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## **Standing Committee on Natural Resources**

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**EVIDENCE**

**Tuesday, February 11, 2014**

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**Chair**

**Mr. Leon Benoit**



## Standing Committee on Natural Resources

Tuesday, February 11, 2014

•(0845)

[English]

**The Chair (Mr. Leon Benoit (Vegreville—Wainwright, CPC)):** Good morning, everyone.

We are here today for two reasons: one is to deal with clause-by-clause of Bill C-5, and the second is to have a meeting on future business of the committee, which we will do at the completion of Bill C-5.

We have with us today officials from the Department of Natural Resources. We have with us today Jeff Labonté, director general, energy safety and security branch. Welcome. We have Samuel Millar, senior director, frontier lands management division, petroleum resources branch. Welcome. We have Anne-Marie Fortin, senior counsel, legal services. Welcome to you. We have Tyler Cummings, deputy director, frontier lands management division, petroleum resources branch. Welcome to you.

From the Department of Employment and Social Development, we have Brenda Baxter, acting director general, workplace directorate, labour program. Welcome to you.

I think we've had you all at our committee before, if I'm not mistaken. You are welcome back again. We really do appreciate your taking the time to be here today and helping us with this important legislation.

Before we get started, I would just like to ask for the consent of the committee to group, as we go along, the clauses where there have been no amendments brought forth, and to vote on those. Then we'll stop at each clause that is amended and deal with those separately.

Is it agreed by the committee that we proceed in that fashion, group all clauses for voting that have no amendments proposed, and then stop at the first amendment, deal with that, and then go on to the next group and vote on the group together? Is it agreed that we proceed in that fashion?

**Some hon. members:** Agreed.

**The Chair:** I hope I was clear. It's a little awkward.

Of course, we start with the title, which we put aside until the end. The discussion on the title is postponed.

So we have clauses 2 to 44. There were no amendments proposed for those clauses.

Is it agreed that we pass those clauses unamended?

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** On division.

(Clauses 2 to 44 inclusive agreed to on division)

(On clause 45)

**The Chair:** Clause 45 is the first clause that has an amendment. I'm going to move to that amendment, and I'm pretty sure it's a Liberal amendment. It's Liberal amendment 1, moved by Mr. Regan.

Mr. Regan, do you want to move the amendment? If there is any discussion you would like on that, go ahead, please.

•(0850)

**Hon. Geoff Regan (Halifax West, Lib.):** Yes, Mr. Chairman, I move this amendment. It would require consultation with, obviously, the provinces. That's already required in the legislation, but also with other interested stakeholders. I think this coincides with the testimony we heard at committee about the importance of consultation on this question of the word "danger", which is of importance to all parts of this industry and all those who work in it.

**The Chair:** You've heard the proposed amendment by Mr. Regan.

Is there any discussion on Mr. Regan's proposed amendment?

Yes, Ms. Block.

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Thank you very much, Mr. Chair.

Good morning to our departmental officials. I'm very glad to have you here today.

On that note, Chair, I would ask if we could ask of the officials if they could provide us with any sort of advice on this amendment and any implications that there might be?

**The Chair:** Excellent advice, Ms. Block.

Who would like to speak to that?

Mr. Labonté.

**Mr. Jeff Labonté (Director General, Energy Safety and Security Branch, Department of Natural Resources):** I would start and then turn to one of my colleagues.

In starting with this particular proposed amendment it's correct that the current Canada-Newfoundland and Labrador accord act and the Canada-Nova Scotia accord act both require consent and agreement between the provincial governments and the federal government to move forward with any kinds of aspects in this regard. So there is an element that already accounts for the fact that the provinces have mirror legislation and would be required to work collaboratively with the federal government.

I'll turn to my colleague Sam Millar, who would be able to explain a little bit more. But the approach in which this particular aspect of how one might define this would occur, would occur through regulations.

**The Chair:** Mr. Millar, go ahead please.

**Mr. Samuel Millar (Senior Director, Frontier Lands Management Division, Petroleum Resources Branch, Department of Natural Resources):** Thank you. If the committee would just look at the first line of that clause, it reads:

Subject to section 7....

That's of the current act. Section 7 of the current act, the Canada-Newfoundland accord act, says in part that:

the Federal Minister shall consult the Provincial Minister with respect to the proposed regulation and no regulation shall be so made without the approval of the Provincial Minister.

**Mr. Jeff Labonté:** If I add to that step, the regulation-making authority would require that any change or definition would be made public and that there would be an opportunity for any interested party to comment on the regulations that are being proposed by both governments. Therefore, the regulations being made would go through two public processes. There would be an opportunity for labour groups or environmental groups or concerned citizens to comment on the regulations before they were ever enacted.

**The Chair:** You've heard the comments of the officials here today. Is there any further discussion on this?

Mr. Regan.

**Hon. Geoff Regan:** I want to point out, Mr. Chairman, that there's a difference between consulting someone and publishing regulations in the *Royal Gazette* and hoping that they might be aware of the *Royal Gazette* and notice them, and therefore be able to comment. It seems to me that the responsible thing in this kind of case is to in fact consult those groups that clearly have an interest, and that's what I'm proposing.

**The Chair:** Is there any further discussion on this amendment?

(Amendment negated)

**The Chair:** Now we have to vote on the unamended clause.

(Clause 45 agreed to)

**The Chair:** Now we're dealing with clauses 46 to 52.

Is it agreed that we pass clauses 46 to 52 unamended?

**Mr. Peter Julian:** On division.

(Clauses 46 to 52 agreed to on division)

(On clause 53—*Canada-Newfoundland and Labrador Atlantic Accord Implementation Act—transitional regulations*)

**The Chair:** The next amendment is to clause 53 and that is government amendment 1.

Who would like to speak to that?

Mr. Trost, go ahead, please.

• (0855)

**Mr. Brad Trost (Saskatoon—Humboldt, CPC):** Thank you, Mr. Chair.

This is a fairly technical amendment. It changes the wording from the 1st Session of the 41st Parliament

to—wait for it—

the 2nd session of the 41st Parliament

Then there's some other wording here required to allow for the tabling of the transitional regulations pursuant to the Canada-Newfoundland accord act. This motion is also required to amend the titles of the transitional regulations to include the word "Canada" in the title of each regulation in clause 53. So this is purely about changing the wording to put in "Canada" and to make sure we're in the right session of Parliament.

**The Chair:** The motion has been moved. You heard Mr. Trost's discussion of the motion.

Mr. Julian, do you have some comments to make as well?

**Mr. Peter Julian:** I had my request in to Mr. Trost.

Was this done in consultation with the minister?

