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**Wednesday, May 14, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Wednesday, May 14, 2008

• (1535)

[English]

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

As everybody knows, we are working on clause-by-clause. I think everyone has a copy of the amendments.

I would ask, off the top, to stay clauses 1 and 2, which is a normal procedure, and that we deal with them at the end.

**Some hon. members:** Agreed.

(On clause 3—*Purpose*)

**The Chair:** The first amendment is on page 10, amendment G-5. I would ask Mr. Warawa to move that.

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

Do I have to procedurally move that?

**The Chair:** Yes, move it and explain it, and then we can have debate on it.

**Mr. Mark Warawa:** Good. I am moving amendment G-5 then, is that correct?

**The Chair:** Correct.

**Mr. Mark Warawa:** Good. So we're all using that as a reference.

I'll just read clause 3:

The purpose of this Act is to provide the legal framework for developing and implementing a National Sustainable Development Strategy that will dramatically accelerate the elimination of major environmental problems and make environmental decision-making more transparent and accountable to Parliament.

The amendment I've introduced is to change the word “national” to “federal”. We did hear from a number of witnesses that this is, I believe, a recommended change. When we heard from Mr. Martin on Monday of this week, he spoke to that specifically in his speech to us. He said “national” implies that there is direct provincial involvement.

As we all know, we have not had direct provincial involvement. We haven't had the provinces, other than New Brunswick. This is one of the issues that Mr. Bigras brought to our attention when we were looking at the schedule in the first group of witnesses. I don't know if it was turbidity or density, or what Mr. Bigras brought up, but it was a very important point that he brought to the attention of the committee, the importance of what the implications are of Bill C-474 for the provinces.

I just want to read, to remind us what Mr. Martin said, that, first, the bill would require the development of a national as opposed to a federal sustainable development strategy—and in the interests of time, instead of saying “sustainable development strategy”, I'll say “SDS” from now on.

As the committee is aware, responsibility for the environment is not defined in the Constitution Act. Over time, a variety of mechanisms have been developed to facilitate federal-provincial cooperation in improving environmental quality in Canada, including a wide range of work done under the authority of the Canadian Council of Ministers of the Environment.

As a practical matter, if we expect the provinces to be full and willing partners in the implementation of a national sustainable development strategy, it would be important to engage them in its development, including the definition of its goals and targets and in a discussion of which level of government would be held accountable for their achievement.

The other person I would like to read a quick quote from here is, in our first group of witnesses, Mr. Pierre Sadik, who said in his presentation:

By virtue of the Constitution, this bill can only apply to items that fall within federal jurisdiction.

Sustainable development affects all levels of government and needs to affect all levels of Canadian society, and it does in a positive or negative way. I believe the author of the bill, Mr. Godfrey, is hoping to achieve positive results from a positive bill and to have positive effects on a truly sustainable development strategy, or SDS.

I started off my comments suggesting that we have the bill changed so that it lists “federal” instead of “national”. That is what the motion is.

I have a subsequent motion that I'll be making later.

Throughout the bill, the word “national” SDS is used. This is the first clause we're addressing, so that's why this is the first opportunity to deal with this.

In the bill, as we go clause by clause, every time it says “national”, I'll be making that amendment. But starting off with this, I think it's very obvious that we focus on making sure the different federal departments are held to account.

As we remember, when the environment commissioner presented the report, we had this report in October. Then we had the report in March, I believe it was. Actually, this was the report from March, and we heard that of the 14 departments, nine were unsatisfactory and five were satisfactory. For many years—over a decade—there have been problems with our not doing satisfactory work with the different departments. What I'm hoping is that the focus will change and now be on the federal government instead of the national and on holding the federal government and the departments to account.

• (1540)

I look forward to hearing from others, but I think changing the word “national” to “federal” is a step in the right direction.

**The Chair:** Mr. Godfrey is next.

**Hon. John Godfrey (Don Valley West, Lib.):** We accept the change throughout from “national” to “federal”.

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

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I shall be brief, Mr. Chair.

It's the avenue that we have favored since we started studying this bill in committee. We think that efforts must be made by the federal departments. Mr. Warawa mentioned parts of the report of the environment commissioner. It says that a number of federal departments must make extra efforts. Canada must, of course, adopt a sustainable development strategy but we think that the first efforts should be made by the federal government.

In that sense, we support the government amendment.

[English]

**The Chair:** Go ahead, Ms. Savoie.

[Translation]

**Ms. Denise Savoie (Victoria, NDP):** Does this mean that it will only include the departments or will it include as well the crown corporations? Does it exclude part of the federal government? I listened carefully to what Mr. Warawa said. For him, the word “national” implies the way it will affect the provinces. By replacing “national” by “federal”, will he exclude any part of the federal government?

[English]

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

[Translation]

**Hon. John Godfrey:** Not at all. We will specify later in the bill which are the departments and crown corporations which are included. We will have some technical discussions about that list but the intent is to have a list as complete as the present list of the environment commissioner, who prepares reports on sustainable development.

**Ms. Denise Savoie:** Okay. Thank you.

[English]

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

**Mr. Mark Warawa:** No. I think Mr. Godfrey answered that.

I just want to elaborate one quick thought. When we heard from the witnesses—and unfortunately you weren't here, but hopefully you have the materials—there was no consultation with the provinces—

**Ms. Denise Savoie:** I got that.

**Mr. Mark Warawa:** —and if you don't have that, how can we move forward? If the bill is to move forward, we have to focus on the federal government.

**The Chair:** Seeing no other questions—oh, yes, Mr. Vellacott, go ahead.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** I assume this is the basic rub in that the difference between the two is the fact that when you say “national”, you would have to have had all these consultations in advance.

Is that normally how we're understanding how the process works across the country on the difference of definition here?

• (1545)

**The Chair:** Mr. Godfrey, do you want to clarify?

**Hon. John Godfrey:** Very briefly, there was some concern by the Bloc and others that when you use the word “national”, it sometimes implies that there has to be some kind of coordinated effect with the provinces. This limits the effect of the bill to the operations of the federal government within its own sphere.

**Mr. Maurice Vellacott:** Then it doesn't stop you from having some discussions.

**Hon. John Godfrey:** No, you could, but this removes any ambiguity about who the bill is directed toward, which is federal government departments for which we're responsible and their agencies and corporations.

**Mr. Maurice Vellacott:** And it can't impose on the provinces?

**Hon. John Godfrey:** No.

**The Chair:** Okay.

Are there any other questions?

We are voting on amendment G-5.

(Amendment agreed to)

**The Chair:** Still on clause 3, our next one is Liberal amendment L-6 on page 11.

**Hon. John Godfrey:** We withdraw.

**The Chair:** It is withdrawn.

**Mr. Mark Warawa:** I have an additional amendment, then, to clause 3. I thought we were going to be dealing with amendment L-6. I was going to subamend theirs, but because of that, I will be presenting this.

**The Chair:** We agreed at the last meeting that we would accept amendments as we moved through the bill. What we cannot do is accept amendments going backwards, only going forward. So I assume, Mr. Warawa, this is still clause 3, but an addition.

