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Chair

Mr. Merv Tweed

Standing Committee on Transport, Infrastructure and Communities

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•(1535)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good afternoon, everyone.

Welcome to meeting number 33 of the Standing Committee on Transport, Infrastructure and Communities. The orders of the day are pursuant to the order of reference of Monday, October 5, 2009, Bill C-37, an act to amend the National Capital Act and other acts.

Joining us today, from the National Capital Commission, we have Ms. Marie Lemay, chief executive officer, and Mr. Russell Mills, chair.

We welcome you. I'm sure you've been informed as to the process, so please proceed and then we'll get to questions.

Mr. Russell Mills (Chair, National Capital Commission): Thank you very much, Mr. Chair.

Ms. Lemay and I are pleased to be here this afternoon and welcome this opportunity to comment on Bill C-37 and the likely impacts on the operations of the National Capital Commission.

In my previous career I was editor and publisher of the *Ottawa Citizen* for many years, and for most of those years the *Citizen* pressed the NCC to open its board meetings to the public. We were concerned about lack of transparency and a general perception of secret operations. I wasn't surprised when a large majority of witnesses who appeared before the mandate review panel called for open meetings.

[Translation]

The Mandate Review recommended that the board hold at least four meetings a year and that they should be open to the public.

Mr. Chair, we were able to act almost immediately on that recommendation.

[English]

It's given me considerable satisfaction to preside over open meetings since my appointment as chair two years ago—and the sky has not fallen.

Since I've arrived we've addressed some controversial issues. The decision about the environmental assessment of bridge corridors over the Ottawa River comes to mind. Open meetings give us legitimacy when decisions are made. If they're made behind closed doors, they're more likely to be questioned or misunderstood.

We are giving the public an opportunity to observe and to understand how and why our decisions are being made. Our agendas are posted on the NCC website in advance of each meeting, and the meetings are webcast live for those who cannot attend.

[Translation]

We do hold an annual general meeting where the public has an opportunity to address our board as well as an annual meeting where interest groups have the opportunity to address the board. And we have expanded an already active consultative process with stakeholders.

[English]

In board meetings when we're considering matters with commercial sensitivities or cabinet confidences, for example, those matters must still be discussed in camera. When that's necessary we make the in camera agendas public on our website.

We have also undertaken several other initiatives in the interest of greater openness and transparency, and they are in line with the recommendations of the mandate review panel. In some cases they go beyond the requirements of Bill C-37. We have an ombudsman who started her work a year ago. We fostered a culture of openness and transparency and made customer service a priority.

With my appointment as chair of the board and the appointment of Ms. Lemay as CEO, the government moved rapidly to implement the recommendation of the mandate review included in the Federal Accountability Act to separate the responsibilities of the chair and the chief executive.

[Translation]

The NCC was created in a very different era—half a century ago. And while, in spirit, the mandate hasn't changed all that much—modern governance standards certainly have.

[English]

One of the elements I'm particularly pleased about in terms of governance, Mr. Chair, is the repeal of section 15 of the National Capital Act, which places certain constraints on the NCC that do not apply to other crown corporations as it relates to transactions. This measure will have a significant impact on our ability to be open and transparent. It will allow us to treat more of the NCC's business in the public forum, business we were not permitted to do in public in the past—acquiring property, for example.

I'll leave it at that, Mr. Chair and ask Ms. Lemay to comment now on how the bill applies to the management of the major responsibilities of the commission's mandate.

Marie.

• (1540)

Ms. Marie Lemay (Chief Executive Officer, Executive Office, National Capital Commission): Mr. Chair and members of the committee, I have to say I'm very happy to be here this afternoon, and thank you for taking the time to listen to us on a very important subject.

I hope we'll be able to answer the many questions that I'm sure you'll have.

[*Translation*]

Since January 2008, I have had the privilege of leading an organization that has an extraordinary mandate and dedicated and professional employees that want to instil pride in Canadians by making Canada's Capital Region a place where Canada comes together.

Collaboration and partnership are two words that can be used to describe my approach to leading the NCC. We have worked very hard to renew the collaborative relationships with our stakeholders, our federal partners, various levels of government and the public. This approach is very much in line with the recommendations of the NCC Mandate Review Panel. We initiated meetings of the Tripartite National Capital Planning Committee—a forum where the mayors of the cities of Gatineau and Ottawa and myself, discuss many projects of mutual interest.

[*English*]

We have four meetings a year with the two mayors, and we are starting to see the results of these meetings.

We have also initiated a round table meeting with the 13 mayors of the national capital region, something that to my knowledge has never been done. Originally I had planned to have one meeting a year, and at the request of the mayors we have two a year, and we're actually holding our third one very soon in December.

These collaborations, in my opinion, are essential to helping us fulfill our mandate. Our efforts and collaborations extend far beyond just the municipal partners. We're working also with our federal partners. To give you an example, at our senior staff level we are having regular meetings with our colleagues at Public Works. We have also established a memorandum of collaboration with Parks Canada, a very important partner for us.

My overall message with respect to this bill is that we're extremely pleased that the government recognizes the importance of building a great capital for all Canadians, and we're confident that the proposed amendments give us the new tools to carry out our responsibility to enhance and maintain a world-class national capital region for all Canadians, a region that will make Canadians proud.

If you'll allow me, I'll briefly comment on how the proposed bill is going to affect the NCC.

First, the bill requires us to submit a master plan for the national capital region to the cabinet for approval at least once every 10 years. The plan for Canada's capital is an overarching plan that provides the vision for the capital region for the next 50 years. This is a very important document. I like to say that, with the proposed

amendment, it will now be the government's plan for Canada's capital. We expect to have a full revision of the plan for Canada's capital completed and ready for submission to cabinet and tabling to Parliament by 2013.

This seems like a long timeframe, but it's because there are extensive public consultations that are part of this process. One of our biggest challenges is to show to all Canadians the value of this capital, and hopefully we'll be able to call on you to help us do that, because we intend to involve you in that process too.

The review of this overarching plan for Canada's capital is proceeding in parallel with other plans we have: the capital urban lands master plan, the Gatineau Park master plan that you've heard about, and the greenbelt master plan. Those are three plans that also feed into the larger vision.