**Mr. Brad Trost:** I'm sure it was. You're sure I read this in such detail and came up with this amendment myself. This is just one of those technical amendments that the lawyers come up with, and I'm the guy presenting it today.

I honestly couldn't tell you, because I haven't talked with the minister about it. The first portion of my answer was slightly sarcastic, but the serious portion is that I haven't really talked with anyone about this. I'm just presenting it today.

**Mr. Peter Julian:** Mr. Chair, I think we can infer that there were some problems with the initial bill as brought forward, which are now being corrected by the government side. Certainly, though we would have preferred that it be in more perfect form when it was brought forward, we're at least happy that the government is trying to adjust for the mistakes that were made initially.

**The Chair:** Is it agreed that the amendment to motion 53 as proposed by Mr. Trost pass?

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

(Clause 53 as amended agreed to)

(On clause 54—*Chief Safety Officer powers*)

**The Chair:** On clause 54, we have government amendment 2.

Go ahead please, Mr. Trost.

**Mr. Brad Trost:** Yes, this is going to be a bit of a theme. It's another technical amendment. This motion is to amend the title of the transitional regulations to include the word "Canada" in each regulation's title in clause 54. So "Canada", vote for it.

**The Chair:** In the name of the Olympics, I'm sure. No one could deny—

**Some hon. members:** Oh, oh!

**The Chair:** You've heard Mr. Trost's proposed amendment to clause 54.

Is that amendment agreed to by the committee?

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

**Mr. Peter Julian:** I think we have to agree, Mr. Chair. It's a big mistake.

**The Chair:** Is it agreed that clause 54 as amended pass?

(Clause 54 as amended agreed to)

**The Chair:** Now we go to clauses 55 to 71. Again, it's a group of clauses where there were no amendments proposed.

Is it agreed that clauses 55 to 71 pass unamended?

**Mr. Peter Julian:** On division.

(Clauses 55 to 71 inclusive agreed to on division)

(On clause 72)

**The Chair:** This is government amendment 3.

Mr. Trost, would you like to move that and speak to it?

**Mr. Brad Trost:** Apparently this motion is required to renumber the English text of one subsection of the bill that was incorrectly numbered.

Therefore I am moving to renumber, in clause 72, proposed subsection 194.2(4.1), page 138 in the English text of the bill, as 194.2(5). Then each of the proposed subsections that follow in the English text of the bill will likewise need to be renumbered. This is just renumbering things that were incorrectly numbered.

You should all be thankful I'm working to fix this bill.

• (0900)

**The Chair:** You've heard the proposed amendment from Mr. Trost.

Is the proposed amendment as presented by Mr. Trost agreed to?

Mr. Julian.

**Mr. Peter Julian:** So, Mr. Chair, if we do not adopt Mr. Trost's amendment, the bill will continue with subsections 1, 2, 3, and subsection 4, and then another subsection 4, and then subsections 5, 6, and 7?

**The Chair:** Yes, that sounds about right.

**Mr. Peter Julian:** Yes, okay.

**The Chair:** It's pretty sharp that the government would catch that.

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

(Clause 72 as amended agreed to)

**The Chair:** The next grouping is clauses 73 to 83. Again, there were no amendments brought forth on these clauses.

Is it agreed that this grouping, clauses 73 to 83, passes unamended?

**Mr. Peter Julian:** On division.

(Clauses 73 to 83 inclusive agreed to on division)

(On clause 84)

**The Chair:** This is government amendment 4.

Mr. Trost, go ahead.

**Mr. Brad Trost:** Yes. As I understand it, this amendment, this motion, is required to correct the reference to a provincial statute in the Canada-Nova Scotia accord act.

In clause 84, in proposed subsection 210.101(8) of the act, page 224, we are moving to replace the name of the incorrect statute, the provincial Occupational Health and Safety Act, with the correct name, the Labour Board Act.

The Province of Nova Scotia has written to request this change, which was made in error during the drafting process. The change is necessary for the federal and provincial legislations to mirror each other.

So we're still fixing the mistakes.

**The Chair:** Okay, you've heard Mr. Trost's proposed amendment and the reasoning behind it.

Ms. Duncan, you have some comments on that.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Yes, my question would be, have they simply renamed the statute or is it a completely different statute, because that's a pretty substantive change?

**The Chair:** Mr. Trost.

**Mr. Brad Trost:** I'm probably not the best person to answer that. The notes that I have say it was an incorrect statute, not an incorrect name.

**The Chair:** Mr. Trost, anytime you like, you can refer to the witnesses, the experts we have here, to answer those.

Mr. Labonté, do you have a comment on that? You can refer it to anyone else you'd like.

**Mr. Jeff Labonté:** This was due to the fact that the Province of Nova Scotia made amendments to their act. They wrote to advise us that the act had changed; therefore, it required a change in the mirror federal legislation. It was an error on Nova Scotia's part that we are accommodating to ensure the mirror exists between the two accord acts.

**The Chair:** Yes, Mr. Regan.

**Hon. Geoff Regan:** To be clear, Mr. Chairman, I take it that the powers, privileges, and immunities that are granted to the members of the provincial Labour Board of Nova Scotia were previously provided for under the provincial Occupational Health and Safety Act but are now under the Labour Board Act.

Is that your understanding?

**Mr. Jeff Labonté:** I'll refer that to my colleague from labour.

**The Chair:** Yes, Ms. Baxter, go ahead, please.

**Ms. Brenda Baxter (Acting Director General, Workplace Directorate, Labour Program, Department of Employment and Social Development):** That would make sense, because those immunities would have applied previously.

**Hon. Geoff Regan:** Thank you.

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

Mr. Julian.

**Mr. Peter Julian:** Is it possible to share that correspondence from the Province of Nova Scotia with us?

**Mr. Jeff Labonté:** Indeed. We have a letter from the deputy minister from the Nova Scotia Department of Energy. We'd be happy to do that.

**The Chair:** Mr. Julian, are you asking for that now, or would you like that sent to you—

**Mr. Peter Julian:** Well, if it's available now, I think it would be useful, just to—

**Mr. Jeff Labonté:** We'll look for it, and if we find it we'll bring it forward. It'll take a second.

**The Chair:** Okay.

Mr. Julian, do you want to wait here, or should we deal with this clause...or we could table this clause for now.

**Mr. Peter Julian:** Could we table it, Mr. Chair? We're moving along and we're making a lot of progress, thanks to Mr. Trost's eagle eye in reading through the legislation. I think we can set this aside and come back to it.

• (0905)

**The Chair:** Is it agreed that we stand clause 84 until sometime later on in the process? We'll determine in a logical fashion when that time will be. Is that agreed?

