

Senator Cook: Is that quite the effect of clause 10?

Senator Flynn: Yes.

Senator Cook: I do not think it is. Well, you may be right; I am not quite sure. It is a different subsection 2.

Senator Flynn: I am not too sure. Would you say the establishment of these two parks would not require the approval of the standing committee?

Mr. Nicol: There is a significant difference, Senator Flynn, between clauses 2 and 10. Clause 2 has some futurity to it. It is basically that any additions, as they occur in the future, would follow the process as drafted in clause 2.

With regard to clause 10, the five parks mentioned are already subject to a federal-provincial formal agreement. They have had very wide publicity on the definition of the boundaries, and in the case of the one in Ontario the process has been delayed while full consultations concerning the rights of the Indians in that area are taking place. The proclamation will not take place until we have the legal description, and all of the lands transferred from the provincial government to the federal government. In the case of (a) the Part III lands have not yet been transferred. In the case of (b) the lands are in the process of transfer now. In the case of (c) the lands have been transferred.

The Chairman: But, Mr. Nicol, in these cases in clause 10, provision is being made in this legislation to do these things.

Mr. Nicol: This legislation will approve these parks.

The Chairman: Yes. And it is up to the department, according to the procedures that are laid down, to proceed with the acquisition, and develop these parks and the definition of boundary lines, et cetera; but the one in clause 2 is dealing with additions to existing parks.

Mr. Nicol: That is right.

The Chairman: And they are using the proclamation method, and I think, if the addition is of any significance, it should be by legislation. That is my feeling.

Mr. Hopkins: But clause 10 stands by itself. It does not have to follow the procedure.

Mr. Nicol: No.

Senator Flynn: This is strange, however, because in clause 2 we say that if you have an existing park you have got to do this, that, and the other thing.

Mr. Hopkins: After it is established.

Senator Flynn: But if you establish a new park under clause 10 you have to do certain things, but not the reference to the standing committee of the other place.

The Chairman: That is right.

Senator Flynn: It would be easier for the department to establish an entirely new park, which may be a very wide area, without the concurrence of the committee of the other place.

The Chairman: But, senator, it is only under clause 10 in a general way. . .

Senator Flynn: I know.

The Chairman: . . . that the locations are dealt with.

Senator Flynn: Yes.

The Chairman: But the selection of the particular area is dependent on what the department does.

Senator Flynn: The counties of Champlain, and St. Maurice in the province of Quebec, I can assure you, are rather a wide area. I know it is an area very close to the minister, but . . .

Senator Molson: Is there any difference between paragraph (a) in clause 10(2) and paragraph (a) of proposed section 3.1:

(a) clear title to the lands described in the proclamation is vested in Her Majesty in right of Canada;

Is that the same in clauses 2 and 10?

Mr. Nicol: Yes.

The Chairman: No.

Senator Molson: The title does not have to be vested already in the Crown, does it?

Mr. Nicol: Yes. You have clause 2—section 3.1:

(a) clear title to the lands described in the proclamation is vested in Her Majesty. . . ;

Senator Molson: I see. It is the same in both.

Mr. Nicol: That is right, sir.

Senator Beaubien: So it is the same in both.

The Chairman: Mr. Nicol, do you understand what the problem is insofar as we are concerned? You could wait for the transcript, which should be available very shortly, or we may be able to give you one of the carbon copies, which will be typewritten, to set out the proceedings here today. If you have the opportunity to discuss this and you receive instructions, your minister may wish to come back, and we will sit again on Wednesday next.

Some hon. Senators: Agreed.

The Chairman: If there is any further clarification you need of what concerns us, now is the time to ask for it.

Mr. Nicol: Mr. Chairman, in clauses 10 and 11, Parliament by passing this bill approves these parks. The same device was used in 1957, in the case of Terra Nova National Park. The park was approved by amendment of the act. The legal description of Terra Nova appears in this amendment. The change in the process here in clauses 10 and 11 is that, instead of parks being automatically proclaimed by the passage of this bill, they will be proclaimed when the legal description is available.

Senator Cook: But these clauses do not exclude the Senate because they do not include the House of Commons.