for example, in Wales, the privatization experience actually led to a deterioration of water quality and higher prices. There are other experiences where there have been benefits. So really, the recommendation or the finding from the paper was that it was context-specific.

I'd be glad to give you a copy, sir.

**Mr. Brian Jean:** I would like a copy of it, and I'm glad you confirmed that. I was concerned, because obviously the role of this government is not to privatize bulk water exports in any way in this country. So I wanted to make sure that was not part of your mandate in that paper.

**Mr. Scott Vaughan:** No.

**Mr. Brian Jean:** Thank you.

**The Chair:** Thank you very much, Mr. Jean.

We'll go very quickly to Mr. Scarpaleggia, if you have a question, and then Mr. Vellacott, and we'll end it at that point.

Mr. Scarpaleggia.

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

Actually, I wanted to ask you about your publications on freshwater management. What other topics have these publications dealt with?

**Mr. Scott Vaughan:** In my last job, in the Organization of American States, about 70% of our work was on freshwater management.

**Mr. Francis Scarpaleggia:** Management in North America?

**Mr. Scott Vaughan:** Yes, sir. More specifically, it was the operational implications of integrated water resource management.

**Mr. Francis Scarpaleggia:** You mentioned before that you would be publishing a report in 2009 on water issues

**Mr. Scott Vaughan:** Correct. The report will come out in February 2009.

**Mr. Francis Scarpaleggia:** Now, is it appropriate for me to ask you what some of the topics will be or what the focus will be? No? Yes?

**Mr. Scott Vaughan:** Within the water...?

**Mr. Francis Scarpaleggia:** Yes, that's right. Mr. Jean mentioned oil sands, but I didn't hear that when you first mentioned it.

**Mr. Scott Vaughan:** It would be entirely appropriate, and I'd be glad to follow up with you, sir. We're having a briefing.

**Ms. Sheila Fraser:** I can answer that, Chair.

It's a follow-up to the previous water audit that was done by the Commissioner of the Environment in about 2004 or 2005. For example, I remember there were questions of airplanes and buildings. It would be a follow-up to see if the recommendations made in that audit have been implemented and whether government has respected the commitments it made at that time.

**Mr. Francis Scarpaleggia:** Would it get into the area of federal freshwater science?

**Ms. Sheila Fraser:** No, it would simply be a follow-up of the previous audit, which was actually fairly limited. There could potentially be other audits going further, but this one is a status report.

**Mr. Francis Scarpaleggia:** I think I've raised this before, maybe with you, Ms. Fraser—I can't quite remember. I think it would be a great idea to look at the federal government's role with respect to freshwater management and the possibility that it will be hiving off this responsibility—operationally, anyway—to universities.... Anyway, that's just my opinion at this point.

Go ahead, Mr. Vellacott.

• (1635)

**The Chair:** Thank you.

Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Thank you, Francis, and Mr. Chair as well.

I want to welcome you again to our committee, as has our chair and others before me. Thank you for being here. We'll have other times and opportunities.

I gather at this point you've been in your desk long enough to have found the calculator, and maybe this question that I'm going to ask is going to take a sophisticated software program to answer. I'm interested in terms of costs for a bill like Bill C-474. I'm wondering if in fact your office has the capacity to report on the 400 or so items

listed in the schedule. I conjecture that possibly those reports would simply highlight the lack of dollars for that.

So first off, in your first couple of days on the job, have you been able to calculate the cost of Bill C-474? And in terms of the capacity, do you have the capacity to report on those some 400 items?

**The Chair:** Mr. Vellacott, so as not to put our guests on the spot, there is another department that does the costing. Also, our witnesses aren't here to talk about a specific bill.

**Mr. Maurice Vellacott:** I understand that, Mr. Chair, respectfully.

I'm just wondering, though, whether you will be reporting on something like that in terms of...

**The Chair:** Is that the sort of thing, Ms. Fraser?

**Ms. Sheila Fraser:** Mr. Chair, as I understand it, should this bill pass, we would be required to give an evaluation or an assessment of a report that the government itself would produce. We are actually just in discussions now, given that this strategy would apply to many more departments and agencies and crown corporations, as well.

We currently have a requirement to look at the sustainable development strategies of 26 departments. We would not want to have an obligation to look at sustainable development strategies every year for all those entities. To do the assessment of a government-wide report is appropriate, and to have the flexibility to look at specific sustainable development strategies as we feel necessary would again be appropriate. That is the kind of work we would be doing. Other than that, the cost of implementing this is really up to the government to determine. We would not be doing that kind of work.

