



House of Commons  
CANADA

# **Standing Committee on Agriculture and Agri- Food**

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AGRI • NUMBER 052 • 1st SESSION • 38th PARLIAMENT

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**EVIDENCE**

**Tuesday, June 21, 2005**

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**Chair**

**Mr. Paul Steckle**

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## Standing Committee on Agriculture and Agri-Food

Tuesday, June 21, 2005

•(1535)

[English]

**The Chair (Mr. Paul Steckle (Huron—Bruce, Lib.)):** The meeting will now come to order.

We will continue our journey on Bill C-27. With a little good fortune, we should be able to wrap it up this afternoon. I would ask for your indulgence and cooperation as we try to bring this to a close. I don't think any of us would want to leave the table today thinking this might be our last opportunity and that we might have to start all over again sometime later this year. Too much good work has gone into this to lose it. If we can work quickly and well together over the next couple of hours, I trust we can get this put behind us.

We want to begin at new clause 71.1. There are a number of amendments here. We had some debate. If you recall, Mr. Gaudet had suggested changing "policy direction" to "recommendations" in proposed paragraph 10(2.2)(d) in the French so that it would mean the same.

We're at clause 71.1, NDP-20, page 76 in your amendment book. Mr. Miller had put forward some thoughts on removing proposed subsection 10(1), and then there was also some thought given to taking out proposed paragraphs 10(2.2)(a), (b), and (c). I'm not sure where we're at.

Yes, Mr. Easter.

**Hon. Wayne Easter (Malpeque, Lib.):** We said we would have a look at the various proposals put forward. We have prepared a new amendment in lieu of all the rest. It would be a new clause 71.1 on an advisory board.

**The Chair:** That would be the one that's been passed around?

**Hon. Wayne Easter:** Yes.

**The Chair:** I have it here. It's government amendment 13.22. It's a new one on page 78.2.

Do you want to move it, Mr. Easter?

**Hon. Wayne Easter:** Yes, I will move it.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Mr. Bezan had one on June 15, and this didn't come in until June 21. I would think you should be discussing this.

**The Chair:** I understand there are some others. There are quite a number of subamendments and amendments that you've made changes to.

I'd like to ask the committee to look at what we have. It may be possible to accommodate what we're trying to do with all these

amendments in this one. If not, we'll come back to where we are right now. It's hard to deal with one when we know there are others pending. This way we'll have a view of what's on the table.

**Mr. David Anderson:** Why wouldn't you take them in chronological order? They're complete amendments. The two are fairly similar.

**The Chair:** I'm asking for the indulgence of the committee to hear Mr. Easter. Then we can come back.

**Hon. Wayne Easter:** I'm not going to talk on the amendment until we clear up whether we're dealing with it or not.

At the last committee meeting, a number of proposals were put on the table. One was from Mr. Miller. We were debating the NDP motion on the advisory committee, and we also had one of our own. I said we would take those proposals and try to come back with one that incorporated what people were asking for. That's why I'm suggesting that we deal with the government amendment first. I believe we did the best we could in the amendment to cover off all the areas of concern raised by the committee.

**The Chair:** If people believe this amendment still raises concerns, then we can go back to the others.

For the moment, we'll have some discussion on what we have on the table. We're dealing with clause 71.1. I would suggest that we see what's in 71.1, as proposed in G-13.22.

Mr. Angus, you've had a good portion of amendments. How does this address your issues?

**Mr. Charlie Angus (Timmins—James Bay, NDP):** I definitely would like to have a discussion on this. I think we're moving in the right direction. The other day it seemed to me that between all of us we had rewritten the amendment into roughly a form like this. I would like to talk about this and see if we can get a consensus.

**The Chair:** Let's get a speaking order. Who wants to be first?

Mr. Ritz.

**Mr. Gerry Ritz (Battlefords—Lloydminster, CPC):** With respect to what the government is proposing here, they have made certain inroads. I'll give them that. The major difference between what we were discussing the other day, Mr. Bezan's amendment of June 15, and the government amendment is that the government amendment doesn't have this committee having a look at the credentials of people named to the advisory board. I think that was a reasonable request. We get the names of order in council appointments, but it's always well after they're into their job. We never have any real input into their qualifications. That's an important prerequisite for this clause. I would like to see something address that, Mr. Easter.

Then there's the last point here. It's a good idea to have the chairperson put forward a report to the minister on an annual basis, but I would like to see it specified that these reports are to be tabled with this committee as well so that we can address any shortcomings. It shouldn't go to the minister alone. I understand they're advising the minister—no problem with that—but when they send out a report, I would like to see it come to this committee so that we can assess it and make sure it covers what our constituents are saying. Those two points need to be addressed.

**The Chair:** Mr. Ritz, on your first point, we have a policy under which governor in council appointments come before the committee. It's up to us to decide whether we wish to look at them. Bear in mind that not in every case will we have the time to look at them.

**Mr. Gerry Ritz:** I understand that, Mr. Chairman, and the point I would raise is that when we do get them, and we do, it's always after the person's been on the job for 60 days or 90 days and we have a 30-day window to say we don't like this or we do like that. If it's done in a meaningful way, I have no problem with it, but the way it's done now, we get them after the barn door is open and the horse has gone, and that's just not effective.

**The Chair:** Mr. Easter.

**Hon. Wayne Easter:** Just to review the motion, Mr. Chair, it would be a board of not more than 12 members. What we tried to do, as was in the original NDP request, was to rotate the members so there would be continuity on the board. They would, as was asked, provide a forum for the agriculture and agrifood sector to discuss matters within the agency's responsibility—so it's a place to deal with those matters. They would advise the minister on policy and also with respect to matters discussed in reports the minister requests the advisory board to review—so they could cover a number of areas. Because of the problems with the last advisory board, which are recognized, we're putting in that they would meet at least once every three months and that there would be, as Mr. Ritz just mentioned, a report on their activities no later than March 31 of each year. It would be available to this committee, as is its right. Once the report went to the minister and was released, the committee would have access to it.

