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Monday, November 29, 2010

Chair

Mr. James Bezan

Standing Committee on Environment and Sustainable Development

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● (1530)

[*English*]

The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)): This meeting is called to order.

We're going to continue with meeting number 38.

We will be debating the motion by Mark Warawa.

Mr. Warawa, could you put that motion back on the table?

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

Would you like me to read the motion into the record?

The Chair: Yes, please.

Mr. Mark Warawa: The motion reads as follows:That, pursuant to Standing Order 97.1(1), and after concluding hearings, the Committee recommends that the House of Commons do not proceed further with Bill C-469, An Act to establish a Canadian Bill of Rights, because the Bill:

> will enable any resident of Canada to challenge any regulatory standard, at any time, thereby trumping the existing regulatory process, creating regulatory and investment unpredictability;
>
> will encroach on areas of provincial environmental jurisdiction;
>
> does not allow for the balance of the Social, Economic and Environmental pillars of Sustainable Development;
>
> overlaps with aspects of existing Federal legislation and policies which give rise to redundancy or conflict;
>
> removes numerous safeguards which ensure that environmental rights do not overwhelm government capacity and judicial resources.

It is so moved.

The Chair: Okay. You can speak to that.

Mr. Mark Warawa: I'll make my comments brief, Chair. I look forward to hearing from other members.

Just to summarize, we heard from the witnesses that this is a bad bill. The question often asked by members around this table was whether it was redeemable, and the common theme was “no”.

Of course, the environmental groups—and we appreciate that they were here—were the ones who wanted the big stick, to be able to intimidate and get action, to force people to do certain things their way, otherwise they had this big stick.

We heard overwhelmingly from the witnesses that the fundamental principles of the bill were to provide this huge stick to intimidate and to strip out the right to private action by any one individual, even on existing permits. It was at the heart of the bill. And to strip that out was not realistic.

Therefore, the recommendation we heard from the various witnesses, the vast majority, was that this bill should be set aside.

It's not often we hear that. Usually it's amendments. But in this case we heard overwhelmingly to set the bill aside.

The fact is that we continue to hear from witnesses. There was a brief submitted by the Business Council of British Columbia. It's a long letter, so I'll just read the last paragraph.

It reads as follows: To conclude, the Business Council of British Columbia believes that Bill C-469 should be set aside—which is what the motion does—

> and we urge this Committee to do so. By any standard, the Bill represents a major departure from past Canadian policy and administrative practice. It would usher in an era characterized by i) more costly litigation, ii) an unprecedented expansion in the role of the Courts in environment-related policy-making, iii) increased uncertainty for Canadian businesses and industries that rely on approvals, licenses and permits, iv) a greater administrative burden on Federal Ministries and agencies, v) higher costs for taxpayers, and vi) more intergovernmental conflict and discord.

We heard how hydroelectric plants in Quebec, British Columbia, across Canada could have action taken against them. I don't want that in British Columbia. I'm hoping my Bloc colleagues will protect Quebec.

The obvious thing is to listen to the witnesses. The recommendations are right, and therefore the motion to set this aside.

Thank you.

The Chair: Mr. Woodworth.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you, Mr. Chair.

When we broke the last time, I was providing the committee with some perspectives on the manner in which I think this bill is flawed. I won't repeat what I said about the precautionary principle that has been adopted elsewhere in our law and adopted in the Rio Declaration by the United Nations, I believe, but which is not really repeated in this bill, but, rather, is found in a different form in this bill.

Having said that, I suppose the only other thing I would add on this point, speaking as a lawyer, is that the problem is that you cannot predict what will be the interpretation of a new or a different formulation of another principle. We may have different interpretations in different bills. In this case, the bill lacks the term “cost-effective”, among other things.

I also began to speak a little bit about the three underlying themes that I think make this bill rather dangerous and difficult for any responsible government or parliamentary committee to adopt. One of them has to do with redundancy. I quoted already some of the evidence from Mr. Vaughan and Mr. Melaschenko about that.

I then began to speak a bit about the question of the judicialization of environmental policy that this bill will create, and the resulting regulatory uncertainty that will occur. I think I should expand a little bit on that, because if I just talk about regulatory uncertainty, people may not know what I'm speaking about. It's important for people to understand what I'm speaking about, because the reality is that our existing regulatory process requires developers of all kinds, from the builders of the smallest subdivision to the builders of the largest hydroelectric project, to take a great deal of care in their approach to the environment. People who make these developments spend a lot of time and effort and money complying with a whole host of environmental regulations designed to secure the right balance between protecting the environment and still achieving the reasonable goals and aspirations of Canadians.

The most unfortunate thing about the bill that we're studying today is that it allows courts simply to set all of that aside. So a developer of any kind can spend years and years, and thousands or millions of dollars, complying with existing regulatory requirements and proceed with their development, only to have that development reviewed by the court at the instance, not just of a Canadian but of a resident, including non-Canadians and, indeed, even foreign governments. I'll get to that in a moment. But having gone through years of development and millions of dollars of regulatory compliance, a developer can face having all of that being set aside if a judge doesn't agree with the decisions that have been taken by the regulators.

Now, what is a developer to do when faced with such a dilemma? Quite frankly, factoring in the “lottery costs” of not knowing whether a court will agree or disagree with existing regulations will, at the very least, make development much more difficult and much more costly, and will certainly make people think twice before they undertake developments. Ironically, that will apply to hydroelectric developments, which we would in fact like to encourage in order to reduce greenhouse gases.

So that's what I mean when I talk about the regulatory uncertainty that will be caused by this judicialization of environmental policy.

● (1535)

Of course the real gist of it is that in fact this bill does allow for judicial environmental policy, and that is implicit in the remedies that are available under this bill, particularly in clause 19. I'm only going to refer to subclause 19(1), since we will be dealing with amendments later regarding subclause 19(2).

Paragraphs 19(1)(e) and (f) permit the court to

> (e) order the defendant to restore or rehabilitate any part of the environment;
>
> (f) order the defendant to take specified preventative measures.

In that case, it is the federal government that is under the court's order, but of course the federal government can be ordered to impose requirements on private individuals and/or to halt development and/or to in fact order developments to be taken back.

We're not allowed to talk about amendments, so I can only say that I certainly hope the other provisions in clause 19 do not get imported into clause 23, on civil action, or else those provisions will be applicable directly to private third parties.

Any of these orders in subclause 19(1) would allow a court to craft its own environmental policy. Of course before it even gets to the remedies, the court has to figure out what is meant by the federal government being a trustee of the environment and what is meant by a “healthy and ecologically balanced environment”.

And while all of these are legitimate questions, what underlies them is the superior question of who decides. Does an unelected judge, who may or may not have the expertise that the Department of the Environment has, get to decide what is a healthy and ecologically balanced environment, what the duties of the government as trustee of the environment are, and how we restore the environment or rehabilitate it? Or do publicly elected and accountable democratic members of Parliament and accountable governments make those decisions?

I couldn't put it any better than did the British Columbia Business Council, which stated:

> More broadly, the Bill implicitly adopts a view that regulators, Parliamentarians and other public authorities cannot be relied upon to arrive at sound decisions pertaining to the environment.

I practised law for 30 years, and as much as I respect the judges I've appeared in front of, I know they do not always get it right and they often do not have the expertise that would be required in environmental matters. And not only that, but they are subject to the adversarial system, at least in English Canada, which means that the party with the best lawyers and the most money will often win the day.

In addition, in court we operate on what might be referred to as a “king of the hill” theory; that is, there is a winner and there is a loser. Judges are not tasked with building consensus the way members of Parliament and others in a system of democratic governance are tasked. So there are great concerns with this whole approach.

Michael Broad of the Shipping Federation of Canada gave the following comment in his submission:

> We can easily foresee this section being used to challenge the government on any environmental regulatory standard at any time. This runs exactly counter to the regulatory predictability that is so essential for our industry to operate within.

● (1540)

[*Translation*]

Mr. Irving, of the Canadian Hydropower Association, speaking on behalf of Hydro-Québec and other members, in my view,

[*English*]

stated as follows:

> We anticipate that allowing any entity or resident of Canada to seek recourse in the federal courts will open the floodgates to vexatious, obstructionist, and interminable legal challenges.

The interesting thing is that Mr. Miller, the Environmental Commissioner of Ontario, in discussing the application of Ontario's legislation, mentioned that there are more parameters, and it's stricter and more restricting in its applications. And that was in the design. If you review the comments, made at the time of drafting, on the rights to sue, the actionable portions of our bill were intended to be the backstop, the last resort only to give vigour to the other provisions.

In the bill before us, there has been a deliberate omission of the measures that Mr. Miller was talking about at that point.

● (1545)

The Chair: There is a point of order.

Let's make sure it is a point of order.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): It's a point of clarification.

I notice that we're continuing to get briefs submitted to us even though we are into clause-by-clause. Mr. Woodworth just quoted from one of them. When is the cut-off for continuing to receive briefs?

The Chair: Let me sit on that for a minute.

We haven't closed off the submission of briefs. As I've said before, members of Parliament are allowed to use whatever information and knowledge they have at their fingertips to formulate their decisions on how they move forward.

Mr. Warawa.

Mr. Mark Warawa: On that point of order, Chair—

The Chair: Make sure we are on the point of order.

Mr. Mark Warawa: Yes.

Speaking specifically to the point of order on the briefs that Ms. Duncan is referring to, this has come from the clerk, so it's all relevant information—relevant to the discussions.

Until these briefs stop coming, everything we receive is relevant for discussion here.

The Chair: Since we never set a hard time, as long as it's posted on the Internet and organizations and companies submit briefs, we'll receive them, unless the committee makes a decision not to. But that will have to be dealt with through a motion.

Ms. Linda Duncan: I'm still not clear. To me, as a general rule in committee, at what point in time do you stop receiving briefs?

I'm worried about that, because I don't want anybody complaining.... If we finally get to the clause-by-clause and we haven't yet received a brief, are we going to go back, or...?

At what point in time is the clause-by-clause going to end? I'm asking that in great seriousness.