**Mr. Maurice Vellacott:** But you feel that you have the capacity to report on those other reports, I guess, if you will.

**Ms. Sheila Fraser:** Doing the assessment of the report the government itself would issue, yes, we have the capacity to do that.

**Mr. Maurice Vellacott:** Thank you.

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

What I would like to do now is go directly to making a decision on when the amendments will be due. We need to know that. That's essential.

Yes, Mr. Warawa.

**Mr. Mark Warawa:** Could I make a motion that the date be changed? Today is May 7. I'd like it changed to....

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

Witnesses, thank you very much for attending. We won't let you go through this. Thank you so much for attending. We'll see you many more times, I know. Thank you.

Sorry, Mr. Warawa.

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

What happened was that two days ago, on May 5, the meeting was cancelled because the Parliament buildings were closed and committees were cancelled. So that changed what we could do as far as witnesses were concerned. The witnesses for May 5 have to be heard. My understanding is that what is being proposed is that we hear from the witnesses on May 12.

**The Chair:** Yes, that's Monday.

**Mr. Mark Warawa:** It's Monday. I can't imagine us not waiting to hear from the witnesses before we actually then thoughtfully come up with amendments. Now, if we're hearing from them on May 12, I would suggest that by six o'clock on May 14 we would have all the amendments from all parties submitted. That's why I'm making a motion that the deadline be changed to May 14.

I'm also expecting, Chair, that we're having a steering committee meeting after this meeting.

**The Chair:** If we have time, Mr. Warawa.

**Mr. Mark Warawa:** Hopefully we will. The steering committee then would have to report back to committee. We can deal with that on May 14.

That's the motion, Chair.

**The Chair:** Yes, we have two items I hope to deal with. One is this deadline, which we need to do, because the deadline is today otherwise. We also have Mr. Bigras' motion, which I had hoped to deal with.

We also have a vote. The bells will be going at 5:15, so we do have a time constraint here.

I have talked briefly to Mr. Regan, who requested the steering committee meeting, to suggest that if we have to we should just carry on. But of course I'm at the will of the committee. We have a motion on the floor.

Yes, Mr. Bigras.

• (1640)

[*Translation*]

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

I would ask the clerk to shed light on this matter. I don't think that the motion that was tabled has anything to do with the committee's orders of the day, nor does it have anything to do with what we're discussing today. I'd like to remind you that after the appearance by the Office of the Auditor General, there is committee business. I moved a motion in the appropriate manner. I would suggest to my colleague that we discuss these matters at the steering committee. That would be the more appropriate place to discuss them.

[*English*]

**The Chair:** The problem, Mr. Bigras, from a rules standpoint, is that the steering committee can't make the decision. So we have to have a meeting to make that decision. The deadline, as set by this committee, is today. Now, if we're hearing witnesses on Monday, it's very unreasonable to think that we can have the deadline for amendments prior to hearing from our witnesses. That just doesn't work. So we have to deal with this in committee, because our steering committee can't deal with it and in fact make the ruling.

**Mr. Bernard Bigras:** After this motion?

**The Chair:** Again, what are we going to do when we hit 5:15, and we haven't finished the motion? If you think we can finish the motion in 15 minutes, let's go for it, because you're right, that's the order we should have done it in. However, the impending deadline that we deal with that immediately is of course critical.

Again, at the will of the committee, I would ask if we can deal with this motion and vote on that motion to get a date.

And then we'll get to your motion, if you agree, Mr. Bigras. You're right in terms of process.

Yes?

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

I would like to deal with Mr. Bigras' motion. I think if we can hurry up we can deal with this motion. It is in order because you had brought it up, it was the topic we were discussing. Hopefully we can deal with this quickly and get on to Mr. Bigras' motion.

**The Chair:** We have a problem—

[*Translation*]

**Mr. Bernard Bigras:** It seems to me that if we have unanimous consent, we then can consider Mr. Warawa's motion. I would like to know whether the Liberals are in favour of discussing that.

[*English*]

**Hon. John Godfrey:** Are we being asked to...?

**The Chair:** Mr. Bigras is correct. His point of order is certainly correct; we should be dealing with this motion first.

My concern is that we're going to get to 5:15 and the bells are going to ring. We leave here, we haven't decided on the deadline, therefore the deadline is today. Therefore why are we hearing the witnesses on Monday? Because you just don't do it in that order. We do want to hear those witnesses, I believe. I think there are some excellent witnesses who we have an opportunity to hear on Monday.

I would need unanimous consent, I think, to in fact overrule Mr. Bigras, because he is correct. Do we decide on extending or do we go to Mr. Bigras' motion?