I think it does cover off, I believe in a substantive way, the points that were raised.

**The Chair:** Ms. Poirier-Rivard.

[*Translation*]

**Ms. Denise Poirier-Rivard (Châteauguay—Saint-Constant, BQ):** When you say a term may be renewed more than once, is

this in fact a reference to the proposed subclause 10(1), which provides for a term not exceeding three years? Or can terms be longer than three years?

[*English*]

**Hon. Wayne Easter:** Three years, I believe, is what we established, but in the beginning, in order to rotate as you start a committee like that, you're going to have fewer years for some of the initial appointments in order to get the staggering you want, so there is constant turnover.

• (1540)

**Mr. Gerry Ritz:** It does not exceed three years.

**The Chair:** Yes. It does not exceed three years.

[*Translation*]

**Ms. Denise Poirier-Rivard:** That means that some members would serve terms of one or two years, so that there would be some overlap and always a board member with some experience. Correct?

[*English*]

**Hon. Wayne Easter:** Yes. Once the committee is rolling, so to speak, and up and going, then you would have people dropping off every year, but it'll take a number of years to get into the full three-year term for all the people on the committee.

**The Chair:** Is that understood?

[*Translation*]

**Ms. Denise Poirier-Rivard:** Thank you.

[*English*]

**The Chair:** Mr. Gaudet.

[*Translation*]

**Mr. Roger Gaudet (Montcalm, BQ):** I'd like you to clarify one more thing for me. Did I understand you to say that the maximum term is three years? Terms can be renewed more than once, however.

[*English*]

**Hon. Wayne Easter:** No.

[*Translation*]

**Mr. Roger Gaudet:** Can three-year terms be renewed more than once? If they can be renewed two or three times, then a person could serve a term of nine years in total. That's what I want to know. I'm hearing someone behind me say yes and I simply wanted to be certain that I understood correctly.

We shouldn't leave members on the board for nine, ten or twelve years, otherwise we'll be making public servants out of them. Some may find that amusing, but nevertheless, we shouldn't leave them in these positions indefinitely. Perhaps we should limit them to serving two terms, if at all possible. They need time to familiarize themselves with their work, but we mustn't turn them into public servants either, if you know what I mean.

[*English*]

**Hon. Wayne Easter:** Yes, they could be renewed. It states in the amendment that they could be renewed for one or more terms. You do make a valid point. I think the whole idea of the rotation is to bring in new blood and also to have experience there. So that's the intent, and that's what I would hope the minister would do.

[Translation]

**Mr. Roger Gaudet:** I agree with you.

[English]

**Hon. Wayne Easter:** You could if you wanted to put in a maximum of—

**The Chair:** You could have one or up to three terms.

Mr. Angus.

**Mr. Charlie Angus:** Thank you, Mr. Chair.

I'll repeat what I said at one of our previous meetings, that the camel is a horse that was created by a committee. With our legislation, we are dealing with a very blunt instrument, and I think we've come a long way in terms of defining what the role of the advisory committee is. I don't think we should be micromanaging too much, because we're going to start to defeat the purpose of what we've managed to achieve here.

I like my colleague's point on paragraph 8, and I'm wondering about language and perhaps saying, "The Chairperson shall, no later than March 31 in each year, submit to the Minister, and make available to the agriculture committee, a report on the advisory board's activities". That way, the agriculture committee will be receiving the report at the same time and then we can comment on it. I think that would be a very good amendment or subamendment to bring forward.

**The Chair:** Okay. Does that satisfy you, Mr. Ritz?

**Mr. Gerry Ritz:** Yes.

**The Chair:** Do you think we've covered off the other part well enough? How we mitigate getting those late...it's always going to be a problem, unless we—

**Mr. Gerry Ritz:** Well, not—

**The Chair:** As a committee, though, we can direct. If we say, listen, we're not satisfied, we can ask for better than that, and whether it happens or not, that depends on how.... This committee is the master of its own destiny and we get what we ask for.

**Mr. Gerry Ritz:** I just thought, since it's a brand new sheet of paper that we are writing all this down on—we're developing a new chapter here—it would be good to put it right in the legislation so that we are assured that we have some oversight beforehand.

**Hon. Wayne Easter:** What was your point, Gerry?

**Mr. Gerry Ritz:** On these order in council appointments that are made, we do get the recognition that they're made, but it's always 30 or 60 days after the person has started the job. How do you have meaningful input about whether you feel this is a good person or not a good person...? I thought we should be a part of the screening process a little more.

**Hon. Wayne Easter:** We're dealing with two items, Mr. Chair, and Charlie had an amendment that he proposed to make available.

**The Chair:** I'm going to deal with that.

**Hon. Wayne Easter:** I have a suggestion. CFIA has responsibility for both agriculture and health, so I would suggest "and the appropriate standing committees". I think that would be better. Then it would probably have to go to the health committee as well, because there are responsibilities under this act for both ministers.

**Mr. Gerry Ritz:** So then you're saying that instead of "The Minister shall appoint", you should have two ministers appoint?

• (1545)

**Hon. Wayne Easter:** No. I'm talking about proposed subsection 10(8), Gerry.

**Mr. Gerry Ritz:** Okay, on the reporting. I don't care where they table the report, as long as we get one.

**The Chair:** Yes, but the health committee would be included in that.

**Mr. Gerry Ritz:** Fine.

**The Chair:** Does that satisfy you, Mr. Angus? We'll deal with that in a moment, but I want to get the other one going and then we can come back to that.

