

# The Standing Senate Committee on Banking, Trade and Commerce

## Evidence

Ottawa, Thursday, April 25, 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 9.30 a.m.

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

**The Chairman:** Honourable senators, we have before us this morning Bill C-6, an act to amend the National Parks Act. As witnesses we have: Mr. Kun, Director, National Parks Branch; and Mr. Nicol, Director General, Parks Canada. Mr. Nicol, you may open the proceedings.

**Mr. J. I. Nicol, Director General, Parks Canada, Department of Indian and Northern Affairs:** Honourable senators, the bill was before this committee on a previous occasion. The amendments made in the other place are acceptable to my minister. They cover some of those things which some senators were concerned about the last time we were here. These were notably in the form of prior advice of intent in the case of clauses 2, 10 and 11, and a process of independent review of the department's decision and actions, whether taken by itself or in concert with the provincial government.

I think the amendments so made meet the questions that were raised in this committee the last time we were here. The other clauses were not changed. One was added to section 6 of the act. This was not in the original bill. The effect of this is to remove the phrase "lands of Indians." The thought behind this was that "lands" should not be identified separately as "lands of Indians," and the phrase was dropped. That phrase in the section has never been used during the life of the act, which was originally passed in 1930.

**The Chairman:** In doing that, you have not taken anything away?

**Mr. Nicol:** No.

**The Chairman:** You have only broadened the language.

**Mr. Nicol:** That is correct, sir.

**The Chairman:** Senator Flynn, you raised a question in the Senate on second reading and indicated that you were going to raise it in committee. Would you care to develop that point now?

**Senator Flynn:** Yes, Mr. Chairman. It is in connection with the procedure set out in clause 2 of the bill, where a new section 3.1 is added after section 3 of the act.

It provides for the Governor in Council to meet certain requirements before a proclamation can be issued establishing a new park, or enlarging one, if I am not mistaken.

It is provided that notice shall be given in the *Canada Gazette* 90 days before, following which the matter shall be submitted to the Standing Committee on Indian Affairs and Northern Development in the other place.

The standing committee hears the notices and makes a report to the house concurring in the intention to establish the park or disapproving the idea. If it disapproves, the matter rests there, but if there is a positive report the Governor in Council may then proclaim the establishment of the new park.

The Senate is entirely left out of this procedure. I can understand how it occurred. It is certainly not the fault of the department. It is because the amendment was devised in the committee of the other place.

I suggest that if there is a negative report from the standing committee of the other place, the matter should rest there, just as though the decision was not passed. But if there is a positive report, it seems to me that the Senate should be called upon to concur in the recommendation of the committee of the other place and, in fact, of the other place itself.

The Senate has always been a forum for airing grievances. It seems to me that this principle should be respected in giving a voice to the Senate in the case of a positive report from the standing committee of the other place.

I have not drafted an amendment. I would like to hear the views of other honourable senators.

**The Chairman:** Are you suggesting that there should be an amendment to this section requiring that such a proclamation be approved by the Senate?

**Senator Flynn:** Yes. My idea is that after subsection (5) of section 3(1) there should be reference to the Senate, that the decision of the house approving the proposed proclamation be referred to the Senate and to a committee of the Senate. The committee would then either concur or disapprove the intended proclamation.

**The Chairman:** I would like to hear the views of other honourable senators. I should call the attention of the committee to one factor, that another bill—the energy bill—dealt with this principle of procedure by proclamation. The bill in its original form required the approval of the Commons and the Senate. In the Commons the reference to the Senate was struck out, and the bill went through.

That is why, in considering our course of action today, there is the question of whether we should again invite that kind of confrontation or whether there is another and more logical and reasonable way of dealing with this bill to achieve the same result.