[*Translation*]

These plans all have a direct impact on the National Interest Land Mass. The National Interest Land Mass is comprised of lands that are considered essential to the functioning and experience of the Capital. Over time, the composition of the National Interest Land Mass changes through additions and, very occasionally, removals of lands that result primarily from revisions to these plans.

Bill C-37 will require us to develop regulations, criteria and a process before lands are designated for addition to, or removal from, the National Interest Land Mass. This bill will authorize us to make such regulations and this will be a public process. We see the incorporation of this concept into the legislation as enabling us to ensure the long-term preservation of the land mass and protection of Canada's "green capital."

The Bill clarifies and confirms our mandate with respect to transportation in the National Capital Region by explicitly referring to that function. This is helpful because it confirms the leadership role the NCC has played in recent years as the main federal representative for transportation initiatives in the National Capital Region. An excellent illustration is the one Mr. Mills cited with respect to environmental assessments for a new bridge over the Ottawa River. We are also leading an important study on the integration of interprovincial transit.

• (1545)

[*English*]

The NCC is responsible for coordinating development on federal lands in the national capital region. This is fundamental to our role as a federal planning agency within the capital, covering all planning, design, and development projects as well as proposals to dispose of or acquire lands.

The purpose of the amendment of section 12 of the National Capital Act is to clarify and modernize the language of the law to ensure that the NCC's authority clearly applies to today's types of transactions—for example, long-term leases by the federal government.

Mr. Chair, I'd like to turn now to the provision in proposed subsection 10.4(1) that requires us to manage all real property in accordance with the principles of responsible environmental stewardship. I have to say that in the 22 months since I became CEO, it's fair to say that there is no one issue that has taken more of my time than environmental stewardship. I've personally held more than 10 meetings with different environmental stakeholder groups to discuss their concerns.

We recently adopted an environmental strategy that provides a framework for strong stewardship. The strategy enlists our employees, stakeholders, and the public working together to create a sustainable capital. It centres on five priorities for action and sets measurable objectives for each. These are reducing waste, enhancing biodiversity, preventing pollution, combatting climate change, and positioning our leadership in environmental practices.

Proposed subsection 10.4(1) of the bill is entirely in line with this strategy. We expect it will strengthen our position and enable us to move forward with added confidence and certainty.

[*Translation*]

Section 10.4(2) requires us to give due regard to the ecological integrity of Gatineau Park. We manage the Park in accordance with the Gatineau Park Master Plan. This plan projects a vision of the Park as the Capital's conservation park, respectful of the environment and preserving it for present and future generations, while welcoming Canadians to visit and participate in recreational activities in ways that are respectful of the environment.

We believe the requirement regarding ecological integrity, together with the strengthened regulatory powers in this bill, will go a long way toward supporting the implantation of the vision in the Master Plan. The bill also provides that the Park's boundaries can be changed only by an Order in Council.

The NCC is actively engaged in buying private properties to further consolidate our ownership of park lands as was identified as a priority in the 2005 Gatineau Park Master Plan.

[*English*]

Since 2008, I've asked staff to prioritize and pursue acquisitions in the park, and we've acquired 17 private properties, totalling more than 111 hectares of land. As per the Gatineau Park master plan, our priority of acquisition has been for large lots—more than 10 acres, or 4 hectares—that can be subdivided, and lots that are located in ecologically sensitive areas.

We have just completed our conservation plan for the park, and we are now moving to identify ecological corridors outside the park that need to be protected.

The proposed addition to the bill that allows us to make regulations prescribing user fees is an essential element for the future of the capital region. We already charge fees to access some of our lands—for example, we sell daily and seasonal passes for skiing in Gatineau Park. It is certainly not our intention to charge for access to all of our properties. We have no immediate plans—and I repeat, no immediate plans—for specific new fees. This bill tells us that if we were to consider any new fees in the future, we must justify them

and receive cabinet approval prior to proceeding with implementation, which we are not required to do at present.

The specific recognition of the special nature of Gatineau Park should not be interpreted to suggest that we are any less diligent with respect to the environmental stewardship of the greenbelt. We apply the same management principles of protection of ecosystems to portions of the greenbelt. However, the greenbelt is not a uniform ecosystem; it is home to an international airport, institutional buildings, as well as environmentally sensitive lands. It is our opinion that the concept of maintenance or restoration of ecological integrity does not apply to the greenbelt entirely. However, the NCC will continue to apply very strict management principles to the natural areas, and we are looking forward to finalizing the review of the greenbelt master plan that is currently under way.

[*Translation*]

The Report of the Panel on the NCC Mandate Review proposed a comprehensive set of recommendations to give the Commission new tools and a new culture, appropriate for the 21st century. Since then, as much as possible, we have been working hard to implement the detail and spirit of the report.

• (1550)

[*English*]

Bill C-37 will close the loop. It will give us the missing tools to get the job done. We are enthusiastic about it, and we are committed to achieving a capital that Canadians will look to as a model of environmental stewardship—a capital for all Canadians.

Thank you, Mr. Chair and members of the committee. We welcome questions.

The Chair: Thank you very much.

Monsieur Proulx.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chair.

Welcome, Mr. Mills. It's a pleasure to see you on the other side of the table. It will be interesting to listen to you instead of reading what you think.

[*Translation*]

Welcome, Ms. Lemay, to you and your team. You have a remarkable team, and we are pleased to see them accompanying you today.

[*English*]

Mr. Mills, I want to start with a few short questions to you.

Proposed subsection 3(1) reduces the number of members of the board to 14. Have you figured out a way to solve the problem when there's an equal vote? I can't find anywhere in the bill where you would have a casting vote. What are you going to do, flip a coin?

Mr. Russell Mills: Well, having an odd number is no guarantee that's going to be how the vote is cast. We have members from across the country, and quite often someone will be unable to attend, or when we do have a meeting, someone will declare a conflict and be unable to vote on something. In my two and a half years, we have never come to a close vote on anything.

My view is that the NCC is a unifying body that has a mandate to bring Canadians together. I think a narrow vote would be very unhealthy. I would move heaven and earth to make sure that didn't happen—and it has happened before. If you see something heading toward a very narrow decision, you'll seek an amendment or something to change the motion to make sure there is broader consensus.

Mr. Marcel Proulx: In other words, you'll operate on the assumption that there will always be somebody missing. I don't find that very strong, but that's the way it goes.