On this other matter, Gerry, do you think we can leave that and move ahead without further addressing the issue of the order in council appointments? I want to have this right so we feel comfortable with it. I'm not trying to push this thing, but I think maybe the opportunity is there. As a committee, if we don't see this happening, we have a right to request.

**Mr. Gerry Ritz:** Well, my objection is on the record, Mr. Chair. I understand that. Are we moving ahead, then, with the subamendment to proposed subsection 10(8)?

**The Chair:** I'm going to be dealing with the subamendment first on the one made by Mr. Angus, which was improved upon by Mr. Easter. With your concurrence, I would have us approve that amendment in terms of the reporting to the various committees. The language is understood.

**Some hon. members:** Agreed.

**Mr. Gerry Ritz:** Well, do you want language for it?

**The Chair:** I think Mr. Easter has....

**Hon. Wayne Easter:** It says "submit to the Minister and the appropriate standing committees a report".

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Chair, we're looking right now at Mr. Easter's and Mr. Angus's joint proposal here, and I want you to look at the one that I've presented. Based upon the discussion we had at the last committee meeting on Bill C-27, I was able to incorporate everything we were talking about around the table as a good compromise position, and there are still some significant differences between what Mr. Easter has as a proposal versus what I'm proposing. Proposed subsection 10(2) is still talking about the fact that the Standing Committee on Agriculture would have oversight in the nomination of candidates who are going to be on this advisory board. Proposed subsection (2.1) limits the number of turns a director can sit to two years.

**The Chair:** Please, we want to deal with the specific subamendment that we're dealing with, with that particular issue right now.

We haven't approved this new clause 71.1 yet.

**Mr. James Bezan:** I know. I'm just saying let's make sure we're looking at all the aspects, and you're suggesting, I think, an amendment on reporting—

**The Chair:** Yes, we're dealing with this one. Then we'll come to you, okay, or Gerry, or whoever. But let's deal with this one first.

Are we in agreement with the language in terms of reporting back to the committees that would be receiving that information? In this case it would likely be the health committee, but “the appropriate standing committees”, are the words that were used.

That would be in proposed subsection 10(8).

**Mr. Gerry Ritz:** And it would read now?

**The Chair:** Proposed subsection 10(8) under new clause 71.1:

The Chairperson shall, no later than March 31 in each year, submit to the Minister and the appropriate standing committees a report on the advisory board's activities for the preceding calendar year.

(Amendment agreed to)

**The Chair:** Mr. Bezan, you have some more things.

**Mr. James Bezan:** There are still some differences between Mr. Easter's proposal and the one I've thrown out that I thought brought the consensus we discussed at the last committee meeting.

**The Chair:** Mr. Gaudet.

[Translation]

**Mr. Roger Gaudet:** Where is the Conservatives' motion?

[English]

**The Chair:** Give us the number of yours.

**Mr. Roger Gaudet:** It is CPC-6. It was one of the ones that came out in the last couple of days. It would have been sent to your offices.

**The Chair:** I have it here.

We're certainly willing to entertain any kind of positive changes, but if we can accommodate in one.... If there's something you feel is completely left out, please say so. If it's redundant, let's not go over this again.

**Mr. James Bezan:** I think the big thing is the role of the advisory board. There is something in Mr. Easter's proposed subsection 10(2) about giving some advice on policy with respect to matters, but it never really names what it's going to do when it's in relation to the agency. I think we still have to come back to that.

We've heard over and over again from witnesses that we need to have oversight. They want to see more opportunity to have an industry-reflective group oversee the operations, so we want to have that. They're still going to be reporting to the minister, but they've got to have some of that ability to review the audited reports that might not necessarily be thrown open to the public. Then they have to be able to make recommendations to the minister based on the act.

This recommendation coming forward from Mr. Easter is essentially so broad-based, I'm wondering how useful it's going to be. We've got to have some specifics and define the role of the advisory board. I think the proposals I brought forward took into account some of the concerns that were discussed at the last committee meeting. We don't want to give them the heavy hammer so they have the final decision. The decision still rests with the minister, but we want to give them the ability to provide those recommendations and oversight, with the specific definition of their responsibilities.

• (1550)

**The Chair:** Mr. Easter.

**Hon. Wayne Easter:** I think we made these arguments previously, but I'd just like to touch on a couple of arguments why I oppose going as far as Mr. Bezan wants to go. As I said at the previous meeting, I don't believe there is another piece of legislation on the books with as many checks and balances as we've already put in this. I'll not list them again, but there are several checks and balances, and ultimately there's the Federal Court itself.

The advisory committee is to advise the minister. There's also the opportunity in the amendment here to provide a forum for the agriculture and agrifood sector to come together and give their advice to the minister through the committee. I don't think we want to get to a situation where you have an oversight committee that would end up, on a regulatory matter, potentially overruling either the minister or the president. The minister is ultimately responsible for the activities of the CFIA and has to be held accountable. We see this as strictly a policy point of view, and the other checks and balances are there in the act.

**The Chair:** Mr. Anderson.

**Mr. David Anderson:** I disagree with Wayne. I think in the way you've set up the role of the advisory board here, it's going to be a discussion forum. They can sit around and talk all they want. That's the primary role of the board, and proposed paragraphs 10(2.2)(a) and 10(2.2)(b) talk about giving a little bit of advice.

The way Mr. Bezan has written it up, he's talking about them being an actual advisory board, giving some insight and review—reviewing audit reports and providing recommendations. There's nothing requiring...or overruling the minister, but at least it has some teeth and some accountability built into it.

This thing from the government is nothing more than a discussion group. We've got enough of those. We've spent plenty of money on those so far with little results, and we need a lot more than that. I think Mr. Bezan's goes about halfway to meeting that, so it's a good compromise.