The Chair: There isn't any procedure on that—

Ms. Linda Duncan: No?

The Chair: —other than common practice.

I would suggest that if we wanted to change that, we'd have to set that up through either routine motions that govern our committee, or....

We just said that prior to appearing at committee...it would be at least five days of meetings before expected to submit their written briefs.

And members of the public are always welcome to submit their stuff to us, if not through the clerk then directly to us as members of Parliament. As I said before, regardless, members are able to use whatever information they can glean to formulate their decisions.

Ms. Linda Duncan: Okay. I just wanted clarification, that's all.

The Chair: Okay.

Mr. Warawa, I think we've ruled.

Mr. Mark Warawa: On that point of order, Chair, we continue to have receive briefs being presented to the committee members through the clerk's office, and—

The Chair: I'm going to cut you off, Mr. Warawa, if that's okay.

If there is a concern, we can deal with this later, under committee business, in terms of whether or not we want to cut off briefs or continue to receive them.

Mr. Woodworth has the floor, and I'd like to allow him to continue with his presentation.

Mr. Stephen Woodworth: Thank you, Mr. Chair.

Just in relation to the point that Ms. Duncan has raised, I think it's interesting that people across the country are beginning to hear about this bill and to get worried about it and to send us briefs about it and I think that can only assist in our deliberations.

There are just two or three more points I'd like to make, finishing off first of all on the issue of the judicialization of environmental policy. Again, Mr. Irving of the Canadian Hydropower Association commented as follows:

> Perhaps the most significant change to the current regulatory system would be the fact that under Bill C-469 the courts would be required to decide on environmental protection actions against the federal government, environmental civil actions, and judicial reviews relating to environmental protection. We are very concerned that this would essentially bypass the system of environmental regulations described above by handing over the final decision-making to federal courts and private litigants.

That rather sums up the general concern of judicialization of a policy.

I want to add one more point about the judicialization of environmental policy, and it's one I alluded to a moment ago. That is to say that actions under clauses 16 or 23 of this bill can be brought by Canadian residents who are entities. An entity is defined as follows:

> a body corporate, trust, partnership or fund, an unincorporated association or organization that is authorized to carry on business in Canada or that has an office or property in Canada

So any foreign agent who wishes to inject his own agenda—foreign or otherwise—into Canadian policy will be entitled under this bill to commence one of the legal actions that are available. That includes anyone who sets up an office in Canada. They don't have to even do business in Canada, they just have to have an office in Canada. That can include the People's Republic of China if nothing else.

I think that is a very dangerous precedent and road to go down, but it is the road this bill goes down.

The last point I'd like to raise as a matter of concern—and this was mentioned to me by my friend Mr. Calkins, who may want to expand on it—has to do with the fact that we have not had any evidence that there has been any consultation with first nations in relation to this bill. I'm no constitutional expert, I will be the first to admit, but I have the impression generally that the federal government ought not to be encroaching on first nations rights without first consulting them.

This bill is specifically designed to apply to first nations land—at least as I think I understand it—and therefore it certainly will have a very broad effect on the first nations across the country, from the west right through to northern Quebec.

It will mean that they also will be faced with the regulatory uncertainty that I've mentioned, and they also may be up against foreign or other interests with big money and good lawyers to challenge their decisions and their activities that touch on the environment.

This is not the way we do things in Canada. It's another reason why I am so vehemently in support of Mr. Warawa's motion.

Thank you.

● (1550)

The Chair: Thank you, Mr. Woodworth.

Mr. Armstrong.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you, Mr. Chair.

I'm going to speak in favour of the motion. Although I agree with the premise of the bill, and feel the bill has its heart in the right place, I have to support the effort to set it aside.

Referring to Mr. Warawa's motion, I'm going to particularly comment on points one, three, four, and five, as it relates to my area of the country, in Atlantic Canada. I was very happy to see Mr. Eyking here today because usually I'm the only member of Atlantic Canada on this committee.

As you might know, Atlantic Canada is probably the most economically depressed region of this country—in fact it is—and one of our great hopes is in the production of clean, green, perpetual energy and exporting that energy to the eastern seaboard of the United States, as well as using that energy to power our own businesses, homes, and other areas for which we need electric production.

Prince Edward Island has a huge initiative in the area of wind production. Of course Newfoundland already has a huge hydro industry, and it is looking to expand that with the development of Lower Churchill Falls. New Brunswick is working on nuclear energy production.

In Nova Scotia, particularly in my riding of Cumberland—Colchester—Musquodoboit Valley, we are producing tidal power, wind power, and geothermal power, and we are looking to expand on that. Currently in my riding we have a wind project where 23 windmills are going up. We have just had an announcement of a $23-million undersea cable for tidal power in the Bay of Fundy, which will produce up to 64 megawatts of power. It has the potential to produce enough to power every house in the entire riding.

Last week the Province of Nova Scotia and the Province of Newfoundland announced a $6.2-billion deal to run an undersea power cable between Newfoundland and Labrador and Nova Scotia. The deal is between Emera and Newfoundland's crown corporation of Nalcor.

● (1555)

Hon. Mark Eyking (Sydney—Victoria, Lib.): [*Inaudible—Editor*]...Cape Breton.

Mr. Scott Armstrong: Absolutely, Mr. Eyking: Cape Breton.

We heard from the Canadian Hydropower Association. We also heard from several other witnesses who made me very wary...when I think about the potential of the energy production in Atlantic Canada and what effect this bill could have on that project.

To show you how important this project is to Atlantic Canada—I'm talking about the one Mr. Eyking spoke of, between Newfoundland and Labrador and Cape Breton and the rest of Nova Scotia—the premier of Nova Scotia says that this project will fundamentally change the entire region's economy. He referred to it as “our CPR”. That was said by Nova Scotia Premier Darrell Dexter, who proclaimed it at a joint news conference with Newfoundland Premier Danny Williams. He also said we are building Atlantic Canada and we are building this nation.

The deal also offers Nova Scotia customers some long-term price stability for power. For building a $1.2-billion cable, Nova Scotia Power gets a 35-year lock on one-fifth of the project's output at a stable price, comparable to wind or biomass today. As the costs of fossil fuel power continue to rise, this should be CPR for consumers as well.

Now, it's not just a partisan project, not just Mr. Dexter's NDP government; opposition leader Jamie Baillie commented on this project, giving credit to the powers that be—

The Chair: Mr. Bigras on a point of order.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): The project that the member is talking about seems to be way beyond the scope of the bill currently before us. If he would at least have the decency to tie it back to the bill, maybe I could understand. Instead, he is talking about a project that was announced weeks ago and that has absolutely nothing to do with the bill before us.

[*English*]

The Chair: Mr. Armstrong, are you being relevant?

Mr. Scott Armstrong: In terms of relevance, point two says it "will encroach on areas of provincial environmental jurisdiction", and I'm trying to show the potential for encroachment in this project, which is being pushed for by the Province of Newfoundland and Labrador and the Province of Nova Scotia. How will this bill potentially affect that project? How will it encroach on this provincial environmental jurisdiction? I think it's very relevant.

The Chair: Continue.

Mr. Scott Armstrong: Thank you.

Mr. Baillie said as follows:

> This is a good development for Nova Scotia and our entire Atlantic region, and I'm happy to applaud it.
>
> The arrangement, when finalized, will be a good example of how our environmental goals and economic objectives can work together. This is just as the Environmental Goals and Sustainable Prosperity Act envisioned.

He's talking about this type of project, going forward.

> Second, we need to work better together, as a region, if we are to ensure our future prosperity and independence.

Perhaps most importantly, the project due to come online in 2016 will end Newfoundland's isolation from any Canadian power market.

The P.E.I. government also has plans to take direct responsibility for wind power development on the island, as well as, of course, promoting energy efficiency measures.

Both deals will involve significant new high-voltage transmission lines, much of them under water, new lines that will go from Labrador to Newfoundland and from Newfoundland to Nova Scotia, and they will be a big player in both additions to the grid. Given the age of the current cable connection with New Brunswick, P.E.I. will also need to install a new transmission line.

With the linking of Newfoundland and Labrador to the rest of the region, our regional market could ensure the most economical use of generating resources. Instead of each province seeking profit, often at the expense of its neighbours, resources could be deployed to the province with the lowest-cost reliable power on the eastern seaboard.

Another editorial—I only have two more, I'm not dragging things out here—stated this:

> The two agreements signal a new spirit in Atlantic Canada, one intended to replace talk with action and to move ahead...."A rising tide lifts all boats."
>
> These new initiatives are positive signs of a desire in all four provinces to become more aggressive in developing regional energy resources to promote economic development across Atlantic Canada.

An hon. member: He's filibustering.

Mr. Scott Armstrong: I'm not filibustering, no.

This is my last one:

> Just as important, offshore oil has given Newfoundland the fiscal capacity to fund a mega-project. That's happened just as Nova Scotia Power gets very motivated to find alternatives to the dirty coal-fired generation it relies on for more than 80 per cent of its output. Hydro power is clean, renewable and its price is predictable. Fossil fuels are none of those things.

So I think you can see there's a lot of support for this project, not only from the politicians involved, but from all four provinces, the editorial boards of all four provinces, and it is seen as "our CPR", to quote the NDP premier of Nova Scotia. This is a project, as the hydro project in the Bay of Fundy is also a project, that's going to produce clean, green, renewable, perpetual energy, which is exactly what we should be supporting.

This bill, however, has the potential to threaten that, and I'll tell you why. Clause 22 of the bill envisions any plaintiff, even someone as far-removed or completely unaffected by the specific matter—such as an issuance of an individual permit—may apply for judicial review of the government decision. If this provision is implemented, it would be certain to lead to a marked increase in litigation around environmental assessments, approvals, and permits issued by responsible federal ministries and regulatory bodies.

Clause 23 says we note that compliance with the terms of a permit or licence is not a defence to civil action that may be brought under this provision, and the current language appears to contemplate that it would apply even to matters falling within provincial and territorial jurisdiction. Needless to say, this would cause a high degree of uncertainty for many business operators, while also setting the stage for conflict between levels of government. In our view, it is wrong in principle for a piece of federal legislation to openly encroach on provincial jurisdiction or to purport to limit the exercise of legitimate provincial powers in this way.