**Hon. Geoff Regan:** Perhaps we can do it by agreement.

Mr. Chairman, perhaps by agreement we could agree to extend the time for the amendments until Monday evening.

**The Chair:** I'm open to whatever we can—

**Hon. Geoff Regan:** Let's say nine o'clock.

**The Chair:** —come to an agreement with, but we can't have the amendment day today.

**Hon. Geoff Regan:** Obviously.

**The Chair:** That makes no sense.

Mr. Warawa, what is your feeling about this? You put a motion that it could be the Wednesday. We have heard that it could be Monday or Tuesday.

**Hon. John Godfrey:** Or clause-by-clause on Wednesday....

**Hon. Geoff Regan:** Tuesday works.

**Mr. Mark Warawa:** Mr. Chair, I didn't think this would be a problem, so my apologies.

What I was envisioning was for us to give thought to the witnesses and the impacts of how this is going to affect Bill C-474, the amendments. It takes more than a couple of hours working with staff, so that's why we're suggesting to give us a basic.... If we had the next day to get our thoughts, we meet afterwards, and it will be the 14th before we will be able to realistically have the amendments.

• (1645)

**The Chair:** I have checked with the clerk in terms of the feasibility of doing this, and depending on the number of amendments that he is going to receive, it partly determines whether a Wednesday clause-by-clause is doable or not. That is a concern. We don't know how many amendments, and he doesn't know.

**Mr. Mark Warawa:** I don't believe that.

I'm not suggesting we do the clause-by-clause on Wednesday; I'm suggesting we have the amendments submitted.

**The Chair:** But I believe Mr. Godfrey is suggesting that.

**Hon. John Godfrey:** There is a compromise here.

**The Chair:** Okay.

**Hon. John Godfrey:** Quite simply, the act of submitting amendments does not mean they have to be finally presented, because often in the course of discovering what other amendments are like, we decide it's repetitious or that this one looks better.

If parties have been submitting amendments already, and have had them drafted, it is my understanding that the Conservatives actually do have amendments ready to go. The advantage of sharing those—understanding that, of course, right up to the last minute they can be withdrawn or whatever—is that this will allow us to do some preliminary discussions.

I have shared every amendment we have put forward, by the way, with everybody, and we have received them back.

That would then mean that we would get the bulk of the work out of the way before the weekend, which makes it easier. We leave ourselves open to the possibility of putting further amendments in, based on what we hear on Monday afternoon, and it will still allow us to proceed Wednesday with the clause-by-clause, if we're willing to extend until we finish the job.

This process, if we undertake it in the right manner and with the right spirit, will allow us to get a lot of the problems out of the way because we'll be able to see what the amendments are and do some negotiating before we actually get to clause-by-clause. I would hope that it would be in that spirit, leaving the possibility open, of course, for amendments, but establishing a deadline. So basically we do it—

**The Chair:** Yes, we do have to have a deadline—

**Hon. John Godfrey:** Of course.

**The Chair:** —just to get the whole thing looked at legally and so on.

**Hon. John Godfrey:** But if we have an understanding of early submissions, I think we can proceed in good faith.

**The Chair:** Mr. Jean.

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

It sounds as if something's being rushed here for some reason, and I'm not sure why. And I apologize; I know I'm a visitor here, but I like to visit often.

How are the legislative officers going to decide whether or not these amendments are going to be in order if they don't have time to go through them?

Mr. Godfrey, I would be interested to find out how many amendments the official opposition have. From my experience with the Bloc on this committee, I know they'll double whatever you have, and the NDP will probably triple that. How many amendments are you looking at to put forward at this stage?

**Hon. John Godfrey:** I think we've put forward roughly in the neighbourhood of ten amendments, most of which address problems raised by the government, frankly. We also gave an early indication of that by presenting the bill and what the amendments would look like.

We're not even fighting the government on these things; we're agreeing with much of what they're saying.

**Mr. Brian Jean:** No, I'm not saying that, Mr. Godfrey.

**Hon. John Godfrey:** So what I'm saying is there are about two major amendments for the Bloc. The NDP has hardly any. We've submitted ours.

**Mr. Brian Jean:** Nathan, how many amendments do you have from the corner?

**Hon. John Godfrey:** Do you have many amendments?

**Mr. Nathan Cullen:** Because Mr. Godfrey has taken this approach of passing the amendments around, we don't have a great deal to do of great substance. I'm just checking with my staff now. We're looking at something about consequences, in terms of failure, that I've raised a number of times at committee.