By the way, you realize that we are limited in time?

Mr. Russell Mills: Yes.

Mr. Marcel Proulx: Proposed section 10.1 describes the master plan. Would you have any objection if that master plan had to be approved by Parliament rather than by cabinet? As it is in your bill, it will be approved by cabinet. It will be tabled in Parliament, but Parliament will have no say in it. If we were to change it and say, "This master plan has to be approved by Parliament", could you live with that?

Ms. Marie Lemay: Monsieur Proulx, what you have to remember is that the plan for Canada's capital is an extremely important document.

Mr. Marcel Proulx: No doubt.

Ms. Marie Lemay: It needs to have buy-in from everybody, all Canadians. How do we engage them? Right now, it doesn't even need the approval of government, only the approval of the board of directors. We're happy that it needs the approval of government.

As to your question on Parliament, it would be a great thing in spirit. I would hope that we'd be able to engage every member of Parliament on this. Everybody should know that you're behind it and that you're going to get your constituency behind it. The only caveat would be the timing. You know more about the process of approval in Parliament than we do.

Mr. Marcel Proulx: It's very easy to get approval by Parliament.

Voices: Oh, oh!

Ms. Marie Lemay: There could be a question surrounding the time this adds to the process.

Mr. Marcel Proulx: It's very easy to get approval.

Mr. Mills, in the new bill, subclause 9(1) adds to the NCC's mandate certain responsibilities for transportation in the region. I think the bill must be much more specific about transportation in the national capital region. How would you feel if we established that the NCC would be involved in the planning of interprovincial transportation, roadways, public transportation, and would be responsible for all bridges crossing the Ottawa River in the national capital region? You already have two bridges: the Portage and the Champlain. The other bridges are under Public Works and

Government Services Canada. If we were to get these transferred to the NCC, with the necessary budgets, how would you feel about this? You would be responsible for transportation issues, including future bridges. By the way, I'd like to talk to you one of these days about two bridges—one in the east end and one in the west end.

How would you feel about having the mandate on the bridges?

• (1555)

Mr. Russell Mills: Our mandate is to build a unified capital here, unifying both sides of the river. Transportation is an essential part of that. If responsibility for all the bridges was given to us, along with the appropriate funding, I think that would be perceived as a positive thing, though I can't speak for the whole board. Transportation in the national capital could be a lot more unified and better planned than it has been.

Mr. Marcel Proulx: What about the planning on transportation, on roadways, and so on? You wouldn't be allergic to being part of that, would you?

Mr. Russell Mills: Marie.

Ms. Marie Lemay: We are already part of the planning, but we are eagerly looking to play an even bigger role in facilitation and leadership. The only caution is municipal governments. I have a lot of respect for municipal governments. They have their responsibilities, and our role has been mainly one of facilitation. We'd have to ensure that we're not treading on their jurisdictions, but that is more your prerogative.

Mr. Marcel Proulx: If you're part of the planning, you have to be very active in the planning with the municipalities. I'm not saying you should expropriate the municipalities, but you should be very active with the municipalities and the provinces.

Ms. Marie Lemay: As a matter of fact, in the plan for Canada's capital, one component that we're looking to add this time, with this new clarification, is a framework on transportation. We didn't have one in our last plan, but we intend to address the issue this time around.

The Chair: Go ahead, Mr. Nadeau.

[Translation]

Mr. Richard Nadeau (Gatineau, BQ): Thank you, Mr. Chair.

Good afternoon, Mr. Mills.

Good afternoon, Ms. Lemay.

The National Capital Commission is an organization that has significant powers. As part of its mandate, it must ensure that the importance of the National Capital is showcased both to Quebecers and Canadians, and even internationally. It must make the Capital both an attractive and a valued place.

I came to this region in 1979. I've seen the changes made over the years with a view to transforming Ottawa into a forum for the G7, at the time, and today, for the G8.

However, the fact remains that Gatineau Park is crucial to the NCC's planning. I know that it's not everything, but it is important, certainly on the Quebec side of the river. We know that in the past, the NCC bought private lands to ensure that the Park would be more of a public place. We also know that the NCC sold lands under agreements, either because it needed money or because it was obliged to do so for many other reasons.

The expression that comes to mind after your presentation is territorial integrity. There is also the issue of the role that the Quebec government should play in the decisions made by a board—made up of people from all over the place, including certain Quebecers who are a minority on this board, both previously and now—should the bill be adopted in its current form.

I would like to know your opinion as to the idea of having to secure Quebec's agreement if, for example, the NCC wanted to sell part of the land or make changes to the National Interest Land Mass. This would affect, among other things, 17% of the territory within the Park that belongs to the Quebec government, but for which management was delegated to the NCC in 1973.

That is what is happening in the case of national parks. For example, if Banff National Park was to be enlarged, Alberta would have a say therein. I know that that is not the case currently as concerns Gatineau Park.

Would you be in favour of an amendment to allow Quebec to have a say in this matter?

•(1600)

Ms. Marie Lemay: Mr. Nadeau, I hope that this will answer your question.

Since 1997, when the board ruled on the boundaries of Gatineau Park, there has been no sale of land within these boundaries to private interests. There have only been purchases.

As you know, within the boundaries of Gatineau Park, the land is considered land of national interest. So, I'm not sure I completely understand your question.

Mr. Richard Nadeau: If the NCC decided, for example, for whatever reason, to sell land, and some of that land made up the 17% of the territory belonging to the Quebec government—

Ms. Marie Lemay: You know that the 17% is covered by a management and operation agreement with Quebec. The agreement that was signed with the province requires reciprocal approvals from each party on what will be done with this land. So if we wanted to do anything at all with that 17% of the area, we would have to consult our Quebec colleagues. If the province wanted to do something on the site of the CEGEP de l'Outaouais or the college, it would also have to ask for our opinion, because the agreement requires it.

Mr. Richard Nadeau: So the agreement is clear.

Ms. Marie Lemay: The land you are talking about, the 17% in the 1973 agreement, falls under this agreement. It was an exchange.

Mr. Richard Nadeau: All right.

Let me raise another matter: development inside the park.

There is the issue of the right of first refusal if land owners inside the park wanted to sell some or all of their property.

Would you like a right of first refusal to be included in the bill?