**Mr. James Bezan:** You have to remember that the preamble in proposed subclause 10(2.2) is “The advisory board shall advise the Minister”. Everything that's stated in proposed paragraphs 10(2.2) (a), (b), (c), and (d) is all about advising the minister. The preamble is that these guys are reporting to the minister and not running the agency. The concern was on making sure there wasn't a crossover of responsibility.

We have to remember what the farm organizations and groups told us the entire time they were here as witnesses. They wanted to see more oversight and accountability. This is one of the deal breakers for making sure we provide the industry with what they asked for. We're still receiving late submissions from other farm groups. They would rather see no bill if they can't get the oversight they've requested through testimony.

**The Chair:** Mr. Angus.

**Mr. Charlie Angus:** Thank you, Mr. Chair.

I'm looking at the two of them. It seems to me, again, one of the problems we're having with Bill C-27 is because it's so broad. We have a lot of people who want the bill to do a lot of things. I guess my concern is that if we can't get everything in this bill, we have to get something that we can take back.

I'm looking at both counter-amendments. In some areas, I think we're not that far off. There is one area in the new one that I would have to question, which is proposed paragraph 10(2.2)(a):

provide oversight and review of all decisions made by the Agency...and any other Agency-related Acts that have been appealed under any of those Acts by an affected party.

• (1555)

**Mr. Gerry Ritz:** That was in the original one.

**Mr. Charlie Angus:** Yes, it was. But if we keep it in there—and this is one of the reasons I was willing to withdraw some, because I recognize the argument about using the advisory council in a quasi-judicial role—I think that becomes fairly problematic.

To me, it seems that the number one issue here is whether or not we will put into the bill that we will be able to review the candidates' qualifications. Having reflected on it, I think we can't really use the advisory council to be another oversight body that has powers over CFIA. They're technical jurisdictions, and I just can't see that 12 appointees can suddenly turn it into an independent review panel. It's not set up to be like that.

**The Chair:** Mr. Anderson.

**Mr. David Anderson:** Mr. Chair, when did the most important part of this become having oversight over the committee that's appointed? I think maybe Mr. Easter and Mr. Angus have spent a night in the “no tell” motel that Mr. Layton and Mr. Martin were in, if they're working together on this kind of thing. This is ridiculous.

We're trying to put together an advisory board that actually has some ability to be an advisory board. We don't need a discussion forum. The important part of this is not that we have the power to appoint or to supervise the committee. We want an advisory board that has some teeth. Mr. Bezan's amendment provides some of that—not a lot but some.

**The Chair:** But proposed paragraphs 10(2.2)(a) and (b) are doing exactly what you're asking them to do in Mr. Easter's amendment.

**Mr. David Anderson:** It's in Mr. Bezan's amendment.

**The Chair:** It's in Mr. Easter's amendment.

**Mr. David Anderson:** Actually, in Mr. Easter's amendment, the initial subclause says that it's a discussion forum. That's how it's written:

The advisory board shall provide a forum for the agriculture and agri-food sector to discuss matters

It then goes into the kinds of things they can discuss. It doesn't give them—

**Hon. Wayne Easter:** Mr. Chair, I have a point of order.

**Mr. David Anderson:** It's important, Mr. Chair, because one is written as a discussion forum. The other one says this is an advisory board that is going to advise on these matters. There is a clear difference between them, and Mr. Easter knows that. It's why they wrote the government amendment in that way.

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

**Hon. Wayne Easter:** It's interesting what Mr. Anderson states and what he leaves out. It's correct that proposed subclause 10(2) says: “provide a forum...to discuss...and shall advise the Minister”. “Shall advise the minister” means it will be after the discussion. They may

or may not advise. They “shall advise the Minister on any matter within the Minister's responsibilities”, and I expect that would come out of the forum.

I think we have gone a very substantive distance. I've said earlier, with the checks and balances we've put in, I think we have a much better bill than when we started, as it relates to the farming community. Let's keep in mind that it is a regulatory agency that is involved in food safety.

**The Chair:** I think it's fair to say that we have a lot of discussion around this table. You advise me from time to time and I advise you from time to time. I think it goes both ways and we have a little of both there. At some point in time, we have to make a decision.

I'm ready to call the question on new clause 71.1, based on the—

**Mr. David Anderson:** I have one point, Mr. Chair.

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

**Mr. David Anderson:** The reason we can do that, Mr. Chair, is because you and I trust each other. Farmers do not trust the CFIA to represent their best interests. That's why they want an advisory board with teeth.

**The Chair:** Well, I wouldn't go that broad, because basically a lot of people in this world trust the CFIA.

**Mr. David Anderson:** A lot of farmers do not—

**The Chair:** We're selling a lot of meat. We're allowed to sell—

**Mr. David Anderson:** —and the point is that we're trying to find the balance on that.

**The Chair:** Okay, and I think we've done a pretty good job of that, but at some point in time we have to make some decisions. That's what we're here for.

Mr. Miller.

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** I just heard, Mr. Chairman, that you were going to cut off discussion.

We've put a lot of time into this last meeting. To Mr. Easter's credit, he did come back with some proposals, but we're not totally happy with them. I think we have to give all of Mr. Bezan's...all of the clauses in here—because it's a two-pager—some decent discussion. I think a lot of the things are very close.

**The Chair:** How many hours do we need?

**Mr. Larry Miller:** They're very close, Mr. Chairman, but there are some distinct differences.

**The Chair:** But wouldn't you agree that we're using the word “advise” intermittently? We're using the word “discuss” from time to time. You don't just advise. You have to have both.

