



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Environment and Sustainable Development**

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ENVI • NUMBER 089 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Thursday, December 7, 2017**

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**Chair**

**Mrs. Deborah Schulte**



# Standing Committee on Environment and Sustainable Development

Thursday, December 7, 2017

● (0850)

[English]

**The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)):** I call the meeting to order.

We'll start the meeting, because we have quite a few amendments to look at.

I want to tell the committee that Paula Brand is at the back. She is the director general, sustainability directorate from the strategic policy branch of the Department of the Environment. She's here to guide us if we ever need any guidance.

I didn't know if you would mind, but I thought she might come up to the table with us, and we can always refer to her if we need to for any clarifications. Does anybody have a problem with that?

**Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.):** I don't have a problem with that.

**The Chair:** She's happy in the back, but I thought you might want to bring her up to the table.

**Mr. Mike Bossio:** Sure, bring her up.

**The Chair:** Okay, Paula, please come on up.

Thank you, Paula. I appreciate that. I know you're all settled back there nicely, but it's better to have you here, I think.

I'd like to introduce the legislative clerk, Olivier Champagne. He was here before, but he went away because we weren't ready to do it. He's here today to guide us through the process. There is a script prepared.

If you remember last time we did clause-by-clause consideration, we had an issue. We decided we wanted to do something, but we'd already gone past the point and we couldn't get back to it, so let's make sure that we go carefully through this so we don't have any "oops" and we can't get back, because I think we need unanimous consent to do that, and that's always a bit of a challenge.

For that reason, I'm not going to rush it. I'm going to go carefully through it. We have quite a few clauses and some of them are embedded or supersede another clause, and there are amendments to things that have been brought by others.

Pursuant to the order of reference on Thursday, October 19, the committee now resumes the consideration of Bill C-57, An Act to amend the Federal Sustainable Development Act.

In summary of the bill,

This enactment amends the Federal Sustainable Development Act to make decision making related to sustainable development more transparent and subject to accountability to Parliament.

That was the purpose of our previous report.

We'll get started. Does everybody have their copies open and everything ready? Okay.

We're going to start with clause 1.

The definitions *precautionary principle* and *target* in section 2 of the Federal Sustainable Development Act are repealed.

Shall clause 1 carry?

I just want to make sure everybody is ready.

**Mr. Robert Sopuck (Dauphin—Swan River—Neepawa, CPC):** Not quite.

**The Chair:** That's fine. I just want us all to be where we need to be.

We are voting. We are moving through. We're starting voting.

**Mr. Olivier Champagne (Legislative Clerk, House of Commons):** We can have a debate on clause 1, if you want.

**The Chair:** Okay, when I call it, we can have debate on it, and then we'll vote on it. That's the process.

**Mr. John Aldag (Cloverdale—Langley City, Lib.):** Okay.

**The Chair:** Okay, hang on. I know, Linda, you're all set. You know what you're doing, but there are a few of us who are getting to your point.

We are on subclause 2, which is:

The definition *Minister* in section 2 of the Act is replaced by the following:  
*Minister* means the Minister of the Environment, unless the context otherwise requires.

Is everyone in favour of clause 2?

(Clause 1 agreed to)

**The Chair:** Now we have our first Liberal amendment. It's on clause 3. I don't know if I need to read it.

Section 2 of the act is amended by adding the following in alphabetical order

and you see them in the page in front of you: "appropriate minister", "designated entity", and entities (a) and (b).

(Clause 2 agreed to)

We are now on clause 3, and we have a Liberal amendment. Who is bringing that forward?

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** I am.

**The Chair:** Go ahead.

**Mr. Mark Gerretsen:** Do you want me to read it out?

Okay. You've seen the amendment. It's been tabled.

**The Chair:** We have an amendment, LIB-1. If you don't have it in front of you, we'll make sure we get them in front of you.

**Ms. Linda Duncan (Edmonton Strathcona, NDP):** I didn't realize you were amending that section.

**Ms. Paula Brand (Director General, Sustainability Directorate, Strategic Policy Branch, Department of the Environment):** I think we're still in clause 1.

**The Chair:** No, we're in clause 3 now.

**Ms. Linda Duncan:** It's on page 1.

**The Chair:** Okay, hang on, guys. This is why I wanted to go slowly, because I think last time we got confused as well.

We did clause 1, and it carried. We did clause 2, and it carried.

**Mr. John Aldag:** Sorry, but isn't it subclauses 1(1), 1(2), and 1(3), because clause 2...

**Mr. Mark Gerretsen:** He's right. It's a subclause.

**Mr. John Aldag:** It's a subclause of clause 1. That's what we're on now.

**The Chair:** Hold on. I would refer—

**Mr. John Aldag:** It's not an amendment to that part.

**The Chair:** —to my legislative clerk, and he will help us out.

Go ahead. You can speak into the mike and give us guidance.

**Mr. Olivier Champagne:** Okay.

If you look at page 1 of the bill, you see there are three subclauses in clause 1.

**Mr. John Aldag:** Yes.

**Mr. Olivier Champagne:** When we adopted clause 1, we adopted all those three subclauses.

**Mr. Mike Bossio:** It was all three.

**Mr. Olivier Champagne:** Right now we're in clause 3, which is on page 2—

**Ms. Linda Duncan:** I have a point of order. That is not the way we've been doing it. I think we need to get unanimity on this.

• (0855)

**Mr. Mark Gerretsen:** Let's not challenge the—

**Ms. Linda Duncan:** I'm not challenging. I'm just asking for clarification.

**The Chair:** Hold on. The legislative—

**Ms. Linda Duncan:** Let me finish. I have the floor.

As the chair has been doing, she's been going through each piece of these. We need to decide if we're going to go through each piece of each clause or if we are going to vote on the whole clause. It's important, because as we proceed—for example, under “Principles”—I think we're going to want individual discussions.

**The Chair:** That's where we're going to get into detail.

**Ms. Linda Duncan:** What you've done is you've gone bit by bit. I'm not sure people realize yet that they were also voting for the “Purpose”. I don't think there are any objections, but—

**The Chair:** Go ahead, Olivier.

**Mr. Olivier Champagne:** When there's no amendment on the clause, we vote on the complete clause. When there are amendments on the clause, we open the clause and we consider the amendments as they amend the clause line by line.

The first amendment to amend clause 3 is LIB-1. Then we'll consider NDP-1 after LIB-1. After we consider all the amendments on clause 3, we will vote on clause 3 as amended or not.

**Ms. Linda Duncan:** It's different from what we've been doing.

**The Chair:** When you say “what we've been doing”, I'm not sure —

**Ms. Linda Duncan:** Because....

**The Chair:** We've been doing, where?—

**Ms. Linda Duncan:** Because you read out—

**Mr. John Aldag:** Yes.

**Ms. Linda Duncan:** —“Minister means”, and we voted.

**The Chair:** Okay.

**Ms. Linda Duncan:** I'm just asking which way we are going to do it. Are we going to vote all on clause 1, or are we going to vote on it piece by piece?

**The Chair:** Okay. I think I confused you by the way I did it.

**Ms. Linda Duncan:** Yes.

**The Chair:** I will not do that again, because I don't want to confuse anybody. That wasn't my intention. I was just touching on the high points of what's in clause 2.

**Ms. Linda Duncan:** I'm not objecting. I just want to know what we're doing. That's all.

**The Chair:** Okay. We've done clause 1. We've done clause 2 in its entirety. We are now on clause 3. All right?

**Mr. Mike Bossio:** There are amendments.

**The Chair:** There are amendments, and we were going to work through the amendments.

The way it works is it's the first one in the beginning of that clause.

(On clause 3)

**The Chair:** We're now on “Purpose”, clause 3, and amendment LIB-1.

Go ahead.

**Mr. Mark Gerretsen:** It's as submitted.

**The Chair:** It's as submitted. Okay.

Does everybody have LIB-1 in front of them? It's the first page of the package that you were given on your desk when you came in here today.

Are you good?

**Ms. Linda Duncan:** Are we not going by whoever submitted the amendment first?

**Mr. Olivier Champagne:** It's line by line.

**The Chair:** It's line by line.

**Ms. Linda Duncan:** I know, but I submitted an amendment to that first.

**The Chair:** It was an amendment to line 1?

**Ms. Linda Duncan:** Yes.

**The Chair:** Okay, let's have a look.

**Ms. Linda Duncan:** It's under clause 3—

**The Chair:** You were on page—

**Ms. Linda Duncan:** —subclause (5)(a). Yes, I did submit an amendment.

**The Chair:** Is amendment NDP-1 the one we're talking about? Which one are we talking about, Linda?

**Mr. John Aldag:** It's the next one.

**The Chair:** Yours on clause 3 says, "amended by replacing line 43". LIB-1 is replacing line 16. I'm going line by line.

**Ms. Linda Duncan:** Okay.

**The Chair:** Am I doing something wrong, Mr. Gerretsen?

**Mr. Mark Gerretsen:** Actually, I think you're doing it perfectly.

**The Chair:** I'm trying.

**Mr. Mark Gerretsen:** You're first dealing with proposed paragraph 5(a), then 5(b), then 5(c), which is what was done.

**The Chair:** Yes. That's what we're doing.

**Mr. Mark Gerretsen:** Ms. Duncan's amendment is with respect to proposed paragraph 5(g). Let's go through it in the proper order.

**The Chair:** I'm just trying to make sure we're all at the right place.

We are at the beginning of clause 3. We are looking at an amendment "of replacing line 16 on page 2 with the following". That's where I'm at.

**Mr. Mark Gerretsen:** I submit my entire proposed amendment as tabled.

**The Chair:** I get it.

**Ms. Linda Duncan:** That's okay.

**Mr. Mark Gerretsen:** It has parts (a) and (b)—

**The Chair:** And (c) is on the back. All right. I just want to make sure we don't have a misunderstanding.

As I said before, we're going to go slowly, because we don't do this often. I want to make sure that people are comfortable and they have a chance to say what they need to say at the right time.

We're doing LIB-1 on clause 3, The amendment has parts (a), (b), and (c). We're replacing line 16.

Okay. Are we all at the right place?

Does LIB-1 carry?

**Ms. Linda Duncan:** I have problems with it, but I'll be overruled.

**The Chair:** Okay.

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

**Mr. William Amos (Pontiac, Lib.):** It's carried.

**The Chair:** We have carried it now, so I'm—

**Mr. Mark Gerretsen:** We'll just move on.

**The Chair:** I am going to move on, but I want to make sure that people have a chance to have their say. We have carried this one. I will go slower, so that everybody...

When you want to say something before we vote, please say it, so that we don't vote and then go backwards, because that becomes a problem.

We're on NDP-1.

• (0900)

**Ms. Linda Duncan:** This one I am tabling because we heard from a number of witnesses to the committee, before I joined the committee, when there was an advance...

Do you want me to read what it says first, or do you want me to just speak to it?

**The Chair:** I think we can all read it, so just speak to it. Then we'll have a quick debate, and then we'll vote on it.

**Ms. Linda Duncan:** Since the bill was written and tabled, the government of the day, through the Minister of Justice, Jody Wilson-Raybould, has stated that the government will be supporting Romeo Saganash's Bill C-262, which states that the Government of Canada, must take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration on the Rights of indigenous Peoples.