Ms. Marie Lemay: To answer your question properly, I should first explain how we proceed at the moment.

Since I arrived at the NCC, staff have been assigned to purchase land inside the park. We get in touch with people and we go by market value. So the people have to want to sell and we have to have the money. That is how we work.

Since we began, we have purchased 17 parcels of land, totalling more than 111 hectares. It did not work for two properties, I feel, because the owners were not interested in selling their property at market value. We must also consider the interests of the taxpayer. So we were not able to acquire those two lots.

We drew up a list of priority acquisitions based on the Gatineau Park Master Plan, that is to say, large areas of land and sensitive areas. Take as an example a house built on a one-acre lot that is already damaged. The NCC is not really interested in purchasing a damaged house on the shore of Meech Lake for \$700,000. I would rather keep the money for land that can be subdivided and where we could do a lot of construction.

This approach has been very successful. I think that a right of first refusal would not have changed anything up to now, at least since I have been here. However, if you decide to include a right of first refusal, please make sure that you include the details, such as what the right of first refusal means, how we proceed, whether market value is an issue, or if it is simply a way to add value. Details like that are very important if you decide to go that way.

Mr. Richard Nadeau: In the bill, making environmental integrity a priority would prevent, for example, the subdivision of private property in order to add new structures, be they houses, extensions or garages and so on.

Would you be comfortable if subdividing or parcelling land for sale were excluded, and if we did not allow private property to further affect the environmental integrity of the park?

Ms. Marie Lemay: I think that there are two sides to your question. Of course, we are in favour of the park's environmental integrity. With regard to priorities, I would like to caution you about one thing. In managing Gatineau Park, conservation is a priority, as we decided in the 2005 master plan, but we must manage the park as a whole. There are recreational activities that do respect the environment.

If we want to improve or repair a service area, must we absolutely put it somewhere else in order to protect an ecosystem? We have to be careful. I know that the people from Parks Canada are a little uncomfortable with that. We certainly do support environmental integrity.

With regard to subdividing, to my knowledge, that is up to the municipality, but we will live with what you decide. We respect municipal jurisdiction because we are on municipal territory. This is a decision we have made.

•(1605)

Mr. Richard Nadeau: Thank you.

[*English*]

The Chair: Go ahead, Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): Thanks, Mr. Chair.

Thank you for coming here today.

I've been interested in the relationships between the chair and the commission. Would this bill change any of those relationships? Commissioners are appointed across Canada to sit on this board. What's the working relationship right now with those people? When it comes to the decision-making, the greater public involvement here, are the commissioners included as part of the process?

Mr. Russell Mills: Up until three years ago the NCC had a combined chair and chief executive role, and that's the way it had been for the first 50 years of the organization. Marie and I are the first people who have filled the roles of chair of the board, which is for me a part-time position, and full-time chief executive, which is Marie. We've tried to be very respectful of each other and not tread on each other's areas.

The chair is merely one member of the 15-member board and has some responsibilities for the smooth functioning of the organization and relationships between management and the board. But I consider all of the members of the board from across the country to be equals in their participation in the oversight and governance of the commission.

Mr. Dennis Bevington: When you're conducting much more in-depth consultations with mayors from this region, would the board members be present?

Mr. Russell Mills: No.

Mr. Dennis Bevington: So you would be separating the public response, the ability to interact with decision-makers here, within these communities around the National Capital Commission. Your board members wouldn't be privy to that discussion or have an opportunity to question those people?

Mr. Russell Mills: No, this is a management function, and the board is briefed on these discussions at its meetings and in the CEO's report.

Mr. Dennis Bevington: So in a way it's changing the relationship, because before you had one chairman and a chief executive officer together, you had a 15-member board, and you had much less consultation in a regular fashion with the political leadership of these communities.

Mr. Russell Mills: All of that was done by the person who was the combined chair and CEO. If you speak to board members, ordinary board members or members of the commission from those areas, they will say that they had a lesser role than they do now. That's one of the problems with putting too much authority in one person's hands. The board gets a little bit marginalized. The new structure we have is generally perceived to be a better structure, better governance, and I believe it has worked that way.

Ms. Marie Lemay: If I may, on that point, what's interesting is that in the last two years, in terms of the executive committee that

was in the legislation, this board has never made use of the executive committee because the board meets more regularly. With the technology today, the board is involved all the time. There were over 10 meetings last year. I'd say there's much more involvement of the board in decisions now.

•(1610)

Mr. Dennis Bevington: When it comes to the master plan, could you maybe describe in a little more detail how that's going to work under Bill C-37?

I'm sorry if I'm asking things that may have been.... It's my experience with national parks that master plan changes are very slow and cumbersome. Now, you have a much more responsive master plan that you can adapt to the great responsibilities that you're given to interact with dynamic cities and communities, yet in following a plan that's set out over 50 years, you also have to respond to what these communities want and what they require for their own use within a very short period of time. How does that work with a master plan that's ongoing over that great length of time?

Ms. Marie Lemay: It's interesting because you're really pointing at one of the big challenges of the NCC in terms of acting locally with a national mandate. You're talking about these communities—and I'm assuming you're talking about the municipalities here—and we have a national mandate. So when you look at the plan for Canada's capital....

We have a plan. We've had several plans for Canada's capital. I think it's still a long process, but it has to be a long process because you have to consult, you have to get all the great minds thinking, involving Canadians. This is what we're going to try to do even better this time: reach out to Canadians to get their input on how they would like to see their capital. Part of our mandate is to inspire pride. It's not an easy thing to do. So we have to really engage them. We have to find ways to connect with them so that they know about their plan for Canada's capital, and that you, members of Parliament, really know about this tool and believe in it.

Having said that, we deal with the municipal component on a regular basis. There won't be any surprise through this plan. We coordinate it. This is one of the things that's achieved by the meeting of the mayors and me. We've started integrating our planning processes, because sometimes we consult the same people on the ground. For example, the City of Ottawa right now is redoing its operational plan. They have agreed not to touch the greenbelt until we're finished our greenbelt master plan. So we're going to finish our greenbelt master plan, and then it's going to feed into their operational plan at the next round. We are now trying to really integrate our planning processes so we can build on each other's.

So the plan for Canada's capital is not going to be a surprise to the local municipalities. Our big challenge, in my opinion, is going to be to get Canadians to really see this capital as their capital and be so proud and so engaged in it. You'll hear more about this, I can promise you.