**Hon. John Godfrey:** So that's about one.

**Mr. Nathan Cullen:** We're not talking a dozen, we're talking fewer than five, maybe a few.

**Hon. John Godfrey:** But which might be submitted before Monday.

**The Chair:** Mr. Jean, if you want to finish your thought and then....

**Mr. Brian Jean:** I know this committee works well together, and you try to work together to come to a solid purpose, but I didn't hear, Mr. Bigras, exactly how many amendments you have. I heard two from you, Mr. Godfrey, but knowing the Bloc and how much you study legislation, I would be very surprised if there were only two.

Is that the case, Mr. Bigras?

[Translation]

**Mr. Bernard Bigras:** At clause-by-clause consideration, we might face the same problem we had when we heard from our witnesses, that is that we have the bill but, at the same time, Mr. Godfrey has put forward a proposal. The question is, how can we make sure that, once we've completed our consideration, the bill reflects as accurately as possible the objectives of committee members? We are currently assessing Mr. Godfrey's proposals. We are analyzing them, working together, and given our discussions, we will most likely be submitting amendments. For the time being, I cannot tell you how many amendments there will be, but there will be a few, not necessarily a whole lot, but a few major ones.

•(1650)

**Hon. John Godfrey:** The idea remains that we share the amendments amongst ourselves as early as possible so that there are no surprises.

[English]

**The Chair:** Mr. Jean, do you want to finish, and then I'll go to Mr. Warawa?

**Mr. Brian Jean:** I do. I want to work collaboratively and I know that's what this committee is all about. We've got quite a few from the Bloc, and I know that because they're usually substantive amendments. We have some from Mr. Godfrey, and obviously the Conservatives are going to have some additional, and very likely Mr. Cullen's going to have something major and very substantive.

Is the legislative clerk going to be working 24/7 to get these done in time? It just seems as if some will be out of order; at least in the transport committee it happens quite a bit. And, indeed, how is this all going to happen that quickly? Would he be able to do that in a two-hour period?

**The Chair:** We did discuss that. I asked that same question as to how long it will take, and it depends on the number, of course, and the complexity of them. It will be difficult if there are a lot. We do need that legal opinion on those. As the chair, I have to have that to conduct the meeting.

I think it might be a crunch to be ready by 3:30 on Wednesday, but that's just depending on the number, which we do not know at this point.

**Mr. Brian Jean:** Do the witnesses on Monday have nothing of substance to add to this issue? They must, or else they—

**Hon. Geoff Regan:** That's why we're waiting until after this.

**Mr. Brian Jean:** Exactly. What I'm thinking is—

**Hon. Geoff Regan:** But if we have most of the stuff done, most amendments ready or committed in advance, and then if things arise from that—

**Mr. Brian Jean:** Then you're going to have amendments to the amendments. I'm just thinking of the logistics of this.

**Hon. Geoff Regan:** You can always withdraw an amendment, right?

**Mr. Brian Jean:** For certain, but the legislative officers—

**The Chair:** We have the ministers of environment from Sweden and from New Brunswick, and we now have a possibility of the

British minister. We have the environment department answering questions for us. So we have a pretty important group of witnesses.

I would think that because Sweden has a solid policy on this we're going to learn something, and I can see amendments coming from that. So I am concerned about a deadline of Monday. I don't see how that's very fair.

**Mr. Brian Jean:** I'm sorry to be ignorant on this, but is there any tremendous rush on this legislation?

**The Chair:** June 11 is when it has to be reported back. That's our deadline.

**Mr. Brian Jean:** So what's wrong with having the amendments by Wednesday?

**Hon. John Godfrey:** The problem, of course, is that it has to go through all the House process as well. It would be nice to have it done by the time we rise, clean that up and send it on its way.

I'm assuming good faith in all of this. It has been very positive to date—I want to report that. All I'm suggesting is that folks who have stuff ready to go should submit it now, understanding that there will be a deadline, which we can say is Tuesday morning or some point that allows for last-minute ones that will be altered by the evidence. So I'm not disregarding what we might be hearing, but I doubt that it's going to change....

I'm not going to, for example, re-introduce the concept of an independent commissioner. I've already taken that off the table because you folks have quite rightly criticized it.

I'm just trying to reduce the number of issues.

**The Chair:** Mr. Warawa is patiently waiting here.

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

The motion we have is, what's that date? The reason I raised it—well, you brought it up, Chair—is that the deadline is today, yet we haven't heard from all the witnesses. So it has to be changed.