**Mr. Mark Warawa:** It is.

**The Chair:** We're just taking a look at it quickly.

**Mr. Mark Warawa:** Could that be distributed to the members of the committee? It's been presented to the clerk. Maybe we could have the clerk read it.

**The Chair:** I'll just wait for Mr. Warawa to make sure I do this correctly.

Mr. Warawa, what we're doing is in line 42 of the bill. We're saying that "Federal Sustainable Development Strategy", which is line 41, "that will make environmental decision making more", and then we eliminate lines 1 and 2, "transparent and accountable to Parliament".

What we have done then is remove line 42 and then, over the page, lines 1 and 2, so it would now read, with the previous amendment:

Federal Sustainable Development Strategy that will make environmental decision-making more transparent and accountable to Parliament.

Mr. Godfrey.

**Hon. John Godfrey:** We accept.

**The Chair:** Any other comments on that amendment?

Mr. Warawa, you need to move it. Sorry.

• (1550)

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

I do move it. The rationale is that what we've removed, which is "dramatically accelerate the elimination of major environmental problems", is vague and it's not measurable. So what we end up with is a lot clearer and yet does not change the intent. If this amendment is accepted, clause 3 would say,

The purpose of this Act is to provide the legal framework for developing and implementing a Federal Sustainable Development Strategy that will make environmental decision-making more transparent and accountable to Parliament.

And that's been moved.

**The Chair:** Thank you. You have moved that.

I've already heard Mr. Godfrey's comments. He's happy.

Ms. Savoie.

**Ms. Denise Savoie:** I understand the part about being measurable or not measurable, but are we now making this small and measurable rather than...? Doesn't it defeat the purpose of this whole act, which, as it says, is to "accelerate the elimination"? I agree this was perhaps worded awkwardly, but I liked the amendment that was withdrawn, that it could be clarified and be measurable.

**The Chair:** I have Mr. Vellacott and then Mr. Godfrey.

**Hon. John Godfrey:** I appreciate the ambition—

**The Chair:** Sorry, John, it's Mr. Vellacott, Mr. Godfrey, and then Mr. Warawa.

**Mr. Maurice Vellacott:** I'd like to ask our legal people here too. I know from other bills that sometimes we get these fine-sounding sentiments in here in terms of the language, piling up the adjectives and so on, but my understanding is that this is not something that has legal weight when you make a statement such as "dramatically accelerate" or "elimination of". How do you measure that? What's dramatic to one person may not be dramatic to another. It's not an objective statement when you put it in and say you've got to do this and that.

We all understand that, and we're not going to have a difference there, but it's the more subjective terms, I think, Denise, that are inferred here. You've been around committees enough to know this, but I need to have that from the clerks as well. Is that the problem with the expression that's there? That's my cross-reference to other committees. When you're not getting precision, it means one thing to one person, and it has no bearing in the courts. That's my point.

**The Chair:** I don't think there is an interpretation possible there. I think it's going to be a matter of the members making that interpretation and voting accordingly, Mr. Vellacott.

**Mr. Maurice Vellacott:** That's my question: is there any legal weight in the kind of language that says "dramatically accelerated"? What does it mean to the courts when they're trying to weigh in and determine whether the bill is being abided by? I don't think a court... It's a bit difficult to make that kind of determination.

**The Chair:** Again, we're setting up the procedure of this bill. Interpretations are left to courts. Of course, courts, as you know, can interpret things differently day to day. We have to get the best wording possible, and I think that's what members have to determine.

I have Mr. Godfrey next.

**Hon. John Godfrey:** I'll simply say that while the effect of many of the Conservative amendments is to remove what you might call the aspirational quality of the bill, what really matters are the accountability measures.

One would certainly hope that this process will lead to an improvement of environmental matters in the country. That phrase is not essential to the successful operation of the bill. Of course, I would like it there myself, but it's not an essential piece of the legislation. We'll find that throughout; there'll be other areas where I would have wished the government to be more aspirational, but I accept that they want to be a little more prosaic, and that's okay.

**The Chair:** Mr. Warawa is next, and then Ms. Savoie.

**Mr. Mark Warawa:** Actually, Mr. Vellacott brought up my point, and I don't want to waste any time.

**The Chair:** Go ahead, Ms. Savoie.

**Ms. Denise Savoie:** In terms of what Mr. Vellacott said, I appreciate that the original wording was difficult to measure. Forgive me; I was referring to the amendment that Mr. Godfrey agreed to withdraw. I thought there was a way of measuring the focus precisely. I think one of the problems we've had in Canada is that we've always assumed we had to make one decision on the financial over the environmental or over the social, with no way of focusing what "integration" means. I thought the amendment would precisely allow us to measure how good we are—not at balancing, but at integration.

That's why I thought it would be possible to measure. I didn't like the original wording, but I thought the amendment was a way of clarifying that piece of legislation. If the author of the bill wants it gone, then so be it.

• (1555)

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

**Mr. Mark Warawa:** I have a follow-up comment.

I appreciate the concern. I think what I've tried to do is clean up the bill. As was pointed out initially, it's vague. Mr. Godfrey seems to be fine with it. I think we end up with a much cleaner clause.

**The Chair:** We're on the amendment first. Do I need to read it again for clarity? It says:

Federal Sustainable Development Strategy that will make environmental decision-making more transparent and accountable to Parliament.

(Amendment agreed to)

**The Chair:** Now back to clause 3 as amended. We have the two amendments.

Shall clause 3 carry as amended?

Yes, Mr. Vellacott.

**Mr. Maurice Vellacott:** I'm assuming there's no objection or no comment from Mr. Bigras or Mr. Lussier, that the French translation is deemed correct as far as they're concerned?

[*Translation*]

**Mr. Bernard Bigras:** Yes, we have voted.

[*English*]

**The Chair:** I'm sure they will keep track of that for us.

(Clause 3 as amended agreed to)

(On clause 4—*Application*)

**The Chair:** We have no amendments on clause 4, but if you could take a minute to look at clause 4.... Are there any comments or questions?

(Clause 4 agreed to)

(On clause 5—*Basic principle*)

**The Chair:** We have two amendments on clause 5. The first one is G-6 on page 12. I should advise the committee that there is a line conflict with Liberal 7, so that if G-6 is adopted, then L-7 cannot be put.

Mr. Godfrey.

**Hon. John Godfrey:** L-7 will not be put.

**The Chair:** I will go to Mr. Warawa for amendment G-6 on page 12.

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

I'd ask that clause 5 be stood, because we have amendments to this clause that are consequential to the core amendments we'll be introducing to clause 8. We've stood clauses 1 and 2, and if we could stand clause 5 and then come back to it after clause 8.... It will make sense after, when we get to—

**The Chair:** Okay I do need agreement on that.

Mr. Godfrey, Mr. Bigras, and Ms. Savoie.

**Ms. Denise Savoie:** We're agreeing to postpone discussion of clause 5, is that it?

**The Chair:** Yes, clause 5. We'll just stay that and we'll come back to it.

**Ms. Denise Savoie:** Okay.

**The Chair:** And we'll understand why soon.

(Clause 5 allowed to stand)

(On clause 6—*Cabinet Committee on Sustainable Development*)

• (1600)

**The Chair:** We have government amendment G-7, which is on page 15. Just another note on that. If amendment G-7 is adopted, then Liberal amendment 19 on page 38 cannot be put. I'll give everybody a minute to check those out.