**Mr. Larry Miller:** I'm not. I'm just talking about some of the things in here being different.

**Mr. James Bezan:** You're still missing some of the key points. What are they advising on? We want to make sure they're advising on the Canadian Food Inspection Agency Enforcement Act. We want to make sure their oversight is based upon the operations of the agency. That's not mentioned at all in what Mr. Easter is putting forward here. It's just too broad a scope, and they're going to be sitting around talking about watermelons all day and never get down to the facts.

**The Chair:** Proposed subsection 10(2) reads, "on any matter within the Minister's responsibilities".

•(1600)

**Mr. Charlie Angus:** Yes, "relative to the agency".

**The Chair:** How about "relative to the agency"?

Mr. Drouin.

[Translation]

**Mr. Claude Drouin (Beauce, Lib.):** I think we've heard arguments from all sides and therefore, we should proceed to vote immediately, Mr. Chairman.

[English]

**The Chair:** Yes.

Mr. Ritz.

**Mr. Gerry Ritz:** In proposed paragraph 10(2)(b) in Mr. Easter's amendment, I'm wondering why we would limit what the board is reviewing as to what the minister requests. Why would it be more broad than that, if they're only going to do audit reports or reports that the minister requests they do?

**Mr. James Bezan:** They'll only see the good ones.

**Hon. Wayne Easter:** Mr. Chair, I can answer that.

Look at proposed paragraph 10(2)(a) as well, which covers basically all the areas with respect to policy, "taking into account the challenges facing the agriculture and agri-food sector".

**Mr. Gerry Ritz:** Fine.

**Hon. Wayne Easter:** The second is there to advise the minister "with respect to matters discussed in reports that the Minister requests". So it in fact gives a broader viewpoint. There could be a report from the USDA that's related to food inspection, or another agency somewhere else has come forward, and the minister basically tasks the advisory committee, saying "Look, there are some interesting points in this report. Could you review it? Could you discuss it with the industry? Could you come back to the minister with some advice?" It ultimately would be the minister's decision whether he accepts that advice, but he would have to be accountable for it. So that's what it's there for. It's to cover a broader area.

**Mr. Gerry Ritz:** I understand that, Mr. Easter, but in trying to make a broader area, you're actually slimming it down. It reads as though the only reports they can report on are the ones requested by the minister. You're actually limiting their scope when you say you're trying to broaden it.

**Hon. Wayne Easter:** No. If they're going to hold an agriculture forum to discuss matters within the agency's responsibilities, then certainly that's about as broad as you can get. Secondly, they're certainly going to advise on policy. Thirdly, what we're saying in

here is that they do have a responsibility. If the minister has a report or other matter that he or she wants them to look at, then they can do that.

**The Chair:** Mr. McCombs.

**Mr. Mark McCombs (Head and General Counsel, Legal Services, Canadian Food Inspection Agency):** For clarification, from a legal perspective, the word "including" used in here is an addition. The first part of proposed subsection 10(2) is the mandate of the committee. The word "including" is just for greater indication. The word "including" just adds to its mandate. So the mandate of the board is with respect to "any matter within the...responsibilities relative to the agency", and "including" is just to show that there are other particular items.

The broad mandate is set out in the first part of proposed subsection 10(2). So it's anything respecting the agency, and the others are particular items that the minister may want the board to deal with in more detail.

**Mr. Gerry Ritz:** So if the wording in proposed paragraph 10(2)(b) could be more clarified for us non-legal peons, it's "advising the Minister with respect to matters discussed in reports", including "reports that the Minister requests"?

**Mr. Mark McCombs:** Yes.

**Mr. Gerry Ritz:** That clarifies it even more.

**Mr. Mark McCombs:** That would be another way of doing it.

**Mr. Gerry Ritz:** Okay, but you're saying that's already a given.

**Mr. Mark McCombs:** You already have it included in the line.

**Mr. Gerry Ritz:** To a legal mind, that's already a given.

**Mr. Mark McCombs:** You'd have a double "including".

**Mr. Gerry Ritz:** Oh, I like that.

**The Chair:** Okay. It's time we move.

Mr. Gaudet, at the last meeting you put forward a subamendment. Do you want to withdraw that one? Then we can move on with this one here. We have to deal with it. You asked to have some paragraphs removed. That was a subamendment you had made. We never dealt with that. Since it's still standing, it's something we have to deal with.

On NDP-20, there was some work....

[Translation]

**Mr. Roger Gaudet:** They've withdrawn the amendment.

[English]

**The Chair:** Take that out? Just forget about it?

[Translation]

**Mr. Roger Gaudet:** Yes.

[English]

**The Chair:** He's taking it off the table.

[Translation]

**Mr. Roger Gaudet:** Then, we're back to the original amendment.

[English]

**The Chair:** Mr. Angus, are you prepared to withdraw that one in favour of this one today?



**Mr. Charlie Angus:** Yes.

**The Chair:** Okay, that one is taken away as well.

Now we're at the one we're dealing with now, new clause 71.1, put forward by Mr. Easter. We had a subamendment to that, which was adopted.

**Mr. Gerry Ritz:** Whoa. We haven't adopted the subamendment yet.

**The Chair:** We had a vote on the change. We did.

**Mr. Gerry Ritz:** We did? Okay.

**The Chair:** On subclause 10(8), we did.

Mr. Easter, you moved that when we started.

**Hon. Wayne Easter:** Yes.

**The Chair:** Mr. Miller, on a point of order.

**Mr. Larry Miller:** On a point of order, Mr. Chairman, as far as I'm concerned, we're discussing Mr. Bezan's amendment along with Mr. Easter's. If we're going to make a motion on one of them, it's this one, right?