Is there a motion that we could deal with to officially change the date such that at this point it's to be determined, so that we can get on to Mr. Bigras' motion? We have to change it; otherwise the deadline remains today.

•(1655)

**Hon. John Godfrey:** No.

**The Chair:** I do need a date after Monday at 5:30.

**Mr. Mark Warawa:** Just to finish, then, that's why I was suggesting the 14th. It's a logical date. We have a break, and what I was envisioning was that clause-by-clause would start on the 26th.

So the 14th, we could have a report back from the steering committee and have a good chance to discuss that. That's the day that the amendments have to be introduced. It then gives us and the department, the clerk, everybody, a good chance to look at these, and we come back ready to go, on the 26th, clause by clause, and we can work aggressively.

But to rush it—and it appears right now we're trying to rush it—we're going to make errors and it's not going to be as complete as possible.

**The Chair:** Mr. Bigras, I feel bad taking your time from your motion, because certainly you want that dealt with today. I know that. Have you a suggestion to break this impasse that we seem to be at?

[*Translation*]

**Mr. Bernard Bigras:** I understand that we still have some witnesses to hear from, but I would hope we could show some flexibility and decide that we have until Monday evening to submit our amendments. I think that would be reasonable. That wouldn't prevent committee members from submitting amendments afterwards; there would still be time to do so, but at least, we will have allowed the analyst to begin considering all the ins and outs. Let's give ourselves some time, say until Monday evening. We will be able to go over the amendments, and then... That's what I propose.

[*English*]

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** I really don't get it. I looked at the witness list on Monday. These are substantive witnesses. This is the most important part of the legislative process, the meat and potatoes of the very legislation, and we're suggesting that this is the part we'll rush through. What's wrong with Wednesday?

**The Chair:** Mr. Scarpaleggia.

**Mr. Francis Scarpaleggia:** To that point, as Mr. Bigras said, it doesn't mean we can't submit more amendments after we hear the witnesses. Also, even if we submitted the amendments before we hear the witnesses, that would still be a logical proposition, because the witnesses would inform the future debate on the amendments that were submitted before they appeared.

So I don't see the contradiction, unless I'm missing something.

**Hon. John Godfrey:** You can always submit amendments, actually—

**The Chair:** The only part I have is the legal aspect of it, where they look at them and say this one conflicts with this one, etc., which is my guidance as to how we conduct clause-by-clause.

**Mr. Francis Scarpaleggia:** But that's independent of the witnesses appearing.

**The Chair:** You can't have amendments coming in through the process, because that will change some of the things we're doing. So I can see a problem there. I think we would have to have a deadline prior to starting the clause-by-clause, so whether it's five minutes before, you would have to have a deadline.

**Hon. John Godfrey:** But, Chairman, you can also introduce amendments to—

**The Chair:** Yes, you can subamend.

**Hon. John Godfrey:** Sure.

If we set a deadline of seven o'clock on Monday, you have the flexibility, still, of amending all you want when you get to clause-by-clause, if in fact the witnesses have changed things dramatically.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Through you, Chair, Mr. Bigras had suggested that we could make amendments after we have the deadline on the 12th, that we could still submit amendments afterwards. Did he mean subamendments or amendments?

If we can continue to submit amendments after the 12th, I can't see that happening.

**The Chair:** Yes. I just cannot see us doing that once we start clause-by-clause. So the deadline certainly is 3:30 on Wednesday, if we start clause-by-clause at 3:30 on Wednesday.

You can't be accepting amendments through the process. That just will not work.

Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** I don't want to belabour this, because I am using up the time allocated to discuss my own motion—let's not forget that—but I would think that we could submit amendments even after having begun clause-by-clause consideration. That's a possibility. In my 11 years as a member in the House and on committees studying bills, I have come to understand how amendments are submitted. You might not be able to do so off the cuff, but it is possible to submit amendments, and we quite often receive new amendments from the various parties during clause-by-clause consideration of a bill.

[*English*]

**The Chair:** Mr. Jean

**Mr. Brian Jean:** This is exactly what happened on the transport committee, two bills ago. I can't even remember; I think it was Bill C-7. This is why it had to go back to the Senate and then took an additional three weeks to go back and forth, because we rushed through a piece of legislation. We got some conflicting legislation.

• (1700)

**Hon. John Godfrey:** We're not rushing.

**Mr. Brian Jean:** We're not rushing? We're hearing witnesses on Monday, including a deputy, and then we're going to have the amendments proposed, in essence, before we even hear from them? You can say it's afterwards, but the reality is that it's not going to happen.