Mr. Dennis Bevington: Do you want to add anything to that?

Mr. Russell Mills: No, thank you.

The Chair: Thank you.

Mr. Mayes.

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Thank you, Mr. Chair.

Mr. Mills and Madam Lemay, I commend you on the work you have done, the leadership you have provided to the NCC in improving transparency and accountability. I think it is important. I'm sure it functioned well before, but still, I think the openness gives the public confidence in what you do. So I congratulate you on that.

One of the issues that has been brought forward to this committee by other witnesses is the greenbelt, and it's an important issue. As far as the planning of that, it's great that you're dealing with the municipalities on the greenbelt, but there is planning that can be done. If you're on the Trans-Canada Highway and you drive by Banff, unless you really look, you won't see it because there is a treed buffer that separates some of the commercial areas from the natural areas. There are these kinds of things to plan around. The road system, I think, just improves the quality of the park and gives those people wanting to see the corridors for wildlife and more of a natural setting.... It just improves that.

So I'm just wondering, first, if you see that for your greenbelt plan, and secondly.... I'm from British Columbia. We have what we call our "agricultural land reserve", ALR. The municipality cannot subdivide or do any development on agricultural land unless it has approval from the Agricultural Land Commission. Do you have that kind of authority with the municipality so that if they wanted to build a shopping mall on the greenbelt, for instance, you could say, not necessarily no, but this is what they have to do, they have to comply by putting that shroud of trees, or whatever it is, for the sightscapes of the park?

• (1615)

Ms. Marie Lemay: There is a lot in that question.

I've often heard the Gatineau Park and the greenbelt referred to as the two lungs of the capital region. They are really two very important assets in the region. We consider them both national treasures that we have the mandate to manage and take care of.

In terms of the greenbelt, we certainly have control over the land we own. When a municipality or a city owns land within the park, or when private owners own land within the confines of the greenbelt or the master plan, the Gatineau Park, then you have municipal jurisdictions. That goes to two things. First, that's why it is so extremely important to have that collaboration with municipal governments, and I have to say that so far it's worked very well. Only on very rare occasions would we not agree on a designation of lands within our boundaries. It also goes to acquisition, to the NILM concept. If you consider that lands are essential to the mandate of NCC to build a great capital for Canadians, then you should identify those lands, and when the seller is willing to sell and the money is there from the buyer, you should acquire them, because you've identified that the lands are important, and then you have control over their destiny.

I would like to pick up on the process for the greenbelt master plan review. The greenbelt master plan that we have right now dates from 1996, so it's old, and things have evolved quite a bit. We've

started the process; we're at a very exciting stage, the vision stage, which has precipitated a lot of interest. We've had a lot of participation from the public and from the different municipalities. We have an international symposium coming up. I am very hopeful that the result of this review, which is due in 2011, will give us an up-to-date 21st century greenbelt master plan with a strong vision for the future.

Mr. Colin Mayes: We've invited the Province of Ontario and the Province of Quebec to this committee, and they're not going to attend because they're comfortable with the work the NCC has completed and the act that's before Parliament.

There was a lot of collaboration with the NCC on the act. Going forward, are you completely satisfied that the tools are there so that you can do that better job that Canadians can be proud of and buy into, and that you can also protect the natural assets of the national capital region while also having a place for people?

I always feel that there are two aspects to areas like this. There's the passive park and there's the active park. One is focused on participation of the public so they feel as if they're part of this. Then there's also the passive side, which involves protecting habitat for wildlife and preserving the natural setting. With the act the way it is and the work that has been done, do you feel comfortable that you can move forward now with confidence, aside from needing more money?

Mr. Russell Mills: I'll take on the governance part of it.

First, thank you for your comments about openness. We're very pleased with what's happened. The new tool in the act, as far as that's concerned, is the removal of the spending authority limits. It will make us similar to other crown corporations. Over the past couple of years, it's been a bit frustrating to me that we've had to do a lot of these acquisitions through an in camera meeting because the prices were beyond our spending authority. I think it will be part of building a capital that will allow people to see what we're doing and see that we're very active in acquiring property and building up Gatineau Park. Again, it will be much more open, so I'm very much looking forward to that in the new act.

I'll let Marie comment on the other parts of your question.

• (1620)

Ms. Marie Lemay: I was just going to say that if you do a search in the act as it was, there's not even a mention of environment, but if you look at the amendments now, there's a lot of environment and ecological integrity in there. For us it is right in line with where we want to go. What it means to us is that no matter who is sitting in these chairs, that's where we're going as the nation's capital. It is a huge step forward.

In terms of the plan for Canada's capital, I think we should not underestimate the importance of government having to approve this. We see it as very important, because it will give it a whole other level of attention. Let's put it that way.

Giving us the tools in terms of regulations is very important too, because although it's nice to talk about the environment, you're stuck if you can't have regulations to enforce your policy. This act addresses that aspect, so the answer would be yes.

[Translation]

The Chair: Mr. Proulx.

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

Ms. Lemay, regarding the 17% area in the Canada-Quebec exchange that you mentioned, the transaction has never been finalized. The land belonging to the Quebec government that was assigned to the Canadian government still belongs to the Quebec government and vice versa. The CEGEP is built on land that belongs to the Canadian government and the land that belongs to the Quebec government that you accepted in the park still belongs to Quebec.

Ms. Marie Lemay: Actually, the agreement transfers control and management. As far as we are concerned, this agreement has been finalized. The control and management of the land must obviously have been handled because, as you say, the CEGEP was built. We manage the land, but we still have to transfer the deeds of this property. In the registry, the NCC still owns the CEGEP land, and vice versa. That is the only part that remains to be done, and we are working hard with the Quebec government to get it done.

Mr. Marcel Proulx: All right.

My other question is about the park boundaries. I asked the committee for a map showing the details of the park. We were given an 8.5 x 11 sheet showing the National Capital Region, which did not help us very much. Then we asked for a bigger map and they sent us the same one, except that it could be projected on a wall, which did not help us either.

Are we right to say that the 36 pages of the bill that give the local description—that only my lawyer friend can understand—really represent the boundaries as determined by the board of directors? I believe that this happened on three occasions: 1960, 1997 and 2008.