We have four of the most economically depressed provinces in this country working together for one of the first times to produce clean, green, perpetual energy, and here we have a bill that would allow not only someone in a different province, but a competitor within that province, to challenge it legally, slowing it down, challenging every permit, which would stop a project or delay the project or continuously challenge the project—maybe not even a Canadian citizen, but any resident or any entity that has a residence in Canada. North Korea, China, anyone who is against this project, anyone who's against this development, could legally challenge this in court.

So here we have what we're referring to as the CPR of this century for Atlantic Canada now going to be challenged by people maybe not even of Canadian descent. Maybe not even Canadians are going to challenge this in court: every permit.

● (1600)

If you are looking for private investment in this project, how can you guarantee those investors that the project will go through and will not be challenged legally in court? How can we go and ask people to invest in this project, which will produce clean, green, perpetual energy? Where is the certainty for those investors investing in this project?

These are just one or two projects. There could be hundreds of projects in the future, destined to produced green, clean energy, that are going to be stopped.

That is why I cannot support this bill, Mr. Chair, and that is why I'm going to support this motion.

Thank you.

The Chair: Thank you.

We'll go to Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Mr. Chair.

Many of my colleagues have already spoken to this motion. At the risk of repeating, I'll try to do my best to focus on what I think the concerns are.

I'd like to, first of all, just congratulate my colleague from Alberta for tabling this bill and for trying to move this agenda forward. It's a laudable goal, to be sure. You know, she and I have both spent a large portion of our lives working in the environmental field protecting and defending the environment. So I don't doubt, in my own heart, her motives for trying to do what she thinks is in the best interests of the environment.

But I also understand reality. And the reality is that not everything is about the environment. There are social factors. There are economic factors that need to be brought into play. We've heard from witness after witness after witness, other than environmental groups, which stand to benefit the most from this legislation, that it's not the environment that stands to benefit the most from this legislation; it's environmental lawyers and judicial activists who stand to benefit from this legislation.

This bill is so fraught with problems in its original drafting that I'm concerned about the number of amendments we've seen. It's quite unusual to see a private member's bill of this size and scope actually brought forward. I actually don't recall, in the years I've been here as a member, a private member's bill quite this large, quite this broad, and quite this comprehensive even getting this far. I'm not sure that it's even within the rules, but I assume that it is, because it has gotten this far.

I just wanted to speak for a few minutes and hopefully change the minds of some of my colleagues across the way. I'd first of all like to set the stage by saying that I would actually welcome this bill coming back again in the future, after any member of this committee or any member of the House of Commons has had an opportunity to look at the testimony, look at the original drafting of the bill, and look at the various amendments.

Mr. Chair, I don't know how many there are now. I guess more are coming in all the time. Is that right? I think we have 30 or 40 proposed amendments. That's not even counting the ones that may come from the floor.

I think all members of this committee would actually like to come out of here and go back to our constituencies and say, “You know what? We've done something good. We have an environmental bill of rights.” That's an easy thing to say in front of a microphone, and most Canadians would think it's a great thing. Of course, the devil's always in the details.

Due to the way the bill is structured, clause 16 relates to clauses 19 and 20 and so on. Given the intertwining of the various clauses of the bill, if we were to try to go down the road of trying to amend this bill 30 different times, not to mention all the suggested friendly amendments that would come from the floor, and we make an amendment here and we don't make the following amendment in the following clauses of the bill, we could end up with—I think somebody else coined the term—a “Frankenbill”. I think somebody said that. I don't think that would do any justice to anyone.

We've had a good, healthy, wholesome debate about this. I think there is probably room for discussion on a bill that would circumscribe some of the limitations we see in provincial legislation, such as the environmental bills of rights in Quebec or Ontario or the various territories.

There is no circumscription to the limits of this bill. It's so broad and comprehensive and allows so many opportunities for other interests to intervene in Canada—using the environment as smoke and mirrors—and to basically attack us economically through this environmental bill that I think we really need to proceed cautiously and really, really think this through.

I'll give you some examples of some of the problems I see. I'm quoting from the Conseil patronal de l'environnement du Québec.

I hope I said that right. I'm doing the best I can with my French. I'm better in Polish.

We've seen the reverse onus in legislation in Canada before, in human rights legislation. Somebody can have, however frivolous or vexatious the accusation may be, all of the resources provided to them, while all of the onus is then put on the defendant to prove a negative, which is a virtually impossible thing to do. My friend Ezra Levant would probably speak to that.

● (1605)

We've had some issues there, where these reverse onus...in this particular case, it would give all of the weight.

There is a clause in the bill that would actually allow compensation, I believe, to anybody who is actually filing a complaint.

Subclause 21(2) reads as follows: A plaintiff bringing an action under subsection 16(1) may be entitled to

(a) counsel fees regardless of whether or not they were represented by counsel

Well, that sounds like money for nothing. There was a song about that back in the eighties, but I don't want to go down that road. (b) an advanced cost awarded upon application to the court

Basically, the court and the taxpayers of Canada are now funding environmentalists who want to bring action, whether or not they're represented by counsel.

The clause of the bill is quite rightly called “Entitlement”. Well, taxpayers are I think getting a little bit tired of entitlements. I'd like to know when the taxpayers get some entitlements. They're entitled to getting their tax dollars used in good order.

So when I see these reverse onus clauses and I see clauses like this as far as entitlement is concerned, it starts to concern me that we're basically creating or expanding the legal industry to take over the environmental management of our country, which I think completely undermines the democratic process.

We have a government that's elected, we have policies brought forward, we discuss and debate these things at length, and to have all of that basically become redundant in the hands of a judge who may or may not get it right....

We've seen lots of decisions in the history of our country that, looking back, some members would say, I wish that was a different decision. But once you have that decision, you're stuck with it.

I would just like to say, you know what? We need to seriously look at this. I think it's so broken that I don't know if we can actually save it.

On that particular point, I would just urge members to basically consider setting this bill aside and have a future member at a future date take this bill, go back through the testimony, take a look at the amendments that were proposed, and come up with something a little more accurate at a starting point. We're just too far off on the starting point.

I would also like to talk about the Canadian Energy Pipeline Association's submission.

I have the submissions here. There seems to be a case here where we're trying to move to clause-by-clause so quickly to...in order to block it, I think the rest of Canada is just catching up to what the environmental movement is doing here. We're starting to get some fairly coherent and knowledgeable submissions.

The Seafarers' International Union of Canada states:

> ...we believe some clauses of C-469 could be revised in order to clearly state that Canadian seafarers cannot and will not be held responsible if an incident occurs when applying the actual international and national standards of the current legislation. In our over-regulated industry we have to be able to rely on the framework provided by regulations to know what actions we are or are not authorized to perform.

We've heard in testimony after testimony—this one included—that basically everything that a government agency does, whether it's Environment Canada or the Department of Fisheries and Oceans or whoever authorizes a permit, can be second-guessed by any entity. Just imagine the potential opportunities for outside interests to use this legislation to beat us about the head for any reason that they deem necessary—economic, social, whatever the case may be.

I kind of like the approach they've taken in their last part, saying we have enough legislation, we have enough rules, we have enough information out there, but "considering there are actually very stringent regulations to be met by the crewmembers I strongly believe that we will all gain in choosing education and information" instead of basically criminalizing people for carrying out their duties as authorized under a permit.

The Canadian Energy Pipeline Association says, "We see no gap in the current regulatory and environmental framework that requires a far-reaching bill such as C-469."

Chair, our committee just went through the exercise a little while ago of taking a look at water and the oil sands. We looked at that for months. It has spanned two parliaments now—under the 39th Parliament and into the 40th Parliament. We heard from numerous witnesses that every regulatory permit, every project, takes upwards of seven years and millions and millions of dollars in engineering and research and mitigations, plans for reclamation, and all of that now can be second-guessed by Bill C-469.

● (1610)

CEPA also said this:

> As proposed, Bill C-469 would change many fundamental principles and relationships that currently underpin Canada's legal and governmental system—a system that has functioned for nearly 145 years on the sound foundation of "peace, order, and good government".Well, there's a group here in Canada that seems to think that this bill will upset that peace, order, and good government. I happen to agree with them.

They went on to say:

> This is not the way to improve and protect our environment. Adversarial action destroys trust and increases costs and process burden to all sectors of society, including the federal government and indirectly tax payers.

We hear this constantly in the House of Commons. For example, I believe there's a mine closure in northern Manitoba or Ontario. I think the whole case behind the mine closure is that regulatory burden is so severe it give the mine an economic disadvantage. Of course, those regulations have been put in place for reasons being pushed by watchdogs. But the same members who push for these regulations also push for aid to bail these same companies out, propping them up with government subsidies. This is the kind of situation that we're getting ourselves into, and it just doesn't make any sense to me.

The Canadian Energy Pipeline Association went on to say that, "Civil actions brought so easily under Bill 469 could be used inappropriately to delay projects or to leverage positions in negotiations with proponents."

Imagine if you were applying for a federal grant, going through this whole process that clause 16 would apply to. Say you were going to produce some type of energy. Your company, Company X, goes and bids. My company, Company Y, makes a bid for the same project. Your company wins the bid. My company loses. I immediately file an action under Bill C-469, delaying your project, not because it's not good for the environment, but simply because I don't want to give you, as one of my competitors, the financial advantage of the grant that you rightfully applied for and won.

These are the kinds of short-sighted things that just haven't been thought through in this piece of legislation, and they cause me no end of concern.

We heard from the Canadian Energy Pipeline Association, and we have the National Energy Board. In Alberta, we have the Alberta Energy and Utilities Board. We have all of these experts and knowledgeable people making decisions. They're appointed to make these decisions in the best interests of Canadians, the best interests, in my case, of Albertans. To have them second-guessed constantly at every stage by somebody who may not even be a resident of the province, may not be directly affected by the proposed undertaking, is simply going too far.