Amendment G-7 is the one we're on right now, clause 6. If that one is adopted, then L-19 on page 38 cannot be put because it refers again to the committee and secretariat. So if we pass amendment G-7, we cannot then deal with amendment L-19; just so everybody knows that when you're looking at this. Is everybody clear now?

We are looking at clause 6 and amendment G-7, which is on page 15, and I'll ask Mr. Warawa to explain amendment G-7 to us, please.

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

I will move amendment G-7.

As this bill only pertains to the federal crown, the title and scope should be drafted accordingly.

Establishing a committee of cabinet in legislation is extremely unusual. There is currently only one cabinet committee that has a legislative basis, and that is the Treasury Board. Given that decisions around the structure of government and cabinet are critical to the Prime Minister's capacity to fulfill his or her mandate as the head of the government and to realize his or her government's agenda, it would be more suitable here to require that "a committee of the Queen's Privy Council"—my understanding is that's the legal name for the cabinet, and I'll seek clarification on that, but that's why we're seeing the word "Cabinet" gone and why "the Queen's Privy Council" is inserted—would be required to include the oversight, and I think "oversight" is a key word, of the development and implementation of a federal strategy as one of its duties, and that Environment Canada establish an office to monitor and report on the strategy's implementation.

Excuse me just one second.

I'm sorry; that's a second amendment.

In G-7, our first amendment on clause 6—let me just take a look at the bill—the word “Cabinet” is scratched, and we end up having “a committee of the Queen's Privy Council”. That's just the correct name of the cabinet.

The original clause 6 said, “The Governor in Council shall appoint a Cabinet Committee on Sustainable Development, chaired by the Minister”. That's changed to “a committee of the Queen's Privy Council for Canada, consisting of a chairperson and other members of the Queen's Privy Council”—which is the proper name for the cabinet—“shall have oversight of the development of the”, and it's no longer “National”; it would be “Federal Sustainable Development Strategy.”

We have to permit the Prime Minister to have the prerogative of the machinery of government.

It made me think of another quote that we heard from Mr. Mitchell, and here it is. There are actually a number of interesting quotes. He said:

I actually don't think it's useful or productive for Parliament to say, here's how we want you to run your kitchen, and we're going to hold you to account for having run the kitchen in this precise way or that. You want to look at what's coming out of the kitchen. What are you getting by way of policy and program commitments, spending, and fundamental changes?

He also said:

I would actually not have a separate committee for sustainable development, because those issues you are talking about in the bill and that we've been talking about today are so fundamental and so integrated that I'd want to see them considered in something like a priorities and planning committee or an executive committee of cabinet, something like that. The most senior, central, general decision-making body of cabinet is where I would put those issues and those decisions.

What we're proposing in this amendment is changing the word “Cabinet” to “Queen's Privy Council” and, again, a federal SDS, and that the Queen's Privy Council shall have oversight of the development and implementation of that SDS.

• (1605)

**The Chair:** Thank you.

Go ahead, Mr. Godfrey.

**Hon. John Godfrey:** I accept the definition. Just to recap what the parliamentary secretary said, the technical use of these words, “the Queen's Privy Council for Canada”, “the chairperson”, and “the members of the Queen's Privy Council for Canada” is what we mean by the current cabinet members. This would not apply to the entire realm of past privy councillors, including ourselves.

I think you put on the record that you mean the cabinet, the current cabinet made up of current cabinet ministers. I'm just wondering if there is any language that makes a distinction between the two. There really are, in effect, two Queen's Privy Councils, the current cabinet, and then also, as the Government of Canada website points out, the Queen's Privy Council for Canada thus includes not only members of the present ministry, but also former ministers and other distinguished persons.

I just don't know if there is any language that makes that distinction clear, but since you have put it on the record that you're referring to the government of the day, the ministry of the day, we're happy with that definition.

**Mr. Mark Warawa:** I am confirming that that's the intent.

**Hon. John Godfrey:** Okay.

**The Chair:** Just one second. We're consulting on the exact words.

Everyone understands this amendment is replacing clause 6, as written. We have “Committee”, and then the wording that is there. Of course, I do remind you that clause 6.1 is coming up, which would add to clause 6.

But we're talking now about clause 6. Any other comments or questions?

Yes, Mr. Vellacott.

**Mr. Maurice Vellacott:** I want to understand this in the same spirit that Mr. Godfrey asked the question.

Removing as we have here, this just requires any existing...and not striking a new one necessarily. I'm saying that in history that has been a pretty rare thing, a couple of times only, so at present, an existing cabinet committee can take on that responsibility of sustainable development. Is that right?

• (1610)

**The Chair:** Yes. We're not legislating any new committee.

**Hon. Geoff Regan (Halifax West, Lib.):** That's the point.

**The Chair:** Ms. Savoie.

**Ms. Denise Savoie:** As you mentioned, L-19 won't be put because of this change. What about the substance of parts of that amendment that would be to produce a report every three years on the implementation of the strategy?

**Mr. Mark Warawa:** It's coming, yes.

**Ms. Denise Savoie:** That's coming.

Thank you.

**The Chair:** Everyone is with me?

We're looking at the amendment to clause 6.

**Mr. Mark Warawa:** This is G-7?

**The Chair:** Yes, this is G-7.

**Mr. Maurice Vellacott:** Are we renumbering something here?

**The Chair:** No.

We're now dealing with clause 6, and this is government amendment 7, as written here.

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

(Clause 6 as amended agreed to)

**The Chair:** We now have a new clause, which is clause 6.1 at this point, and that subclause has an amendment, G-8 on page 16.

Mr. Warawa.

**Mr. Mark Warawa:** Thank you. I'll move G-8.

What it would do is change the wording at the beginning of the new clause 6.1. This would be 6.1(1), and instead of the “Governor in Council”, it would say “the Minister shall establish a Sustainable Development Office”. We would scratch the word “Secretariat”. Can you see that?

It would read:

The Minister shall establish a Sustainable Development Office within the Department of the Environment

—scratching out Privy Council Office to support the activities of...

Am I losing you?

**The Chair:** This is a brand-new clause that we're talking about now. So we're not scratching anything. We're dealing with what will be renumbered, of course, but at this point we're calling it 6.1, a brand-new clause.

**Mr. Mark Warawa:** That is correct. It will make some changes, and I'm trying to introduce to you how it will change... I'm presenting here the results of those changes from the previous wording.

**The Chair:** Okay.

**Mr. Mark Warawa:** So “Governor in Council” is scratched and it becomes “Minister”. “Secretariat Office” is gone. It's “within the Department of the Environment” instead of the “Privy Council Office”. We're scratching “support the activities of the Cabinet committee on sustainable development”, because it's no longer relevant.

So it would read:

The Minister shall establish a Sustainable Development Office within the Department of the Environment to develop and maintain systems and procedures to monitor progress on implementation of the Federal Sustainable Development Strategy.