Ms. Marie Lemay: Actually, the 1960 and 1997 boundaries are not exactly the same, but the 1997 and 2008 boundaries are.

Mr. Marcel Proulx: They have evolved over the years.

Ms. Marie Lemay: The 1997 and the 2008 boundaries are the same and they are set out in the technical description that is attached. The description was prepared by land surveyors; I did not do it myself. One of the reasons why the process is so long is that there is a part of the Pontiac region that has not yet had its cadastre updated. We are still discussing portion of lots, and it gets very complicated. This is why you have all those pages.

Mr. Marcel Proulx: Proposed subsection 10.4(2) begins as follows: “The Commission shall give due regard to the maintenance of the ecological integrity ...”. If we changed that to: “The Commission shall give priority to the maintenance of the ecological integrity [...]”, would you agree?

Ms. Marie Lemay: I will give you the same answer as before. Our only concern is for the management of the Park. Priorities must be determined. Does that mean that there will be no investments in physical facilities for the park, such as the visitor service centre and other places, and that all the funds will be devoted to environment stewardship?

However, we do agree on the definition of park maintenance or restoration.

[English]

Mr. Marcel Proulx: Mr. Mills, speaking of ecological integrity, how will you react when we come forward and suggest very strongly that maintaining the ecological integrity of the Gatineau Park must also be applied to all other NCC properties, such as the greenbelt in Ottawa, and all lands of national interest?

We have been talking about a master plan for the greenbelt. We've had witnesses in front of us saying that the greenbelt for the longest time hasn't had an official standing as such, and residents of Ottawa would appreciate knowing that the greenbelt is—I can't use the words “poured in concrete”, but basically that's what they're looking for. How would you react if we were to say to you, in the bill, that this ecological integrity must also be applied to the greenbelt and other properties?

• (1625)

Mr. Russell Mills: This has been studied in detail by the NCC staff, so I'll let Ms. Lemay comment on it.

My comment would be that the greenbelt is a much more diverse area than Gatineau Park. It contains many different things. There's leased agricultural land. There are very environmentally sensitive lands, a wetland called Mer Bleue to the east of the city. There's an international airport. Nortel has a leased property there. So applying one standard like that to the entire greenbelt would pose great difficulties, I believe.

The Chair: I'll have to ask Ms. Lemay to comment. We're way past the time now.

Mr. Marcel Proulx: Really, it's so interesting.

The Chair: Ms. Lemay, do you have any comment on top of that?

Ms. Marie Lemay: It's a really tough question, Monsieur Proulx, because we do have some very important sensitive areas in the greenbelt, like Mer Bleue, which has an international designation, a Ramsar designation, that we do maintain with the highest level of protection of the ecosystem. But, again, to apply that ecological integrity concept to the greenbelt, in our mind, is not feasible, because of...

Mr. Marcel Proulx: There's nothing now.

The Chair: Monsieur Nadeau.

[Translation]

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

I would like you to clarify the situation further. The CEGEP is on NCC land, that is, federal territory. In consideration for this, the Quebec government exchanged land with the NCC. Is that correct?

Ms. Marie Lemay: We have to be careful what words we use.

An agreement was signed in 1973 governing the transfer of land control and management. This agreement included an exchange of management and control responsibilities. The NCC owned land situated among other places, on Mont-Bleu Boulevard, and the Quebec government owned land in Gatineau Park. The agreement provided for an exchange of the control and management of these lands. That was done, and that is the situation today.

In practice, it's as if we were owners. We manage that land. If an accident occurred there, we are the ones that people would probably come to. I suppose that the Quebec government does not consider itself our tenant, and indeed, we charge very little rent. So for us, it's a fait accompli, we simply have to finalize the paperwork.

Mr. Richard Nadeau: As concerns what Mr. Proulx said earlier, I think we agree. It's just a question of wording, but God knows how important wording is in legislation.

Our intent was to ensure that the Commission ensures preservation and—this is a word that did not appear in the text—restoration. This concerns the proposed section 10.4(2). The aim is to place special emphasis on ecological integrity. So this is an additional obligation. It's simply motherhood and apple pie. That's why we expect everyone to agree. However, the money needs to follow.

Ms. Marie Lemay: If you want to add the words "or restoration," we would agree.

Mr. Richard Nadeau: "Or restoration" rather than "and restoration"?

Ms. Marie Lemay: "Or restoration."

Mr. Richard Nadeau: Fine. We will look at that.

This question has already been raised, but I think it is important. The NCC has a great deal of power, given that it goes through the governor in council rather than through Parliament when it wants to make major changes. I presume that you comply with the legislation once it is adopted. You do what must be done based on what has been laid down by law. I don't know whether you have thought about this, but I would like to give you my viewpoint on it.

Going through Parliament is a much more open process. There are committees where the entire population can express itself through spokespersons. Going through the governor in council is quicker, but the general public is not included in this process.

• (1630)

Ms. Marie Lemay: First of all, we have to consider the initial situation, the framework in which we work. In many instances, we do not need to obtain government approval for expenditures or the plan. In my opinion, the Chair of the NCC Mandate Review Panel, Mr. Paquet, expressed this aspect the best. He made his comments during an interview, after the legislation had been tabled. He more or less said that it was as if the government had given the NCC flexibility, but within a framework that was quite strict. This is interesting. Indeed, we have the impression that there are more

controls, but that we have a little bit more elbow room within this framework. That is more or less what we feel.

Mr. Richard Nadeau: Another aspect is consultation.

Previous groups have told us about the way that Québec parks operate when it comes to nearby or neighbouring lands, compared with the way that the NCC operates. Plaisance Park springs to mind, for example. It was pointed out that civil society and environmental protection agencies are much more comfortable working with the Quebec government because of the way it operates. We were told that there was greater and adequate cooperation and that they were given a say in environmental management.

There is consultation at the NCC. But, are there any parameters around the way that you operate? Do you see the need—which may not necessarily be prescribed in the legislation—to be more proactive in working with organizations on matters that have an impact on them?

Ms. Marie Lemay: The NCC has always consulted interested parties. I must point out that we are going through quite a transformation when it comes to consultation. We are in the process of completely changing the way we do business, not only to consult but also to engage both stakeholders and the public in the process. I hope that these people who raised this issue are also aware of the tremendous amount of change that has taken place over the past while and which is still occurring as we speak.