**Some hon. members:** Agreed.

(Clause 84 allowed to stand)

**The Chair:** Yes, Mr. Labonté.

**Mr. Jeff Labonté:** Mr. Chair, we may be able to find it electronically and forward it in short order to the committee here today. We'll do so while you continue deliberations.

**The Chair:** Yes, we're certainly hoping we can get that before the end of the meeting.

Okay, the next group of clauses that are unamended are clauses 85 to 87, three clauses. Is it agreed that those clauses be passed unamended?

**Mr. Peter Julian:** On division, Mr. Chair.

**The Chair:** Should we assume all of these are on division?

**Mr. Peter Julian:** All the grouped clauses will be on division, yes.

**The Chair:** Would you note that, please, clerk?

(Clauses 85 to 87 inclusive agreed to on division)

(On clause 88)

**The Chair:** The next one is clause 88, government amendment 5.

Mr. Trost.

**Mr. Brad Trost:** This motion is required to align select subsections of Bill C-5 with the Technical Tax Amendments Act, 2012, which passed in the last session of Parliament.

In clause 88, the changes are to proposed subsections 216(1), 216(2), and 216(4), pages 243, 244, and 245.

**The Chair:** You've heard Mr. Trost's proposed amendment. Is there any further discussion on that amendment?

Mr. Julian.

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

I'd like to ask our guests from the Department of Natural Resources what they see as being the impact of Mr. Trost's amendments?

**The Chair:** Mr. Labonté.

**Mr. Jeff Labonté:** Anne-Marie.

**Ms. Anne-Marie Fortin (Senior Counsel, Legal Services, Department of Natural Resources):** Our understanding is that there were amendments that were made in the previous session. The current motion is to adjust these to reflect the correct state of the legislation at this stage.

**The Chair:** That's pretty much as Mr. Trost explained it.

**Mr. Peter Julian:** But it's much more elegant.

**The Chair:** Is it agreed that we pass government amendment 5 to clause 88?

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

(Clause 88 as amended agreed to)

**The Chair:** There are no amendments proposed to the next grouping, clauses 89 to 91.

(Clauses 89 to 91 agreed to on division)

(On clause 92—*Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act—transitional regulations*)

**The Chair:** On clause 92, Mr. Trost, do you want to talk to government amendment 6?

**Mr. Brad Trost:** Government amendment 6 is required so that the bill refers to the current session of Parliament, the session in which the bill was introduced. In clause 92 on page 246, we are moving to replace

1st session of the 41st Parliament

with

2nd session of the 41st Parliament

This amendment is also required to allow for the tabling of the transitional regulations pursuant to the Canada-Nova Scotia accord act.

This motion is also required to amend the titles of the transitional regulations to include the word "Canada" in the titles of regulations in clause 92 on pages 246, 247, and 248.

**The Chair:** You've heard the proposed amendment presented by Mr. Trost. Is there any further discussion on that amendment?

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

(Clause 92 as amended agreed to)

(On clause 93—*Chief Safety Officer powers*)

● (0910)

**Mr. Brad Trost:** We are back to our Canada theme here.

**The Chair:** That is government amendment 7.

**Mr. Brad Trost:** This motion is required to amend the titles of the transitional regulations to include a reference to “Canada” in each of the titles being changed in clause 93 on page 248.

**The Chair:** You've heard Mr. Trost's proposed amendment and the reasoning behind it.

Is there any further discussion on the amendment to clause 93?

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

(Clause 93 as amended agreed to)

(On clause 94)

**Mr. Brad Trost:** Government amendment 8 is required to change the reference to the Department of Human Resources and Skills Development Act to its new title, the Department of Employment and Social Development Act.

The title of this act was amended in the Economic Action Plan 2013 Act No. 2. This amendment is required in clause 94 on page 250.

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

You've heard the proposal. Shall government amendment 8 pass?

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

**Mr. Peter Julian:** It's agreed. It's difficult to argue against it.

**The Chair:** Thank you.

(Clause 94 as amended agreed to)

**The Chair:** All right, let's go to the next group.

The grouping is clauses 95 to 114, and there were no amendments proposed to those clauses. Is it agreed to pass that grouping?

**Mr. Peter Julian:** On division.

(Clauses 95 to 114 agreed to on division)

**The Chair:** Next we have government amendment 9 on clause 115.

Mr. Trost, would you like to move that and explain the reasoning behind it?

**Mr. Brad Trost:** This motion deletes subclause 115(e) on page 258 of the bill, since those amendments already have royal assent as part of the Economic Action Plan 2013 Act, No. 1. The bill and the Economic Action Plan 2013 Act, No. 1 both contain the same amendments to the fiscal arrangements act.

Since the Economic Action Plan 2013 Act, No. 1 has already passed, the amendments contained in this bill are no longer necessary.

**The Chair:** Yes, Mr. Regan.

**Hon. Geoff Regan:** Since I don't see an amendment that would be consequential to this amendment, that would change the next paragraph to paragraph 115(e) instead of 115(f). Aren't we going to go from 115(d) to 115(f) now?

**The Chair:** The numbering on these is normally just adjusted based on what we do at this committee. Those are technical things that are adjusted and don't require any action of the committee.

**Hon. Geoff Regan:** Thank you.

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

Mr. Julian, you also wanted to speak to 115.

**Mr. Peter Julian:** I have a question to our witnesses, just to have them provide some information as to what they think the impacts are of that amendment. Secondly through you, Mr. Chair, then following up on Mr. Regan's points, paragraph 115(e) would be the Hibernia Development Project Act, paragraph 115(f) would be the Income Tax Act, and paragraph 115(g) would be the Nova Scotia and Newfoundland and Labrador Additional Fiscal Equalization Offset Payments Act, if we're looking at the rejigging of that clause. Could you answer those two questions?

**The Chair:** Mr. Labonté, do you have some comments on that?

**Mr. Jeff Labonté:** This is a reference again to the Canada Newfoundland and Labrador act and the reflection of the titling of the acts. The Nova Scotia and Newfoundland and Labrador Additional Fiscal Equalization Offset Payments Act was enacted to protect the equalization. The act required payments by the federal government to Newfoundland and Labrador, which have since expired, I believe in 2012.

There was a period of 10 years in which the federal government ensured that the equalization of the province would not be harmed from the revenues that were accrued from offshore oil and gas activity, such that it would be a period of stability. The payments that were made ended for Newfoundland and Labrador, I believe in March of 2012 or 2013. I can't give you a precise date.