**Hon. Geoff Regan:** We have the choice, of course.

**Mr. Brian Jean:** I think I have the floor, Mr. Regan, with all due respect.

**Hon. Geoff Regan:** Sorry. I thought you were finished.

**Mr. Brian Jean:** No, I'm not.

First, of all, you're going to have all these amendments, and then you're going to have the legislative officer find out whether they're in order and then whether they conflict with each other. And you're going to do that all within an hour of hearing the witnesses? It just seems ludicrous. What's the rush?

**Hon. Geoff Regan:** Mr. Chairman, our problem today, obviously, is that we have a deadline today. It seems to me that we can get past that by having a deadline of Monday.

If on Monday we decide that's not going to be enough time, we have the option at that point of further extending it. So let's get past today, for now, get past the immediate problem—

**The Chair:** We need to change today to Monday or Tuesday—

**Hon. Geoff Regan:** —because clearly there is not agreement on Wednesday.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** If Mr. Bigras is asking for a friendly amendment that we have the deadline changed, my motion was the 14th. If we make it the 12th—

**The Chair:** To be reviewed at—

**Mr. Mark Warawa:** —but that additional amendments can be introduced during the process of clause-by-clause, I think that solves the problem. If that's the friendly amendment, I'm going to accept it.

**Hon. Geoff Regan:** Are you saying that's 7 p.m. on Monday?

**Mr. Mark Warawa:** Yes.

**Hon. Geoff Regan:** That's 7 p.m. on Monday.

**The Chair:** Okay. Get everything in by 7 p.m., and you can introduce other ones on Tuesday at noon—

**Mr. Mark Warawa:** That sounds good.

**The Chair:** Is that good, Mr. Bigras?

[*Translation*]

**Mr. Bernard Bigras:** Yes, at noon on May 13.

[*English*]

**The Chair:** Okay.

**An hon. member:** And that's for our clause-by-clause on Wednesday.

**An hon. member:** Understood.

**Mr. Mark Warawa:** Could we hear the motion?

**The Chair:** We have agreed, and that motion would be—let me paraphrase it here—that the deadline be 12 noon on Tuesday, May 13, and that amendments can be introduced as required through the clause-by-clause process—

**Mr. Brian Jean:** —any time during clause-by-clause.

**The Chair:** Yes, any time during clause-by-clause.

**Hon. John Godfrey:** And with a plea, I hope, Chair, that people

**The Chair:** Make our life bearable.

**Hon. John Godfrey:** —would also submit amendments early, understanding that if they have them ready to go, please share them. That would be helpful, because we really want to work together here.

(Motion agreed to)

**The Chair:** We're now at Mr. Bigras' motion.

Mr. Bigras.

[*Translation*]

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

I am pleased to present this motion to the committee. I will read it first:

That the committee recommend that the government ensure that the implementation of regulations resulting from the eventual adoption of Bill C-33, An Act to amend the Canadian Environmental Protection Act, 1999, not result in an increase in the proportion of Canadian corn production currently used to produce ethanol and that it be reported to the House at the earliest opportunity.

Mr. Chair, the reason we are tabling this motion today, is that we hope to send a clear message to the government concerning

Bill C-33, which seeks to increase the ethanol content in gasoline by 5%. Why this motion, Mr. Chair, and why do we want to ensure that this bill does not result in an increase in ethanol production from corn? Simply because this policy has contributed greatly to an increase in the world price of food commodities. Between 2003 and 2008, ethanol production rose from 212 million litres to 1.5 billion litres once the final projects for 2008 will have been carried out.

This type of policy contributes to the world food crisis, and we do not believe that Bill C-33 should heighten the current crisis.

Furthermore, it has not been proven that the use of corn-based ethanol reduces greenhouse gas emissions; on the contrary we believe that it is important to compare how much energy is expended to grow corn for ethanol production purposes with the energy expended by the combustion of gasoline containing ethanol.

Therefore, the energy balance of the greenhouse emissions reductions is not what we would have expected a few years ago.

Lastly, it should be kept in mind, Mr. Chair, that producing a single litre of ethanol requires 1,700 litres of fresh water and releases 12 litres of fertilizer and pesticide into the environment. Mr. Chair, this could mean negative impacts for fresh water in Quebec and Canada, and I think that it is our duty, as members of the environment committee, to ensure that this policy and Bill C-33 do not contribute to an increase in social tensions on the world stage or to an increase in environmental hazards, while making no real contribution to the reduction of greenhouse gases.

Thank you very much.