She has said, then, that it acknowledges the application of the UN declaration in Canada and calls for the alignment of the laws of Canada to the UN declaration. She has said that she will now ensure that all the laws of the nation will be aligned with the UNDRIP. That's a very specific commitment.

The problem with the way that proposed paragraph 5(g) is written right now is that it's a very narrow and tiny aspect of the United Nations Declaration on the Rights of Indigenous Peoples. When you go through that, particularly if you go to articles 18, 20, 23, 26, 29, 31, or 32, there are many provisions of the UNDRIP that relate to sustainable development, far beyond traditional knowledge and unique understanding of lands.

It was also recommended, as I recall, by the commissioner, and also by Scott Vaughan, the former commissioner, now the head of the International Institute for Sustainable Development, that there should be specific reference to the UNDRIP in this. That's why I'm recommending replacing paragraph (g), which includes only a very narrow aspect of what Canada has committed to.

If we're talking about his broad definition of sustainable development, we need to make sure, when we're speaking of indigenous rights, that we're embracing all of what Canada has said that it embraces. It did say it embraced it before, but it's going to put it into law, and the laws of the land should be consistent.

To me, the simplest way to do it is to reference the UNDRIP.

**The Chair:** I think that's a good explanation.

I have John Aldag first, and then Ed Fast.

**Mr. John Aldag:** On the Liberal side, we do not support this particular amendment.

The reason is that if you go back to the new "Purpose" section, between lines 5 and 10, the addition that we just approved says it will respect "Canada's domestic and international obligations relating to sustainable development".

We feel that the commitment to the UNDRIP is already covered by the statement in there, and it would be redundant to restate it in this clause. We would like to stay with the existing wording of proposed paragraph 5(g), because we feel that the new commitments we made are covered in the new purpose statement.

**Ms. Linda Duncan:** Okay, I'm—

**The Chair:** Hold on. There are other comments.

Go ahead, Mr. Fast

**Hon. Ed Fast (Abbotsford, CPC):** Let her finish.

**The Chair:** Okay. I didn't want to get out of order, because I get corrected often.

Go ahead.

**Ms. Linda Duncan:** My understanding is—and I will defer as well to the legislative adviser—that when you go from the general to specific, you've already narrowed down your general. By the fact that you've said "international obligations", it doesn't also say "commitments", because I'm not sure that's an obligation, but certainly a commitment.... By then refining that down to just traditional knowledge, you have already narrowed what Canada is committed to under that.

With what you're arguing—if you're going to stand by that—you're going to have to take out all of clause 5, because it's the same argument. It's the precautionary principles: polluter pays, openness and transparency. We would have to remove all of them, if I follow your argument.

**The Chair:** Let's listen to Mr. Fast, and then I'm going to ask Paula if she has anything she wants to add to the conversation.

Go ahead.

**Hon. Ed Fast:** I'm curious as to Ms. Duncan's reference to the minister's commitment to implementing UNDRIP in Canada, because, quite frankly, this government has not shown an ability to actually follow through on the promises it makes. Until we actually see how the minister and her government plan to implement UNDRIP in Canada, we don't know what the consequences of it are.

As you know, our Conservative Party has highlighted serious concerns with the conflict between UNDRIP and Canada's current domestic law, including our constitutional requirements, especially the prior, free, and informed consent provisions. Those, we believe, could result in significant conflict, especially with our constitutional obligations, and will result in years of litigation with no prospect of certain outcomes.

To include this at this point in time I think is premature, especially if it's premised upon the fact that the Minister of Justice has made a promise, and we know how good those promises coming from this government are.

• (0905)

**The Chair:** Okay.

Paula, is there anything you'd like to add to the conversation before we go to the vote?

**Ms. Paula Brand:** I think the points have been echoed already, but I'll reinforce that the application of the principles in the whole act is to consider all of the principles that you will ultimately approve inside the act in the development of strategies. To the extent to which those pieces are articulated here, I think we have scope to take into account any further implementation that the government will be making with respect to UNDRIP, which right now is still under review.

**The Chair:** Okay.

I think we've heard the three positions.

**Ms. Linda Duncan:** I want to speak on it again.

**The Chair:** Make it very short, please, because we have quite a lot.

**Ms. Linda Duncan:** This is very important.

**The Chair:** They're all important.

Go ahead.

**Ms. Linda Duncan:** This is very important.

The government has said the nation-to-nation relationship is their top priority. This has advanced even since I put forward my proposed amendment. The government has now publicly declared to indigenous people that they intend to support and vote for Bill C-262, and that means they are going to put the UNDRIP into federal law. That doesn't say how they're going to apply it.

In the same way, just simply mentioning the polluter pays principle or the precautionary principle doesn't say how they will be applied. It's simply saying that we will give thought to them—we will give thought to this principle, we will give thought to that principle. It doesn't say that in every individual case, this is exactly how we're going to apply it.

I am raising this point because the justice minister had declared—and now in the House on the debate of the bill, government members have said—that they are going to be supporting this bill, and therefore it is critical that we make sure that our laws align with the UN declaration. This is the opportunity to do that.

I am recommending that it's the opportune moment to do it. When will this act be amended again? Is it "eventually"? It's up to the members here to vote, but I think the government has been clear that its position is that it will now put UNDRIP in law. No one knows, on the timing, which bill will come forward first, but I think the intent is clear there.

I just rest my case that this has been declared by the Government of Canada, and so I think it's appropriate that it be specific. I'm very concerned about the wording of proposed paragraph 5(g) because it immediately narrows any international obligations or commitments simply to "traditional knowledge" and "knowledge of lands and waters", which I think is inappropriate.

**The Chair:** Okay.

Go ahead, Mr. Sopuck.

**Mr. Robert Sopuck:** Yes, I very much agree with Mr. Aldag's point. I think he is very correct on this.

At the beginning of proposed section 5, "the principles shall be considered" is a very declarative phrase, meaning "this will happen", so I think Mr. Aldag's cautions are very much warranted.

In terms of proposed paragraph 5(g), again, this is not an amendment, but I do find it offensive that it's automatically assumed that only aboriginal people have traditional knowledge of the landscape. In the case of my ranchers and farmers, their knowledge of landscapes and ecology is as good as, or better than, than most people in this country. I can see where this principle will be in place, but I just want to make the point that other people have it.

• (0910)

**The Chair:** Sure. You made your point.

I think we're ready to vote.

**Mr. Robert Sopuck:** Are we voting on the whole, or just the NDP amendment?

**The Chair:** We're voting on the amendments.

**Mr. Robert Sopuck:** Thank you.

**The Chair:** Shall NDP-1 carry?

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

**The Chair:** Next is NDP-2.

Go ahead, Ms. Duncan.

**Ms. Linda Duncan:** Thank you very much.

In this amendment, I have made recommendations consistent with the testimony this committee heard in the advance review of the act and testimony we heard since the bill was tabled. All of these had been recommended by renowned experts, and by the committee, frankly.

I have inserted "(j) the principle of adherence to the United Nations Resolution A/RES/70/1". I put in that language because that has been recommended by the commissioner as recently as our last meeting. She was concerned that we not be vague about what Canada has committed to in sustainable development principles. There are 17 current UN sustainable development goals.

I don't think it's appropriate to list the 17 goals in the bill. The best way to reflect that this is what Canada has said we are committed to is simply to mention the actual UN resolution that Canada has adhered to.

That was actually recommended by the committee. Recommendation 6 stated:

...take into account Canada's international commitments to sustainable development, including those made under the 2030 Agenda for Sustainable Development...

I have put in the actual wording of that agenda for sustainable development. That's what it's called.

Catherine Pearce from the World Future Council also supported that it reflect all 17 of the goals. Scott Vaughan has just written to us and reiterated that as well. The president of the Canadian Council of International Co-operation has also asked that the bill reflect the entirety.

I have other examples. The committee itself recommended that the full UN resolution be referenced in the bill. That's why I suggest it be added in.

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

**Mr. Mark Gerretsen:** The problem that I have with the United Nations resolution is that it's from 2015, and it's fairly prescriptive in terms of sustainability. The issue with it is that it could potentially limit the potential for sustainable development. It limits the ability to explore the strategies if you subscribe just to that particular resolution. That's the issue I have with it.

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

**Hon. Ed Fast:** I would point out that recommendation 6 actually says, "Take into account Canada's international commitments to sustainable development, including those made under the 2030 Agenda for Sustainable Development and the Paris Agreement." It's not as specific as Ms. Duncan is making it sound.

What we've done right now in the act is sufficient to reflect the very clear recommendation that comes out of our report.

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

**Ms. Linda Duncan:** Am I to understand the committee is now changing its mind? I was simply following on what the committee recommended to the minister.

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

**Mr. Robert Sopuck:** Regarding the amendments from Ms. Duncan and the discussion of Mr. Gerretsen's amendments, I want to reiterate that when the Brundtland commission came through with its report, Gro Harlem Brundtland was very clear, and the committee, that sustainable development is a development concept, and what I see so far is that the development side of sustainable development is almost completely ignored.

The reason the Brundtland commission was established in the first place was that it was very clear that poverty causes environmental degradation. Wealth creation and economic growth, Brundtland saw, were key to environmental improvement. I don't see any of this reflected in any of these amendments.

• (0915)

**Ms. Linda Duncan:** Can I just refer to that?

**The Chair:** Okay. Have one last quick one, please.

**Ms. Linda Duncan:** If the member would like to read the 17 steps, the first one, which Canada has signed onto, is "End poverty in all its forms everywhere". It then also promotes sustained, inclusive, sustainable economic growth and resilient infrastructure.

All I can say is that Canada has said they are committed to it. Just so I understand, we're now saying no, we're not necessarily committed to it.

**The Chair:** No, I don't think that's the—

**Hon. Ed Fast:** Don't put words in her mouth.

**The Chair:** We're not putting it in—

**Ms. Linda Duncan:** That's what this says.

**The Chair:** We're not....

Never mind. I won't get into it. I'm just the chair.

**Ms. Linda Duncan:** However, proposed paragraph 5(a) right now does define it. It narrows it—

**The Chair:** I think we've had enough discussion. I think we've heard all sides and different opinions, so we are now going to vote on amendment NDP-2.

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

**The Chair:** We are now finished with all the amendments that came forward for clause 3, which—

**Ms. Linda Duncan:** Just a second; I haven't done the rest of them.

**The Chair:** This is purpose...principles...purpose.

**Ms. Linda Duncan:** Right.

**The Chair:** What have you got?

**Ms. Linda Duncan:** Well, I also have four more principles.

**Hon. Ed Fast:** Then you're still on your second amendment.

**The Chair:** We just did that.

**Mr. William Amos:** We did all of them.

**The Chair:** We just did all of them.

**Ms. Linda Duncan:** No, I only spoke to the first clause.

**Hon. Ed Fast:** She talked about new proposed paragraph 5(j).

**The Chair:** Oh, okay—

**Hon. Ed Fast:** She's saying she didn't get to (k), (l), (m), and (n).

**The Chair:** They're all the same amendment.

I thought I was kind of getting everybody to make the comments they wanted to make, and that it's—

**Mr. Mark Gerretsen:** It was for the whole amendment. You don't get to subdivide your amendment into five different votes.