• (1605)

**The Chair:** We're going to deal with new clause 71.1. If it fails, then we'll deal with Mr. Bezan's. We have already incorporated many of the things in this one here. I trust it will cover off most of the concerns we have. We're never going to get it perfect for everybody, but we're going to have to go with something.

I'm suggesting we call the question on new clause 71.1—

**Mr. David Anderson:** The question, Mr. Chair?

**The Chair:** —with the amendment as we've already agreed to. The question is, are you in favour of clause 71.1?

**Mr. David Anderson:** A point of order, Mr. Chair. Mr. Bezan has submitted an entire clause 71.1. He submitted it a week before the government submitted theirs. You have chosen to take up the government's position here. Why is his not being considered as the original?

**The Chair:** Because there was an agreement at the last meeting to sit down and try to find accommodation for the concerns. We think that's been done. We will find out in a moment whether that's been done. You will have an opportunity to exercise your franchise, whether you like that or not.

**Mr. David Anderson:** You accommodated yourselves.

**The Chair:** So the question is on new clause 71.1 as put forward by Mr. Easter.

(Amendment agreed to)

(On clause 72)

**The Chair:** We stood that last time. There was one put forward by the NDP, NDP-21 on page 79.

The other one, which is very similar, which was distributed the last time, is G-13.3, and I don't know what page that is. Oh, here it is on the next page.

**Mr. Gerry Ritz:** It's G-13.3.

**The Chair:** G-13.3—we can't proceed with that one. We have to choose between one and the other, because they're basically the same.

Yes, Mr. Easter.

**Hon. Wayne Easter:** We have no problem, Mr. Chair, with NDP-21, and we would withdraw G-13.3.

**The Chair:** Okay.

[*Translation*]

**Mr. Roger Gaudet:** Would that be amendment G-13.3?

[*English*]

**The Chair:** Yes. We have to have yours moved, I think, Mr. Angus. Would you move that one?

Mr. Angus has first right to speak to it. Is there anything you want to say to it?

**Mr. Charlie Angus:** No.

**The Chair:** Mr. Gaudet, do you have something you want to say to it?

[*Translation*]

**Mr. Roger Gaudet:** No.

[*English*]

**The Chair:** Okay. Is there anything from the Conservative members?

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

(Clause 72 as amended agreed to on division)

**The Chair:** There was an amendment put forward by Mrs. Finley today on proposed section 55.2 I believe that was the number. She's not here, and I'm sure that some—

**Mr. James Bezan:** I'll move that.

**The Chair:** She had one, once before, that was not admissible because of its implications for a royal recommendation.

**Hon. Wayne Easter:** This is the tribunal?

**The Chair:** Yes.

**Hon. Wayne Easter:** Clearly, Mr. Chair, that again is a royal recommendation.

**The Chair:** Would you agree, Mr. McCombs?

**Mr. Mark McCombs:** On proposed section 55.1, yes.

**The Chair:** So that basically is that. It's not admissible then.

**Mr. Mark McCombs:** Correct.

**The Chair:** So that one's off the table.

If you go to the beginning of the bill—

• (1610)

**Mr. David Anderson:** Mr. Chair, I just want to question that last ruling, because proposed section 55.1 already talks about the review tribunals. It's not setting up anything new. I think the amendment has been adjusted or whatever to accommodate that. The review tribunal is already set up. This is basically adjusting its powers.

**The Chair:** My understanding was that it had to do with implying.... You're saying this is an existing body and it's not speaking to a new body.

**Mr. David Anderson:** Yes, it's the review tribunal we've spoken about. It's throughout the legislation.

**Hon. Wayne Easter:** Mr. Chair, if you look at proposed subsection 55.1(1), you're saying "The Minister shall appoint a tribunal for the purpose". That's not what is in the act currently. Under the act currently we have the ADR—alternative dispute resolution, are the words I'm looking for.

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

**Mr. Charlie Angus:** I think we did spend a good part of the last meeting talking about this tribunal. That's where we ended up with the ADR and the ombudsman, to try to come up with an alternative, because it was explained through our legal people that our tribunal doesn't have the authority to adjudicate claims. My sense is that we had talked about this. That's why we had agreed on the dispute resolution and the ombudsman as a dual package, to try to cover this off.

**Hon. Wayne Easter:** I think that explains it.

**The Chair:** That's off the table.

Mr. Angus, I apologize.

**Mr. Charlie Angus:** I know we're doing some of the wrap-up, but it seems that we still have a couple of things from the last meeting that we hadn't had agreement or consensus on. One was the advisory council and the other was clauses 44 and 45. I have worked on some alternative wording for clauses 44 and 45.

I think we would need unanimous consent to reopen that discussion. I don't know when you'd like to bring that forward, but I'm willing to bring that forward now.

**The Chair:** I'll deal with it right now. Do we have unanimous consent to bring clauses 44 and 45 back?

**Some hon. members:** No.

**The Chair:** There's no agreement. Okay, it's not happening.

(On clause 2—*Definitions*)

**The Chair:** Then we'll go to clause 2. There were four amendments brought forward by the NDP and they were all stood. This had to do with dairy term definitions. I think that's been taken care of.

So do you withdraw those, Mr. Angus?

**Mr. Charlie Angus:** Yes, I do.

**The Chair:** There was G-1.5, which was adopted. Then there is G-1.1, which is on page 5.1.

Was this one stood? No, it's relatively new.

Mr. Easter, would you move that one?

**Hon. Wayne Easter:** Yes, I would move that, Mr. Chair. I think I'll turn to our witnesses to get into the definition of "thing". I could give you my definition of some "things", Mr. Chair, but I will not.

**Mr. Gerry Ritz:** We don't have all week—or maybe we do.

**Hon. Wayne Easter:** I'd welcome that.

**Mr. Gerry Ritz:** Well, maybe we do.

Okay, let's talk it out. Give it your best shot.