• (1705)

[*English*]

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Canadian farmers are the most innovative in the world. They're more than capable of meeting our ethanol targets without affecting the amount of production that goes into food. We continue to invest in ways to increase the yields of Canadian land and in the next generation of ethanol production, such as cellulosic ethanol.

Canadian ethanol is produced from other crops, like wheat and canola, not just corn, so I'm not sure why the Bloc is singling out corn. We have also been encouraged internationally and by environmental groups to move forward on clean and renewable energy. Part of that renewable energy cycle is to renew the energy above the earth and stop taking fossil fuels from below the earth and introducing them into the atmosphere.

We've been challenged, we are taking action, and that real action is part of renewable fuels. The targets are realistic, and our plan for renewable fuels includes not just corn but many different items, such as canola and wheat—cellulosic ethanol. So we will not be supporting this.

The irony is that the NDP are now saying “Slow down the process; this is moving too quickly.” But weeks before that they were saying “Do things quickly. We've got to solve the problem with climate change.” We agree, and that is why the government is taking action. It's the right direction. I'm not sure why the Bloc is trying to jump in front of the parade and act like people are following them. This is a motion that does nothing. We need to move forward with clean energy.

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** I'll try to be very quick.

My understanding, first of all—and maybe the clerk or the research officer could help on this—is that only 5% of Canada's produce is going towards this. But also, 40% of the foodstuff is exported. Is that not the case, that something in the neighbourhood of 40% is actually exported?

So is this motion a result of interest in food scarcity? Because obviously we're producing much more than we utilize. Or is it the food prices? Because my understanding also is that we're talking about very minimal amounts. You look at a cereal box, and I think it's 3¢ worth of product that goes into an entire cereal box that's sold for \$6 or \$7.

What is the purpose of the motion, Monsieur Bigras? Is it food shortage in the world or in Canada, or what's the case?

**The Chair:** Mr. Bigras, do you want to answer that very briefly? We're conscious of the time here.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chair, I respect the opinion expressed by the member, but the fact is that environmental groups, economists and even the United Nations emissary to the Canadian food program have proposed a moratorium on the production of biofuels for the very reason that this contributes to the rise in food prices. As I said, between 2003 and 2008, production increased from 212 million litres to 1.5 billion litres, and that figure is expected to climb to close to two or three billion dollars.

I understand what Mr. Warawa is saying. There are other options. Biofuel is not limited to corn-based ethanol, but given the timeline set out in Bill C-33, which targets 5% in 2010, and the maturity of the other technologies available, achieving this goal will inevitably require an increase in the production of corn intended for the manufacturing of ethanol. In these conditions, it is obvious that this is currently contributing to the hike in food prices abroad and that this will likely be the case soon here in Canada.

• (1710)

[*English*]

**The Chair:** Mr. Jean, really briefly and then we'll get to Mr. Vellacott.

**Mr. Brian Jean:** I'm trying, but I had problems keeping up with the translation because Mr. Bigras is like me—I speak too fast.

My question is this. Would this not be a suitable topic for another committee, such as international trade, foreign affairs, or agriculture—or CIDA or some other group that could deal with this? I'm curious, because environment is possibly inappropriate.

[*Translation*]

**Mr. Bernard Bigras:** I think that—

[*English*]

**Mr. Brian Jean:** That's why I was asking. I still have the chair, Mr. Bigras.

I just don't understand what the purpose of this motion is. Is it international? Because we don't have a food shortage in this country.

**The Chair:** Mr. Bigras, please answer quickly.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, the fact that the motion is being tabled and studied here constitutes a very good reason to debate it, in my opinion. Moreover, if my colleagues feel that they have no right to review an amendment made by the Department of Agriculture to the Canadian Environmental Protection Act, when this falls precisely within the committee's purview, I wonder what the circumstances would be in which we should intervene.

I remind you that this bill tabled by the Minister of Agriculture amends the Canadian Environmental Protection Act. To my knowledge, it is our responsibility to ensure that Quebec and Canada environmental interests are protected.

[*English*]

**The Chair:** Mr. Vellacott.

**Mr. Maurice Vellacott:** The other thing I need to ask Mr. Bigras is.... I don't understand, in terms of the implications of this, the last part, where it says “not result in an increase in the proportion of Canadian corn production currently used to produce ethanol”. I don't know if this is allowing an opening for others to be.... We import corn in significant amounts for feed and so on in Ontario, I understand. So I don't know if this is inferring, or at least leaving an opening, then, for importing corn for the production of ethanol. You're keeping the same proportions, but you're just bringing it in from another country.