We've heard from numerous witnesses. I think Johan van't Hof was here, and he said that he has no end of trouble already, under the existing environmental legislation, securing funding for projects. The banks are so risk-averse these days. To throw any added uncertainty into the process, particularly when the risks are as large as those proposed by Bill C-469, would simply put a freeze on the entire thing.

We heard from the environmentalists who testified that they were looking for that very hammer. They said that very few actions would be brought forward through this legislation, but that all they wanted was the hammer hanging high over the head. Well, that hammer would result in an investment freeze. It would create a paralysis within a bureaucracy that is already taking too long to make some of its decisions. We're just paralyzing the decision-makers, creating a system where everybody is covering his tracks and nobody is willing to make a decision. When that happens, we get arguments for more government, more involvement, and less and less gets done. So I'm very concerned.

Also, I think the world is moving back towards the model of sustainable development, the three pillars of sustainable development. I think that this bill, at this time, is heading in the wrong direction.

● (1615)

The timing of this bill was probably about 20 years ago, when it should have been brought forward to Parliament when conditions weren't so well. I worked for years in the wintertime—I was a park warden in summertime—as an oil patch worker in Alberta. I loved it. It was great for my family. It provided an economic environment that was important for my family. Talking to my colleagues, I heard stories about how dirty the oil patch used to be in the 1960s and 1970s and so on, and how much it's matured to this point today. This legislation is 20 years too late, in my estimation.

However, Mr. Chair, I see I've already used 15 minutes of the committee's time. I thank my colleagues. It looks like they might be listening through the earpiece. Bernie listened to me anyway.

Thanks, Bernard, I appreciate that.

Colleagues, just to sum up, again, there is no harm in putting this aside, taking a look at it in the future. Let's have this bill brought back. If we already have 30 proposed amendments, let's take a look at this legislation. Obviously there are concerns from around the table, if there are that many amendments that are already tabled. Let's just put it aside. The bill can be brought back forward, re-authored based on those amendments and brought back forward. We'll have a much cleaner starting place to work from, and I think that's a smarter course of action.

From that perspective, Mr. Chair, I'll be voting in favour of the motion.

The Chair: Thank you, Mr. Calkins.

[*Translation*]

Mr. Blaney, you have the floor.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you very much, Mr. Chair.

Right off the bat, I want to say, Mr. Chair, that I intend to support the motion moved by the parliamentary secretary, Mark Warawa. It is an extremely important motion.

It is true, Mr. Chair, that I am looking at the bill with new eyes, because I had the opportunity to be present when the bill was introduced and when the witnesses had their say. And that involvement has led me to throw my full support behind Mr. Warawa's motion. I am now genuinely and deeply convinced that this bill goes against Quebec's best interests and threatens one of the cornerstones of its energy sector: hydroelectric development.

Mr. Chair, we have heard from a number of witnesses. I do not mean to harp on what my colleagues have already made very clear, but we have heard that this bill could have extremely serious economic ramifications for the maritime provinces. My colleague, Blaine Calkins, who has been on the environment committee since 2006, if I am not mistaken, also took an objective look at the bill with the noble intention of getting it through.

But the fact of the matter is that amendments are not what is in order. Instead, this bill should be scrapped for the sake of Canada's environmental regime.

Mr. Chair, the House of Commons document that was given to us at the very beginning talks about Bill C-469, An Act to establish a Canadian Environmental Bill of Rights. It also talks about the bill's two key elements, one of which is the substantive right stipulating that every Canadian resident has the right to a healthy and ecologically balanced environment. That, in itself, is a commendable principle.

However, various Supreme Court of Canada decisions also refer to the substantive right to a healthy environment, which may mean that certain aspects of the substantive right to environmental quality have already made their way into Canadian law.

So the bill and its substantive right component are, to a certain extent, redundant, if you take Canada's existing body of environmental authority into account.

But where things really get complicated is in terms of procedural rights. And, in fact, we heard from a number of witnesses who were most opposed to that aspect of the bill. I have here an excerpt from the brief submitted by the Shipping Federation of Canada regarding Bill C-469, which was submitted to the committee on October 21:

> [...] we are concerned that Bill C-469 would enable anyone to challenge any regulatory standard at any time, thereby trumping the existing regulatory process and creating regulatory unpredictability.

So I would ask the honourable members of this committee, through you, of course, Mr. Chair, the following question: Are we here to create unpredictability—

● (1620)

[*English*]

The Chair: There's a point of order.

[*Translation*]

Mr. Bernard Bigras: Mr. Chair, could you remind the member that this is not question period and that he should be addressing his comments to you, not the members of the opposition directly.

[*English*]

The Chair: Mr. Blaney, I would ask that you direct your comments through the chair, and that you make sure that—

[*Translation*]

Mr. Steven Blaney: That is exactly what I was doing, Mr. Chair.

Through you, I was addressing the members from Quebec. Would they dare support a bill that jeopardizes Quebec's sustainable development, in order to support the environmental cause? That is my question to you, Mr. Chair.

As a Quebecker, I am vehemently opposed to this bill, because it goes against the best interests of Quebec!

Some hon. members: Hear, hear!

Mr. Steven Blaney: As a Conservative member, I will stand up and vote in favour of Mr. Warawa's motion. If my Bloc Québécois colleagues insist on raising a point of order, I would be happy to debate the matter, Mr. Chair.

Mr. Bernard Bigras: You should talk to the people at Hydro-Québec instead of saying that. We talk to them every day.

Mr. Steven Blaney: Mr. Chair—

[*English*]

The Chair: Order.

[*Translation*]

Mr. Steven Blaney: —back to my question.

[*English*]

The Chair: Stay relevant to the motion, please.

[*Translation*]

Mr. Steven Blaney: Mr. Chair, I wanted to come back to the question that I asked the witness from the Shipping Federation of Canada. This is what he said, "I don't see the reason for this law."

Mr. Chair, is it really the committee's job to play the sorcerer's apprentice with Canada's environmental laws? That is what we need to ask ourselves when considering Mr. Warawa's motion. That is the question I put to you, Mr. Chair, and to myself. My answer is "no". I have no intention of wreaking havoc on Canada's environmental regime with a bill that would create regulatory unpredictability, according to all the stakeholders. Mr. Chair, we heard from a number of witnesses that this bill would make life very unstable for them.

Obviously, I want to start by talking about a witness who, in my view, is extremely important, Mr. Irving, the president of the Canadian Hydropower Association. As we all know, Hydro-Québec is a member of that association, Mr. Chair. These people ran out of adjectives to describe just how disastrous this bill would be for the hydroelectric industry, Mr. Chair. This is a bill they described as "harmful" and "destructive", Mr. Chair. This is a bill that would have extremely detrimental and disastrous ramifications for the country's hydroelectric development, a jewel in Canada's renewable energy crown. This is a bill that would harm the development of green energy sources, Mr. Chair. And that is nothing to scoff at.

Not only did we hear about the redundancies the bill would create, Mr. Chair, but we also heard a lot about the uncertainty this bill would create, particularly in terms of the legal actions it would expose developers to. We know that this kind of legislation would totally discourage investors from undertaking any sustainable development projects, Mr. Chair—the people who have plans, the people who truly want to pursue sustainable development initiatives —because they would have to operate within a process that would open them up to legal action. Their position is clear. This is a bill that would hinder sustainable development by creating a climate of uncertainty. I think the Canadian Hydropower Association made its view abundantly clear.

But theirs was not the only evidence we heard. We received a legal analysis covering five points, which, to my mind, are extremely relevant, and that analysis is even more reason to support Mr. Warawa's motion, especially if members care about respecting federal and provincial jurisdiction.

Mr. Chair, you know that we are committed to the principle of open federalism. That means that we accept that the environment is an area of shared jurisdiction. So we must ensure that the federal government's legislative agenda respects areas of provincial jurisdiction. Bill C-469 clearly infringes upon provinces' jurisdictional authority over the environment, as I just mentioned. As we all know, under the Constitution Act, 1867, the environment is an area of shared jurisdiction. We also know that since that time, environmental law has come a long way. And that has been possible because we have been able to maintain a balance, Mr. Chair. Under this bill, anyone would be able to challenge a bill at any time, but only after it had gone through all the legal, administrative and environmental channels.

We know, for instance, that Quebec has instruments such as the Bureau d'audiences publiques sur l'environnement (BAPE) in place. We also know that the Canadian government works alongside the BAPE. When a situation arises requiring intervention under the law, Canadian legislation stipulates that an assessment be done, and that assessment is carried out jointly, Mr. Chair. That brings to mind a project that was subject to a joint assessment by the Canadian Environmental Assessment Agency and the BAPE—the LNG terminal project, to name just one.

So, as you can see, there are already mechanisms in place. Once the process has been completed, once a decision has been reached, Mr. Chair, and reasonable and necessary adjustments have been made, we have to live with those consequences.

● (1625)

Under this bill, anyone could turn everything upside down and create a climate of legal uncertainty. That is totally unacceptable. That infringes upon the provincial domain.

For that reason alone, the bill should be withdrawn, reviewed and reworked to make sure that it respects jurisdictional authority, one of the tenets of Canadian federalism.

As I mentioned, by jeopardizing the future of hydroelectric projects, the bill creates an imbalance in terms of sustainable development, an area that seeks to align the interests of the environment, the economy and society. At the end of the day, this bill throws that balance out of whack. It duplicates existing legislation, as we saw, Mr. Chair.

Of course, one of the most important points was raised by the officials from the Canadian Chamber of Commerce. They told the committee that we could not move forward with this bill because it did not make any sense. It does not take into account decades of work on the part of parliamentarians to set up national environmental protection agencies.

Mr. Chair, we have clearly seen that this bill truly creates considerable legal uncertainty, for all sorts of reasons. That is why we absolutely must take the time to discuss Mr. Warawa's motion at length and to carefully consider our role as parliamentarians. And as such, we have a duty. We must do the responsible thing and defeat the bill.

In conclusion, I would remind you of what the Canadian Hydropower Association said. Stakeholders in other industries shared those same concerns with us.

