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# **Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities**

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**EVIDENCE**

**Thursday, February 10, 2005**

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**Chair**

**Ms. Raymonde Folco**

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## Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities

Thursday, February 10, 2005

•(1110)

[Translation]

**The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)):** The Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities is holding its seventeenth meeting this day, Thursday, February 10, 2005.

As part of the committee's work, we are to discuss appointments that are subject to prior review. Allow me to explain what this is about.

[English]

On February 24, 2004, the Honourable Jacques Saada, who was then leader of the government in the House of Commons, sent a letter to us and to every member of every standing committee of the House. You have a copy of that letter in front of you.

[Translation]

He asked us a certain number of things concerning the review of Order in Council appointments, and you will see at the bottom of page 1, and on the top of page 2, a certain number of questions that he put to committee members.

[English]

**Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC):** I don't think I have this letter. I have a letter from Mr. Boudria.

**Mr. Paul Forseth (New Westminster—Coquitlam, CPC):** It's this one.

**The Chair:** You should have a letter dated February 24, 2004, from Peter Adams. You should also have a letter dated February 1, 2005, from Don Boudria. You should also have a list of two or three pages with the names of organizations, crown corporations, etc. Those are the three documents you should have in front of you.

Are you ready, Mr. Van Loan?

[Translation]

**Mr. Peter Van Loan (York—Simcoe, CPC):** I'm ready to begin.

**The Chair:** I refer to the letter dated February 24, 2004, signed by Peter Adams, then Chair of this committee. Thank you, Mr. Adams. It was written at the request of the Honourable Jacques Saada and asked members of committees, and of our committee in particular, a number of questions concerning the review of Order in Council appointments. We received another letter, dated February 1, 2005,

signed by the Honourable Don Boudria, who asked us more or less the same question. On Tuesday morning, the steering committee met, and we prepared an initial response to the questions in the February 24 letter. I would like to give you an idea of what the steering committee discussed; I would like to have your opinion on the subject because, next week, I want to prepare a letter that I'll send to Don Boudria giving him committee members' answer. That's the scenario.

There are two types of questions. Here's what was discussed and decided by the members of the steering committee on Tuesday morning.

[English]

In terms of appointments that must be subjected to prior parliamentary review, some members of the committee expressed the view that the five offices of Parliament—Auditor General, Chief Electoral Officer, Commissioner of Official Languages, Information Commissioner, and the Privacy Commissioner—be subjected to a mandatory review.

Another suggestion was that all senior positions should be subjected to a mandatory review, while the decision to review the vast majority of appointments should rest with the relevant standing committee.

[Translation]

You have a list of a certain number of appointments. There's only one on page 1, but there are 249 on page 2. On page 3, there are 240 to arbitration boards, with which we're all familiar.

That's a way to answer the question. I'll ask you your opinion in a moment. I'll continue.

•(1115)

[English]

Although members did not endorse a mandatory prior review regarding specific appointments to crown corporations, agencies, or other federal entities that fall within the mandate of our committees, most indicated that if a more effective oversight function were to be implemented, this activity should be treated as a high priority in terms of committee business.

One suggestion was that standing committees treat prior review of appointments as the second most important item of business next to legislation.

[Translation]

Of course you know that our first responsibility is to discuss the bill submitted to us. According to the steering committee members, this would therefore be our second priority.

[English]

In the event that the workload of standing committees jeopardizes the effectiveness of the prior review process, it was suggested that serious consideration should be given to establishing a standing committee dedicated exclusively to performing this oversight function.

A majority of committee members believed that a period of 30 sitting days was sufficient for conducting a prior parliamentary review of a nomination, provided that standing committees were advised well in advance of the selection process. Advance notice is important not only in terms of preparing for meeting with the nominee, but also in terms of incorporating prior review activities with other committee business. It was also recognized that special consideration should be afforded to unanticipated vacancies due to death or resignation, for example, where advance notice was not possible.