The Office shall, at least once every five years after the day on which this Act comes into force, provide the Minister a report on the progress of the federal government in implementing the Federal Sustainable Development Strategy. The Minister shall cause the report to be laid before the House of Commons on any of the first 15 days on which that House is sitting after the Minister receives it.

Environment Canada established an office to monitor the report... and strategies implementation. The Privy Council Office would automatically act as the secretariat to the cabinet committee, so it's unnecessary to specify this in the statute.

Changing the secretariat to an office, which is only meant to better reflect the actual duties of the organization, is a good idea, I believe. A secretariat connotes an organization that is in support of another entity. This would not be reflective of the role given the amendments. The term “Office” would better reflect the oversight and monitoring function proposed for the organization than would “secretariat”.

These changes maintain the overall spirit of the clause while preserving the Prime Minister's ability, and this is critical. The Prime Minister has to maintain the ability to structure his cabinet in a manner that best suits the needs of his or her government. It also makes sense to include the monitoring and reporting role of the secretariat in this clause rather than in a new clause 13, as proposed by Mr. Godfrey—and I'm not sure if that's off the table. He can elaborate on that. So that's why we have the monitoring in there.

Are there any questions?

• (1615)

**The Chair:** Ms. Savoie, and then Mr. Godfrey.

**Ms. Denise Savoie:** I'll let Mr. Godfrey go first since it's his bill, and then I'll ask Mr. Godfrey if I have....

**The Chair:** Mr. Godfrey.

**Hon. John Godfrey:** We're okay with this. I guess there's one small question and one large issue, which I believe we may find some flexibility on. Under (2), it says “The Office shall, at least once every five years”. There have been some discussions with the other side about the notion of substituting three years for five years, simply because that puts us into a more normal kind of reporting framework, one that is well understood by the Commissioner for the Environment.

So my first question is whether the government would consider here and a bit later on substituting the word “three” for “five”.

My second question is relatively small and has to do with the first 15 sitting days as opposed to the first three. I don't feel very strongly about it. I'm just curious why that was increased.

The first point is more substantive, which is to take it down to a three-year reporting cycle, because I think that would give enough time for the plan to get developed but keep people's feet to the fire.

**The Chair:** Do you want to answer that, Mr. Warawa? And then we'll go to Ms. Savoie.

**Mr. Mark Warawa:** I'd be open to discuss that.

The logic is that five years seems to be the very common timeframe within which legislation is reviewed. I'm thinking of CEPA, which this committee just reviewed a year ago, and it's to be reviewed every five years. When I was on the justice committee in the last Parliament, often that legislation, new legislation particularly, would be reviewed after a five-year period. The five-year review period seems to bring continuity within Parliament. But I'm open to discuss it.

**Hon. John Godfrey:** My only point is that this is not like a legislative review for CEPA, which happens every five years. This is a reporting function that more resembles the kinds of reports the Commissioner for the Environment has put forward. Sustainable development strategies, if I'm not mistaken, are on a three-year reporting cycle as well. Since this is designed to address deficiencies in the reporting of sustainable development strategies, that would put it on the same.... I just think it would expedite matters. It would attend to the very deficiencies the commissioner and all of us have agreed to.

• (1620)

**The Chair:** I'll let you consider that, Mr. Warawa.

I'll go to Ms. Savoie.

**Ms. Denise Savoie:** I was going to make a similar comment. I was going to suggest that it would make more sense to have that kind of reporting done within the life of a government.

Given the legislation this government has introduced regarding having legislated elections every four years, it would make more sense to have that kind of report done within the life of each government. If we're talking about accountability, putting it at every five years would be passing it on to the next government, in a sense. So I don't think the five-year requirement makes very much sense, on one hand.

On the other hand, by establishing a sustainable development office within the Department of the Environment, it seems to me we would be removing any kind of arm's-length reporting mechanism that seemed to be there before. So again, it seems to weaken this considerably.

We'll see what remains at the end of this bill, if anything.

**The Chair:** I have Mr. Bigras, Mr. Vellacott, and then Mr. Godfrey.

Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** Mr. Chair, I will come back to the same arguments that my colleague Mr. Godfrey raised. This is not about examining a statute but to set up a follow-up mechanism for the government strategy. Policies, plans and programs are presented by the government and we should follow-up on these. A period of five years is a bit too long, but three years would allow us to make a good follow-up and to assess government policies.

[English]

**The Chair:** Mr. Vellacott.

**Mr. Maurice Vellacott:** I hear what the members are saying about the life of a Parliament, and so on, but I think there's been concern expressed by the present environmental...that you can end up with too short a timeframe too. We could be doing this every year, if we really want to hold... On the other hand, if you're barely into government, I guess, and you're all set on doing this report, I'm not sure that three years will give you the adequate length of time you need in terms of reporting. And it may be too short a period of time as well.

You're making plans, and then you're reporting on those plans in terms of the advance or the progress or whatever on it. So I would raise the issue that maybe you'd want to go to four, or something like that, but three might be a little bit quick, actually, in terms of getting an adequate assessment in that period of time.

**The Chair:** Mr. Godfrey.

**Hon. John Godfrey:** Before anybody decides to put an amendment in on this point—I'm seeing consultations going on across the way—I was wondering whether it would be possible to make a friendly amendment. I'm just wondering...

**The Chair:** Mr. Warawa is next on the speaking list.

**Hon. John Godfrey:** Before we spring into legislative action here, why don't we just see where that's going?

**The Chair:** Mr. Warawa.

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

The present policy is three years, and we've heard that the problem with that is that when they report, they're reporting existing activities

as opposed to the outcome of those activities. Sustainable development is looked at over a period of time. If it's too short, you're not going to be able to see what the results are. So that's the suggestion. The present timeframe is three years, and we're hearing some rumblings that it should be lengthened. So that's why the amendment we're discussing is suggesting five years. If the desire is to have it changed to three years, it could maybe be as a subamendment, and we could deal with it that way.

But I think the 15 days is standard. I've heard that, so I don't think we should be touching that.

**Hon. John Godfrey:** Chair, I'm just curious as to why it's 15 rather than three.

**Mr. Mark Warawa:** That's the standard.

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

You wanted a subamendment. We could put forward a subamendment to change it from five years to three years. Would we have to move that now?

• (1625)

**The Chair:** Yes, you would need to move that now.

**Hon. John Godfrey:** I would move a subamendment that five be changed to three.

**The Chair:** Does everyone hear the subamendment? We're dealing with that subamendment, which changes five to three.

Mr. Vellacott.

**Mr. Maurice Vellacott:** I know we talk in terms of getting at one particular government, whatever political stripe that happens to be, by way of doing it within the three-year span of time. Is there maybe not some merit to taking it in a non-partisan fashion where you're overarching two governments? It may be the same party, but it may be different as well, and there may be a little less temptation or opportunity to say, on something as important as this, that... There may be some attempt to blame the people before, but—

**Hon. Geoff Regan:** We'd never see that.

**Mr. Maurice Vellacott:** No, I don't think we'd see that.

On the other hand, with the five-year time span, going over several... I think most fair-minded people in the public would concede that this is spanning or bridging a couple of different governments here, so let's get the job done.