The same applied for Canada and Nova Scotia. The Nova Scotia equalization payments offsets ended earlier, as production had occurred earlier in Nova Scotia. So there was an amendment to recognize that those payments are no longer made.

● (0915)

**The Chair:** Mr. Julian, you've heard the explanation. Any further questions?

**Mr. Peter Julian:** Thank you for that through you, Mr. Chair.

Then as far as the re-lettering of the section....

**The Chair:** That takes place after the committee makes decisions on the various clauses. It's a change that takes place to ensure that the numbering is correct. We don't have to actually deal with that.

Ms. Duncan.

**Ms. Linda Duncan:** When Mr. Trost tabled removing paragraph (e), he said that it was replaced by the new legislation. I'm just wondering why then you don't reference the new legislation. Or is this agreement not referenced in that new legislation?

**The Chair:** Did you want to speak to that?

**Mr. Brad Trost:** No.

**The Chair:** Do you want to speak to that, Mr. Labonté? I think you did.

**Mr. Jeff Labonté:** It no longer referenced the federal legislation because it no longer applies.

**The Chair:** Yes, Mr. Regan.

**Hon. Geoff Regan:** What I thought was that the effect of this paragraph (e) has already been achieved in the act that was passed last year, so there's no need to achieve it again. That's my understanding from what Mr. Trost read.

**The Chair:** All right.

Thank you, Mr. Regan.

Is it agreed that government amendment 9 pass?

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

(Clause 115 as amended agreed to)

**The Chair:** The next grouping is 116 to 119.

Is it agreed that we pass clauses 116 to 119 unamended?

**Mr. Peter Julian:** On division.

(Clauses 116 to 119 inclusive agreed to on division)

**The Chair:** Thank you.

Now we're at clause 119.1, NDP amendment 1.

Who would like to move that and speak to it?

Mr. Julian, go ahead.

**Mr. Peter Julian:** Thank you, Mr. Chair. I will move it.

What this essentially does, given the concerns that were raised by a number of witnesses around an independent offshore area regulator... We understand that the legislation is going forward without that, which is understandable because there were a number of witnesses who also said that they didn't see the need at this time for an independent offshore area regulator.

What we are doing is building into the legislation the ability to come back to that question if there's a need, to have a report tabled by the minister not later than five years after the act comes into force. If then this committee or the minister himself or herself decides it is best to move in that direction, we have a review mechanism that allows us to ensure that this legislation is doing everything it is set out to do.

It's a bit of an insurance policy. I think government members can support this as well. It allows for, subsequent to the act being passed, having a review mechanism to ensure that the operation and implementation of the act is increasing the safety mechanisms in the way that we all want to see them increased.

I'd like to move the amendment and I hope that it gets support from the government side.

• (0920)

**The Chair:** You've heard Mr. Julian's proposed amendment and his comments on it.

I see some others, Ms. Duncan then Mr. Regan then Ms. Block, on this proposed amendment.

Ms. Duncan.

**Ms. Linda Duncan:** Thanks, Mr. Chair.

I very strongly support this amendment. It's quite a common provision at the federal level. We are introducing a new legislative regulatory regime. This is a completely new regime and will be highly complex because it involves three jurisdictions in the legislation and three jurisdictions covering a very complex sector.

As Mr. Julian said, there was still a difference of opinion from the witnesses across the three jurisdictions about whether or not some mechanisms would be more appropriate than others. It's similar to the Canadian Environmental Assessment Act. There actually is a provision in there as well as in the Canadian Environmental Protection Act, because when you're dealing with something, let's say, in an energy sector, things evolve and new information comes to light.

It is a very reasonable proposal. It enables the public to know that the government is going to closely watch the implementation of this legislation to make sure it actually delivers on what the intent was, and whether all parts of the legislation are working in the way it was thought they would in the beginning.

Paragraph 119.1(2)(b) is a very good one because it gives total discretion to determine what aspects of the bill should be reviewed to whatever committee the review is assigned to, having consulted with the three governments and other authorities, namely, industry, workers, and so forth. It is a very wise provision. It is the kind of provision in modern legislation that is often included when you're putting in place a new regime of a nature such as this one.

**The Chair:** Mr. Regan.

**Hon. Geoff Regan:** Thank you, Mr. Chairman.

The speed at which this bill is progressing so far today is not an indication that it is not an important bill. If we think about the devastating loss of life we've seen, we know what the importance of this legislation is and what it's trying to achieve.

I agree with the arguments that have been made so far in support of this amendment. I'd like to point out that, in my view, if it were passed, this would not cause the bill to be in conflict with provincial legislation because it simply applies to the section that concerns the federal government and the federal Parliament.

**The Chair:** Ms. Block, just take a minute if you need it.

**Mrs. Kelly Block:** I don't have any comments at this time.

**The Chair:** Is there any further discussion?

Mr. Gravelle.

**Mr. Claude Gravelle (Nickel Belt, NDP):** Mr. Chair, thank you very much.

I agree with my colleagues. This is just an insurance policy. We all have insurance policies here at this table. This ensures that this piece of legislation will be reviewed after five years. It is nothing outrageous. If it's working, fine, and if it's not working, we can make some changes after five years. That's all it is.



**The Chair:** You've heard the proposed amendment and the discussion around it. Is there any further discussion on amendment NDP-1?

We'll go to the vote.

**Hon. Geoff Regan:** A recorded division, Mr. Chair.

**The Chair:** We'll have a recorded division.

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

(On clause 120—*Bill C-48*)

**The Chair:** Now we'll go on to government amendment 10, which is a proposal to amend clause 120.

Mr. Trost.

• (0925)

**Mr. Brad Trost:** The explanation for government amendment 10 is as follows.

First, this motion seeks to delete the current clause 120 of the bill, pages 261 and 262, as those provisions were achieved through the amendment of clause 88. That was achieved in the motion under government amendment 5. The full text of this motion also includes changes necessary to coordinate with amendments to the Canada Labour Code, which were included in Economic Action Plan 2013 Act No. 2.

This motion seeks to coordinate amendments made by Economic Action Plan 2013 Act No. 2—to replace the references to “health and safety officer” with the reference to “delegated” officials—with that act's amendments to the disclosure of information provisions in the Canada Labour Code. Those amendments ensure consistency with the disclosure information provisions developed for the offshore.

Economic Action Plan 2013 Act No. 2 added new proposed subsection 144(1.1) to provide the Minister of Labour with similar protections as those covered under proposed subsection 144(1). A coordinating amendment is therefore necessary to ensure consistency and, more specifically, to add the concept of “administrative proceedings” to proposed subsection 144(1).

The amendments in this motion neither conflict nor overlap with those from Economic Action Plan 2013 Act No. 2.