**An hon. member:** No.

**The Chair:** Linda, we just voted on it. There is no acceptance around the table for it.

**Ms. Linda Duncan:** Okay.

I don't know why we bother having meetings.

**Hon. Ed Fast:** Madam Chair, at least let her have her voice so that she can't come back later and say she didn't get a chance to—

**The Chair:** The problem I have—and this is up to the committee—is that we just voted on it. If we want to go back—

**Mr. Mark Gerretsen:** You need unanimous consent.

**The Chair:** —I need unanimous consent.

Do I have unanimous consent to...?

Linda, what do you want to do?

**Ms. Linda Duncan:** Well, this was why I asked earlier how we were going to do it. Are we going to go through each piece of it, or are we going to do the whole?

**The Chair:** I was doing each amendment that's....

We're in different levels here, okay? I was doing the clauses and the amendments that are brought forward for the clauses, and I was leaving it up to the person who was speaking to basically make it clear how they were presenting their amendments.

If you were doing each piece, I was not aware of that. My apologies.

**Ms. Linda Duncan:** Okay.

**The Chair:** I think you have a sense of where everybody is, but if you want to—

**Ms. Linda Duncan:** It's all right. We'll just move on. I suspect that none of these will be successful, but I have put them forward—

**The Chair:** Well, let's not jump; let's keep giving the chance to hear everybody and make sure we're comfortable with moving forward.

We are moving forward now: shall clause 3 as amended carry?

Does everybody know what we're doing? One amendment, LIB-1, has been accepted.

(Clause 3 as amended agreed to)

**The Chair:** Nothing has come forward for clause 4, but let me just make sure. Nobody has anything for clause 4? Great.

(Clause 4 agreed to)

(On clause 5)

**The Chair:** We have several amendments. We will start with NDP-3.

● (0920)

**Ms. Linda Duncan:** The reason I have brought forward this amendment to line 17 on page 4 is that under "Mandate" right now, the provision for the advisory council is that they can only advise the minister on matters that she asks them to advise her on. I am of the view that it is too narrow, unless others of my amendments are accepted. This is the only provision in the entire act that makes any provision whatsoever for consultation.

If the consultation is going to be limited simply to this hand-picked advisory group that the minister appoints, it would be advisable to broaden the scope to add, "including matters referred to it". That allows them to suggest to her, from time to time, matters that they want to pursue or that she might want to consider.



We took a look at other advisory committees. Under the Species at Risk Act, for example, it isn't limited to just what the minister asks them to advise her on; it's wide open. It just simply says, "advise the Minister on the administration of this act". They don't have to wait for the minister to say, "I want you to look into this." It's the same with the Agricultural and Rural Development Act and other acts in which advisory bodies are appointed.

I'm simply giving them a little wider ambit when they come together or they choose to come together.

It's a wide diversity of people. The minister bent over backwards to have more indigenous people. In fact, when the minister introduced the bill, she said, "Indigenous peoples, communities, provinces, territories, and Canadians expect to be heard when it comes to the economy and the environment" and that the government wants to maintain an ongoing conversation.

That's why I've suggested adding that in. Obviously, how much they can communicate will be limited, because the Conservatives are proposing limiting the reimbursement.

I thought it was very important to leave that open. She probably wasn't intentionally trying to limit them, but the way the wording is right now, they would not be mandated to consider anything except what the minister refers to them.

**The Chair:** Okay.

Paula Brand would like to make a clarification for us.

**Ms. Paula Brand:** Yes. Maybe I could to draw to members' attention that this is an amendment in the bill. In the act, though, we are not changing anything that continues to require the ongoing consultations that do exist in the act.

I would draw folks' attention to subsections 9(3) and 9(4) of the act itself, which are not being touched in this bill, where it says that the minister shall undertake consultations and submit a draft strategy to the sustainable development advisory council, as you've said, the appropriate committee of each House of Parliament, and the public for review and comment. Subsection 9(4) also requires that she submit it to the commissioner of the environment and sustainable development for a period of not less than 120 days.

There is a four-month consultation period in the act that is untouched by the bill. Just to clarify for members, that part is staying the same. No change is made to that.

**The Chair:** That's very helpful. Thank you.

Go ahead, Mr. Fisher.

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** Thank you, Madam Chair.

On this side, we don't support the amendment. Bill C-57 gives a clear mandate for the advisory committee. This would add cost. Also, as Ms. Brand said, within the act itself there's already fairly wide consultation that we're not amending.

**The Chair:** Do you guys have anything you want to say? Okay. You agree.

**Ms. Linda Duncan:** All they will be able to consult on is the draft FSDS. That's what subsection 9(3) provides.

**Mr. Darren Fisher:** No, it's anything that the minister advises them to consult with or on.

**Ms. Linda Duncan:** Yes.

**An hon. member:** It isn't a free-for-all.

**The Chair:** Okay.

**Ms. Linda Duncan:** All right....

**The Chair:** I think we've had enough discussion on amendment NDP-3, and the positions are clear.

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

**The Chair:** Now we have the first Conservative amendment, amendment CPC-1.

Go ahead, Mr. Fast.

• (0925)

**Hon. Ed Fast:** Well, it's as written.

Just to correct Ms. Duncan, this is not an effort to restrict the ability to collect reasonable expenses; it is simply making it clear that this particular council is not a paid council. It is compensated for its reasonable expenses.

I distinguish advisory councils from boards. As you know, there are other pieces of legislation that have come or are coming through the House that provide for compensation to be paid to duly established boards that have specific functions set out.

This council is advisory to the minister. Our amendment is simply clarifying that they are fully entitled to be compensated for all their reasonable out-of-pocket expenses for lodging, travel, and food. We totally get that, but beyond that, this is advisory to the minister and it should not be compensated.

**The Chair:** Mr. Bossio, go ahead.

**Mr. Mike Bossio:** We support this amendment. We would like to make a couple of comments, though. We don't know that it's necessary to include that it is subject to the Treasury Board guidelines. We would prefer language more in line with "in the course of their duties under this act". This language is more consistent with other acts that are out there.

We are okay with it, but we would propose, if possible, to change the language so that it is more in line with what is representative in other acts.

**The Chair:** Let's get the language clear, because that's a subamendment to the amendment.

**The Clerk of the Committee (Mr. Thomas Bigelow):** Is he really moving it?

**The Chair:** Hang on.

**Mr. Mike Bossio:** I'd like to know if...only if they are agreeable. I don't want to push it. It's not a hill I'm going to die on, but it is something that I thought I would put out there.

**Hon. Ed Fast:** Madam Chair, I can respond.

**The Chair:** Sure.

**Hon. Ed Fast:** I appreciate Mr. Bossio's point. The reason we've done it this way is that somebody has to define what is reasonable; someone has to sketch out or scope out what reasonable expenses are. That's the function of the Treasury Board. The Treasury Board applies its directives across government, so those directives would be consistent. That is why we have referenced the Treasury Board there.

**Mr. Mike Bossio:** We're good with it.

**The Chair:** All right.

**Ms. Linda Duncan:** Can I ask a question, just in case somebody knows the answer?

Does anybody know if COSEWIC receives a per diem, in addition to paying its expenses?

**The Chair:** I don't know.

**Ms. Linda Duncan:** I am not particularly opposed to what he is saying, because I think the part about reasonable expenses makes sense. What troubles me is this, and I've dealt with this for more than 45 years. When you have boards advising the Minister of Finance, the Minister of Natural Resources, and so forth, it is just understood that business advisory bodies receive a per diem. Why would the ones that indigenous people or environmentalists sit on be treated differently?

This is a pretty important advisory group. It really troubles me that we would think.... These are people who aren't going to have the resources to do the work. If you are going to provide constructive advice, you have to spend some time on it. What we are saying is that they should do it on their own time and money.

On a point of principle, I am very troubled with taking away any opportunity for a fair per diem. I just wanted to put that on the record. I don't think it's appropriate. These are the very people who probably don't have the resources to be doing that constructive work to give her good advice.

I'm fine with reasonable expenses, but it troubles me that we are taking out any possibility of a per diem. I think the Treasury Board does set reasonable per diems, as well.

**Hon. Ed Fast:** That's for boards that have an adjudicative function.

**The Chair:** Does anybody want to speak to it more? Are we ready to vote on CPC-1?

**Ms. Linda Duncan:** I am going to abstain on this one.

**The Chair:** Okay.

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

**The Chair:** Are we finished with clause 5? Does anyone have anything else they want to bring forward? If we approve it, we can't get it back.

Shall clause 5 carry, as amended?

It carries—oh, is it on division?

● (0930)

**Ms. Linda Duncan:** You can just refer to my abstention.

**Mr. Olivier Champagne:** It'll be 8-0 or on division.

**The Chair:** Is it on division, or do you want it recorded as... It's either 8-0—

**Hon. Ed Fast:** If she's abstaining, then it has to be on division.

**The Chair:** It has to be on division, then.

**Ms. Linda Duncan:** It's on division, because I'm abstaining on that one.

**The Chair:** Okay. I need to do that again.

(Clause 5 as amended agreed to on division)

(On clause 6)

**The Chair:** Next up, we have amendment LIB-2. We're on clause 6 now.

Amendments LIB-2 and NDP-5 are similar. They're distinct, but they replace the same part of the act, so we're just going to work on making sure as you move forward that if you do adopt LIB-2, then NDP-5 cannot be moved. Let's just make sure we understand how that goes.

**Ms. Linda Duncan:** Can I just make a point of order here?

**The Chair:** Okay.

**Ms. Linda Duncan:** It's my understanding that whatever amendment is tabled first is considered first.

**The Chair:** Yes—

**Ms. Linda Duncan:** Okay.

**The Chair:** —but it goes line by line. We just went through this on the earlier one, right?

**Ms. Linda Duncan:** No. We're doing the whole provision, right?

**The Chair:** It's a line, right? We're looking at the line. It's the way it's coming forward, right? One is amending a certain line. You're amending a different line.

**Mr. Mark Gerretsen:** The line you're amending is later on.

**The Chair:** But it replaces the same paragraph.

**Mr. Darren Fisher:** I think that's the only way we can follow along anyway. If we start jumping around—

**The Chair:** It's going to be difficult.

Do you want to clarify, Olivier, if you think I don't have it clear?

**Mr. Olivier Champagne:** It's pretty clear, I think.

**The Chair:** Are we all clear?

**A voice:** Yes.

**The Chair:** No. Linda is shaking her head.

**Ms. Linda Duncan:** Go ahead.

**The Chair:** Okay.

We're going to go with LIB-2. Who would like to speak to that?

**Hon. Ed Fast:** I'd like to hear Mr. Amos's justification for it.

**The Chair:** Go ahead, Will.

**Mr. William Amos:** Quite simply, this is about aligning the commissioner's role with the requirement in Bill C-57 that each target be measurable and that there be a time frame. It was made clear to us yesterday that the commissioner already has the intention of being able to review principles, but we wanted to make it abundantly clear that what was required was a demonstration of a measurable target and a time frame.