For those reasons, Mr. Chair, I intend to support Mr. Warawa's motion. And through you, as always, Mr. Chair, I urge my colleagues across the way and my Quebec colleagues to stand up for sustainable development in Quebec and to put a stop to this bill.

Thank you.

● (1630)

[*English*]

The Chair: Thank you.

Mr. Warawa, and then Ms. Duncan.

Ms. Linda Duncan: Thank you, Mr. Chair—

The Chair: No, I have Mr. Warawa and then Ms. Duncan.

Ms. Linda Duncan: It's Mr. Warawa and then Ms. Duncan?

The Chair: Yes.

Ms. Linda Duncan: Okay.

Mr. Mark Warawa: Thank you, Chair.

I've listened to—

Ms. Linda Duncan: [*Inaudible—Editor*]...where I get to speak?

The Chair: [*Inaudible—Editor*]...waves to me to get onto the speakers list.

Mr. Mark Warawa: Chair, thank you for the opportunity to share a few more points.

We've heard concerns from basically across Canada on how this could affect existing facilities, right from the Maritimes through Quebec, Ontario, Alberta, and British Columbia. Canada is a vast country with natural resources that have been developed. We heard from the witnesses that as these natural resources are developed, it's not quick; it's with a lot of thought. It can take years and years before we actually see something tangible creating electricity.

To its credit, this committee at the end of the last Parliament saw the passage of the Federal Sustainable Development Act. That was where everybody on this committee started working together, which was good. We heard from the commissioner last week that this work, that lens by which we look at all existing and new legislation, goes to the lens of sustainable development, which has the three pillars. We heard that all of that work will be set aside and there would be a new lens. That new lens would be an environmental bill of rights that would supersede this sustainable development lens.

That raised a lot of concern, and now, hearing from my colleagues, I feel I have a responsibility to share with the committee what the Business Council of British Columbia wrote to the committee.

I already read the last paragraph, so I would also like to read the introduction, as follows:

> The Business Council of British Columbia is pleased to provide comments on Bill C-469, An Act to establish a Canadian Environmental Bill of Rights. By way of background, the Business Council, established in 1996, is an association representing approximately 260 large and medium-sized enterprises engaged in business in British Columbia. Our members are drawn from all major sectors of the provincial economy. Taken together, the corporate members and the associations affiliated with the Business Council are responsible for roughly one-quarter of all jobs in British Columbia. The Council maintains an active interest in environmental policy and regulatory matters.
>
> At first glance the idea of a Canadian Environmental Bill of Rights may hold some appeal, but a close inspection of Bill C-469 raises a number of serious concerns about the probable consequences of the proposed legislation.

Mr. Calkins spoke eloquently about that, the devil being in the details.

The letter from the Business Council goes on:

> Bill C-469 would grant any Canadian resident the right to obtain information on, and to be consulted about, any Federal environmental activities; to pursue administrative review of Federal instruments pertaining to environmental decisions; and to launch actions in the Federal Court against the Government of Canada for failing to enforce environmental laws/regulations, violating the right to a healthy environment, or failing to perform its duties as a "trustee" of the environment.
>
> In our respectful submission, the proposed Bill is not the right approach for improving Canada's environmental performance. If adopted as law, it would dramatically change the nature of environmental protection in Canada, pave the way for an explosion of litigation, greatly increase uncertainty for business, and impose additional costs on Canadian taxpayers. The Business Council strongly opposes Bill C-469, both in principle and because we have concerns with a number of specific aspects of the Bill.
>
> Section 9 of Bill C-469 would establish a right for every Canadian to "a healthy and ecologically balanced environment." This language is vague, and it is unaccompanied by the definitions and limitations necessary to give public authorities and private parties the certainty and information they require to make well-informed decisions. Section 9 would allow any person to initiate legal proceedings against a federally regulated business with the claim that the activities of the business infringe on their right to a "healthy and ecologically balanced environment." As we read it, it may also create a similar right in respect to businesses that aren't federally regulated. Worse still, sub-clause 23(3) suggests that regulatory compliance is not a defence for any business put in this position.

● (1635)

> More broadly, the Bill implicitly adopts a view that regulators, Parliamentarians and other public authorities cannot be relied upon to arrive at sound decisions pertaining to the environment. It proposes to substitute the opinions of citizens and the courts for the balanced judgments of legislators, regulators and government officials charged with protecting and advancing the overall public interest. In this respect, Bill C-469 casts aside the efforts of past governments and Parliamentarians to establish national agencies and to enact rules and regulatory procedures to protect the environment.

As I said in my opening comments, this is what it does even with sustainable development strategy. It sets it aside as the new lens that everything is looked through, and the pillars of economic and social considerations are gone.

The letter goes on:

> Under section 16 of the Bill, Canadian residents would have wide scope to seek recourse in the Federal Court to allege that the Government of Canada has failed to perform its duty as a "trustee" of the environment.

The Chair: Mr. Scarpaleggia.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): On a point of order, is constant repetition of the same idea permitted?

The Chair: We do try to stay away from repetition.

Mr. Francis Scarpaleggia: We've heard from many members about how this bill would allow private citizens to call into question whether certain environmental regulations are being enforced and so on. The issue has come up many times. It's starting to resemble—maybe—a filibuster. I'm not saying it is, but it's starting to resemble one.

I don't know what you think about that, Chair.

The Chair: Let me defer.

You need to be relevant with your comments, and you can't be repetitious in your own comments, but it doesn't prevent somebody from stating the same basis of other members.

Mr. Francis Scarpaleggia: But I think there's been repetition from one member.

I can understand if each member of the government side wants to take an hour to discourse on the bill; I think that's their right. But one would think that after all five have spoken, there would be no need to come back to one of them again.

I just question that.

The Chair: Okay.

Mr. Mark Warawa: Can I speak to that point of order?

The Chair: You can speak to that point of order while I research it.

Mr. Mark Warawa: Thank you, Chair.

I thank Mr. Scarpaleggia for his comment and his concern.

Ironically, the concern he raises is the very point that I am trying to make and I think others around this table are trying to make—namely, that he has heard repeatedly from every witness that this is their concern, and yet we have him and others on that side trying to rush this bill through...and "Don't confuse Canadians with the facts".

Canadians know the facts, Chair. They know this is very serious. And that's what we're hearing repeatedly.

Now, I am not repeating anything that's already been said. What I'm sharing is a brand new brief from another witness.

I'm really shocked that members opposite would not want to hear from Canadians on this.

● (1640)

Mr. Christian Ouellet (Brome—Missisquoi, BQ): We know; we've heard it once.

The Chair: Mr. Woodworth, did you want to speak on this point of order?

Mr. Stephen Woodworth: I just want to mention, on the point of order, that Mr. Scarpaleggia generously offered to allow each of the government members to speak for an hour. I want to say, at least in relation to Mr. Warawa's motion, that I'll decline that generosity.

The Chair: Okay.

Perhaps all of you could turn to page 622 in your O'Brien and Bosc, chapter 13, Rules of Order and Decorum. Under the subtitle "Repetition", it says the following:

> Repetition is prohibited in order to safeguard the right of the House to arrive at a decision and to make efficient use of its time. Although the principle is clear and sensible, it has not always been easy to apply [204] and the Speaker enjoys considerable discretion in this regard. The Chair can curtail prolonged debate by limiting Members' speeches to points which have not already been made.

That's as it applies to the House.

So as long as Mr. Warawa is referencing a new brief, or context from one of the submissions received from a witness on a specific point, I'll allow it, but I will not allow the same point to be made over and over again out of the same brief or from the same witness.

Mr. Mark Warawa: Thank you, Chair.

I've been very careful to make sure that what I'm presenting today has not yet been presented by any of the witnesses to this committee or from any of my colleagues on this side or that side. This is all new information. The message continues to be that Bill C-469 is a bad bill. I will continue to make sure it's all relevant and not repetitive.

Mr. Speaker, may I continue?

The Chair: It's Mr. "Chair", but go ahead.

Mr. Mark Warawa: Mr. Chair, thank you.

The letter continues:

> The Federal Court, in turn, would have access to a range of remedies. Legal advisers inform us that the sweeping scope of this provision could end up impinging on provincial authority in respect of the environment, thus setting the stage for intergovernmental conflict and discord.

That applies directly to one of the points in the motion that it would encroach on areas of provincial environmental jurisdiction.

It goes on:

> Because the Bill in its present form puts environmental protection above all other public policy goals, there is no room for the weighing and balancing of interests and the exercise of careful judgment that are the essence of policy-making in our democratic legislative system. While environmental protection is a very important consideration, policy-makers have a responsibility to take other goals and factors into account, including economic development, jobs, energy security, and the need for predictable rules governing business activity. Bill C-469 basically treats all public policy goals, apart from environmental protection as illegitimate or, at a minimum, decisively subordinate. The Courts, instead of democratically accountable public policy-makers, would be empowered and indeed encouraged to continuously challenge the decisions made by Government agencies or even Parliament.

That is a huge concern that we heard over and over again. Should Parliament be making the decisions or should that be usurped and given over to the courts? That's not what Canadians want, Mr. Chair.

> Section 22 of the Bill envisages that any "plaintiff," even someone far removed or completely unaffected by a specific matter (such as issuance of an individual permit), may apply for judicial review of a Government decision. This provision, if implemented, would be certain to lead to a marked increase in litigation around environmental assessments, approvals and permits issued by responsible Federal Ministries and regulatory bodies.

> Under section 23, we note that compliance with the terms of a permit or license is not a defence to a civil action that may be brought under this provision—and the current language appears to contemplate that it would apply even to matters falling within provincial/territorial jurisdiction. Needless to say, this would cause a high degree of uncertainty for many business operators while also setting the stage for conflict between levels of government. In our view it is wrong in principle for a piece of Federal legislation to openly encroach on provincial jurisdiction or purport to limit the exercise of legitimate provincial powers in this way.
>
> Section 10 is intended to ensure effective access for the public to "environmental information," but there is no reference to protecting confidential commercial information. While we are not opposed to measures that increase public access to environmental information, we believe that safeguards are needed so that confidential business information is protected from disclosure.
>
> Section 13 contemplates that any entity or resident of Canada could ask for a review by the Minister in respect of any policy, Act or regulation relating to or having an impact on protection of the environment. This far-reaching provision would be sure to result in a significant increase in the administrative burden on Federal departments and agencies and cause a slowdown in governmental decision-making processes affecting a wide range of projects and investments.