I just think the three years may be too short. We've heard complaints about that. You guys have been here to hear that as well. These people are saying that all we're doing is putting down lists of activities as opposed to whether we're actually reaching some of these stated objectives. Anybody can list activities, but maybe we are requiring a little more to be done here.

I would be voting against this. I don't know where the others on this side of the bench are going to sit, but I would say I would weigh in on the side of five, as things stand.

**The Chair:** Are there any other comments on the subamendment, which is that we change five to three? We need to vote on that subamendment, and then we'll come back to the original.

There are no other comments?

All those in favour of the subamendment—

**Mr. Mark Warawa:** Which is—

**The Chair:** —which is going to three.

(Subamendment agreed to on division)

**The Chair:** Now we're back to the amendment as amended on clause 6.1. That now reads “three”, and we are now talking about that amendment.

**Hon. John Godfrey:** You mean that clause as amended?

**The Chair:** I mean that clause as amended.

Are there any other comments on that?

**Mr. Mark Warawa:** I would like to quickly read this—it won't take but a moment—just to confirm with the clerk that we're voting on the same thing. It would read as follows:

The Minister shall establish a Sustainable Development Office within the Department of the Environment to develop and maintain systems and procedures to monitor progress on implementation of the Federal Sustainable Development Strategy.

The Office shall, at least once every three years after the day on which this Act comes into force, provide the Minister with a report on the progress of the federal government in implementing the Federal Sustainable Development Strategy. The Minister shall cause the report to be laid before the House of Commons on any of the first 15 days on which that House is sitting after the Minister receives it.

Is that what you have?

**The Chair:** That's correct. That's what we're voting on.

**Mr. Maurice Vellacott:** Some of this language is borrowed a little bit from Mr. Godfrey's. I think it was referred to earlier.

We still end up voting on clause 13 at some point later. There's nothing overlapping?

**Hon. John Godfrey:** Let's sort that out.

**The Chair:** Yes.

We have eliminated L-19 on page 38. I think that's the only one we have done anything with at this point.

**Mr. Maurice Vellacott:** We get into John's clause 13 here.

**Hon. John Godfrey:** We will—

**The Chair:** We will get there.

**Mr. Maurice Vellacott:** I know we shall, but maybe I'm making a partial point that with the adjustments and changes that have been made, it may be invalidating it or making it unnecessary.

Do you still think it's necessary, John?

•(1630)

**Hon. John Godfrey:** I have great faith in the committee.

**Hon. Geoff Regan:** We'll work it out.

**The Chair:** I don't think we should start second-guessing where we're going to go or we'll—

**Mr. Maurice Vellacott:** We'll cross-reference.

**The Chair:** We'll cross-reference.

**Hon. John Godfrey:** Okay.

**Mr. Maurice Vellacott:** That's acceptable, Mr. Chair.

I'm just trying to cross-reference ahead, because you're advising us to look ahead as opposed to looking back, right?

**The Chair:** We can't make amendments backwards.

**Mr. Maurice Vellacott:** We can't. Exactly.

**The Chair:** Right.

We're still moving forward.

**Mr. Maurice Vellacott:** Be aware about the old clause 13.

**The Chair:** Right.

**Mr. Maurice Vellacott:** That's all I'm saying.

**The Chair:** We are now voting on the new clause 6.1 as amended. The amendment, of course, was changing five to three, and that was carried.

Now we're voting on this clause, as Mr. Warawa read to us.

(Amendment agreed to)

(On clause 7—*Sustainable Development Advisory Council*)

**The Chair:** Clause 7 has two amendments.

Mr. Lussier.

[*Translation*]

**Mr. Marcel Lussier (Brossard—La Prairie, BQ):** Shouldn't we adopt clause 6, including subclause 6(1)?

[*English*]

**The Chair:** No.

We designated it as a new clause. Ultimately the numbering and the new version will show that.

[*Translation*]

**Mr. Marcel Lussier:** Okay. Thank you.

[*English*]

**The Chair:** Now, with clause 7, we do have two amendments.

Those are L-8 and L-9. They are found on pages 17 and 18.

We'll deal with page 17, L-8, first.

Mr. Godfrey.

**Hon. John Godfrey:** The first one simply broadens and is more inclusive of the definition of aboriginal peoples, as opposed to the strict legal sense of first nations. On this advisory council we would expect there would be a larger universe of people we might draw from, including Métis, for example. That's why we substituted “Aboriginal peoples” for “First Nations”.

**The Chair:** And you move that.

**Hon. John Godfrey:** I do.

**The Chair:** We have L-8, which we're now considering, which, as you've heard, takes line 30 and changes that from “First Nations” to “Aboriginal peoples”.

Are there any questions or comments?

Mr. Warawa.

**Mr. Mark Warawa:** The government supports this amendment.

**The Chair:** Okay.

Is there anyone else?

Are there any comments?

**Mr. Mark Warawa:** Could you call the question?

**The Chair:** I am calling the question right now.

We're voting on L-8.

**Mr. Maurice Vellacott:** I have a question.

**The Chair:** You have a question, Mr. Vellacott?

**Mr. Maurice Vellacott:** I have a question for Mr. Godfrey at this point. Did you have some consultations with the various aboriginal groups? Are they all pleased and happy with this change of terminology?

**Hon. John Godfrey:** It wasn't that I consulted with any particular group of people. It was pointed out to me that "First Nations" is a more restrictive term and applies to the 625 specific communities in the country, but that might exclude non-status aboriginals; it might exclude Métis. So it was designed to be a larger and more representative group of people.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Before we vote on this, I have an amendment that will be dealing with this clause but would be changing who's appointing the advisory council.

When can I table this?

**The Chair:** That should actually come first, because that deals with line 24.

**Mr. Mark Warawa:** I could use this as a subamendment.

**The Chair:** Mr. Godfrey, we have a slight problem here. I want you to withdraw this and then let Mr. Warawa introduce his new motion, and we'll deal with yours in a minute.

**Hon. John Godfrey:** You want me to withdraw it? And then I can resubmit it.

I withdraw it.

**The Chair:** Mr. Warawa, I believe we are dealing with lines 24 to 27. If everybody is looking at lines 24 to 27 in clause 7, this will now read:

The Minister shall appoint a Sustainable Development Advisory Council, composed of one representative from each province and territory, and three representatives from each of the following:

—and so on.

We would take out line 24 to 27 and replace it with:

The Minister shall appoint a Sustainable Development Advisory Council, composed of one representative from

—and so on.

We have an amendment, which will have a number, but everybody knows where it fits.

Are there any comments about that amendment?

Could you move it, Mr. Warawa, and explain it?

• (1635)

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

It's moved, and, again, I appreciate your kindness in allowing it to be tabled.

Requiring the Governor in Council to make appointments is unnecessary. Rather, the authority should go to the appropriate minister, in this case, the Minister of the Environment, who is ultimately responsible for the strategy and who will chair the advisory committee.

**The Chair:** Does everybody understand that?

Are there any comments or questions?

Shall amendment whatever number for clause 7, lines 24 to 27, carry?

