

The Standing Senate Committee on Banking, Trade and Commerce

Evidence

Ottawa, Wednesday, May 1, 1974.

The Standing Senate Committee on Banking, Trade and Commerce, to which was referred Bill C-6, to amend the National Parks Act, met this day at 3.30 p.m. to give further consideration to the bill.

Senator Salter A. Hayden (*Chairman*) in the Chair.

The Chairman: Honourable senators, it will be recalled that we met a week ago to consider this bill. In view of certain questions that were raised, we outlined the position of the committee so that the minister could have that information available. We decided to adjourn the meeting until today, to give the minister an opportunity to appear. He is with us today.

It will be recalled that a question was raised in connection with clause 2 of the bill, dealing with additions to parks which are created and set out in the schedule to the bill. It was the feeling of the committee that the provision, and all the lengthy procedures involved in that clause, were completely unnecessary.

We wanted to hear the minister's view on that. If we wish simply to provide that an insignificant area can be added to an existing park by proclamation by the Governor in Council, rather than by legislation, that is fine; but the provision of a new park would have to be by legislation. The minister already knows the alternative courses that were discussed.

Senator Laing, as sponsor of the bill, have you anything to discuss before we hear the minister on the point which brings him here?

Senator Laing: I am sorry that I was not present last week, but there was a reason for it. I am a resident of Vancouver and the transportation service was such that I would have had to walk in order to get here. However, I read our proceedings. The point raised in connection with clause 2 seems to revolve around the idea that there is an old-fashioned concept in the Senate that Parliament is resident in this entire building and not just at one end of it. I think that point is well taken.

I did not deal with that when speaking of the bill in the house, because I overlooked it. Precedents could be established here, in respect of future legislation, that could put us in conflict with the other place.

The Chairman: As I see it, there is only one way in which we can avoid establishing a precedent in dealing with this bill, if there is any emergency. The report could contain a recital of all the circumstances, indicating why the bill is approved notwithstanding this defect, and indicating that it is not a precedent but that there are special circumstances. That is one course.

Another is to strike out clause 2—the bill could live without it—or we could limit clause 2 by striking out

everything in the bill except that which provides that the Governor in Council, by proclamation, can add an insignificant area in relation to an existing park. Those are the various courses of action.

As the minister is available, he should have the opportunity of explaining the situation, and what he would appreciate our doing, if we could do it.

Hon. Jean Chrétien, Minister of Indian Affairs and Northern Development: Thank you, Mr. Chairman and senators. I read the proceedings of your committee meeting of last week. I listened to my predecessor, Senator Laing, and I cannot disagree with the committee. I argued against the clause in committee, because there was another fundamental problem.

This procedure should not be used for one moment. When we want to establish a national park, or add substantial lands to a park, we have to make a deal with the provincial government.

A policy was established by my predecessor that when land is purchased for a national park, the cost is shared with the provincial government.

It is a provincial decision to transfer crown provincial land, or to transfer to the federal government, land they have acquired. The procedure provided in clause 2 will enable a member of the committee of the house to discuss the validity of the judgment of the provincial government—and that is not proper.

As I say, I have argued against that clause in committee. For example, I am currently in negotiation with the premier of a province who, in the wisdom of his government, is contemplating turning over a large piece of land as an addition to an existing national park.

The land in question is provincial crown land. The premier and government of the province are leaning in the direction of setting aside the land for the purpose of a national park. They feel that is the best possible use for the land.

If the premier decided to turn over many square miles of that land to the federal government for perpetual conservation under the National Parks Act, do you think it would be proper for a member of the committee in the other place, or of the Senate committee, to tell the premier of a province, "You are not being wise"? The act exists. Land for park purposes is controlled by that act, it is up to the provincial government to transfer to us provincial land. Of course, the minister can help by being aggressive, and so on.

For example, both my predecessor and I have been very much involved in the creation of new national parks. In the last five years we have managed to establish 10 new national parks. They are not all included in the bill, for reasons that I will explain later.