I will give you the example of the Gatineau Park Master Plan. A public advisory committee was struck to develop the plan. We now do this for all of our master plans. So a stakeholder committee follows the review process for the plan. We did the same thing when we reviewed the Greenbelt. A public committee monitors all of that. Once this has been completed, the committee is dismantled.

Next year we will be reviewing the plan for Gatineau Park. We will be assessing where we are and whether or not the plan is being implemented properly. Public consultations will be held. Since we adopted the Gatineau Park Master Plan, we have developed the park conservation plan, once again in consultation and cooperation with stakeholders. We have a full series of plans. We have the recreation plan.

So stakeholders and the public are engaged in the process. We have no choice in the matter anymore. The principles of openness and transparency have given us no other option. And it is not only because we want this to occur: the external environment is pushing organizations to act on this matter, and that is good.

[English]

The Chair: Thank you.

Ms. Hoepfner.

Ms. Candice Hoepfner (Portage—Lisgar, CPC): Thank you very much, Mr. Chair.

I want to thank the witnesses for being here. I also want to thank you for your commitment to openness and transparency. I think you are really displaying that the direction you have taken is the one you wanted to take.

I want to build on some of the questions that have already been brought forward and some of your testimony. You said you've met and will continue to meet with 13 mayors of the national capital region. So those meetings will continue to take place and they will be part of the work you do when you develop the master plan. Is that correct?

Ms. Marie Lemay: Yes, they will continue to take place as long as they want to meet with us. They've been very eager so far. They will inform the development of the master plan, but they will do much more than that.

It's interesting, because there are 13 municipalities of different sizes. My thought at first was about what the common link would be, but things like transportation, environment, the Gatineau River, bicycle paths and cycling are of interest to all. So they will inform the plan but will do much more.

• (1635)

Ms. Candice Hoepfner: I represent a riding in southern Manitoba, and we have a lot of municipalities. The leaders live with the people they represent. They shop with them, they are their neighbours, and their kids go to the same schools. If individuals are not happy, they tell them in the street, "We're not happy with what you're doing. We're not happy with the direction you're taking on a particular issue." They also tell them at the polls.

The Mayor of Chelsea was here and was very credible, given his position. He does answer to his constituents. If he doesn't represent their views, they will let him know in many different ways. He told us about a couple of groups in Chelsea: H2O Chelsea, and Nature Chelsea. Volunteers test the water and share that information with the NCC.

Is that indicative of some of the other relationships you have with municipalities?

Ms. Marie Lemay: Yes. The Mayor of Chelsea is one of the 13, and there are four mayors who represent municipalities that are affected or benefit from the Gatineau Park. So that's part of the collaboration. We also signed a memorandum of collaboration with the Municipality of Chelsea just a year ago, so there are many more exchanges.

Ms. Candice Hoepfner: Yes, he spoke about that.

Ms. Marie Lemay: And it may reassure you to know that I spent 15 years working for municipal government, so I really do understand and respect the work they have to do. There is no way we can deliver on our mandate if we don't collaborate with the municipal governments.

Ms. Candice Hoepfner: Absolutely, and I think we need to realize and give credit where credit is due. Those are the individuals who are working most closely with the public. As I said, they meet them on the street; they see them day to day.

We can come here. It's a little easier to have the distance. Those municipal leaders are right there, and I think we need to give credit to that and we need to give them basically the power to do what they're doing and not discredit them and say, "No, we want to be able to approve it." They know what they're talking about. They're dealing with individuals. So I am pleased to hear you are having and continuing with the collaboration.

We've had a few different witnesses who have been here. Some of them have said they want Gatineau Park to be a national park and some have said they don't want it to be a national park. Some have said they want it to be a national park with all the benefits but none of the responsibilities. So we're hearing a few different messages.

My concern and my question for you is this. With your approach to conservation and protecting the ecological integrity of Gatineau Park, how would that protection be compromised or different if it were a national park? Can you just talk a little bit about the differences?

Ms. Marie Lemay: The first thing that needs to be very clear is that Gatineau Park is a really important asset in building a capital for Canadians. It is not just a park; it's a jewel in the capital region.

Our mandate is to build a great capital for Canadians. Within that, how do we really take care of that park that has such an importance to the capital region? We have numerous exchanges with our colleagues at Parks Canada. We believe we do manage it at the level that Parks Canada would manage it. We collaborate a lot. The things I talked about—the conservation plan, the ecological corridors that we're about to identify... We have 40 scientific research projects that go through every year in Gatineau Park in collaboration with scientists to bring the knowledge up. We have biologists working in the park. We have 20 employees there. We do manage the park according to the Gatineau Park master plan; that's our bible. But the things in there are really very much in line with how Parks Canada manages its parks.

Ms. Candice Hoepfner: It's very similar.

Ms. Marie Lemay: Yes.

Ms. Candice Hoepfner: And you would say that's because of your collaboration as well as your commitment.

Again, back to involving the public, if the people who live there were not happy, you'd be hearing from them in an organized way.

Ms. Marie Lemay: I was going to say yes because of what we do, but mostly it's because when we did the master plan that's where people brought us. They brought us to say "conservation first" in this master plan. That was a decision that was made through the process and that's where we are. So you're right. That proves that's how we got there.

• (1640)

The Chair: Monsieur Proulx.

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

Mr. Mills and Madame Lemay, proposed section 10.1 deals with the NCC's master plan for the national capital region. The Liberal Party's opinion is that the master plan in the future should consider the potential location of the region's employment polls. Let me explain what I mean by this.

We have all heard of the 75-25 sharing of Government of Canada jobs. As it stands, only the jobs under Treasury Board are calculated or included in the equation. We think that's wrong; it should be all of the Canadian government's direct and indirect jobs.

As an example, now the employees of the museums are not in the equation. The employees of the Canada Mortgage and Housing Corporation are not in the equation. Canada Post is not in that equation. Yet all of those employees are directly or indirectly tied to the Government of Canada. So we have to redo the calculation.

But the important part of my suggestion and the suggestion of the Liberal Party is that the NCC should become, let's call it, the "policing agency" of the federal government to ensure that these employment polls are situated intelligently throughout the national capital region. By this I mean that if you're going to be looking after planning in the transportation sector, if you're going to be looking after bridges, then I think you have an important role to play in saying, okay, in west end Ottawa we should have x percentage of jobs, in east end Ottawa we should have x percentage of jobs, and so on, including in Ottawa south and on the Gatineau side of the river, east, west, and so on.