Are there any comments or more explanation from our witnesses? Would that be possible?

**The Chair:** Monsieur Labonté?

**Mr. Jeff Labonté:** I'll turn to my colleague from Labour Canada.

**The Chair:** Ms. Baxter, go ahead.

**Ms. Brenda Baxter:** The changes are to provide coordination with the changes that came about under Economic Action Plan 2013 Act No. 2. Specifically, those amendments removed the reference to health and safety officers and replaced them with the term “delegated” officials, so the changes proposed here under the Canada Labour Code are making that same sort of coordinating amendments. They're removing the reference to health and safety officers and replacing it with a reference to delegated officials.

As well, the coordination is required around the protections that are provided to the minister and that exist within the Canada Labour Code with regard to a minister giving testimony in, as it says currently, civil proceedings. These amendments refer to “civil and administrative proceedings”, which include arbitration hearings. It's that one change to make that same reference so that “[t]he Minister shall not be required to give testimony in civil or administrative proceedings, other than proceedings under this Part” of the Canada Labour Code.

**The Chair:** Thank you.

Mr. Regan?

**Hon. Geoff Regan:** For the witnesses, proposed subsection 144(1.1) of this amendment provides that the minister isn't required to give testimony, and then at the end says “except for those powers, duties or functions that shall not be the subject of an agreement entered into under subsection 140(2)”.

What would that mean? In other words, what are the functions, etc., that would not be under such an agreement, in which case, I presume, the minister would have to give testimony...? What are the conditions under which the minister has to give testimony?

**Ms. Brenda Baxter:** I don't have specific examples of those. I would have to get back to you with those specific examples.

**Hon. Geoff Regan:** Thank you.

**The Chair:** Ms. Duncan, on this proposed amendment.

**Ms. Linda Duncan:** Through you I'd like to ask the witness, is it clause 120, subclause 2? Is that the one you were speaking to? I'm not sure exactly what in the Canada Labour Code.... As I recall there was a problem that this legislation contradicted the new federal labour act on who decides what is dangerous work. Does this resolve that?

• (0930)

**Ms. Brenda Baxter:** These are specifically related to the amendments that are proposed under Bill C-5, and specifically those relate to the ability for delegated officials to make representation at certain civil and administrative proceedings. We've changed the word “civil” to include administrative proceedings, which would include things like arbitration hearings. Those are the changes. Specifically the coordination is required around the reference to a delegated official, where previously the code referred to health and safety officer.

**Ms. Linda Duncan:** In other words it doesn't deal with that other issue that arose during the hearings.

**Mr. Jeff Labonté:** Correct.

**The Chair:** Is there any further discussion?

Mr. Julian.

[*Translation*]

**Mr. Peter Julian:** Mr. Chair, since we didn't get an answer to Mr. Regan's question, I think it would be wise to set that aside for now. We can come back to it later once we have the answers to the questions on subsection 144(1.1), which compels the minister to give testimony in civil or administrative proceedings.

Mr. Regan is asking some very pertinent questions, and I think it's important that we get those answers before we vote. And I don't think it will take long for us to get them.

[*English*]

**The Chair:** Ms. Baxter, do you have a comment on that?

**Ms. Brenda Baxter:** I just have one comment that this section is not a change; this currently exists within the code. This is not any proposed change. That language exists within the Canada Labour Code currently with regard to powers, duties, or functions that shall not be subject of an agreement entered into under subsection 140(2).

That's not the change that we're making.

**The Chair:** So you understand that, Mr. Julian? Does that satisfy your concern?

[*Translation*]

**Mr. Peter Julian:** No, but—

[*English*]

**Ms. Brenda Baxter:** The only change being made is to change the wording from civil, to “civil or administrative proceedings”.

**An hon. member:** If we had the Canada Labour Code in front of us, we could....

[*Translation*]

**Mr. Peter Julian:** No, no, that's the problem.

Can we come back to that section later, Mr. Chair? We're making good progress, so it's not a problem. All we need to do is set it aside for now and come back to it at the end. We could also come back to the other amendment from Mr. Trost.

[*English*]

**The Chair:** You've heard the proposed....

Ms. Block, do you want to speak? Mr. Julian actually has asked to stand this amendment until after we've dealt with the government amendment 4 to clause 84, and then clause 84. He's made that proposal so I think we have to go to a vote on that.

Is it agreed that we stand this amendment and clause until later? Is it agreed?

**Some hon. members:** Agreed.

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

**Mrs. Kelly Block:** I would agree with that, as long as we have the opportunity to speak to it at that time. I would ask to be on that list.

**The Chair:** Sure. We'll come back to the normal debate on that. Absolutely.

Yes, Ms. Crockatt.

**Ms. Joan Crockatt (Calgary Centre, CPC):** I'm looking for clarification. I believe that we heard from the witness that this doesn't change anything significant in the labour code, if that was the concern across the table. I wonder if we could have clarification, because I believe that may be the question that Mr. Julian wants to get at.

• (0935)

**The Chair:** Mr. Julian, I'll let you speak for yourself, but I think you understand that, as that was explained, and you still have some concerns and want further discussion.

Mr. Julian, if that's not the case, would you like to respond to that?

[*Translation*]

**Mr. Peter Julian:** I would just like us to come back to the matter and spend a few minutes on it. We have two other amendments. We could then come back to those two amendments that were set aside.

[*English*]

**The Chair:** Okay. So that is stood, by the way. I just allowed that discussion to take place.

Ms. Duncan.

**Ms. Linda Duncan:** I think it might help. I'm wondering if the witnesses have the Canada Labour Code with them, so we can take a look at subsection 140(2).

**Ms. Brenda Baxter:** I don't have the labour code with me, but in the subsection they are referring to, the only change is to change the wording to include “or administrative proceeding”. The rest currently exists within the Canada Labour Code.

The purpose of this consequential amendment is to allow presentations to be made at administrative proceedings and not just civil proceedings, which include arbitration hearings.

**The Chair:** Ms. Duncan, if you want to refer to that particular part of the labour code, I'm sure somebody can get it electronically. That's being done right now. That clause is stood, so we can come back and deal with that.

(Clause 120 allowed to stand)

(On clause 121)

**The Chair:** The next clause is clause 121. There is a proposed amendment.

That's not the one. I have the wrong one. We just go to a vote on clause 121. Shall clause 121 carry?