**Ms. Kristine Stolarik (Executive Director, Liaison, Preparedness and Policy Coordination, Canadian Food Inspection Agency):** All right, I'll talk about "thing" today. How's that?

I guess, just going back—

**The Chair:** Okay, everyone listen carefully. We don't want to have to redefine "thing" here.

**Ms. Kristine Stolarik:** If I can, just doing a little bit of history, to go back historically on why we started putting "thing" in our legislation, it dates back to the early nineties when we were putting through the Health of Animals Act and the Plant Protection Act. It was discovered that there was no authority for us to actually regulate the vectors that would cause disease or cause pests to enter. I could regulate the regulated commodity like the animal or the plant, but I had no regulatory authority to look at the things that they may be transported with, whether it be bedding for the animals, or the containers or the cages the animals came in. So as a result of that, "thing" was inserted in those two pieces of legislation—the Health of Animals Act and Plant Protection Act—mainly to capture things surrounding a regulated product that we'd be interested in to protect and prevent disease or pest spread.

We then incorporated, in a couple of more pieces of our legislation—the CAP Act and also the Meat Inspection Act—things in an establishment. The carcass may be on a stainless steel table, and we may want to take samples of that table and the knife as well as the carcass. I don't regulate knives and steel tables; I regulate the carcass. That's why "things" got incorporated.

So that's a little bit of the history. As a more extreme example, we do care about the soil coming back on vehicles that DND or the army uses. They practise in England, and since that is an FMD country, we like to make sure we can sample the soil, test it, and make sure the soil is removed from those tires and wheels.

So that's my historical preamble on where "thing" came from, and there is a proposal on the table to actually define "thing". We use the dictionary definition, and perhaps I'll ask Jane to talk a little bit about that. Then, if you have questions, we can move on from there.

•(1615)

**The Chair:** Ms. Dudley.

**Ms. Jane Dudley (Counsel, Legal Services, Canadian Food Inspection Agency):** I don't have the wording in front of me, but I should remember it.

The definition we want to include, if it's decided that there should be a definition, is that "thing" means—except in paragraph 25(1)(f)—a thing that is relevant to the administration or enforcement of an agency-related act.

It's clear from the case law that where "thing" appears in legislation, it can only be interpreted in a way that it's used for the purposes, powers, or objects of the act in which it is used. For example, the power to inspect a "thing" under the Health of Animals Act or the Plant Protection Act would not allow CFIA personnel to inspect something for the purposes of the Customs Act.

So "thing" is restricted by the context in which it appears.

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

**Mr. Gerry Ritz:** Can you tell me what the relevance is of leaving out "thing" in paragraph 25(1)(f)? It's the only one that's left out in the bill. You define "thing" everywhere else other than in that particular one, and you make a point of putting in "except".

That paragraph reads: "require any person at the place where the inspection is being conducted to present any document or thing that the inspector or officer believes", yet you rule it out of...

**Ms. Kristine Stolarik:** I think we left it out...and I'll look to my legal people. When we say "thing" in that context, it could be supporting documentation to demonstrate who the person is. It could be the person's visa, it could be the person's passport, it could be their birth certificate or driver's licence—just to establish the identity.

**Mr. Mark McCombs:** The "thing" in that context doesn't necessarily relate to something relevant to the agency act. But we need to establish a person's identity, and given that the agency doesn't regulate identities other than for cattle, for example, that's why it was excluded.

**Mr. Gerry Ritz:** You're just going to have to put ear tags on people, and you'd be able to trace them.

**Mr. Mark McCombs:** Let's not go there.

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

**Mr. David Anderson:** I have a quick question on that, because I don't think the example is relevant.

It talks about presenting any document or thing. If you're looking for passports, driver's licences, those kinds of things, that would seem to me to be covered by the word "document". I'd like to make an amendment that we remove "except in paragraph 25(1)(f)".

**The Chair:** I think there was a reason for putting it there. I really don't get your point, Mr. Anderson, as to why you would want to do that.

**Mr. James Bezan:** Why wouldn't you accept it?

**The Chair:** Simply to make a point—

**Mr. David Anderson:** Well, Mr. Chair, let me explain, then, please. The example they used to back up what they said doesn't apply. So there must be some other circumstances that do. If there are, we'd be glad to hear them. If not—

**Hon. Wayne Easter:** Mr. Chair.

**Mr. David Anderson:** Mr. Chair, I've already made the motion. I'd like to make a motion to remove that, since it looks like it's irrelevant in the context of the examples we have. I think it is relevant, and it's worth pursuing.

**The Chair:** You have to have a seconder if you want to put a motion.

Mr. Angus first and then Mr. Easter.

**Mr. Charlie Angus:** We're getting negative reasoning here. We're going to strike the clause because we didn't hear sufficient explanation to promote the clause. So that means we have to pull the clause. I haven't heard a reason why we have to pull the clause. If I hear a reason why we should pull the clause—

**Mr. David Anderson:** I didn't say the whole clause; I said those four words.

**Mr. Charlie Angus:** —then I'd say we could further discuss it, but I haven't heard it.

**The Chair:** Mr. Easter.

**Hon. Wayne Easter:** Well, look, I think this is an extremely important clause, Mr. Chair. The thing is, it's not broad in this context. It says "a thing that...could serve to establish the person's identity"—a birth certificate, card, a passport.

**Mr. David Anderson:** That's a document. It's already covered.

• (1620)

**Hon. Wayne Easter:** It says "a thing that...could serve to establish the person's identity".

**Mr. David Anderson:** It's already covered, Wayne.

**Hon. Wayne Easter:** You have to do that. For Pete's sake, we're talking about the food security of the country in some cases, and you want to know the person's identity.