Then there are the closing comments saying that Bill C-469 should be set aside.

Again, that's another example: it should be set aside. And that is the motion before us today.

I believe, Chair, the question before us is this: does the committee support, as I believe it should, setting aside Bill C-469?

There are two other options. We could call for more witnesses. We've heard from this side repeatedly on the importance of hearing from witnesses. There is this deluge now of new testimony that we're receiving from the clerk, with the vast majority raising concerns about how bad Bill C-469 is. Should we hear from those witnesses? That is an option that we could consider.

What about first nations? We've heard that first nations have not been consulted. I'm actually quite surprised that first nations have not been consulted, when in fact this could affect them. It could affect treaties right across this great country and destabilize the good relations we have. I'm quite surprised that we're moving forward so quickly without hearing from witnesses.

● (1645)

Basically the third option, Chair, is that we quickly get this out of here, and through the House, and get it through Parliament so nobody will really notice what is being proposed. Hopefully that is not what is going to happen in this committee.

At this time, I think we need to be very careful. The prudent and logical thing is to set it aside.

I think it was one of my colleagues here, maybe Mr. Woodworth or Mr. Calkins, who suggested that maybe we start again. This bill is so badly flawed that we need to set it aside and start again.

I'm done. Thank you.

The Chair: Thank you, Mr. Warawa.

Ms. Duncan, you have the floor.

Ms. Linda Duncan: Thank you, Mr. Chair.

I have a few brief comments. I don't think I want to belabour this. A lot of the witnesses dealt with these issues far more eloquently than I possibly could.

I do want to touch immediately on the issue of first nations. I in fact added the Assembly of First Nations to the recommended list of people to appear. Unfortunately, the timing just did not work for them. I certainly will, when I leave this meeting, encourage them to submit a written brief.

I was of the view that once we had ended our hearings, we would not be soliciting further briefs and witnesses. If we're still welcoming them, I'll certainly encourage those who have not contributed to do so. In fact, I've spoken to a number of people who said they would have happily submitted written briefs. They didn't realize it was still possible. So I'm glad to hear that the Conservative members of the committee want to encourage additional people to submit their views. I will do so as well.

The government has done a good job of endeavouring to present the viewpoints of one group of witnesses, and that was from industry. Not surprisingly, they are coming in and opposing a new environmental law, particularly one that would enable impacted communities to participate in environmental decision-making. I've dealt with this kind of opposition for 40 years, so it comes as no surprise. I fully expected that, although I have to say I was disappointed that.... There are a good number of senior representatives of industry in Alberta who, had they appeared, I think would have put forward a somewhat more measured perspective as they've been participating multi-stakeholder groups with people across Alberta for five decades.

So we've heard a wide array of viewpoints. Yes, we heard from some industry saying it would open the floodgates for litigation. On the other hand, we heard from a good number of witnesses saying, contrary to that, in both the U.S. and Canada there had not been a floodgate of litigation. We heard that most strongly from the Environmental Commissioner of Ontario, who very clearly said that the most valuable result of their provincial Environmental Bill of Rights is that it has encouraged and facilitated more members of the public to step forward and express their views on any new environmental law or policy.

Some intervenors, some witnesses, in fact called for even stronger expanded citizen rights, and were disappointed that my bill did not go far enough. Everybody has those proposed amendments before them. I did not choose to bring forward those amendments. I stuck to my guns and tried to keep the bill more measured. Of course, it's open to any member to represent all of the witnesses who testified. So far, we've only heard from a certain perspective.

I'm a little taken aback that the government would criticize committee members who've gone to the effort to sit down and actually submit amendments that they think will strengthen the bill. We may have different perspectives on these amendments when we finally get to them, but I respect them. I respect that they take the time with their colleagues and their staff to sit down and go through the bill and come forward with amendments.

I would have welcomed a number of friendly amendments, frankly. I would have happily accepted amendments, as the government has spoken to, on amending the "precautionary principle" definition. I would be happy to accept any amendments. But they've chosen not to strengthen the bill and provide that it be more measured; that's their discretion.

I want to thank the witnesses and our analysts for their hard work in expeditiously turning around that material and reviewing the various environmental bills of rights that exist in Canada. I note that pretty well every other environmental bill of rights uses the term "resident", so I'm a little puzzled why we couldn't use that in the federal bill when in fact that's the term used at the provincial level. That remains puzzling to me, having heard the evidence and having received that useful information from the analysts.

On the matter of redundancy, far from being redundant, the bill simply makes rights consistent under all federal environmental laws that are already extended under CEPA, and in some cases extends them somewhat. In fact, that's what Bill C-16 did, and we all worked assiduously to assist the government in processing that bill, which they still have not seen fit to put into effect. And that's in fact what this bill does: it extends equal rights under whatever manner that we're reviewing in the environment.

● (1650)

As far as impacts to permits and revision of legal approvals are concerned, the government always has the power to revise any regulation, any law, any policy, any permit, any approval, any authorization. That's allowable under the law. All this bill does is to give the public a right to be at the table when those decisions are made, or to ask that such a review be undertaken.

I'm a little puzzled at all of this speaking on and on about the lack of certainty. In fact those in industry are themselves often calling for government to open up and relax laws. There's been a major campaign orchestrated from this country by industry for the United States to relax their environmental laws. So there are lobbyists on both sides. All this bill does is ensure that the public have a right. The reason it's in there....

Frankly, as the tabler of this law, I have to tell you that if there's anything in this bill that I would want to survive, it would be those provisions. I'm saying that for a very specific purpose. I had the pleasure of serving as the first head of law and enforcement for NAFTA's environment commission. That commission operates under the North American Agreement on Environmental Cooperation. Under that agreement, signed by Quebec, Alberta, and the federal government, as well as counterparts in the United States and Mexico, all of our Canadian jurisdictions who have signed on have undertaken to enable advance notice and opportunity for the public to be engaged in the development of any environmental law and policy. All this bill is doing is enacting that at a domestic level.

I'm kind of astounded that I haven't heard on this from the parties on the other side, who are usually great defenders of NAFTA—and the NAAEC is a side agreement to NAFTA.

So that's precisely what the bill does. It simply takes an international agreement and implements it domestically, which is the way the system works in Canada.

I don't want to elaborate any further. I think we have clearly heard that certain members of our committee like what they heard from industry. Probably there's a variety of opinions around the table about how they would weigh the evidence heard, and that's why we tried to hear from as broad an array as possible.

In closing, Mr. Chair, I want to move that this debate now be adjourned.

● (1655)

The Chair: I cannot take a motion like that at committee.

Ms. Linda Duncan: The rules on page 1057 give me the full right to make that motion.

The Chair: That's applicable in the House.

Ms. Linda Duncan: No, it's in the committees.

The Chair: Give me just a minute. I will check that.

Was it to adjourn, or that the motion be adjourned?

Mr. Blaine Calkins: That the committee be adjourned.

Ms. Linda Duncan: No, no, no.

The Chair: Did you move that the debate be now adjourned?

Ms. Linda Duncan: That's correct.

The Chair: Okay.

This is a dilatory motion. Chapter 20 states, in regard to an allowable dilatory motion, the following:

> A member who moves "That the debate be now adjourned" wishes to temporarily suspend debate underway on a motion or study. If the motion is carried, debate on the motion or study ceases and the committee moves on to the next agenda item.

So it is...[*Inaudible—Editor*].

With that, I'll call the question.

Mr. Stephen Woodworth: It's not debatable?

The Chair: It's not debatable. It's a dilatory motion.

An hon. member: A recorded vote, please.

The Chair: I have a request for a recorded vote.

Mr. Stephen Woodworth: On a point of order, could you also repeat the motion, please?

The Chair: The motion is that debate be now adjourned.

Mr. Steven Blaney: I have a point of order, Mr. Chair.

The Chair: This isn't debatable. This is a dilatory motion.

Mr. Steven Blaney: Okay.

The Chair: I'm going to call the question.

(Motion agreed to: yeas 6; nays 5)

The Chair: Just for the information of members, the motion isn't defeated, it's just adjourned. We can return to debate on this motion at a later time.

Mr. Calkins.

Mr. Blaine Calkins: Mr. Chair, I believe I'm in order by discussing this—

The Chair: We have a point of order from Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras: I think a decision was made. We just voted. You should have used the gavel to indicate that the debate was over.

[*English*]

The Chair: Are you on a point of order, Mr. Calkins?

Mr. Blaine Calkins: No, I'm not. I just want to speak to move a motion, actually, Mr. Chair.

The Chair: Okay, move a motion. You have the floor.

Mr. Blaine Calkins: Given the fact that debate has been brought to a crashing halt on this particular bill, I'm not sure what's going to happen—

[*Translation*]

Mr. Bernard Bigras: No!

[*English*]

Mr. Blaine Calkins: —insofar as this. I assume that it will be discussed at the next meeting, or whatever the case might be, Mr. Chair, but there'll be no vote on that particular motion. That motion has now been dealt with insofar as this particular committee meeting.

Therefore, I believe I would be in order, given the information that we've heard, and given the fact that my motion, I believe, is relevant to the discussions that are being talked about before this committee—

Mr. Bernard Bigras: *Mais non.*

The Chair: May we get the motion on the table first, Monsieur Bigras?

[*Translation*]

Mr. Bernard Bigras: No.

[*English*]

Mr. Blaine Calkins: I would move that, pursuant to the relevant standing orders, the committee recommends clause-by-clause of Bill C-469 be suspended in order to receive additional briefs and hear additional witness testimony.

Mr. Bernard Bigras:*Non.*

The Chair: Just hang on. Let me get this motion straight first.

Before we get the points of order....

Order!

Let me just consider this for a minute, please.

● _____ (Pause) _____ ●

● (1700)

The Chair: I'm going to call the meeting back to order.