This allows us.... I'll reference the later motion, the NDP's fifth amendment. It stays squarely within the frame of the audit function, which is to have measurable targets, to be able to report on those, and to have a time frame which can be reported upon, but in engaging in a sort of future-oriented, policy-oriented analysis. It brings the commissioner further outside that audit sphere. My thinking is that it is squarely within the commissioner's function to be looking at time-bound and measurable measures.

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

**Hon. Ed Fast:** We support the amendment. Whenever there are very clear, measurable targets established and clear time frames, as long as those time frames are reasonable, I think it's good for government and it's good for those who are holding government accountable.

**The Chair:** Okay. That sounds good.

Linda is quiet over there.

**Ms. Linda Duncan:** I'm still trying to figure out what they're doing in that first part. You're taking out subsections 9(1) and 9(2)?

**Mr. Olivier Champagne:** This is just to add new subclause 6(1) here, because—

**The Chair:** You have it down pat, so you go ahead.

**Mr. Olivier Champagne:** Part (a) of LIB-2 is just adding that new subclause 6(1) to clause 6 that's being amended.

**Ms. Linda Duncan:** As it reads, it says that subsections 9(1) and (2) of the act, "Preparation" and "Content" are to be removed, right? They're replacing line 22—

**Mr. Olivier Champagne:** Okay. I'll put it differently.

**Ms. Linda Duncan:** They're being deleted.

**Mr. Olivier Champagne:** Right now, there is no subclause in clause 6 of the bill. Because the amendment is adding new subclause 6(2), they need to add this new subclause 6(1) to the first part of clause 6 to make the numbering correct. The substance of the amendment is under (b), while (a) is a formality.

• (0935)

**Ms. Linda Duncan:** Then essentially, their amendment is exactly the same as mine.

**The Chair:** What I wanted to offer—

**Ms. Linda Duncan:** It is exactly the same as mine, only it's—

**The Chair:** It's not exactly the same. What I wanted to offer is that you have some more things in yours that you might want to do in a subamendment, which I'm open to right now. In yours, NDP-5, there are some things that are not in here. If you want to do a subamendment, now's the time to do it.

**Mr. Darren Fisher:** Not while we're voting on this amendment, though.

**The Chair:** She can. It's a bit complicated, because she did something that is a little into what we've done. If we do ours, she will not get to do hers, so I want to see if she wants to do a subamendment at this point.

**Ms. Linda Duncan:** Maybe we could just discuss—

**The Chair:** Go ahead. Let's discuss it.

**Ms. Linda Duncan:** —the best way to encompass it.

**Hon. Ed Fast:** Which are we talking about?

**The Chair:** We're talking about hers. We're seeing if she wants to put some of hers into this.

**Ms. Linda Duncan:** There are two differences in the drafting that I propose, which is based on what witnesses had suggested.

The one that the Liberals put forward talks about measurable targets. It talks about—

**The Chair:** A time frame.

**Ms. Linda Duncan:** —a timeline. It specifies a timeline, which was always there.

I've added in the (b) and (c). These are what some of the legal experts recommended to the committee, and the committee then recommended those three things to the minister.

Having heard from the commissioner again, she was very clear that what she's troubled by is that there need to be more specifics of what has to be done in these strategies—both the overall one and the individual departments and entities—in order to evaluate, and also for the officials to evaluate, that there is compliance with the act and they can sign off.

The (b) and (c) that I added follow from what was called for by people who testified at the committee earlier, when I wasn't a member of it, and what the commissioner and others have called for. Part (b) speaks to whether the strategies are likely to achieve the targets. In other words, have they been written in a way...are they reasonable and have the principles been considered?

She clearly asked for that to provide better guidance, in a way, because I think she's being very kind in saying that maybe they just don't understand what the act says or that some come up with strategies, but they're not really telling how they meet the principles and whether they adequately meet the targets. That had been recommended, and we had recommended that it be in the bill.

Clearly the Liberal amendment speaks to measurables and time frame, and I have that in (a), so I have no problem with that whatsoever. I just thought that breaking it down that way is a little easier.

It's up to the other members, if they still stand by what they recommended to the minister when they did the committee review. I haven't varied from that at all. That was what the committee had recommended.

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

Go ahead, Mr. Sopuck.

**Ms. Linda Duncan:** Specific, measurable, achievable, relevant—

**Mr. Robert Sopuck:** I'm just curious about Mr. Amos's amendment and why he wants to delete subsection 9(2). Subsection 9(2) talks about setting out federal sustainable development goals and targets, and subsection 9(4)—which I agree with—says this is how we will report on those targets.

I don't think there's a need to eliminate subsection 9(2), because it says that we set the targets out and subsection 9(4) says this is how we'll report on the targets.

**The Chair:** Okay.

Mr. Fast, you're next.

**Hon. Ed Fast:** I want a clarification.

We just heard a discussion from Ms. Duncan. Was she referencing both of her amendments, or the first one—

**The Chair:** No, she's—

**Hon. Ed Fast:** —or the second one?

**The Chair:** No. She's looking at NDP-5.

**Hon. Ed Fast:** Yes.

**The Chair:** Okay.

● (0940)

**Hon. Ed Fast:** I wish she would have clarified that. Maybe she did and I missed it.

**Ms. Linda Duncan:** I did.

**The Chair:** No, I did.

**Hon. Ed Fast:** You did?

**The Chair:** I said we're going to give her a chance to bring a subamendment, and she said, "Let's just have a discussion on it to see where it goes", and then she might bring a subamendment that we would then vote on to amend what the Liberals are trying to do.

**Hon. Ed Fast:** I don't see anything objectionable—unless I've missed something—in the proposal that she's made in NDP-5.

**The Chair:** Okay.

**Hon. Ed Fast:** Those are clarifications as to what has to be submitted to the commissioner. Is that correct?

**Ms. Linda Duncan:** Yes.

**Hon. Ed Fast:** The commissioner would have more material in front of her to make an assessment.

**Ms. Linda Duncan:** And the minister and the cabinet, to sign off.

**Hon. Ed Fast:** Quite frankly, the more direction the minister provides the commissioner, the less likely it is that we're going to find ourselves in a situation of the commissioner coming back with these fall reports that are not that flattering to the government, because there will have been more consultation between the minister

and the commissioner and everybody will know what the expectations are.

**Ms. Linda Duncan:** Can I speak to this again, now that I look at what was drafted?

**The Chair:** Yes, quickly.

**Ms. Linda Duncan:** I'm seeing the Liberals have taken out subsection 9(1). It probably makes sense, because why reference the precautionary principle again? We're just singling out one of the many principles that were at the front, so it probably does make sense to take that one away. However, subsection 9(2), which they want to take out, they didn't then put back in again. Subsection 9(2), which they want to take away, sets out the goals and targets and identifies responsibility. My amendment puts that all together in one clause. If they want to take out subsection 9(2), they need to put it back in. They've said "measurable and include timelines", but they've taken out the targets, as I recall.

**The Chair:** No, they have targets. Making it clear, subsections 9(1) and 9(2) of the act are replaced by this section, this proposed subsection 9(4), as written here.

**Ms. Linda Duncan:** I have no problem agreeing with the first part of what they're saying—

**The Chair:** Okay. We can do it.

**Ms. Linda Duncan:** —but I prefer my draft of the replacement. That's what I'm saying.

**The Chair:** Okay, just let me make sure. Now I got confused, because I thought we were replacing subsections 9(1) and 9(2) with this in the bill.

**Mr. Olivier Champagne:** The bill currently replaces subsection 9(1) and subsection 9(2), and the amendment would add subsection 9(4).

**The Chair:** You mean of the bill, not the act.

Okay, so let's hear it again, because you got me confused.

**Ms. Linda Duncan:** Oh, they say "of the Act". No wonder.

**The Chair:** Okay, go ahead. Let's just say it one more time, because I got confused.

**Ms. Linda Duncan:** It's not of the act; it's of the bill.

**Mr. Darren Fisher:** Which amendment are we on now? Are we still talking about NDP-5 or—

**Ms. Linda Duncan:** No, you say "the act"; you mean the bill.

**The Chair:** We're doing LIB-2. We are considering Linda's NDP-5 because it was overlapping, and I didn't want her to feel that we stole the option for her to discuss hers, which would happen if we did it.

**Mr. Darren Fisher:** Then do we need to change the words from "the act" to "the bill"?

**The Chair:** This is what I'm just trying to understand.

**Mr. Mike Bossio:** No, the bill is replacing the—

**The Chair:** We're just going to have a clarification for everybody's benefit.

**Mr. Darren Fisher:** I was doing really well till we moved—

**The Chair:** No, I know. I got confused myself.

Go ahead.

**Mr. Olivier Champagne:** Right now in the act, section 9 has four subsections. The bill currently replaces subsections 9(1) and 9(2). The amendment we are considering tries to replace subsection 9(4), which was initially untouched by the bill.

**Ms. Linda Duncan:** Say that again. Do you mean of the bill or the act?

**Mr. Olivier Champagne:** It's subsection 9(4) of the act.

**Ms. Linda Duncan:** They want to delete 9(1) and 9(2) of the bill or the act?

**Mr. Olivier Champagne:** The bill replaces subsections 9(1) and 9(2) of the act, and the amendment—

**Ms. Linda Duncan:** The bill proposes that, yes.

**Mr. Olivier Champagne:** Yes.

**Ms. Linda Duncan:** Okay.

**Mr. Olivier Champagne:** The amendment to the bill proposes to also replace subsection 9(4) of the act.

**Mr. Mike Bossio:** Essentially the amendment is going to replace subsections 9(1), 9(2), and 9(4) of the act.

**Ms. Linda Duncan:** So you don't agree with subsection 9(1) that is proposed in the bill?

**Mr. Mike Bossio:** No, subsections 9(1) and 9(2) in the bill are already going to replace subsections 9(1) and 9(2) of the act. The amendment is also going to replace subsection 9(4) in the act.

• (0945)

**The Chair:** Yes.

Okay, can you just hold off? We have different amendments overlapping other amendments. Let's just do the one amendment that we're doing. I'm making it confusing.

We're bringing forward NDP-5 because if we approve LIB-2, you will then not get a chance to do what you're trying to do. I'm just trying to be decent and give you a chance to bring forward a subamendment, if you should desire it. I've jumped forward to your NDP-5, okay?

**Ms. Linda Duncan:** Okay. The reason I raise this is if they remove 9(2)—

**Mr. Mike Bossio:** We're not removing.

**Ms. Linda Duncan:** Yes, you're replacing it.

**Mr. Mike Bossio:** No, the bill is replacing subsections 9(1) and (2) in the act. It's already there in the bill. What we're doing now is we're actually going to change 9(4) in the act.

**Ms. Linda Duncan:** The bill proposes a new subsection 9(1) and subsection 9(2).

**Mr. Mike Bossio:** And that's going to stay.

**The Chair:** Let's make sure we go through this, okay? This LIB-2 replaces line 22 on page 4 of the bill, okay...? Sorry—

**Mr. Olivier Champagne:** This is just to add "(1)"....

**The Chair:** It's just to add a number, a "(1)".

Do you guys know what we're doing?