**Some hon. members:** No.

**Some hon. members:** On division.

**Hon. Geoff Regan:** Just a minute now—

**The Chair:** I knew exactly what was happening there.

**Hon. Geoff Regan:** —let's not make a mess of this bill.

**The Chair:** Okay. So for clause 121, we're going to go to the vote now.

**Hon. Geoff Regan:** This is the clause, right? It's not an amendment.

**The Chair:** No. That's right.

**Hon. Geoff Regan:** This was a normal part of the bill. Normally we'd be having a bunch of them at once, but there's only one by itself.

**The Chair:** Yes.

**Hon. Geoff Regan:** Maybe you should explain.

**The Chair:** You'll see why, Mr. Regan.

**Hon. Geoff Regan:** There's a reason for this, is there? Maybe we should hear it.

**The Chair:** Do you want to hear an explanation then of why we're voting separately on clause 121? That's a good point.

**Hon. Geoff Regan:** Okay.

**The Chair:** For one thing, on the next one we do have an amendment as well.

Yes, Mr. Trost.

**Mr. Brad Trost:** Okay. Rather than making an amendment to delete, one way of amending is voting against something. So this is an amendment by deletion.

There is a need to delete clause 121 that coordinated with Bill C-60, Economic Action Plan 2013 Act, No. 1, which received royal assent in the first session of the 41st Parliament.

The coordinating amendment is addressed under government amendment 9 to paragraph 115(e), page 258. I totally understand that.

My understanding is—actually, forget my understanding. Let's ask our witnesses to explain what I'm talking about.

**The Chair:** Okay. Ms. Baxter, do you have further comment on clause 121 and the reason for possibly deleting this clause?

Yes, Mr. Labonté.

**Mr. Jeff Labonté:** The language in the bill was covered via the amendment that was made to the economic action plan act. Therefore, it has already received royal assent, so it's redundant, if you will, in this bill. The two bills were moving forward at the same time previously.

**The Chair:** Those were Mr. Trost's comments, yes.

Any further comment on this? Any further discussion on this?

Normally you don't stop a vote part way through, but I thought maybe in this case I would do that.

Let's go to the vote again on clause 121. Those in favour of clause 121? Those opposed to clause 121?

**Mr. Peter Julian:** Is it those in favour of deleting clause 121?

**The Chair:** No, we're just voting on the clause. We're handling it just by voting on the clause. You could do it that way too; there are two ways of doing it. This is the way the government side has...

We can't do it by amendment, the expert says, and that's true.

(Clause 121 negated)

(On clause 122—*Order in council*)

**The Chair:** There is an amendment being brought forth by the Bloc Québécois.

Monsieur Fortin is here today. Our committee passed a motion that allows an independent member who has a proposed amendment to the legislation to come to the committee and speak to that amendment, whether the amendment is in order or not.

Monsieur Fortin, go ahead and make your comments on your proposed motion, which is amendment BQ-1, an amendment proposed to clause 122.

Go ahead, please.

● (0940)

[*Translation*]

**Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Thank you very much, Mr. Chair.

Good morning everyone. Thank you to the witnesses for being with us today.

My amendment is fairly simple. Although it's not very complex, its impact would be very significant.

One thing is obvious: the Gulf of St. Lawrence is a special body of water with an important and unique ecosystem. So we're talking about a fragile environment, a unique environment. Decisions regarding oil and gas development in the gulf will have an impact on all adjacent land. Today, beyond the land boundaries, oil and gas activities are having an impact on the gulf. Agreements with certain provinces are in place, but other provinces, like Quebec, have no agreement. The purpose of the amendment is to make it clear that an ecosystem-based approach must be adopted in the management of oil and gas development.

The Quebec government is currently in talks with the federal government to reach an agreement that could lead to legislation. As long as no such agreement exists, a sort of status quo must prevail. The goal of my amendment is to make sure that this bill comes into force on the same day that the agreement between the federal government and the Quebec government on the shared management of petroleum resources in the gulf comes into force.

It is important to respect the talks under way with the Quebec government and to ensure that the outcome achieved allows Quebec to voice its environmental and energy concerns, in order to adopt a fair approach to managing the gulf's ecosystem.

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

[*English*]

I am, on the advice of the legislative clerk, ruling this proposed amendment out of order. Clause 122 provides for the coming into force of certain sections by order of the Governor in Council. The amendment seeks to make the coming into force of the bill conditional to the coming into force of the accord between the Government of Canada and the Government of Quebec for the shared management of petroleum resources in the Gulf of St. Lawrence.

*As House of Commons Procedure and Practice, Second Edition* states, on page 769:

An amendment intended to alter the coming into force clause of a bill, making it conditional, is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it.

Following the opinion of the clerk, which I fully support, I am ruling this amendment out of order.

Thank you very much, by the way, Monsieur Fortin, for coming today and taking part in this relatively new procedure. This is your first time at our committee. I hope to see you in the future with amendments to other legislation that we deal with in this committee.

[*Translation*]

Thank you very much.

**Mr. Jean-François Fortin:** Thank you very much.

[*English*]

**The Chair:** There is no discussion allowed on that proposed amendment to clause 122; it is ruled out of order.

Yes, Mr. Julian?

[*Translation*]

**Mr. Peter Julian:** Mr. Chair, I think it would still be worthwhile to discuss it. It would be important to provide a follow-up for all the independent members. The problem they have now is that once they bring forward an amendment, they have no real way of knowing whether it will be included in the bill.

For that reason, it may be helpful if you could make a recommendation that independent members be allowed to work with the legislative clerk as part of a process to fine-tune the amendments they wish to propose. That would ensure that the process took their objectives into account and that their amendments were in order.

Since we're talking about a new process, I think next time it would be helpful for those members to be able to work with the legislative clerk to make any necessary changes to their amendments to ensure they are in order.

• (0945)

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

[*English*]

I take your point.

First of all, of course, all independents have full access to legislative clerks, to have them comment on whether a proposed amendment is likely to be in order. But in a case in which it will be ruled out of order by the chair, I think it would save the independent's time, if the chair delivered that message to them in advance. They could still choose to come to speak to the amendment—which is unusual, because usually, if a proposed amendment is ruled out of order, you're not allowed to speak to it. That would still be a choice that the independent making the proposed amendment could make.

But it's a good point. I certainly will consider it in the future. It may be worthwhile to deliver that proposal to other chairs as well, so that we can save the time of an independent who might choose not to come to speak to a proposed motion, if it will be ruled out of order.

Monsieur Fortin, I apologize for not catching that in advance and delivering the message to you.

[*Translation*]

**Mr. Jean-François Fortin:** No problem, Mr. Chair.

But even though you know that your amendment will be defeated, it is still important to come and propose it. That is all the more important now, given that the government has a majority. As chair, you, yourself, have witnessed the fact that most opposition amendments are defeated by members of the government party. Even though I knew my amendment had little chance of getting through, it was important for me to come and propose it. You would see that it was political in nature.