In order to facilitate an effective prior parliamentary review of nominees, committee members requested that comprehensive background information be provided on the process that was used to select the nominee; a rationale for the selection—this would be a short list—including a description of the nominee's qualifications and relevant experience; a brief review of other candidates that were considered in the selection process; and background information on the duration of the appointment, remuneration, and responsibilities associated with the position.

Given the very large number of appointments that fall under the mandate of our committee, it was thought that this information was crucial to assist us in determining which nominees should be subjected to prior parliamentary review.

Members of the steering committee suggested that all nominees should be informed of the prior review process and the possibility of being asked to appear before a standing committee prior to being appointed. Furthermore, standing committees should be allowed to reject a nominee, and this decision should be binding. Many committee members maintained that this decision-making authority was a necessary element of an effective prior parliamentary review process.

[Translation]

I'm going to ask the committee members who were present to comment on what I've just read. Then I'll ask you, as members of the Standing Committee, for your comments on the ideas presented here. We'll continue on later.

[English]

Mr. Forseth, do you have anything to say about what I've just read? Go ahead, please.

**Mr. Paul Forseth:** I'm quite impressed with how the letter has been put together. It certainly greatly reflects my views and my experience being around here since 1993 and going through that

process. I also understand that the letter is advisory, and other committees will be doing their submissions as well.

In the main, the letter is pretty balanced. If it were adopted, the independent role of Parliament would be greatly enhanced.

**The Chair:** Thank you, Mr. Forseth.

I think we have to thank our researcher, Kevin Kerr, for this. He has done, as usual, an excellent job.

**Mr. Paul Forseth:** Yes, it's an excellent job.

[Translation]

**The Chair:** Are there any other comments?

[English]

Mr. Adams.

**Hon. Peter Adams (Peterborough, Lib.):** Madam Chair, it certainly sounded very interesting to me, but as I'm not a member of the steering committee, I must confess that even though I did write the original letter long ago, I haven't really put my head around it. I think it might be quite useful for the members of the committee who are not on the steering committee to have an opportunity of a day or two to look at the draft, so we can absorb it and look at the details. The general gist of what you said sounded fine to me, but you know where the devil is, as they say.

**The Chair:** Mr. Adams, thank you for that suggestion. First of all, the letter is in English only for the time being, and this is why I did not circulate it. It's being translated into French. As you can imagine, we're working very quickly here.

We're translating it into French. We will send a copy in French and in English to each member of the standing committee, and I would like you not only to read the letter but also to bring your comments proceeding from the questions you see on the February 24, 2004, letter. I would like to have your comments.

This is what the steering committee has come up with. I'd like to thank Mr. Forseth for all the work he did on this. He did a lot of very important work here. The reason for this meeting right now is to get feedback from you. You may have feedback that you want to give us immediately, but I thought I would suggest that we take feedback at our meeting next Tuesday. You could send your comments before next Tuesday to the clerk, and then we would try to put all that together in some way. Is that satisfactory? Okay.

We'll put it on the agenda for next Tuesday's meeting so that we can actually accept the letter. If it is accepted, we will send it on to the chair of the Standing Committee on Procedure and House Affairs.

Thank you very much.

• (1120)

[Translation]

We'll now move on to the second part of our meeting. I would ask the officials from the Department of Human Resources and Skills Development to take their places.

[English]

**Hon. Peter Adams:** Madam Chair, I would be grateful if you could simply read the names of the officials into the record.

**The Chair:** Absolutely. I haven't started yet, Mr. Adams. Give me a chance.

Representing the Department of Human Resources and Skills Development, we have before us Mr. Andrew Treusch, assistant deputy minister of strategic policy and planning; and Madame Barbara Glover, director general of corporate planning and accountability.

[*Translation*]

We also have Michèle René de Cotret, Legal Counsel, from the Department of Justice.

[*English*]

Let me say before we begin that in fact, as we all know—and I'm just putting this into the record—we are dealing with Bill C-23. We hope to be dealing with Bill C-22 next week.