**Mr. Mike Bossio:** Yes, I do.

**Hon. Ed Fast:** Absolutely.

**The Chair:** Linda, are you now with us?

**Ms. Linda Duncan:** I'm just trying to make sure that goals and targets and strategy are not removed by what they've done.

**The Chair:** They're not.

**Hon. Ed Fast:** Why don't you persuade our colleagues on the other side of your NDP-5? I just went to bat for you, because I think they're sensible changes.

**Ms. Linda Duncan:** I know, but that's what I'm saying. I think it's more precise. It's clear in subsections (1), (2), and (3) what has to be done. I'm having a hard time seeing that what they've drafted would make it simple for entities to figure out what they're supposed to do and how the commissioner is going to hold them accountable to show that they considered those three things.

**The Chair:** Go into the act—

**Ms. Linda Duncan:** I'm looking at the act.

**The Chair:** Okay. It's subsection 9(4), "Consultation: first draft".

**Ms. Linda Duncan:** Right, so it has the measurable and timeline elements, which are in (a), but what about (b) and (c)? Those are the things the commissioner said—

**The Chair:** I understand. You made your point, okay?

**Ms. Linda Duncan:** I'm just trying to find out whether, in their amendment, they are interested in making sure that's clear in the act. If so, does their amendment deliver that? I don't think it does.

**Mr. William Amos:** Ours does not include that. Our position—and the commissioner made this clear yesterday—is that she can and will look at principles. We don't need to write that into the legislation. I don't mean "she", but that the commissioner as an institution will have that opportunity.

**Ms. Linda Duncan:** It has nothing to do with principles; (b) and (c) have nothing to do with principles.

**Mr. William Amos:** It says, "whether the principles...are adequately considered..." That power to evaluate is there.

**Ms. Linda Duncan:** Are you reading my draft?

**Mr. William Amos:** I'm looking at your draft right now. I'm pointing out the reasons we're not in favour of the proposals here in paragraphs 9(4)(b) and 9(4)(c) around the likelihood of adequacy, which is (b), and the adequate consideration of principles, which is your (c). The reason we're not in favour of the first one is that it's just way too broad, and it really creates an unwieldy role for the commissioner.

As regards the consideration of the principles, we heard from her on this yesterday. She doesn't require that to be built into legislation. The commissioner will be able to do that anyway.

The key thing here is to really focus the role of the commissioner, and that's why we're focusing on timeboundness and measurability.

**The Chair:** Okay, I think we've had a good discussion on it.

**Ms. Linda Duncan:** We heard the commissioner totally differently. Let me just give you the last example. She said, okay, you've got "polluter pays" as a principle. She said that's too vague. She wants the entity to tell her how they've taken into consideration that principle of polluter pays, and that's why that is there. That is why David Boyd recommended it. That's why she's recommended it, but if you don't want it there, that's fine. You've got the majority.

● (0950)

**The Chair:** We've had good discussion on it. We've heard all sides, and it's time we voted on LIB-2.

All those in favour—

**An hon. member:** Hold on. Are we voting on NDP-5 at the same time as LIB-2?

**The Chair:** No. No, no, no.

**Mr. Darren Fisher:** With Gerretsen and Bossio gone, you had a chance of winning this.

**The Chair:** Oh-oh.

**Hon. Ed Fast:** You had a chance to win this. You should have called the question.

**The Chair:** All those in favour of LIB-2, please signify.

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

**The Chair:** Now we move on to the end. Just to be clear, NDP-5 is now off the table.

On NDP-4, go ahead, Linda.

**Ms. Linda Duncan:** Again, my concern was the duty to consult the public. Ms. Brand has pointed out to me that there is some provision for that, but I stand by my amendment.

The reason I stand by my amendment is my amendment is saying that up front, when the minister is obligated to develop a federal sustainable development strategy, she shall do that "in consultation with the public". As the act stands right now, after the fact, after she's already drafted it, they get a chance to look at it. Okay?

The reason I'm raising that is...while nobody knows what will happen with NAFTA, the environmental side agreement to NAFTA actually requires Canada to provide advance notice and opportunity for comment in the process of drafting any law, policy, procedure, etc.

I just think it should be right up front. This government has been very clear that they believe.... We have a principle of collaboration. There's no principle of public participation in there. I can only presume the principle of collaboration means to work with people in the development of the policy.

My preference is that the commitment to consult the public in developing the policy would be right up front. Without that, the only people on an ongoing basis who are at the front would be potentially the advisory council, if she asks them for advice.

**The Chair:** All right.

Mr. Sopuck, go ahead.

**Mr. Robert Sopuck:** I strongly oppose this motion.

I'm kind of old-fashioned. I believe in the concept of ministerial responsibility. Ministers have to have the discretion, no matter who's in government, to make decisions that are ultimately answerable to the public, and this particular one is included in this act.

There will be endless litigation, because when is there enough consultation? Was it broad enough? Who is "the public"? The word "shall" is bad enough in and of itself.

Activists usually forget that ministers and the prime minister and all of us members of Parliament are answerable to the public at all times for everything that we say and do. To have such a prescriptive clause in the act will make it more unwieldy than it even is now.

**The Chair:** Does anybody over there want to say anything?

Okay.

We're ready to vote on NDP-4.

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

**The Chair:** I think we are done with clause 6.

Shall clause 6 carry as amended?

**Ms. Linda Duncan:** As amended.

**The Chair:** Shall clause 6 carry as amended?

● (0955)

**Ms. Linda Duncan:** On division.

**Hon. Ed Fast:** On division is fine.

**The Chair:** On division is fine. Okey-dokey.

(Clause 6 as amended agreed to on division)

**The Chair:** Shall clause 7 carry?

Wait, wait, back me up a bit. Does anybody have anything for clause 7? We didn't get anything earlier. I'm assuming there isn't anything. I want to make sure there isn't something before someone yells at me for not giving them a chance to bring it forward.

Shall clause 7 carry?

(Clause 7 agreed to)

(On clause 8)

**The Chair:** We are now at amendment NDP-6 for clause 8.

Oh, sorry. We have a couple of other things that we have to be mindful of. If NDP-6 is adopted, then NDP-7 and LIB-3 cannot be moved. There's a line conflict.

Whichever came in first gets to be done first. You have to make sure you're looking at NDP-7, and look at LIB-3.

**Ms. Linda Duncan:** Can I make a suggestion? I'm simply going to accept the simple change—

**The Chair:** Let's have a discussion.

**Ms. Linda Duncan:** —but I have other parts of mine—

**The Chair:** Just for clarity, we're going to discuss NDP-6.

**Ms. Linda Duncan:** No, I'm not doing 6.

**The Chair:** It's NDP-7.

**Ms. Linda Duncan:** I'm just going to do NDP-7.

**The Chair:** Hold on. We're not going to do NDP-6?

**Ms. Linda Duncan:** It's included in NDP-7.

**The Chair:** Okay.

**Mr. Mike Bossio:** So it's NDP-7 versus LIB-3.

**The Chair:** Let's do NDP-7 and LIB-3. All right?

**Mr. Mike Bossio:** Do we need to vote down NDP-6, then?

**Mr. Olivier Champagne:** Is NDP-6 off the table?

**Mr. Mike Bossio:** It will be once we decide.

**The Chair:** I just—

**Ms. Linda Duncan:** Let's just do that amendment. We'll just do NDP-7.

**The Chair:** Wait.

**Mr. Olivier Champagne:** If NDP-7 is adopted, then LIB-3 cannot be moved.

**The Chair:** No, I got it.

You need to be aware that NDP-7 and LIB-3.... If we do NDP-7 first, then LIB-3 can't be done. We're looking at both of those.

**Ms. Linda Duncan:** I'm willing to amend mine right off the bat.

**The Chair:** Let's hear the discussion. Go ahead.

**Ms. Linda Duncan:** The reason I had said that it should say “in relation to the environmental, social and economic impacts of their policies and operations” is that this was the language used in the act. I agree with the preference for “sustainable development”. I was just trying to be consistent with legislative drafting.

If everybody's amenable to just simply start.... There are other places in this act that we probably should have been changing to that. The problem is this act goes up and down and back and forth. Sometimes it talks about environmental and socio-economic impacts and sometimes it talks about sustainable development. It really would be preferable if, throughout the whole thing, it just simply references sustainable development.

I used that other phrasing because that was what was used in the act. I have no problem if everybody agrees that at least we start by replacing that phrase, which frankly doesn't even totally encompass the UN goals. I'm fine with that part, so I would amend mine right off the bat to say “in relation to the sustainable development impact.” Okay?

I'm fine with that, if everybody agrees. It's just that there are other places in the act where it really should be revisited. We should start being consistent.

What I have added in here is “policies”. Right now the wording only applies to operations. It doesn't apply to policies, which I find rather odd, so I simply said that Treasury Board may establish policies and directives applicable to one or more of the designated entities in relation to the sustainable development impacts of their policies and operations.

That's the first part, if we agree to the change.

The second part is that somewhere along the line, the government has chosen to take out the part about directives related to performance-based contracts. I simply added that back in so that the Treasury Board could establish policies and directives related to the impact on sustainable development of policies and operations, as well as policies and directives for performance-based contracts.

• (1000)

**The Chair:** Okay.

**Ms. Linda Duncan:** Those are three things that the directive could relate to.

**The Chair:** Okay.

Go ahead, Mr. Bossio.

**Mr. Mike Bossio:** I want to note that section 12 of the current act, which refers to performance-based contracts, does not pertain to performance agreements of senior officials but to procurement. As a result, it duplicates the existing Treasury Board and Public Services and Procurement Canada's policies, and Bill C-57 proposes to delete it for this reason. It's because it's referring strictly to procurement. It's not referring to anything above and beyond that.

Our revision, replacing “environment” with “sustainable development”, makes it more consistent with the revised purpose.

**Ms. Linda Duncan:** I'm sorry. Can you say that again, how you're reading section 12?

**Mr. Mike Bossio:** Section 12 of the current act refers to “performance-based contracts”, but that does not pertain to performance agreements of senior officials. It refers to procurement only.

**Ms. Linda Duncan:** But I haven't used language that's different from that.

**Mr. Mike Bossio:** No, but what we're saying is it duplicates the existing Treasury Board and Public Services and Procurement Canada policies.

**Ms. Linda Duncan:** How so?

**Mr. Mike Bossio:** Well—

**Ms. Linda Duncan:** Okay, let me speak to that, because you're raising a very good point.

**Mr. Mike Bossio:** Sure.

**Ms. Linda Duncan:** In fact, we looked into whether the Treasury Board right now has policies and directives on exactly that. We couldn't find any.

What this provision would allow—it's not mandatory—is for Treasury Board to in fact provide policies and directives in how you apply section 12.

**Mr. Mike Bossio:** The changes that we're proposing to make would give Treasury Board the ability to look at all sustainable development related to its purview. It just simplifies it.

**The Chair:** Section 12 says:

Performance-based contracts with the Government of Canada shall include provisions for meeting the applicable targets referred to in the Federal Sustainable Development Strategy and the Departmental Sustainable Development Strategies.

That's what you're referring to.

**Mr. Mike Bossio:** Maybe Paula can help expand on that as well.

**The Chair:** Go ahead.

**Ms. Paula Brand:** Thank you very much.

Section 12 of the current act has similar language, and the application of it for the last eight years has been related to performance-based contracts, which have been deemed to be contracts we sign for procuring services, buying goods, and those sorts of things. They are not in fact related to what you think of as deputy ministers' performance agreements.