(Amendment agreed to)

**The Chair:** Mr. Godfrey, I'll ask you to resubmit your amendment L-8. We've already discussed it and L-8 is moved.

Is there any other discussion?

Everyone understands we have removed "First Nations" and put in "Aboriginal peoples"?

Those in favour of L-8?

(Amendment agreed to)

**The Chair:** We now have amendment L-9 on page 18.

Mr. Godfrey.

**Hon. John Godfrey:** This was a very important addition, because as various folks, ranging from members of the government to the Speaker, have pointed out, we wanted to be absolutely certain that we did not find ourselves in a position that would imply a royal recommendation, because it cannot involve expenditures. We wanted to clarify that this was a non-remunerated job. This did not imply a new budget, and these are going to be volunteers without remuneration, not reimbursed.

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

Mr. Vellacott.

**Mr. Maurice Vellacott:** I understand the member is required to do that in terms of a royal recommendation and so on. The question I raise is on getting people to travel on their own dime across the country for these meetings, whatever the frequency is. Do you have some workaround proposal with respect to how that's done for those people coming a great distance?

**Hon. John Godfrey:** The easiest solution would be to have video conferences or teleconferences or something that would not require people to move, and that would also be environmentally more sustainable and in the spirit of the act, federally speaking.

**The Chair:** And the love for sustainable development would be the driver.

**Hon. John Godfrey:** Yes.

**Hon. Geoff Regan:** Bloody marvellous. You've thought of it all.

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

**Mr. Maurice Vellacott:** So there's absolutely nothing that can be given by way of...to get around the royal recommendation issue?

**Hon. Geoff Regan:** Mr. Chair, is Mr. Vellacott asking...? Is this from an excess of caution, or you're saying you're worried that it's too much caution? Is that it?

• (1640)

**Mr. Maurice Vellacott:** I'm just wondering what kind.... In terms of the importance of a job, we often say that you attach, to some degree, remuneration for it to the quality of people you're able to get.

I'm just raising the issues. I'm not saying we can't get quality people with this kind of a provision, but let's be realistic too.

**Hon. John Godfrey:** I would say simply that I think we all have sat on voluntary boards without compensation, and I don't suspect that has diminished the worthwhile nature of our contribution to those boards, and so have all the citizens who have elected us.

**The Chair:** I think, Mr. Vellacott, your point simply is about the quality, and whether you will get people to volunteer to do this. Knowing the community that's concerned about sustainable development, I think you will. I think the main point, the bottom line, is that if this involves spending, of course, that now becomes the whole problem when it comes to the House. I think it's fairly clear what Mr. Godfrey is trying to do.

Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** If these persons receive a remuneration, we will need a royal recommendation. This is an important question. If the government commits itself to make a royal recommendation, that's another story. I think that is the central thrust of the amendment which is presented.

[*English*]

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

Mr. Vellacott.

**Mr. Maurice Vellacott:** I understand the problem. I'm not trying to push us into a position where the government is committing on this in terms of royal recommendations. I well understand, because everybody around this table has probably served on voluntary boards, and sometimes that ebbs and flows, though, because of other commitments. I find voluntary boards tend to—sometimes the terms are more limited, people move on, they have to put a roof over their head and pay bills and all that kind of stuff. That's all I'm saying.

I accept the fact that people who are committed to these very important crucial concepts and so on will hopefully stand in for long enough so that we'll have continuity. My issue is also continuity. I'm obviously not making any commitment on behalf of government in terms of royal recommendation or even trying to draw us into doing it, because it will create some problems for us. I understand that, Mr. Bigras.

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

**Mr. Maurice Vellacott:** In concluding my remarks, perhaps Mr. Godfrey or somebody else might think of some creative ways to kind

of work around or address this issue to some degree without actually remunerating these people, but still honour them, recognize them, and affirm them in doing some pretty important jobs, in my view.

**The Chair:** We're talking, then, about L-9, on page 18. I think everyone knows what we're adding to that, or changing.

(Amendment agreed to)

(Clause 7 as amended agreed to)

(On clause 8—*Preparation*)

**The Chair:** We'll move on to clause 8. We have a number of amendments here: G-9, G-10, L-10, L-11, L-12, L-13, and L-14.

We shall begin then with G-9 on page 19. I should add that if G-9 is adopted, G-10 cannot be put. There's a line conflict. I don't think you're going to keep track of all of this. We'll ask the clerks to help us do that.

I'll just read it, and then we can work our way through it. There's a line conflict with L-10, L-11, L-12, L-13, and L-14. If G-9 or G-10 are adopted, L-10, L-11, L-12, L-13, and L-14 cannot be put.

As I say, I think rather than everybody trying to remember all of that, we should begin by working our way through this. Unless you want me to repeat that much more slowly and....

There are some problems with the different amendments.

• (1645)

**Mr. Mark Warawa:** You are saying there's a conflict, Chair. After we deal with amendment G-9—

**The Chair:** If we deal with amendment G-9 and it's adopted, then amendment G-10 cannot be put, and now we have line conflicts in some of the other amendments.

**Mr. Mark Warawa:** Could we have a five-minute recess?

**The Chair:** Sure. Everybody is just looking at these specifically.

**Hon. John Godfrey:** I guess part of it is whether they are going to go with amendment G-9 or amendment G-10, because they have submitted both of them.

**The Chair:** That is what they have to resolve.

Do you see what's happening there? Amendment G-9 and amendment G-10 replace the whole clause, so obviously then all of the other ones don't....

**Hon. John Godfrey:** Yes, but there's only one.... I was planning to do some withdrawing anyway. It's all good. There's only one there that I'm questioning.

**The Chair:** We will take five minutes.

•(1645) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1650)

**The Chair:** Order. Does everybody know where we are? We're on clause 8, and we're dealing with government amendment G-9 on page 19. You haven't moved it yet.

•(1655)

**Mr. Mark Warawa:** I so move.

**Hon. John Godfrey:** Is this amendment G-9 or G-10?

**Mr. Mark Warawa:** I think it has to be amendment G-9, because we've already decided on the three years instead of five.

**Hon. John Godfrey:** No, you'd have to go to amendment G-10.

**Mr. Marcel Lussier:** It's amendment G-10.

**Hon. John Godfrey:** They're exactly the same except for the numbers, aren't they?

**Hon. Geoff Regan:** We want amendment G-10, which is the three years.

**Mr. Mark Warawa:** Yes.

**Hon. John Godfrey:** Then you are withdrawing amendment G-9?

**The Chair:** Hold on. I believe amendment G-9 says five years and amendment G-10 says three years.

**Mr. Maurice Vellacott:** That's right, but they refer to two different aspects to be adopted under the three years. It's not the same.

**The Chair:** The wording is the same.

**Some hon. members:** No.

**Mr. Maurice Vellacott:** I'm talking about the three years we discussed earlier, which is a different thing.

**The Chair:** Mr. Warawa, I am looking for your guidance here.

**Mr. Mark Warawa:** I am moving amendment G-9.

**The Chair:** Everybody now has the motion that we're receiving from Mr. Warawa, amendment G-9 on page 19. Basically, this replaces everything in clause 8.