How would you react to that, sir, if the bill were amended and the responsibility for establishing these employment polls within the national capital region, and the policing of that particular policy, were to end up on the board table of the NCC?

Ms. Marie Lemay: Our intent in the plan for Canada's capital was that the employment polls would be identified. That's another reason it's so important to have it approved by government.

Mr. Marcel Proulx: By government or by Parliament?

Ms. Marie Lemay: I say "government" because that's what's in the legislation.

Mr. Marcel Proulx: Okay, we say "Parliament" and you say "government".

Ms. Marie Lemay: That's why it's so important. The plan is to have them in there, and that way it has an endorsement.

In terms of the policing part, aside from not liking the word, I don't know what you had in mind in terms of enforcing that. But definitely, in the plan for Canada's capital, having employment nodes would be a good thing.

Mr. Russell Mills: I would just add that how the 75-25 is calculated is way beyond our authority.

Mr. Marcel Proulx: Oh, no, no. I appreciate that, sir.

Mr. Russell Mills: As far as employment planning goes, we rely quite heavily on an excellent advisory committee the NCC has, containing some of Canada's leading land planners, architects, and so on. The emerging view is that people should live and work in the same place, that we shouldn't force people to live a long distance from where they're working. So as the capital evolves, I'm sure that

will be a driving principle, that jobs be located where people work, to minimize commuting and the carbon footprint of the area.

Mr. Marcel Proulx: You just made my point of why I want the NCC to look after this, sir.

[*Translation*]

Ms. Lemay, clause 3(1) and clause 8 confirm the abolition of the steering committee, which could be called an executive committee, if you prefer. I think that this will result, Madam CEO, in your giving yourself more powers with respect to these board meetings.

Do you agree with my interpretation? Do you agree that you will have more authority?

Ms. Marie Lemay: I had read that you thought this was the case. I will let Mr. Mills answer after me, but in my opinion, my powers have nothing to do with the number of meetings or committee structures. I either have the powers or I don't. That's the way it works. I have the powers that have been delegated to me, and the rest does not depend on the number of meetings or committees.

However, as I was saying earlier, since I have been here and since Mr. Mills has been here, the executive committee has never met for the simple reason that our meetings involve the entire board of directors. Indeed, this is possible thanks to technology. Meetings are held by telephone. Last year we had more than 10 board meetings instead of having executive committee meetings. I would say that this is an example of good governance practices. You will see that, more and more, executive committees are disappearing because instead of having two management levels—an executive committee and a board of directors—the entire board of directors participates in the decision making on a more frequent basis.

● (1645)

[*English*]

The Chair: Thank you.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chair.

Ms. Lemay, one witness told us that since 1992, 8.5² km of the park have been sliced off so that 119 new residences, a Loblaw's, a Tim Horton's, a fire station and five new roads could be built. Is that true?

Ms. Marie Lemay: I do not know how they came up with these figures. We do not have the same figures or the same maps. As far as we are concerned, since 1990, the boundaries of the park have been increased to include 700 more hectares compared with the 1960 boundaries. It is clear that, since 1997, there have been no land sales to the private sector. If I go back to 1990, there was a process to rationalize the park boundaries, which resulted in the boundaries established in 1997. We are talking about 700 additional hectares if we compare the boundaries established in 1960 and these ones.

Mr. Mario Laframboise: I am rather in favour of this right of first refusal, which simply means that if somebody wants to sell, he has to send you his offer to sell or, if he receives an offer, he has to submit it to you so that you can exercise your right of first refusal. You have the right to either accept it or offer the same amount.

You mentioned that there have been only two properties that you have not managed to purchase. Did you still receive offers from these people?

Ms. Marie Lemay: Thank you for this question. In accordance with the process that we implemented two years ago, we contacted all of the owners of relatively large vacant lots, lots that could potentially be subdivided and built on, in order to advise them of our interest. So people do know about this. In the case of these two properties, we did communicate with them and we even made offers. I am not sure if this pertains to one or two properties; I would have to confirm that.

Mr. Mario Laframboise: So there have been no sales transactions under your watch without you having an opportunity to acquire the land.

Ms. Marie Lemay: I was going to say “to my knowledge” because, obviously, if I did not see them...

No, not to my knowledge.

Mr. Mario Laframboise: Thank you.

[*English*]

The Chair: Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Mr. Chair.

I understand that 31 recommendations have come forward so far. Can you tell us who was involved in those? Who were the organizations that were consulted?

Ms. Marie Lemay: This started with Minister Cannon back in April 2006, when he appointed a panel to review the mandate of the National Capital Commission. He asked them to receive submissions and to meet witnesses, and there's a report on that we could give you, if you want. There were a significant number of briefs; I think there were over some 30 briefs presented and 34 meetings held. They did a phenomenal job in a very short period of time, because they only had

about six months to do it. There were three members on the panel, presided over by Monsieur Gilles Paquet, and they came up with 31 or 32 recommendations.

What the NCC did at that time was it decided to try to enact everything we could without having to make a change to the legislation. So in the spirit of the recommendations and listening to what people had said about openness and transparency, collaboration and partnerships, and municipal government involvement, it was a matter of getting all of these things going. There was even a recommendation on an ombudsman. All of that was put into place.

That's why I was saying that Bill C-37 is like closing the loop, because for us it's a missing link, the things that we couldn't do without the legislation being changed. This bill will allow us to just wrap it up with a nice bow and then we're ready to go.

• (1650)

Ms. Lois Brown: Thank you.

Mr. Russell Mills: They worked for six or seven months on their consultations, and I have never run into anyone around here who didn't feel they had an opportunity to make their views known through the mandate review. It was a very thorough process.

Ms. Lois Brown: That's excellent. Thank you.

The Chair: Thank you very much to our guests for being here today. We appreciate your input and comments, and hopefully you'll see a finished product in the very near future.

For the committee's sake, we are going to break now. We're going to resume in about five minutes with the subcommittee to discuss future business. At that point, I would ask everyone who isn't involved to clear the room.

Thank you very much.

[*Proceedings continue in camera*]

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