There is a big distinction. The application of section 12 as it now stands in the act relates to procurement. It does not relate to performance-based agreements with senior executives.

**Ms. Linda Duncan:** How is my amendment in any way affecting that? It's consistent with the language. Are they striking section 12?

**The Chair:** Linda, hang on a minute. Let's have Ed up.

**Hon. Ed Fast:** Actually, I want to hear what she has to say.

**The Chair:** Okay. I'm just trying to respect the order of speakers.

Go ahead, Linda, and I do get your point.

**Ms. Linda Duncan:** I'm trying to remember. Does this bill strike out section 12 of the act? It doesn't.

**Hon. Ed Fast:** No.

**Ms. Linda Duncan:** So then....

**The Chair:** We're jumping between two thoughts here.

**Ms. Linda Duncan:** How the government interprets what the bill says is different from what the act says. My amendment is simply consistent with section 12 of the act. It simply empowers Treasury Board to also provide guidelines and directives on how section 12 is to be applied.

**The Chair:** Was that helpful, Mr. Fast?

**Hon. Ed Fast:** Yes.

**The Chair:** You're up. Go ahead.

**Hon. Ed Fast:** Okay, great.

I want to speak in support of Mr. Bossio's amendment, because we are considering amendments LIB-3 and NDP-7 together. We have a choice between complexity and some confusion on the one hand and simplicity on the other.

Quite frankly, what persuaded us to support this legislation in the first place was that it was an incremental movement towards recognizing what sustainable development is. It's not just environment; it's also the social elements of living in our society, as well as the economic imperatives that have to be taken into account. Mr. Bossio has reflected that more accurately with his amendment.

• (1005)

**The Chair:** Linda was trying to give it more teeth, and I get that. She was trying to make it very prescriptive. I think everybody understands, Linda, what you're trying to do.

**Ms. Linda Duncan:** I'm not making it more prescriptive. I'm simply trying to broaden the opportunity for Treasury Board to provide guidance, which is what the commissioner has recommended. That's what I was doing.

I'm not making it prescriptive. It's totally up to Treasury Board to decide how prescriptive it will be.

**The Chair:** Mr. Bossio, you're up.

**Mr. Mike Bossio:** Once again, Chair, the amendment I proposed does that. It gives Treasury Board the latitude it needs to be able to look at all areas of sustainable development across all the areas that are under its mandate right now. I don't understand why we have to complicate it when we already have it simplified.

**Ms. Linda Duncan:** I feel as though it's like operations, not policy.

**The Chair:** No, I don't think so.

**Ms. Linda Duncan:** Yes, because their amendment says—

**The Chair:** It doesn't add in policy.

**Ms. Linda Duncan:** I add in policy.

**Mr. Mike Bossio:** Policies are in there. It says “establish policies or issue directives”.

**Ms. Linda Duncan:** It's operations. Read the section.

**Mr. Mike Bossio:** Okay. Anyway—

**The Chair:** Mr. Godin is up, and then we're going to end it.

[Translation]

**Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC):** Thank you, Madam Chair.



The two amendments mean the same thing and we want to keep things as simple as possible. Mr. Bossio's amendment does not cancel out yours. The two amendments are saying the same thing. Mr. Bossio's wording is shorter, but it does not take away from what you said.

We are all pulling in the same direction. Mr. Bossio's amendment is in line with the objective that all the members of the committee want.

[*English*]

**The Chair:** Okay, I just want to figure out how to do this.

Linda, I think what I'm hearing is that we're going to vote on your motion, and then we're—

**Mr. Mike Bossio:** You mean her amendment.

**The Chair:** Yes, it's her amendment.

Then can we move to the vote?

**Mr. Olivier Champagne:** If it's defeated, we can.

**The Chair:** If it's defeated, we can. Okay.

**Ms. Linda Duncan:** We're voting on my amendment as amended, right?

**The Chair:** Yes, Linda.

**Ms. Linda Duncan:** I amended mine to say, “in relation to sustainable development”.

**The Chair:** We have to vote on that amendment, and then we have to vote—

**Mr. Olivier Champagne:** I'm not clear on what it's—

**The Chair:** Linda was suggesting that we take out “environmental, social and economic” and just make it “sustainable development impacts of their policies and operations”. She made the change to try to incorporate that.

To be fair, I need to vote on the sub—

**Mr. Olivier Champagne:** She can move.

**The Chair:** She can change it. Linda, you can move your change.

**Mr. Olivier Champagne:** She moved it.

**Ms. Linda Duncan:** I'm moving my subamendment to my amendment. Is that what you're saying I have to do?

**The Chair:** I'm just trying to be careful of what I'm doing here, but I'm being told that it's okay. You moved it, and we'll vote on your amended motion.

**Ms. Linda Duncan:** I'm moving the amendment with that change.

**Hon. Ed Fast:** It's the amended motion and the amendment itself.

**The Chair:** Correct. It's the amended amendment.

**Mr. Mike Bossio:** Right.

**The Chair:** All those in favour of NDP-7?

**Mr. Mike Bossio:** That's NDP-7 as amended.

**The Chair:** Yes.

(Amendment negated)

**The Chair:** Okay, we're now going to do—

**Mr. Mike Bossio:** We're now on LIB-3.

**The Chair:** Yes, we're now going to go on to LIB-3. Thank you.

Is there any further debate or discussion on LIB-3?

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

**Ms. Linda Duncan:** If it had included policies, I might have voted for it.

**The Chair:** Well, you could have...I'm moving on.

**Ms. Linda Duncan:** You're not going to include it anyway, so there is no point in debating it.

**The Chair:** All right, jolly good.

The next one is NDP-8.

**Ms. Linda Duncan:** During this committee's review of the act, well before the bill was tabled, we heard from a wide array of experts, including the current commissioner and the former commissioner, who is now head of the International Institute for Sustainable Development. I think they heard from some international experts as well. They certainly heard about laws in other jurisdictions. The strong recommendation was made across the board that a more senior authority should be overseeing this.

I could not submit an amendment to replace the responsibility vested in an official within the Department of the Environment because I can't add a part that hasn't been amended. In lieu of that, however, I am making a further amendment to clause 8 of this bill, adding that the “Queen's Privy Council”—in other words, the PCO—also be empowered to issue policies and directives. That was a recommendation by this committee.

● (1010)

**The Chair:** Is there any other further discussion on Ms. Duncan's amendment, NDP-8?

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

**Hon. Ed Fast:** I have a point of order, Madam Chair.

Ms. May also had some amendments. Was that addressed?

**The Chair:** They're coming.

**Hon. Ed Fast:** All right.

**The Chair:** Did you think it was on NDP-8?

**Hon. Ed Fast:** No, I didn't suggest—

**The Chair:** Thank you.

**Hon. Ed Fast:** Yes.

**Ms. Linda Duncan:** It's the same thing somewhere else.

**The Chair:** She has it further on.

**Hon. Ed Fast:** Yes.

**The Chair:** Okey-dokey. We're on NDP-9.

**Ms. Linda Duncan:** In this amendment, I simply put in a time period. I am totally open, however, to a different time period.

When the commissioner appeared before us on Tuesday, she was very clear that she is struggling with the number of entities she has to review. All of them come in at different times and are prepared in different ways with different frameworks. She said it would be immeasurably helpful to her if all entities had to submit their strategies on the same date.

Right now they can submit them any time within a year, so I am proposing that we amend that clause to give a specified time after the FSDS is tabled in Parliament for when the entities have to submit their strategies. I am totally open to any reasonable time period one might want to put in. I put in six months, but it could be 12 months or eight months. It's whatever people think is reasonable.

She was clear in her testimony that she would like to have the law changed to require all entities to submit their strategies by the same date so that she could compare them.

**The Chair:** I'm not sure that your amendment actually does what you're talking about. I hear you, but what I hear is not what it meant to me when I read it. There's a way to do it differently, but that isn't what this says.

**Ms. Linda Duncan:** Right now it says within a year—

**The Chair:** Right

**Ms. Linda Duncan:** It says it's any time within a year after the FSDS is tabled—

**The Chair:** I know, but if you want it to—

**Hon. Ed Fast:** This says within six months. It means any time within the six months.

**The Chair:** It's not really getting to where she wanted it to be.

**Ms. Linda Duncan:** How else would you word it?

I've got another way to word it.

**The Chair:** Who wants to talk to it? Obviously I've started a debate.

**Mr. Mark Gerretsen:** You did.

**Hon. Ed Fast:** Why don't you finish the debate?

**The Chair:** I was suggesting that what you've proposed here doesn't meet what I thought the commissioner was asking for. She was asking for—

**Mr. Mark Gerretsen:** You're entering into the debate.

**The Chair:** Well I am, and I am able to do that, for clarification.

**Ms. Linda Duncan:** What did you hear her saying?

**The Chair:** What I heard was that she wants them to be coming in at the same time.

**Ms. Linda Duncan:** Exactly. That's exactly what my provision does. I said to set it at six months after the FSDS, or set it at eight months after. I'm open.

**Hon. Ed Fast:** But not 12 months.

**Ms. Linda Duncan:** It sets a specified date on which all entities must file their strategy.

**The Chair:** Ms. Brand wanted to help us here.

**Ms. Paula Brand:** Maybe I could give the committee some context for how the process has run, and that may help you in your discussion and debate.

Typically the strategy is tabled, and then departments have had that year. We have only once, in any of those cycles, taken that full year to do that. We've always done it, and we've embedded the planning and reporting into the expenditure management system.

By way of example, if the strategy was tabled in November, departments typically in their RPP/DPR process would have tabled their departmental strategies with their RPP at the same time. We have about a 90-plus per cent compliance of departments in doing that. That usually takes place in March, following the tabling of the strategies.

This is the first year that we took the full year to do it. We had 100% compliance of departments, all doing it in the same week of October 2, 2017. It took a year because in large part the strategy was significantly different from what it had been in the past, so we gave departments a little more time to do that.

At the same time, working with Treasury Board, we provide guidance on the forms and structure. We have a common set of elements that departments are given advice on to complete those elements. In the past, they have been actual supplemental tables in the RPP.

For context, the reality and the practicality of what's been happening is that the departments do in fact do it en masse. Over 90% do it all at the same time, either within a three-month period following, or within the one year, but they're all doing it at the same time against a common set of guidelines. Obviously any minister has the ability to write any strategy and take any form he or she wants it to take, but we have those pieces.

● (1015)

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

**Ms. Linda Duncan:** I went on the basis of what the commissioner said. She had advised that they come in all over the place. That's simply what she testified.

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

[*Translation*]

**Mr. Joël Godin:** Madam Chair, if I remember correctly what the commissioner said, there had to be a specific time. However, Ms. Duncan's amendment proposes a six-month period. So we are not achieving the commissioner's target. If memory serves, the commissioner talked about a specific time, not a six-month period.

The proposed amendment therefore does not help us achieve the objective of a specific time.

[*English*]

**The Chair:** I think we know what we're doing. I think we understand there's a difference of opinion between the commissioner and the department. There's also a difference of opinion in what we thought we heard the commissioner wanted.