**Mr. Mark Warawa:** Can I share the...?

**The Chair:** Sure. Could you give us your logic?

**Mr. Mark Warawa:** I just realized we're going to have to come back to clause 5, but we can do that on the 26th.

**The Chair:** We thought we'd do that when we come back. We can fix it.

**Mr. Mark Warawa:** This refers to the schedule. We heard from a number of witnesses. The costs were going to be horrendous. I don't have the exact quote, but it was huge. Actually, here it is. It was Mr. Mitchell talking to Mr. Watson:

I would say that the schedule, as it now stands, covers the waterfront. If you were to expect a strategy to address all of this, you would be looking for a plan that was simply too huge and too complicated to be manageable, implementable, developable, measurable.

Anyway, this clears it up. It focuses on preparing short-, medium- and long-term targets in this area, as identified in the schedule. There are approximately 400 areas, with corresponding implementation strategies, and it would be a lengthy, complex, and costly process. It

would have vast jurisdictional logistic implications. Further, there is no scientific rigour to the selection of these areas over others. The strategy would be better focused on the key priorities. And we heard that before too.

I could go on, but I think there's a willingness to accept this, or amend it.

**The Chair:** Ms. Savoie.

[*Translation*]

**Ms. Denise Savoie:** I will move a subamendment because the text talks about a federal strategy of sustainable development. I would add "based on the precautionary principle". That's the subamendment I move.

I would also ask that you call the vote.

[*English*]

**The Chair:** Do you want to put that after subclause 8(1)? At the end of...?

**Ms. Denise Savoie:** That's right, "in accordance with this section, a Federal Sustainable Development Strategy based on the precautionary principle".

**The Chair:** Okay, everybody's following the subamendment that we have, so we have subclause 8(1), as it reads, "based on the precautionary principle".

•(1700)

**Mr. Maurice Vellacott:** We haven't passed it, though.

**The Chair:** We have not passed clause 8, no. We're on G-9. We're doing a subamendment to G-9, subclause 8(1). Where it says, "Federal Sustainable Development Strategy based on the precautionary principle" is the subamendment.

Let's speak on the subamendment.

Mr. Godfrey, did you need clarification? And then Mr. Bigras.

**Hon. John Godfrey:** The precautionary principle is already in the early part of the bill, as I recall. So what we're talking about is whether that definition, which has been put forward, is now operationalized in the "Federal Sustainable Development Strategy".

I don't have any objection to that. That would be a good thing, because we've already put it in as one of the principles of the bill, but

**The Chair:** It is in clause 2.

**Hon. John Godfrey:** It is in clause 2.

**Ms. Denise Savoie:** It's the definition. The definition is to operationalize it.

**Hon. John Godfrey:** Yes, that's true. So I'd be—

**The Chair:** Okay.

Mr. Bigras, other comments about this subamendment first?

[Translation]

**Mr. Bernard Bigras:** Mr. Chair, I think we must ensure that the sustainable development strategy is consistent with what has been started on the international scene. It seems to me relatively important that this strategy conform to the Rio declarations, among others. This way, we would be sure to have a good strategy, but it must be based on the precautionary principle.

I would therefore support this subamendment of the NDP.

[English]

**The Chair:** Okay.

Mr. Warawa.

**Mr. Mark Warawa:** As Mr. Godfrey pointed out, it is the placement in the bill. Where is the appropriate placement, and what are the consequences of having it at this place in this clause?

If I could have maybe a three-minute break to consult and then come back....

When we do go into the definitions of the precautionary principle, I'm going to be asking that it be consistent with CEPA 99, so you have that consistency to the legislation. It's slightly different than CEPA 99. I think it needs to be the same, because we've just done the CEPA review, which was very intense.

As far as the placement in the legislation, I'm assuming it's already in this bill because it has a definition. But if we could have a two- or three-minute break just to consult.... Is that okay?

**The Chair:** Yes. It is in the definitions, in clause 2, which we've stood, and we will get back to that, obviously.

**Hon. John Godfrey:** But the other challenge is that if it's not referenced at some point in the legal text, it's as if you could define anything you wanted that wasn't in the text, but why would you? And it was in the original version, so....

**The Chair:** Yes, I see what you're saying.

**Hon. John Godfrey:** But since the government has redefined what the precautionary principle is, it's the Rio definition, actually....

**The Chair:** We'll recess.

• (1700) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1705)

**The Chair:** Mark, that could be a friendly amendment, or do you want it as a subamendment?

**Mr. Mark Warawa:** No, we can do it as a friendly amendment.

**The Chair:** It has been agreed to accept as a friendly amendment that we add "sustainable development", and just for clarity....

That's if you want to. You don't have to accept that.

Go ahead, Mr. Godfrey.

**Hon. John Godfrey:** There are a couple of interrelated parts to this. The first is that one of the things we're going to return to is definitions. The Conservatives have put forward a definition for the precautionary principle, drawn from CEPA, to replace the definition in the draft bill.

We were always going to accept that. That's a fine definition for the precautionary principle. But to have the term defined, there has to be a reference in the bill to the precautionary principle.

**Ms. Denise Savoie:** That was the point I was making.

**Hon. John Godfrey:** What we're saying is that we will go along with this definition proposed by the Conservatives if they will, in turn, allow this to be reinserted, I suspect, the way it was originally. It would say "a National Sustainable Development Strategy based on the precautionary principle".

**Hon. Geoff Regan:** It is "Federal".

**Hon. John Godfrey:** Sorry, "a Federal Sustainable Development Strategy based on the precautionary principle", and we'll accept that definition from CEPA when we get to it.

**The Chair:** The question now is whether you accept that friendly amendment.

**Ms. Denise Savoie:** That's what I proposed, so I don't see any problem accepting it.

**The Chair:** Are there other discussions? We're on G-9, and we now have that friendly amendment to add.

**Hon. John Godfrey:** So we don't have to formally.... The amendment is her amendment, right? We're accepting her amendment. We don't actually have to vote, because it's her friendly amendment.

**The Chair:** We don't have to formally do anything.

**Hon. John Godfrey:** Yes.

**Hon. Geoff Regan:** So now the issue is....

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

**Ms. Denise Savoie:** Are you going to withdraw the first friendly amendment?

**Mr. Mark Warawa:** No, I think that's fine.

**Ms. Denise Savoie:** Oh, good.

**Mr. Mark Warawa:** I would also accept a friendly amendment to have "five years" changed to "three years".

**Hon. John Godfrey:** Terrific, we're on a roll.

**Mr. Mark Warawa:** Does that make everybody happy?

**Hon. John Godfrey:** Everybody's happy.

**The Chair:** Is that agreed?

**Mr. Mark Warawa:** That friendly amendment came from Mr. Godfrey.

**The Chair:** Is everybody with us?

We have G-8, and we've added, "based on the precautionary principle", and we've changed "five years" to "three years".

**Hon. Geoff Regan:** It should be five or less.

**An hon. member:** It is G-9, Mr. Chair.

**Hon. John Godfrey:** It actually could be described as G-10, if you wish. Anyway, let's not go there.

**The Chair:** Are there any other comments on G-9?

**Mr. Mark Warawa:** We're proceeding with the understanding that when we come to "the precautionary principle" in clause 2, we will be using CEPA.