The motion is in order. We are in committee business, so we can accept this. It is relevant to the discussion happening.

It is moved by Mr. Calkins that pursuant to the relevant standing orders, the committee recommends clause-by-clause of Bill C-469 be suspended in order to receive additional briefs and hear additional witness testimony.

Mr. Calkins, you have the floor.

Mr. Mark Warawa: Can I get on the speaking list?

The Chair: [*Inaudible—Editor*]

Mr. Blaine Calkins: Thank you, Mr. Chair.

I appreciate the opportunity to have this motion.

You know, it's becoming obvious to me that the coalition now has played their cards insofar as what they're wanting to do. They want to close down debate on this particular issue before Canadians wake up to the reality of what this dangerous piece of legislation would actually do.

So Mr. Chair, I—

The Chair: I have a point of order from Mr. Scarpaleggia.

Mr. Francis Scarpaleggia: On a point of order, I understand that we don't want to impugn motives here, but when we refer to members as part of a "coalition", are we not impugning motive?

The Chair: Yes, we've been trying to discourage...or we've been trying to increase the decorum in here, and the respect.

Mr. Francis Scarpaleggia: Yes: you know, it's false.

The Chair: At the same time, let me just say that we are all politicians here. When we're talking about parties, that's where I can't really comment. When we're attacking individual members, that's when I'll come to your defence every time.

● (1705)

Mr. Blaine Calkins: Mr. Chair, I'll rephrase it then.

The Chair: Okay, Mr. Calkins.

Mr. Blaine Calkins: Mr. Chair, it's becoming incredibly obvious, or increasingly obvious to me, that the Liberal-Bloc Québécois-NDP coalition that's not a coalition is increasingly trying to stifle debate on this. They've played their cards. They've tipped their hand.

We see from the briefs that have come in here...and I'd be more than happy to go back and read those into the record. I don't know how much time we have, but I think a good portion of them already have been discussed from the various witness testimonies that we've heard.

The reality that's before us—

The Chair: [*Inaudible—Editor*]...point of order?

Mr. Francis Scarpaleggia: Sort of, yes.

The Chair: Make sure it's a point of order.

Mr. Francis Scarpaleggia: Well, I don't know; I think it is. You can judge, Chair.

This idea that there's an agreement among the parties—

Mr. Steven Blaney: A point of order.

The Chair: Just hang on.

Mr. Francis Scarpaleggia: —to support this bill is false. I mean, we're all presenting amendments. I can't say that I agree with the amendments of the other parties. I've looked at some of them, and some of them I don't agree with.

It might be possible that the government would be in agreement with an amendment that I intend to bring. There could be all kinds of voting lines here.

So I really take offence to the fact that Mr. Calkins is prejudging so much that will happen if we go ahead with this bill. As a matter of fact, if we just go ahead with the clause-by-clause, we'll see what we end up with.

I think the government members are prejudging everything. They're prejudging that the bill can't be changed, they're prejudging how everyone else is going to vote, and I just don't think that's fair.

The Chair: And we can't reflect on the motion at hand.

I have, on this point of order, Mr. Blaney, Mr. Woodworth, and Monsieur Bigras.

On the point of order, Monsieur Blaney.

[*Translation*]

Mr. Steven Blaney: Thank you, Mr. Chair, for giving me a chance to speak. It has to do with the point of order raised by my colleague across the way, Mr. Scarpaleggia.

First of all, I do not think it is a point of order. It is actually a point of debate, and the three parties across the way have all taken the same position in that debate. A dilatory motion was just moved a few moments ago, and I think it is safe to talk about a coalition in this case, in light of the events so far.

Mr. Bernard Bigras: Well done.

Mr. Steven Blaney: If we, as a party, were to vote in concert with other members, either from the NDP or the Bloc Québécois, as has been known to happen in the past, we could rightly point to a coalition. My colleague is being interrupted even though he is in the process of making an extremely well-organized political argument.

For that reason, Mr. Chair, I think the word “coalition” is entirely appropriate. The Liberals, the Bloc Québécois and the NDP voted together, preventing parliamentarians from voicing their opinions on a crucial motion, which as I mentioned, undermines the very foundation of Canada's environmental regime. Thank you.

[*English*]

The Chair: Thank you.

Mr. Woodworth, make sure it's to the point.

Mr. Stephen Woodworth: Thank you, Mr. Chair.

Regarding Mr. Scarpaleggia's point of order, I think Mr. Calkins was talking about, when he referred to the combined and concerted action of the opposition members, the attempts to shut down debate that we've observed thus far, including the unanimous support from the opposition of Ms. Duncan's motion for “closure”—I guess that's what I'll call it—to stop debate on Mr. Warawa's motion, and including as well this tactic that the opposition seems to have adopted of raising endless points of order in order to interrupt and slow down the debate.

I might say also that it's interesting that since Mr. Blaney has arrived, we've seen a new tactic from the Bloc members, which is that they heckle Mr. Blaney and try to prevent him from being able to speak freely.

So I think it is that concerted effort to somehow shut down debate on this bill that Mr. Calkins was referring to as a coalition effort.

The Chair: Thank you.

Monsieur Bigras, on this point of order.

I'm starting to think this isn't very much of a point of order, but go ahead and debate here the process.

[*Translation*]

Mr. Bernard Bigras: Mr. Chair, we do not see this kind of motion very often. If there are people on your list who want to contribute to a debate, normally the debate carries on. As for Ms. Duncan's motion, I was under the impression that she was trying to end the current sitting. In that event, we would resume the debate at the next meeting. Usually, we call that filibustering in the government's case. It is pretty rare to put an end to filibustering in this manner. You ruled that the motion was in order, and I will remember that. Since I plan to be here for a few more years yet, I might be able to use that tactic every now and again.

Essentially, the motion before us right now is trying to do the same thing as the motion that was previously moved and discussed. On the same point of order, it seems to me that the spirit of the motion before us, which was ruled in order, is basically identical to what was put forward earlier, in other words, that we put a time limit on the study of this bill.

● (1710)

[*English*]

The Chair: I'll just say that, as I already ruled, the motion is in order. Chapter 20 of O'Brien and Bosc says:

> The Standing Orders state that standing committees have the power to order the production of papers and records, another privilege rooted in the Constitution that is delegated by the House. In carrying out their responsibility to conduct studies and inquiries, standing committees often have to rely on a wide array of papers to aid them in their work.

Essentially what we're saying is that they want additional briefs and to hear additional witnesses, so this motion is in order.

As to the tactics being used, I'm not going to start censoring freedom of speech around here—although my mother used to have a saying that almost applies in this situation: “You kids are driving me crazy.”

Some hon. members: Oh, oh!

The Chair: With that, Mr. Calkins, you have the floor.

Mr. Blaine Calkins: I'm glad to get back. I appreciate the good spirits around the table. We've got into a little bit of a situation here in front of the committee that we don't normally find ourselves in. But I think everybody is still working with the best intent of moving forward.

Frankly, Chair, the reason I moved the motion is because it's becoming increasingly obvious to me that this bill, based on the testimony I've seen, based on the submissions I've seen, and based on the numbers of amendments that have been put forward, is a major undertaking.

As I said earlier, most private members' bills are usually one or two clauses. They make a tweak to existing legislation. This bill, in and of itself, is a major undertaking that affects almost every aspect of how the Government of Canada administers itself, runs itself in the adjudication, and basically puts itself out there in terms of managing the environment, managing the economy, and so on.

I had folks from Alberta in my office here in Ottawa last week, from a responsible company, Capital Power, and they weren't even aware that this legislation existed or what the ramifications were. They have a great project in my riding, Genesee 3. They're building Genesee 4. They were talking about emissions-free, coal-fired electrical generation. I guess others around this table might not consider that responsible. I guess we're going to go back to the days when we rode on bikes, whittled out of wood with a bone knife. Anybody who does anything different, as far as I'm concerned, is using energy, which is what this bill is intending to target.

Notwithstanding that, I think Albertans particularly are starting to wake up to the potential economic devastation this bill would have in its current form. We've already heard from just a handful of witnesses. We have a handful of briefs here and already we have over 30 proposed amendments to this legislation, based on that handful.

The sponsor of the bill herself has said that it's too bad there wasn't time for first nations to prepare and come and speak to clause 4 and the various other clauses of this bill that affect land, I believe the definitions clause. And there are other parts of the bill that address first nations or aboriginal people's issues.

I do believe that other organizations, once they start to realize the fact that the opposition parties.... I don't know; there is no other word in English for a pact between people to basically concoct a certain outcome than “coalition”. I don't mean that as a negative or a derogatory word. It's just the way it is. I mean, they're working towards this. They want to stop the debate on the motion.

I think we were probably a couple of minutes away from actually voting on that motion if we could have actually had an opportunity to vote on it. But you know what? If the intention of the opposition is to stifle debate now and to basically bring this bill back before Parliament in its current form or in a form that's not acceptable and in as hurried a fashion as possible, before we've had a full airing of all of the potential consequences of this particular legislation, I think it's irresponsible.

So that's why I moved the motion, Mr. Chair. I would have moved the motion regardless, had we had an opportunity to vote. This is of particular serious consequence to Canadians. It's of particular serious consequence to our economy at a time when Canada is just recovering and is in a fragile state, and when the rest of the world is still basically in economic upheaval. To throw this bill into the mix at this particular point in time is frustrating.

I want to hear from more people; I want to hear from more stakeholders. The proponent of the legislation talks about how the public doesn't have enough input into the process of permits and so on. Well, I would argue that she's trying to close debate so they don't have enough input into this proposed legislation.

You can't have it both ways, Mr. Chairman, and that's why I will be supporting this motion.

Thank you.

● (1715)

The Chair: Thank you.

Mr. Warawa

Mr. Mark Warawa: Mr. Speaker, I heard Ms. Duncan say that she supports hearing from more witnesses—I think....

She's shaking her head no. That's unfortunate. I thought I heard her say that if more people are presenting testimony in written form, then...and referred to the hearing from first nations. So I'm disappointed. I thought there was consensus or agreement to hear from witnesses.