We're going to vote on NDP-9.

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

**The Chair:** Next is NDP-10. Go ahead, Ms. Duncan.

**Ms. Linda Duncan:** This is simply consistent with the other amendment I made that was struck down, so we could just vote. It's simply referencing both the Treasury Board and the Queen's Privy Council.

**The Chair:** If there is no discussion, I will call the vote.

**Ms. Linda Duncan:** Please let me finish.

In terms of the Queen's Privy Council, presumably, I don't know to whom we assign the cabinet directive. This is simply saying that they have to also adhere to the cabinet directive. It's being specific.

The commissioner has testified that her preference would be that this statute be brought together with the provisions of the cabinet directive, which gives much more detail to entities about the type of information they need to consider and provide. That's why that is in there. It simply provides the link that the commissioner requested.

**The Chair:** Thank you.

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

**The Chair:** We'll go on to amendment NDP-11. Go ahead, Linda.

**Ms. Linda Duncan:** I have simply added in that when designated entities are preparing their independent sustainable development strategies, they must take into account the results of public consultations.

I believe there is nowhere else in this statute that requires public consultation of the individual entity. There is a provision for the minister to consult on the FSDS after she has drafted it, but there is no requirement whatsoever that the entities must talk to the public. When I say "public", that includes cities, business, communities, first nations, whatever. It's pretty important that there be a requirement for some degree of public consultation in developing the sustainable development strategies for government entities.

**The Chair:** Okay.

Go ahead, Mr. Bossio.

**Mr. Mike Bossio:** Given what we'd already discussed under amendment NDP-4, under subsections 9(3) and 9(4) of the act the minister consults with the public. We've already discussed consultation under the act. Subsection 9(3), "Consultation: first draft", says:

The Minister shall submit a draft of the Federal Sustainable Development Strategy to the Sustainable Development Advisory Council, the appropriate committee of each House of Parliament and the public for review and comment, for which the Minister shall allow a period of not less than 120 days.

Then subsection of 9(4) of the act says:

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

Under this proviso, we'd like to do a subamendment to Ms. Duncan's amendment. Instead of saying in a proposed subparagraph 11(1)(a)(v), "takes into account results of public consultations", we'd like to say, "considers results of public consultations under this act".

The consultation is already happening, so let's—

• (1020)

**Ms. Linda Duncan:** No, it's—

**Mr. Mike Bossio:** I know you want the consultations to happen beforehand—

**Ms. Linda Duncan:** No.

**Mr. Mike Bossio:** —and we're saying that the consultations are actually happening.

**Ms. Linda Duncan:** No, that's a totally different document.

**Mr. Mike Bossio:** Sorry, yes.

**Ms. Linda Duncan:** I'd like to respond to that after.

**Mr. Mike Bossio:** I apologize. The text that I actually want to put in takes into account comments made under the subsections. I apologize. I'd just changed this earlier and forgot that I was operating off two different documents.

Instead of saying "takes into account results of public consultations", we want to say "takes into account comments made under subsections 9(3) or 9(4); and".

**Ms. Linda Duncan:** Okay. Can I respond that that?

**The Chair:** Yes.

**Mr. Mike Bossio:** Actually, can I add one further thing?

**Ms. Linda Duncan:** Sure, go ahead.

**The Chair:** Yes.

**Mr. Mike Bossio:** Amendments NDP-11 and NDP-14 are virtually identical in terms of the changes that you're looking to make; they just apply to different sections. I don't know if we can—

**The Chair:** Let's just go one amendment at a time.

**Mr. Mike Bossio:** Okay. Very good.

**Ms. Linda Duncan:** If I can speak to that, they are not identical. The one that we dealt with before was the obligation of the Minister of the Environment to consult the public when she is developing the federal sustainable development strategy. This section, section 11, deals with all the entities that develop their individual strategies. This hasn't anything to do with the FSDS. This is what each of the entities must do in developing their individual sustainable development strategies.

I have added that when they develop those strategies, those entities must also take into consideration public consultation.

It has nothing to do with the FSDS process; it's developing their individual entity strategies on how they're going to deliver their mandates.

**The Chair:** Yes, I understand. That's exactly what this section is.

**Ms. Linda Duncan:** Right.

**The Chair:** I get that.

**Ms. Linda Duncan:** It's not the same.

**The Chair:** But it could still apply.

**Ms. Linda Duncan:** It's the same responsibility, but to a different minister.

**Mr. Mike Bossio:** What we're saying is that subsections 9(3) and 9(4) would require all designated entities to consider the consultations that the minister has had.

**The Chair:** Right. That's what he's saying.

**Mr. Mike Bossio:** That's what we want to focus on.

**Ms. Linda Duncan:** No, because—

**Mr. Mike Bossio:** Sorry, that's a subamendment that—

**Ms. Linda Duncan:** —overall FSDS is not going—

**Mr. Mike Bossio:** —we'd like to make.

**Ms. Linda Duncan:** —to get down to the detail about the departments of natural resources or public safety or agriculture or national defence.

**The Chair:** Okay, we have your point.

Go ahead, Mr. Fast.

**Ms. Linda Duncan:** Okay, we don't want public consultation. I get it.

**Hon. Ed Fast:** Could I ask that Ms. Brand—

**Ms. Paula Brand:** Sorry, sir. Yes?

**Hon. Ed Fast:** Through you, Chair, would you like to comment on whether this proposed amendment is actually addressing a problem that exists, or whether we are trying to fix a problem that doesn't exist?

**Ms. Paula Brand:** I can describe it in terms of what we do right now.

During that four-month consultation period, we're commenting on the draft strategy, which includes the contribution of all of the entities under the act. It includes any of the goals and proposals put forward. It does include the dimensions of all of the departments under the strategy.

By way of process, we receive comments, we undertake the consultations, and we work with departments to identify key stakeholders in their constituency area. We undertake the consultations. That feedback is centralized with us, but we distribute it to all of the departments. Then, when we—the collaborative “we”—draft the final strategy for consideration, all of those departments have had an opportunity to weigh in and demonstrate how they will address concerns that are raised on topics that are very vast in terms of the range of issues that we receive comments on. That's what currently happens right now.

• (1025)

**Hon. Ed Fast:** Madam Chair, that was my understanding.

There is already a process for consultations in place, and they are taken into account. That renders the proposed amendment moot, because we already have that process taking place, whether it's stipulated legislatively or not. The department and the agencies and all those who are covered under these requirements are in fact doing consultations and taking those consultations into account.

Why are we introducing something that is already happening? We're trying to fix a problem that doesn't exist.

**Ms. Linda Duncan:** Can I just make a comment?

Let's go by what the law says. With all due respect to Ms. Brand, section 11 of the act says that within one year after the final Federal Sustainable Development Strategy is tabled in the House, the designated entities must develop their individual strategies. They're

not developed before the FSDS is tabled; they are developed after the final FSDS is tabled in the House.

The process of developing the individual entity strategies happens after the FSDS is set in stone. That's when the details of... The fisheries department has different people they might want to confer with. Agriculture has different kinds of interests that they want to confer with.

Anyway, I rest my case, but that is the process by law.

**The Chair:** Okay.

Next is Ed, and then you. Go ahead.

Wait—

**Mr. Mike Bossio:** You just have to call the vote.

**Hon. Ed Fast:** Ms. Brand was challenged, and I think we owe her an opportunity to respond, if there is a response.

**The Chair:** I think that's fair.

**Ms. Paula Brand:** I have no comment. Thank you.

**The Chair:** There's no comment. Okay, so that's fair.

Go ahead, Mike.

**Mr. Mike Bossio:** Can we have a vote on the subamendment to the amendment?

Once again, it's changing the language of the amendment to say—

**The Chair:** Yes.

**Mr. Mike Bossio:** —it takes into account the comments made under subsection 9(3) and/or subsection 9(4) and....

**The Chair:** I just wanted to address Ed's comment and statement.

If you read it, paragraph 11(1)(a)—

**Hon. Ed Fast:** I did read it.

**The Chair:** I know. You have it right in front of you. If you read it, it is talking about “after”—

**Hon. Ed Fast:** I agree.

**The Chair:** —so it is trying to be prescriptive on something that we understand is probably already happening. All these other points may be superfluous as well, based on your comment.

Let's look at it as an entity that we want to change.

Go ahead.

**Hon. Ed Fast:** Well—

**Mr. Mike Bossio:** We should call a vote on the subamendment.

**Hon. Ed Fast:** Before we do that—

**An hon. member:** Let's vote.

**The Chair:** There's one last point.

**Hon. Ed Fast:** I think Ms. Brand would agree that the way the process is right now the minister, through a sausage-making process, develops a federal sustainable development strategy, and then designated entities go through their own process.

**The Chair:** Right.

**Hon. Ed Fast:** Correct.

If in fact we change that.... I believe Ms. Duncan is asking that this be reversed somewhat—

**Ms. Linda Duncan:** I'm not asking for it to be reversed at all.

**Hon. Ed Fast:** It's my understanding you were suggesting you want to ensure that the strategies developed by the agencies have the appropriate consultation and then feed into the federal sustainable development—

**Ms. Linda Duncan:** No, I didn't suggest that at all. I'm simply saying that as the law stands, it says that the entities will develop their strategies, based on all these criteria, after the FSDS is tabled in the House.

**Hon. Ed Fast:** Right.

**The Chair:** Okay, just to clarify, my understanding is that they do have that input early on when the strategy is being developed.

**Mr. Mike Bossio:** Chair, chair—

**The Chair:** Okay, I'm fine. We're going to vote on it.

**An hon. member:** Vote on it.

**The Chair:** Yes.

It's NDP-11, the amended amendment, so we will vote on the suggested subamendment.

**Ms. Linda Duncan:** You vote mine down, and then he wants to propose something else.

**Mr. Mike Bossio:** No, as I said, we're voting on the subamendment.

**The Chair:** On the subamendment, does everybody have it clear? It takes into account comments made under subsections 9(3) or 9(4).

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

**The Chair:** That carried the subamendment, so the subamendment is now the amendment. We will now vote on NDP-11 as amended.

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

**The Chair:** The next one is NDP-12.

• (1030)

**Ms. Linda Duncan:** Again, this is as per the testimony this week by the commissioner. It reiterates the concern she expressed and the concern that was expressed by almost every witness before this committee before the bill was tabled, and as per the recommendation of this committee before the bill was tabled, that there be more senior authority.

Why are people recommending that? They are recommending it because there is an abject failure in providing these reports properly.

For the last 10 or 12 years, the commissioner reports every time that we have an absolutely terrible record of entities delivering on their responsibilities. She had recommended, and this committee had recommended, that one of the solutions may be to have a more senior level sign-off, a higher-level accountability, to say, "Okay,

have you looked at this, have you looked at that, before I submit this to the commissioner?"

That's what this says: to "obtain the appropriate Minister's signed approval" before submitting that sustainable development strategy.

**The Chair:** Okay. Is there any discussion?

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

**The Chair:** Moving on, we have NDP-13.

Go ahead.

**Ms. Linda Duncan:** Again, this is adding in very specifically the directives of the cabinet.

I am adding in the Governor in Council to establish or issue applicable regulations.