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

So those in favour of G-9—

• (1710)

**Hon. John Godfrey:** You mean as amended.

**The Chair:** —as friendly amended....

(Amendment agreed to)

**The Chair:** We are done with clause 8.

Go ahead, Mr. Godfrey.

**Hon. John Godfrey:** Because they're consequential, amendments L-10 and L-11 are gone.

Now, this is a discussion. Amendment L-12 has basically been lost in the new version of clause 8. But let me invite a little discussion on this. The whole idea behind submitting the draft of the national sustainable development strategy to the commissioner for review and comment is whether these targets and implementation strategies can be assessed. That's the thrust of it. It wasn't that the commissioner was to approve of them.

But in the way it was set out, are these assessable? When the time comes for the commissioner to look it over, is it something where he has enough information to say this works or he has the right kinds of numbers here. It's really not asking the commissioner to rewrite anything or comment on it, other than how measurable this is. It's another stage of transparency. It's not intended in any way to prevent the government from doing what it wants. It's simply asking whether it is assessable.

As you will recall, we've taken out huge numbers of things. In other words, we're no longer going for the short, medium, and long term. We're not going on caps and emissions, economic instruments, full-cost accounting, etc. We've eliminated all that.

All we're saying is, would the government find it helpful to have the commissioner comment on whatever the government is coming up with from the point of view of whether this is ultimately assessable? It's not about whether the targets can be met; it's whether we can do the counting here.

Do you want to think a bit about that? I don't know whether we've got some—

**The Chair:** We could add this as a new amendment, right?

**Hon. John Godfrey:** It's just about accountability, really, to make it easier for the government.

**The Chair:** How about we make it a subclause (4), or a new clause.

Could we have your comments on that, Mr. Warawa?

**Mr. Mark Warawa:** Chair, the concern I have is that the commissioner would then be in a conflict. As this strategy is in its draft phase, he would be reviewing it and commenting on it. He's also going to be doing an audit on it. If I remember correctly, that

was one of the major cautions they had. You can't audit something you help provide input on.

**Hon. John Godfrey:** I think the difference is this. Are you gathering information in a form that is ultimately auditable? It's not whether you are meeting your targets or you are doing anything. From a technical point of view of the way you're presenting your targets, it's whether this is going to make it. It's like an auditor going in early and saying, "It will be much more helpful if you draw up your accounts in the following manner because I'll be able to make some sense of it". That's what that's about.

**Mr. Mark Warawa:** That's fine. Yes.

**The Chair:** Mr. Godfrey, could you quickly give us a line or two?

**Hon. John Godfrey:** Sure. If you take our—

**The Chair:** You're working with amendment L-12?

**Hon. John Godfrey:** Yes, L-12.

I guess we have to make this fit in with the new Conservative—

• (1715)

**The Chair:** I would suggest making it subclause 8(4). We have 8 (1), (2), (3), (4), but that becomes a—

**Hon. John Godfrey:** Are the drafters okay with 8(4)?

**The Chair:** It becomes a drafting thing, whether it's a new clause or—

**Hon. John Godfrey:** All right, we'll call it subclause 8(4).

**The Chair:** Sure.

**Hon. John Godfrey:** So we'll move this as subclause 8(4).

**The Chair:** Mr. Godfrey is proposing to make an addition. On clause 8, we have sub (1), (2), and (3). The proposal is to add a sub (4). He's going to give us the wording right now.

**Hon. John Godfrey:** It would be:

The Minister shall at the same time submit the draft of the Federal Sustainable Development Strategy to the Commissioner for review and comment, including as to whether targets and implementation strategies can be assessed, for which the Minister shall allow a period of not less than 120 days.

This goes on at the same time as submitting a draft to the Sustainable Development Advisory Council. So you have two things going on at the same time.

**The Chair:** What we have, then, is a subclause 8(4), and basically what we're saying is:

The Minister shall at the same time submit the draft of the Federal Sustainable Development Strategy to the Commissioner for review and comment, including as to whether the targets and implementation strategies can be assessed, for which the Minister shall allow a period of not less than 120 days.

Any comments on subclause 8(4)?

Mr. Warawa.

**Mr. Mark Warawa:** The government can support that.

**The Chair:** Okay. Any other comments or questions?

(Subamendment agreed to)

**Hon. John Godfrey:** Now we have L-13 and L-14. I think that's right.

**The Chair:** Yes.

**Hon. John Godfrey:** I think they're gone, right?

**The Chair:** They're gone, yes.

Now we have clause 8 as amended. Any comments?

(Clause 8 as amended agreed to)

**The Chair:** I think everybody is aware that the bells will be going in about 10 minutes, with a vote at 5:45. Have you agreed to...?

**Hon. John Godfrey:** If it's going to be substantive, Mr. Warawa wants some more time. But I think all of the changes proposed under clause 9 are simply "National" to "Federal".

**Mr. Mark Warawa:** We have one more amendment that we'll be tabling just now.

**Hon. John Godfrey:** To which clause?

**Mr. Mark Warawa:** Clause 9.

**Hon. John Godfrey:** Why don't you tell us what it is?

**Mr. Maurice Vellacott:** Can't we just adjourn?

**The Chair:** We can adjourn, but I understand that you have had a discussion. If this is substantive, I would suggest we adjourn. If it's not...

**Hon. John Godfrey:** Can we just find out what it is?

**The Chair:** Mr. Godfrey, just for your information, it's on line 27. The proposal is to change "the first three days" to "fifteen days", to be consistent with what we did earlier.

**Hon. John Godfrey:** Sure. Shall we see if we can get through 9, then?

(On clause 9—*Submission to Governor in Council*)

• (1720)

**The Chair:** So what we have are government amendments 11, 12, and 13. We can start on page 28, which is G-11.

**Mr. Mark Warawa:** I so move.

It's changing "National" to "Federal", to be consistent with the rest of the bill.

**The Chair:** We're doing G-11, which is actually a change we've already made, changing "National" to "Federal".

**Ms. Denise Savoie:** That's fair.

(Amendment agreed to)

**The Chair:** We will now go to G-12.

Mr. Warawa.

**Mr. Mark Warawa:** I so move. Again, it's changing "National" to "Federal".

**The Chair:** Okay, it's the same thing.

(Amendment agreed to)

**The Chair:** On amendment G-13.

Sorry, we have this new amendment, which is changing "three" to "fifteen". This is line 27, changing "three" to "fifteen days, after that on which the House is sitting".

**Hon. John Godfrey:** It's "thereafter on which that".

**The Chair:** This amendment says, line 27....

**Mr. Mark Warawa:** I'm just being consistent with other parts of the bill.

**The Chair:** I'm not sure, Mr. Warawa... "hereafter" instead of "after that". Do we have "after that" in the amendment? Yes, it's "thereafter". So the only change, then, is "three" to "fifteen".

(Amendment agreed to)

**The Chair:** Then we have amendment G-13.

(Amendment agreed to)

(Clause 9 as amended agreed to)

**The Chair:** We probably should say we've done quite well today. Congratulations, committee. I think we're ready to go and vote. Very well done.

The meeting is adjourned.







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