[*English*]

**The Chair:** Absolutely; thank you for that.

Now we go to the vote on clause 122 unamended.

Oh, there is a government amendment, government amendment 11. Thank you.

Go ahead, Mr. Trost.

**Mr. Brad Trost:** Thank you, Mr. Chair.

The idea behind government amendment 11 is to seek to change the coming into force provisions to allow clause 45—part III.1 of the Canada-Newfoundland act—and clause 84, which is part III.1 of the Canada-Nova Scotia act, to come into force at a time fixed by the Governor in Council.

The reasoning behind this, apparently, is that this change is necessary to ensure that the officers who enforce occupational health and safety are vested with all of their new authorities when the other provisions of the act come into force. This will ensure a seamless operation of the safety regime.

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

Is there any further discussion of government amendment 11?

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

(Clause 122 as amended agreed to)

**The Chair:** Now we go back to clauses that we have stood, and the first one would be—

• (0950)

**Hon. Geoff Regan:** Mr. Chair, were there no more clauses after 122?

**The Chair:** No.

**Hon. Geoff Regan:** Thank you.

(On clause 84)

**The Chair:** We have to go back to the title last, of course, but now we're going to government amendment 4 to clause 84. We were waiting for some information. You have received that letter, Mr. Julian?

**Mr. Peter Julian:** Yes. Ms. Duncan is reading it now.

**The Chair:** Ms. Duncan is reading it now.

**Mr. Peter Julian:** Mr. Gravelle has already read it. I don't think Mr. Regan has read it yet.

**The Chair:** I'll wait until anyone who would like to read that can read it. Then we can come back to the discussion on government amendment 4 to clause 84.

You have seen the copy of the letter sent electronically. Mr. Julian, would you like to speak again to government amendment 4 to clause 84?

**Mr. Peter Julian:** I would, Mr. Chair, but I do have a question. I thank you very much, and I thank the clerk for lending us his iPad so we could read the letter, and I thank the ministry staff for providing us with the letter.

But it's dated May 29th, which is prior to the tabling of the legislation, so I guess my question is to Mr. Trost. Why did it take him so long to catch something that was communicated by the Nova Scotia government back in May?

**Hon. Geoff Regan:** He holds you responsible.

**The Chair:** Mr. Trost, do you want to comment on that?

**Mr. Brad Trost:** I do my best. I will remind everyone, on all these amendments, the headline out of today is “NDP agrees with Trost again” every time you vote for one of these, so be careful how you spin it.

Joking aside, I guess I'll turn this question over to the people who actually know what I'm supposedly talking about.

**The Chair:** Mr. Labonté.

**Mr. Jeff Labonté:** I'd say it's the delicate balance of the three governments working together to put forth a very technical bill that has an exceptionally large number of pages. Nova Scotia wrote to us in late May, just before they introduced their bill, to identify this particular error.

At that point in time, we had already gone to the printing stages of this bill. We think this bill was originally introduced on May 2nd, so we had already introduced the bill into the federal House, and then the government rose. We returned to the table today.

We introduced first; Nova Scotia introduced next. They had identified the error with us. By then the House had already risen, and we had the amendment as the next occasion to deal with the error.

The bill was originally introduced in the last session of Parliament.

**The Chair:** Is there any further discussion on government amendment 4?

Ms. Duncan.

**Ms. Linda Duncan:** Just to clarify, the bill was tabled afresh this past fall. Right? So it could have been caught then. It just slipped through. Is that the answer?

**Mr. Jeff Labonté:** Correct. At second reading.

**The Chair:** Is government amendment 4 to clause 84 carried?

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

(Clause 84 as amended agreed to)

(On clause 120)

**The Chair:** We also stood government amendment 10 to clause 120. We've had some discussion on that. I don't know if there's any further discussion.

Ms. Duncan.

● (0955)

**Ms. Linda Duncan:** With all due respect to the witnesses, Mr. Chair, I don't consider adding “administrative proceedings” to be minor. That's actually quite substantive. But I'm trying to figure out what the implications of this provision are in terms of the decision-making by the minister that will now be excluded in terms of his having to speak to or give testimony on.

**The Chair:** Ms. Block, you would like to speak to that?

**Mrs. Kelly Block:** Yes, thank you, Mr. Chair.

It is my understanding, if we go back to the rationale that was provided when this motion was made, that the full text of this motion includes changes that are necessary to coordinate with amendments that were made to the Canada Labour Code. Those changes have already been placed into the Canada Labour Code, which was included in the economic action plan. So in fact, what we're doing is mirroring those amendments that were made in the Canada Labour Code.

It's already in the Canada Labour Code, and we want to reflect the same in this act.

**The Chair:** You heard the explanation. Is there any more discussion?

**Ms. Linda Duncan:** I thought this was amending the Canada Labour Code.

**The Chair:** Yes, Mr. Labonté, go ahead—or Ms. Baxter.

**Mr. Jeff Labonté:** We could read the exact language that's in Bill C-4, which has already passed. We could read the exact clauses, or show them on the iPad, if someone wants to see them, to demonstrate that this is a mirror of that and that it is being imported into this particular piece of legislation for consistency purposes.

**The Chair:** Ms. Duncan, do you want to hear or see that?

**Ms. Linda Duncan:** Mr. Chair, I need clarification, because when I asked before, I was told—and it is a coordinating amendment—that this actually amends the labour code, but now I'm being told it simply mirrors changes made to the labour code.

Now I'm left confused.

**The Chair:** Which answer is the correct one, Ms. Baxter?

**Ms. Brenda Baxter:** As with the previous amendment, these consequential amendments to the labour code were put forward in the last session of Parliament. Since then, Bill C-4 has come forward and made some changes to the Canada Labour Code. The amendment we're making here is to include “administrative proceedings”. That is the consequential amendment to the Canada Labour Code that's being made here under Bill C-5. But in addition, because Bill C-4 passed and made some adjustments, this also requires a coordination with the wording under Bill C-4.

**The Chair:** Okay.

Mr. Regan, go ahead, please.

**Hon. Geoff Regan:** I have a couple of things, Mr. Chair.

First of all, has Bill C-4 not already passed both the House and the Senate, and has it not already received royal assent?

**Ms. Brenda Baxter:** Yes.

**Hon. Geoff Regan:** So in spite of the fact that it's already received royal assent, it's still necessary to have this section talk about "if" it receives royal assent. Does that make sense? In other words, it's saying that these will apply "if" it receives royal assent.