I'm adding in that they have to consider not only the Treasury Board, which is a new provision in that act, but also any policies or directives of Governor in Council—in other words, the cabinet—and any applicable regulations. It's interesting that the act provides for regulations. To my knowledge, none have ever been issued. It's important to provide that.

You also have to be consistent with the regulations. That's what I'm adding in: it's that any of those strategies be consistent with the policies and directives of the Treasury Board, the cabinet, and any applicable regulations.

**The Chair:** Is there any comment?

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

**The Chair:** We'll move on to NDP-14.

**Ms. Linda Duncan:** This is the same thing again. This is simply the next list of entities.

**The Chair:** Right.

Go ahead, Mr. Bossio.

**Mr. Mike Bossio:** Once again I'd like to move a subamendment, with the same language that takes into account comments made under subsection 9(3) and/or subsection 9(4).

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

(Subamendment agreed to)

**The Chair:** Now we're voting on NDP-14 as amended.

(Clause 14 as amended agreed to on division [See *Minutes of Proceedings*])

**Mr. Darren Fisher:** You voted for that. I saw your hand go up. You voted for your motion and then said "on division".

**Mr. Mark Gerretsen:** It's on division.

**The Chair:** Is it on division? She just said "on division".

**Ms. Linda Duncan:** I was putting up my hand to be seen, okay? It's on division.

**The Chair:** We have to catch what people are doing. It's not fair otherwise.

Next is NDP-15.

You were busy.

**Ms. Linda Duncan:** We were working very hard. We listened to everything the committee recommended, even if I wasn't there, and everything all the witnesses said. That's what my amendments reflect.

**The Chair:** We appreciate it.

**Ms. Linda Duncan:** Oh, no, we don't.

Okay. This would amend proposed section 12.1 of the act.

This is again a recommendation of the committee, recommendation number 4. This amendment was recommended by the commissioner when she testified during your study of the bill. She recommended it again on Tuesday, and this committee also recommended very specifically that the draft federal sustainable development strategy be submitted to all appropriate committees of each House of Parliament and that a federal sustainable development strategy tabled in the House be deemed to be referred to all relevant committees.

I don't know why we bother doing studies. If we vote it down, this will be another recommendation of the committee that they now don't agree with.

• (1035)

**The Chair:** All right. Who's up? Who wants to talk?

Go ahead, John.

**Mr. John Aldag:** We would like to propose a subamendment to simply change “environment” on line 15 to “sustainable development” as Ms. Duncan has suggested, but then to delete the rest of the proposal.

**The Chair:** Just to be clear, her amendment has “sustainable development or to any other committee that that House may designate for the purposes of the section.” You're suggesting your amendment would stop at “sustainable development”.

**Mr. John Aldag:** Yes.

**The Chair:** Okay. That's clear in my mind.

The subamendment is that we delete everything after “development” and leave “sustainable development” as the subamendment. Are you following me?

**Ms. Linda Duncan:** The committee is called “environment and sustainable development”.

**The Chair:** Yes. Okay. Let's focus on the amendment.

The subamendment is to delete “or to any other committee” and everything after that.

(Subamendment agreed to)

**The Chair:** Now we're going to vote for NDP-15 as amended.

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

**Ms. Linda Duncan:** What? Oh, it was taken out. I misunderstood.

**The Chair:** Okay. It's getting late. We're going to keep moving.

Shall clause 8 carry as amended?

Wait. My apologies. I jumped past Ms. May.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Madam Chair, I'm here because of the motion passed by this committee. Just so you have an insight into how onerous and manipulative and unacceptable it is that every single committee passed identical motions that only give me opportunity at clause-by-clause study deny me the opportunities I would otherwise have at report stage, I am simultaneously in clause-by-clause study for Bill C-57 and down the hall at Bill C-55 on the Oceans Act, so I may not be able to stay longer than just to present my amendments.

I know you all passed that motion a long time ago, but it does have an impact, and I'm sorry I can only run in and run out again, because these bills are being studied at the same time.

**The Chair:** Okay—

**Ms. Elizabeth May:** Fortunately, they're in the same building. On this amendment that I propose, I really think this committee has done terrific work. I go back to the committee's report on federal sustainability for future generations and note that in the committee's report, there was a recommendation that performance-based contracts should meet standards.

To clarify, I'll quote the committee report, which said that in respect of all targets for which a department or agency is responsible, revising the provision to ensure performance-based contracts meet sustainable development goals is “an effective means of holding people to account for meeting targets”.

The Green Party amendment PV-1 proposes to insert after what we now have on page 7 of Bill C-57, at proposed section 12.3:

“12.4 Performance-based contracts with the Government of Canada shall include provisions for meeting all of the targets referred to in the Federal Sustainable Development Strategy and the Departmental Sustainable Development Strategies.”

The committee has already studied this and determined that it makes sense. I hope to have support for this amendment to strengthen Bill C-57 by giving performance-based contracts with the Government of Canada the mandate to meet targets.

Thank you.

**The Chair:** Okay. Are there any comments? There's no discussion.

**Ms. Elizabeth May:** You love it, right?

**Hon. Ed Fast:** Perhaps I have a question. We had the discussion about performance contracts versus performance agreements—

**The Chair:** It was an earlier discussion.

**Hon. Ed Fast:** Can I get Ms. May to clarify what she means by “performance contracts” so that we're all on the same page on this?

• (1040)

**Ms. Elizabeth May:** I mean that when the Government of Canada is contracting with those outside of the Government of Canada to meet certain goals, that within those performance-based contracts with external parties, the department's sustainable development goals and the federal sustainable development strategy be included in the contract as goals for the contractor performing that performance-based contract.

**Hon. Ed Fast:** Ms. Brand, this is referencing procurement. Is that correct?

**Ms. Elizabeth May:** Yes.

**Ms. Paula Brand:** Yes.

**Hon. Ed Fast:** Then we're on the same page.

**Ms. Linda Duncan:** Can I ask a question?

What is the difference between section 12 in the act right now and what you are proposing to add?

**Ms. Elizabeth May:** What I'm adding is that we include performance-based contracts around procurement into this act, because with what we have now, the Governor in Council may make regulations for the strategy, and the department heads for targets, but unless you amended it while I was in the meeting for Bill C-55—

**Ms. Linda Duncan:** It's exactly the same as it already says in the act, isn't it? I'm looking at your amendment.

**Ms. Elizabeth May:** The question is whether it's narrowly applied to only greening-of-government targets rather than having it apply to all targets within the federal sustainable development strategy. That's what I'm aiming for.

**The Chair:** Paula, do you want to make a comment?

**Ms. Linda Duncan:** Oh, you're saying that instead of “applicable”, it's “all of”.

**Ms. Elizabeth May:** All.

**Ms. Linda Duncan:** You're just changing a few words. That's what's confusing.

**Ms. Elizabeth May:** That's right, but I'm trying to make it all of them.

**The Chair:** Go ahead, Paula.

**Ms. Paula Brand:** I don't want to speak for my colleagues at Public Services and Procurement Canada with respect to how the current policy in place now, which is the policy on green procurement, would incorporate this dimension and any other policy procurement review that's going on right now within the government around meeting other associated social economic objectives using procurement as the tool. That process is already in place within the Public Services and Procurement domain.

**The Chair:** You're saying all targets versus applicable targets.

**Ms. Elizabeth May:** Exactly.

**The Chair:** Is there any other discussion around the table?

Go ahead, Mr. Sopuck.

**Mr. Robert Sopuck:** Seeing as this refers to procurement, wouldn't this put very onerous requirements on small suppliers that supply stationery and that kind of stuff to the government?

**The Chair:** It's already in the act.

**Mr. Robert Sopuck:** Okay.

**The Chair:** The act has performance-based contracts, and the only difference here is that we have in the act “applicable” targets referred to in federal sustainable development strategy, so it may not apply to all targets. It's applicable targets. What has just been put forward is that we should say “all” of the targets.

**Mr. Jonathan Wilkinson (North Vancouver, Lib.):** Madam Chair, I would like some clarification. I was under the understanding—and maybe I am incorrect—that we had repealed section 12. How do you make an amendment to something you've already repealed?

**The Chair:** Hang on.

**Ms. Linda Duncan:** That's what I asked earlier, and I was told it was still there. That's why I put it in, so our vote was completely askew.

**The Chair:** Maybe I'm missing something.

**Ms. Linda Duncan:** That's why it was put back in.

**The Chair:** Okay, I'm sorry. I'm wrong. The bill replaces section 12, and I'm on the wrong thing.

**Mr. Mike Bossio:** Can we move to the vote?

**The Chair:** Yes, we certainly can, if you guys are all ready and I am the only one confused. Yes, the bill replaced it.

**Ms. Linda Duncan:** I was told it didn't when we voted on mine, which did exactly the same thing elsewhere.

**The Chair:** All right.

Ms. May's amendment is to put it in, because right now the bill does not have it. It was in before, and now it's not, just to be clear. Now I'm clear. Thank you.

All in favour of Ms. May's amendment PV-1? All those against?

(Amendment negated on division)

**Ms. Linda Duncan:** I think it's in the wrong place, but she's going in the right direction. Now it's no longer being applied.

**The Chair:** All those in favour of clause 8 as amended?

• (1045)

**Hon. Ed Fast:** Our time is up.

**The Chair:** Our time is up. I think we can do the rest in about five to 10 minutes.

**Mr. Mark Gerretsen:** You did call the vote, so can we just vote on it?

**The Chair:** Shall we finish section 8?

**A voice:** Overtime requires unanimous consent.

**Ms. Linda Duncan:** Are you saying clause 8?

**The Chair:** My clock is saying it's not exactly time yet.

**Hon. Ed Fast:** Is it your clock, or is it the parliamentary clock?

**The Chair:** Those are never always right.

**Hon. Ed Fast:** Okay, then how do we determine what time it is?

**Ms. Linda Duncan:** Let's just decide if we want to continue.

**The Chair:** We're in the middle of the vote. Can we finish the vote, please?

**Hon. Ed Fast:** We can finish this vote.

**The Chair:** Shall clause 8 carry as amended?

**Ms. Linda Duncan:** On division.

(Clause 8 carried on division)

**The Chair:** Thank you.

We continue on Tuesday.

**Mr. Mark Gerretsen:** Hold on a second. Do you guys really want to come here to do one clause on Tuesday?

**The Chair:** I could bundle them up, and we could probably get it done in less than 10 minutes now.

**Hon. Ed Fast:** Also, the Liberals have a scheduled amendment.

**The Chair:** There's one more amendment. The rest of them are as they stand.

**Hon. Ed Fast:** We'll do it at the next meeting and then carry on.

**Mr. Mark Gerretsen:** We're literally going to come here for 10 minutes on Tuesday.

**The Chair:** No, we're coming back anyway, because we have other business to do. We have a trip to organize, and we're here on Tuesday. See you Tuesday.

**Hon. Ed Fast:** We're going to get the bill passed.

**Mr. Mark Gerretsen:** Pardon me?

**Hon. Ed Fast:** We're going to get the bill passed.

**A voice:** We might even support it.

**The Chair:** See you Tuesday.

The meeting is adjourned.

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