I think it's very important to hear from more witnesses. I was quite shocked that there was a procedural manoeuvre used by members across the way. It was well organized. They had their meeting on the side, and they came here prepared to gag and stifle healthy debate as soon as they got a chance.

They used the word “filibuster” when we are sharing what Canadians, what business, and what industry have shared. There are huge concerns across this country, including in Quebec.

I'm glad that we have Mr. Blaney here, standing up for Quebec. What would happen if the Bloc had its way? I shudder to think.

Do we need to hear from more witnesses? Absolutely. Canadians have now heard of what Bill C-469 would do.

Chair, we heard from Michael Broad of the Shipping Federation of Canada. What did he say in November? Well, he said that they can easily foresee clause—

The Chair: There is a point of order.

Ms. Linda Duncan: Mr. Chair, the motion before us is that we should open up for new testimony. I don't think it's appropriate to be going back over testimony we've already heard. It's not relevant to the motion.

The Chair: Mr. Blaney, on that point of order.

[*Translation*]

Mr. Steven Blaney: Mr. Chair, it is essential that the logic behind our arguments be based on existing foundations. I think this is a deliberate attempt by Ms. Duncan to stop the member from underscoring the importance of hearing new evidence. Our argument does just that, it relies on points raised by witnesses. They managed to shake our confidence in this bill.

[*English*]

The Chair: We are into a new question. The question is different, so the information is....

Essentially, since we're dealing with a new motion, we're dealing with new debate. However, I ask that all members make sure that when they're speaking to the motion they are relevant to the motion.

We're making the argument to receive additional briefs and additional witness testimony. When you're speaking to the motion, please speak to those crucial elements of the motion.

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

Ms. Linda Duncan: I have another point of order. Could I ask you to reiterate who's on the speaking list?

The Chair: On the speaking list, I have Calkins, Warawa, Armstrong, Woodworth, Ms. Duncan, and then Mr. Blaney.

Ms. Linda Duncan: Oh.

The Chair: You're after Ms. Duncan, Mr. Blaney.

Mr. Steven Blaney: On a point of order, I had asked to speak before Mr. Calkins.

● (1720)

The Chair: It's Mr. Calkins' motion.

Mr. Steven Blaney: Actually, I was on the list prior to Mr. Calkins.

The Chair: Well, I was writing names down as I saw them. I have Calkins, Warawa....

Oh, Mr. Calkins has already spoken.

Mr. Warawa is speaking now. Then I had Mr. Armstrong. Then I saw Mr. Woodworth. Then I saw Ms. Duncan.

And then I saw you, Mr. Blaney. I'm sorry if I missed you, but I saw who I saw.

With that—

[*Translation*]

Mr. Bernard Bigras: I would remind you that this is an open meeting.

[*English*]

The Chair: Ms. Murray is on the list now as well.

So with that process, we all know where we stand.

Mr. Warawa, you still have the floor.

Mr. Steven Blaney: I want to speak on that motion.

Mr. Mark Warawa: Thank you, Chair.

I have a procedure question: would I be able to share my time with Mr. Blaney?

The Chair: This isn't a scheduled round where we are dealing with witnesses, where we have time allocation. The floor is yours, Mr. Warawa. When you're done speaking, I'll move on to the next on my list, which is Mr. Armstrong.

Mr. Mark Warawa: Thank you.

Chair, I find it a little disheartening when we have the coalition—excuse me, the members—all voting the same across the way.

The Chair: Order, please.

There are too many sidebar conversations, and I'm hearing-impaired and having trouble hearing.

Mr. Mark Warawa: Chair, the tactic is well organized and orchestrated. It's to interrupt by using points of order to end debate.

The minute I refer to the Shipping Federation of Canada, the members of the non-coalition almost instantaneously interrupt and gag and stop. And why is that? Well, I was going to use that as an introduction from the other witness, who I think we should have called here, the witness from the Seafarers' International Union of Canada. Then I was going to refer to the Business Council of British Columbia, and then I was going to refer to the Canadian Energy Pipeline Association.

These are all briefings that we've received. These are all people who should be invited to speak. But it appears that the non-coalition members keep wanting to interrupt and don't want to hear from them. These are important people.

I keep going back to the importance of hearing from first nations. Why...?

Chair, without ending my place in the speaking order, would it be in order for me to ask, through you, if the clerk invited...?

I don't want to lose my speaking order—

The Chair: No, you're on.

Mr. Mark Warawa: —but I'm wondering about first nations. Why were they not here? Why have we not had a briefing? This would affect first nations in a way that we cannot even imagine.

Ms. Linda Duncan: Why didn't you put them on your list?

The Chair: I can respond to that.

Ms. Linda Duncan: Why didn't they put them on their list?

The Chair: They were invited and made the decision not to attend.

An hon. member: Not to attend?

The Chair: Well, they definitely didn't have time to put together a proper brief, is what they proposed.

An hon. member: [*Inaudible—Editor*]

Ms. Linda Duncan: I put them on the list, not you.

The Chair: Okay, order.

So they were invited.

[*Translation*]

Mr. Bernard Bigras: It is important to hear from them.

[*English*]

The Chair: Mr. Warawa.

Mr. Mark Warawa: Chair, I think it's important that we hear from first nations—

● (1725)

Ms. Linda Duncan: Well, why didn't you put them on the list?

Mr. Mark Warawa: —and here we have Ms. Duncan, Mr. Bigras, Mr. Scarpaleggia saying, no, no, let's move, let's go.

It's important that we hear from these witnesses because of how it will affect existing agreements and permits. We have Haida Gwaii; there is a permit, an agreement we have, where we protect the trees. We protect the environment, the ecosystem, from the top of the trees to the bottom of the ocean.

Chair, is there any other place like this in the world? No, not in Canada, not anywhere in the world. This is the first. With this wonderful agreement, we've been able to protect a very valuable jewel in this world.

Now, this could be all under attack by how many people? It would have to be a group of people. If Ms. Duncan's bill went ahead, if this was rushed through, as these coalition members want to have this, with no more witnesses, could this be attacked by the action of one resident in Canada? Absolutely. We've heard this.

So should those groups be encouraged to provide a briefing submission? Absolutely. And where is that, where is that briefing? We don't have it before us.

So I want to thank Mr. Calkins for his motion. I think it's important. I'd like to hear from other business. Of course, the members across the way, shockingly, don't want to hear from other witnesses. Why is it? Well, you know, maybe they don't want to hear the facts on how this bad bill would affect Canadian business.

One of my colleagues a moment ago reminded us that the economic recovery in Canada, globally, is fragile, and for us to be playing with one of the strongest economies in the world.... It's definitely the strongest of the G-7. We've heard that. To play around with that, it appears, for political....

Well, I don't want to impugn any of the motives of any members across the way—I respect them individually—but their parties are willing to sacrifice the environment, they're willing to sacrifice the economy, they're willing to sacrifice everything for political motives.

I encourage those parties, Chair, to work for Canada, work for what's in the best interest for the Canadian economy, for the environment.

They do not want Canada to achieve jobs in a strong economy. They don't seem to appear to want us to protect the environment. We have some of the toughest environmental legislation in the world, and that's not good enough. They want to pit province against province. The Bloc wants to have us secede their legislation and have a federal environmental bill of rights that would trump what they have. It's not good enough for the Bloc; they want now the federal government....

Well, I don't agree with that. I think we should be calling representatives of the provinces. We have Mr. Blaney, but maybe we need to have the environment minister from Quebec come here. Maybe we need to have other industry.

We have the Canadian hydroelectric association. What about—

Ms. Linda Duncan: What about BP and ExxonMobil?

The Chair: Order.

Mr. Warawa, you have the floor.

Mr. Mark Warawa: Again, it's interrupt and delay and mislead.

Some hon. members: Oh, oh!

Mr. Mark Warawa: I'm really disappointed, Chair.

The Chair: Order.

Mr. Warawa has the floor.

Mr. Mark Warawa: There's the agenda, Chair. This government is committed to cleaning up the environmental mess left by a previous government. After 13 dark years, we have a government that's committed to making sure things are better.

The Chair: Mr. Eyking has a point of order.

Hon. Mark Eyking: The parliamentary secretary was in Cape Breton. He knows how great a job we are doing on cleaning up the environment in Cape Breton in the Sydney tar ponds. He should not have gone and taken credit for that cleanup when he came down, but he should recognize the great work our party did on all environmental cleanups and our environmental stance.

Mr. Mark Warawa: That's not a point of order.

The Chair: I'll make the decisions here.

Some hon. members: Oh, oh!

Hon. Mark Eyking: It's a clarification.

The Chair: That is debate, not a point of order.

Mr. Warawa.

Mr. Mark Warawa: I appreciate your ruling, Chair, but I also appreciate the comment. I hear the echo of Sydney tar ponds. It was in those dark 13 years that the Liberals said, "Just give us one more term and we will get things done." But then they got a new leader who said, "What a mess we made of the environment. Why didn't we get it done?"

The first thing I did as parliamentary secretary was go to the Sydney tar ponds. The hesitation of Cape Breton on the environment—

An hon. member: That's debate.

The Chair: He has the floor so he can debate.

But let's make sure we are relevant, Mr. Warawa. Let's go back to the original motion.

Mr. Steven Blaney: It's absolutely relevant.

Mr. Mark Warawa: Maybe we should call for witnesses and let Canadians hear what happened in the Sydney tar ponds.

Hon. Mark Eyking: It was the Liberals—

Mr. Mark Warawa: It was the Conservative government that actually made the decision and provided the funding that the Liberals only talked about. This is a government of action that gets things done. There are no more dark years where nothing is happening.

We need to hear from witnesses. The motion is appropriate. Let's call the witnesses. Let's not rush Bill C-469 through. Anything that is this bad, where Ms. Duncan herself.... In spite of all the tactics going on and trying to rush this through, Canadians want a good discussion on Bill C-469.

This side is committed to making sure those witnesses have an opportunity. No more gagging from the coalition.

The Chair: We're at 5:30 and we're set to adjourn at 5:30.

Can I have a motion to adjourn?

Okay. We're out of here.

The meeting is adjourned.

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