**Mr. David Anderson:** Isn't a birth certificate a document? Read the clause.

**Hon. Wayne Easter:** A birth certificate is a document.

**Mr. David Anderson:** Well, documents are already covered.

**Hon. Wayne Easter:** Not necessarily.

**Mr. David Anderson:** Not necessarily?

**The Chair:** Ms. Stolarik.

**Ms. Kristine Stolarik:** Mr. Anderson, we also have a definition of "document" in the bill. If I read the "document" definition, it means:

any material on which representations, information or concepts are recorded or marked, including any record, book of account, bill of lading and log book, that is capable of being read or understood by a person or a computer system or other device.

I guess it means more a document related to people's operations—their entity—as opposed to actual personal identity.

**Mr. Mark McCombs:** "Document" in that sense also wouldn't cover the licence plate on a vehicle. So if the licence plate on the transport trailer—or the trailer identification—which would be a plate and not a document, would not be covered.

**Mr. David Anderson:** Well, it says “any material on which representations, information or concepts are recorded or marked”. That seems to be a pretty good definition of a licence plate, or a birth certificate, or a driver's licence, or a passport.

It's ridiculous.

**Mr. Mark McCombs:** I would hate to have the exception and then find us in an enforcement action in a serious case where we can no longer regulate that particular thing. If you want us to come back with more examples, we can do that, but it will mean that we'll have to extend this debate.

**The Chair:** Let's move on.

We'll have Mr. Angus, and then I'm going to call the question. There's an amendment here we have to deal with. Mr. Anderson has put forward something, which I don't think we should pass, but we'll have a decision on that in a moment.

Mr. Angus.

**Mr. Charlie Angus:** No, it's okay. I think we should just vote on it.

(Subamendment negated)

**The Chair:** Now we get back to “thing”.

I am told that there is a word at the beginning. The word “thing” should be in front of “means”. “Thing means, except in paragraph 25.1”—so that is an omission. We would accept that as—

**Mr. Gerry Ritz:** Housekeeping.

(Amendment agreed to on division)

(Clause 2 as amended agreed to on division)

(Clause 129 agreed to on division)

**The Chair:** Shall clause 1, the short title, carry?

**Some hon. members:** Agreed.

**An hon. member:** On division.

**Hon. Wayne Easter:** You did rule the other day on amendment L-1.01, that it couldn't be brought forward. It is on page 73.01 of the book. I hope it was the same one.

No, it would have been on the title. You ruled it as inadmissible. The bill says “Consequential Amendments”. We wanted to add “and other”. The reason we wanted to add “and other” is because we put the dairy labelling issue in the bill. We felt it should state “and other Amendments”.

I'm asking if you can revisit your ruling. I'm of the opinion that because we added the dairy labelling section in the bill, we may need “and other Amendments” in the act. It's just the words “and other”, so it changes from “Consequential Amendments” to “and other”.

**Mr. Larry Miller:** Mr. Chairman, could I just ask the legal people to explain a little more—

**The Chair:** Just a moment, Mr. Miller.

The reason that was done is that apparently headings are not to be changed.

You can challenge my ruling on that; I'm simply taking my direction.

• (1625)

**Hon. Wayne Easter:** I'll accept your ruling, Mr. Chair. I just wanted you to revisit it. If you think that's an appropriate ruling, that's fine.

**The Chair:** It isn't something personal I have on this. It's something that is procedurally not in order. I take my direction.

Now Mr. Miller.

**Mr. Larry Miller:** My question was going to be on what Wayne was just talking about. Was it removing “Consequential” and putting in “and other”? Was that it?

**Hon. Wayne Easter:** No. When we're dealing with the bill, we're reporting it as consequential amendments. Because we put in the section we did on dairy, I felt we needed “and other” in there. The ruling is that it shouldn't go in. If it's a problem, I'm sure it'll be cleared up in the House. It's not a problem; I just asked him to revisit it.

**The Chair:** We're finding some accommodation here, I think.

**Mr. Larry Miller:** Mr. Chairman, I guess I want to know what the legal implications are and what are the differences. That's more or less where I was going with it.

**Hon. Wayne Easter:** I don't know either, Larry, to be honest. I just wanted it to be covered off. I don't know if there are legal implications.

**The Chair:** We'll get to something here in a moment. It's right at the front of your amendments. It's the title, L-0.1, on page 1. We should have someone move that one.

**Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.):** I so move.

It's pretty direct, other than the fact that “in consequence” is not in there, right?

**Ms. Joann Garbig (Procedural Clerk):** It was taken out.

**Mrs. Rose-Marie Ur:** Basically, there was no change other than the two words.

**The Chair:** Are there any further questions on that? It takes care of some of the other concerns we had.

[*Translation*]

**Ms. Denise Poirier-Rivard:** The words “AND OTHERS” are being deleted.

[*English*]

**The Chair:** Yes.

[*Translation*]

**Mr. Roger Gaudet:** They had already been deleted.

[*English*]

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

(Amendment agreed to)

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

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended—many times—carry?

**Some hon. members:** Agreed.

**An hon. member:** On division.

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

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Chair:** Shall the committee order a reprint of the bill?

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Chair:** Thank you.

**Mr. Roger Gaudet:** Next year? September?

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

**The Chair:** Thank you to the members and also particularly to the table officers who've come here, Mr. McCombs, Ms. Stolarik, and Ms. Dudley, for your help. Without you we couldn't have done this.

**Ms. Kristine Stolarik:** Thank you, sir.

**Mr. Mark McCombs:** Thank you.

**The Chair:** We will be reporting. It would have been a shame to not have had this reported back before we left. I will do that as soon as possible.

The meeting is adjourned.

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**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

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