I don't understand the interplay, and I think one might be cutting off their nose to spite their face here if you're actually going to just have it imported from elsewhere to increase ethanol production in the country, but have the corn brought in from elsewhere.

**The Chair:** Let's have Mr. Watson jump in here, if you're finished, Mr. Vellacott. But then we'll let Mr. Bigras answer both.

**Mr. Maurice Vellacott:** Yes, as long as he remembers.

**The Chair:** Mr. Watson.

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

I think Mr. Warawa raised an important question about why the Bloc is singling out corn. I think there are some very obvious answers. I think the Bloc has turned its back on corn farmers precisely at a time when they have a chance to make a buck out of the market instead of making it out of a government program.

Mr. Chair, I think the Bloc wants to pick on Ontario specifically because we're a net importer of corn from the United States, which undercuts the price of the corn our farmers grow. We finally get a chance to make some money out of this. Our farmers are looking to plant not only to meet the needs of food but for ethanol production—to do both. This is a great time in Ontario, but the Bloc wants to stick it to Ontario, and I think there's another reason why the Bloc is doing this, Mr. Chair.

I think the member should take his pet peeve to Brazil, where they're destroying rainforests in the stampede to make ethanol. That's where he can make a much greater difference, instead of picking on Ontario and specifically picking on Ontario farmers. This is not the place for this kind of emotion. I understand he may not like it. He can take his little battle somewhere else, Mr. Chair.

**The Chair:** Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** First of all, Mr. Chairman, I find Mr. Watson's arrogance inappropriate. If I were you I would have called him to order, and I would have called for respect towards other parliamentarians.

Secondly, the reality is that this production will be subsidized. In fact, the federal government has announced a \$2.2 billion contribution over nine years to finance biofuels. The government has clearly chosen to finance corn ethanol and its producers. Sixty per cent to 70% of agricultural production in Quebec is in the animal sector, and these animals must eat corn. By this very fact, the production costs of Quebec's farmers will increase significantly.

I feel that Canada has to live up to what the international community, including the United Nations, is proposing, that is to say a moratorium on corn ethanol and biofuel production. The Americans have decided to increase their biofuel production, and they will soon be self-sufficient. I think that we will have to make strategic decisions.

What we are discussing is sustainable development strategies. If the government is being so honest with us in the opinions that it is putting forward, it should table the strategic environmental assessment that was done within the framework of Bill C-33 rather than resorting to all kinds of arguments that are just nonsense.

• (1715)

[*English*]

**The Chair:** Are there any other comments?

Mr. Jean.

**Mr. Brian Jean:** I can't help it.

Sorry, Mr. Bigras. With respect, I've seen you as an environmentalist from time to time on this committee, but it sounds as though you are saying out with the possibility of new technology that's

going to help the fuel crisis, when we have 33 years left of conventional fuel, and there are all these GHGs going up into the air and affecting the health of Canadians, as long as we have enough foodstock—corn—to make sure that the people in Quebec can have cheap food for their livestock. That's what it sounds like to me. Is that the whole purpose of this? That's why I was asking. I didn't understand it.

**The Chair:** I hate to—

**Mr. Brian Jean:** I'm sorry, Mr. Chair, but it just seems as though he's gone from one point to another.

**The Chair:** I hate to stop you at this point, but the bells have started, and people know the rules. It's a 15-minute bell. The vote is at 6:30.

Mr. Bigras can reintroduce this motion, and we can carry on at a future date.

**Hon. John Godfrey:** The vote is at 5:30.

**Mr. Bernard Bigras:** Call the vote.

**The Chair:** There's more debate, Mr. Bigras.

Reintroduce it, and we'll carry on the debate.

[*Translation*]

**Mr. Bernard Bigras:** No. In this case, Mr. Chairman, you are completely out in left field. We need a motion for adjournment, I believe.

[*English*]

**The Chair:** There's the bell, Mr. Bigras.

The clerk advises me that we need unanimous consent to continue over the bells, and I don't believe we're going to receive that.

**Mr. Brian Jean:** You will, Mr. Chair. It's just for you to ask.

**Mr. Mark Warawa:** Chair, I'm fine if we vote on it.

We can do it right away.

**The Chair:** Is everybody in favour of voting?

**Mr. Brian Jean:** You can ask for consent from everybody else.

**The Chair:** NDP and Liberals, do you agree to vote right now? We need unanimous consent to vote on this motion.

**Mr. Brian Jean:** It's up to you guys.

**The Chair:** There is no objection.

I'm not going to reread the motion. We are okay.

(Motion negated)

**The Chair:** The motion is defeated.

The meeting is adjourned.





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