It has already received royal assent.

**Ms. Brenda Baxter:** This amendment does two things. It coordinates with Bill C-4, but it also includes a consequential amendment to the Canada Labour Code to include the ability for delegated officials to make representation at civil and administrative hearings.

**Hon. Geoff Regan:** I'm just not sure why you really need subclause 120(1) if it's already received royal assent. Clearly, the rest of it, subsections 120(2) and (3), is going to apply because it has received royal assent.

However, I think it probably still works. It's not going to cause this section not to work. It just doesn't seem to be a logical way to do it.

I have another question. We are amending the Canada Labour Code, and just so I understand it, the minister we're referring to in proposed subsections 144(1) and 144(1.1) would be the Minister of Labour of Canada, right?

**Ms. Brenda Baxter:** Yes, the Minister of Labour.

**Hon. Geoff Regan:** Proposed subsection 144(1) basically says that unless the minister gives written permission, departmental officials wouldn't have to give testimony with regard to information they've obtained in exercising their powers, which I presume includes investigations and so forth.

I don't quite understand what kind of information they would not have to give testimony about. Do you have any idea?

•(1000)

**Ms. Brenda Baxter:** Proposed subsection 144(1.1) is the change in Bill C-4. That's the clause referred to as a result of Bill C-4. So the change that we're referring to is to provide officers the ability to make representation at other types of administrative hearings. That could include arbitration hearings, at which they are not permitted to make representation currently.

**Hon. Geoff Regan:** Proposed subsection 144(1.1) basically says that the minister is not required to give testimony, except in certain circumstances. Right? Then proposed subsection 144(1), what I was asking about, basically says that her delegated officials or those who have assisted those officials can't be required to give testimony unless the minister gives written permission.

**Ms. Brenda Baxter:** The change that's being proposed is under 144(1.1) of the Canada Labour Code, which now reads:

The Minister shall not be required to give testimony in a civil suit with regard to information obtained in the exercise of powers or the performance of duties or functions the Minister is authorized to exercise or perform under this Part

—which is part 2 of the Canada Labour Code—

except for those powers, duties or functions that shall not be the subject of an agreement entered into under subsection 140(2).

**Hon. Geoff Regan:** I see. In other words, anything under this, she doesn't have to give testimony in relation to. Right? But she may have to....

**Ms. Brenda Baxter:** Only with regard to information obtained in the exercise of powers and performance of duties under this part of the code.

**Hon. Geoff Regan:** Okay. It makes more sense.

**The Chair:** Understood.

Ms. Duncan.

**Ms. Linda Duncan:** I remain troubled by this. Essentially what proposed subsection 144(1) provides is that it allows for political interference in deciding whether administrative officers can give testimony.

**Ms. Brenda Baxter:** No. Right now officers are required to receive approval of the minister to make representation.

**Ms. Linda Duncan:** Exactly.

**Ms. Brenda Baxter:** They can only make representation in civil proceedings. We want to expand that to include administrative proceedings as well.

**Ms. Linda Duncan:** Right, but what this provision provides for is.... None of those officers under this new legislation can testify in an administrative proceeding unless the minister gives approval. That's a political decision. That's my understanding of what.... Is this something that exists in other federal legislation?

**Ms. Brenda Baxter:** Right now the officers cannot give any testimony in any civil proceeding unless they receive ministerial consent or approval. That's the only type of proceeding they can give testimony at.

**Ms. Linda Duncan:** Are you aware of any other provision in federal law where similar officers cannot give testimony in the delivery of their duties unless they get ministerial approval?

**Ms. Brenda Baxter:** I can't speak to other regulatory bodies.

**Ms. Linda Duncan:** It's troubling.

**Ms. Brenda Baxter:** The change is to expand it from just civil to civil and administrative, so it's making it broader.

**The Chair:** Ms. Duncan, this committee can't deal with other legislation. This is an expansion. As long as you understand that it's actually expanding testimony—you've heard the explanation—to administrative hearings.

**Ms. Linda Duncan:** It's disallowing, that is what it's doing.

**Some hon. members:** No. It's allowing.

**Ms. Linda Duncan:** Except with the written permission of the minister....

**Mr. Jeff Labonté:** Perhaps....

**Hon. Geoff Regan:** It's changing it to say not just civil but also administrative. The difficulty, of course, is that it talks in part of how no person can testify without the written permission of the minister. That's the essence of the provision.

**Ms. Linda Duncan:** That's what the provision has done. That's the essence of the provision.

**Hon. Geoff Regan:** The thing is it used to just say civil, which apparently meant that with her permission they could give testimony in civil actions, but she couldn't even give permission for them to give testimony in administrative actions, and now under this she could.

**The Chair:** Right. Exactly it's an expansion.

Go ahead, Ms. Baxter.

• (1005)

**Ms. Brenda Baxter:** We're talking protections to the minister as well, specifying that she'll not be required to give testimony in suit except with respect to provisions of the code or where they are subject to an agreement under certain provisions of the code. Those portions currently exist within the code. Again, it's changing the description from just civil to administrative.

The ability to make representation and the protections provided to the minister currently exist, but just for civil proceedings. This is expanding it from civil to include administrative.

**The Chair:** Okay.

**Ms. Linda Duncan:** Yes.

**The Chair:** Does government amendment 10 carry?

(Amendment agreed to on division)

(Clause 120 as amended agreed to on division)

**The Chair:** We go now to the short title.

Shall clause 1 carry?

(Clause 1 agreed to on division)

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended carry?

**Some hon. members:** Agreed.

**Mr. Peter Julian:** On division.

**The Chair:** Shall I report the bill as amended to the House?

**Some hon. members:** Agreed.

Shall the committee order a reprint of the bill?

**Some hon. members:** Agreed.

**The Chair:** Thank you all very much for your cooperation. This was a very fruitful exercise this morning.

We will suspend the committee for just a couple of minutes to go in camera to discuss future business. But before I do that, I want to thank all the witnesses very much for being here today and for giving us the explanations that you did to certain clauses of the bill and to certain proposed amendments.

So thank you all very much once again. It's much appreciated.

**Mr. Jeff Labonté:** Thank you.

**The Chair:** Did you want to go to something before I suspend the meeting to go to future business?

**Mr. Peter Julian:** No, thank you.

**The Chair:** Yes, Monsieur Gravelle.

**Mr. Claude Gravelle:** I just thought that Mr. Trost was brilliant today until he voted against the NDP motion. Then he just became a brat.

**The Chair:** I have no reply, no comment on that.

Meeting is suspended for a couple of minutes as we go in camera.

*[Proceedings continue in camera]*







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