Those two bills are really the result of the division of one department of Human Resources and Skills Development Canada into two departments. The two bills really resemble each other a great deal, if they're not almost totally the same, and they are in fact absolutely the same as the HRDC act, which is now being repealed by these two bills. In fact, the part that is new to Bill C-23, which was not included in the old HRDC act, is part 4, which deals with protection of personal information.

If you agree, colleagues, this is the way I would like to proceed. I would like in the first place to proceed with the suggested amendments. The clerk of this committee has received to date four amendments coming from the Bloc Québécois. I think it would be useful if we dealt with the four amendments first and we then went through the rest of the bill—

[*Translation*]

**The Clerk of the Committee:** Ms. Baldwin hasn't arrived yet.

[*English*]

**The Chair:** We're waiting for Madame Baldwin, our legislative counsel, for the next five minutes, so I cannot deal with the amendments.

Monsieur Crête.

•(1125)

[*Translation*]

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** The amendments that we introduced are those we want passed. However, if anyone wants to correct the text of the amendments, we can always do that right here. We can make other amendments during the clause-by-clause consideration, can't we?

**The Chair:** Yes.

**Mr. Paul Crête:** Thank you.

**The Chair:** Your remarks were very helpful, Mr. Crête. We are pleased to have you among the members of this committee.

**Mr. Paul Crête:** It's a pleasure.

[*English*]

**The Chair:** I will start the question again. Do members agree that we will first go through BQ-1 to BQ-4, which are the four amendments that have been received to date, and once these have

been dealt with we will go on and start with the bill proper with all the amendments?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

(On clause 20—*Commission*)

[*Translation*]

**The Chair:** We'll consider amendment BQ-1, moved by the Bloc Québécois.

It is moved that Bill C-23, in clause 20, be amended by replacing line 36 on page 6 with the following: Commission, consisting of commissioners

In fact, the first word in the French version is “composée”.

**Mr. Paul Crête:** Madam Chair, the first part of the word is already in the text.

**The Chair:** So it's really “posée”, and that means “composée”.

**Mr. Paul Crête:** The first three letters of the word are in the previous line in the French text and the second part of the word is on the second line.

**The Chair:** So the whole word is “composée”: “composée de commissaires nommés par le”.

So you're moving that the word “four” be struck out.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Madam Chair, we don't want to strike out the number without replacing it. Here's the problem. After we introduced these amendments, the committee did work resulting in eight recommendations, on December 16. The Standing Committee adopted the idea that the Commission was to consist of commissioners who broadly and equally represent employees and employers. In my view, it is difficult for us today to make a decision different from that one because we have to ensure consistency.

Consequently, this morning, we've prepared an amendment consistent with the committee's decision of December 16. We're having it translated right now in order to comply with the House Standing Orders.

So as not to delay our proceedings, we could consider one of the recommendations that does not require any amendment, that is to say the one concerning...

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

**Mr. Yves Lessard:** It's clause 24.1 that we're moving.

**The Chair:** Is it an amendment you've previously moved?

**Mr. Yves Lessard:** Yes.

**The Chair:** It has a number, Mr. Lessard.

•(1130)

**Mr. Paul Crête:** There must be a number on the page. Is it on the list we just submitted?

[*English*]

**The Chair:** I think it's BQ-3.

[*Translation*]

**Mr. Yves Lessard:** No, we'd already received it.

**Mr. Paul Crête:** Yes. Look at the list we gave you a little earlier. Here you see BQ-1.

**Mr. Yves Lessard:** All right.

**The Chair:** Are you talking about the clause 24.1 you're moving, Mr. Lessard?

**Mr. Paul Crête:** We'll tell you the number in a moment.

It's amendment BQ-3.

**The Chair:** That's it.

**Mr. Yves Lessard:** Pardon me, Madam Chair.

**The Chair:** It's quite all right. We're all learning. There's always a first time, Mr. Lessard.

**Mr. Yves Lessard:** Yes.

**The Chair:** Amendment BQ-3 is out of order, Mr. Lessard. The reason, according to our advisor, is, first, that this amendment essentially concerns the Employment Insurance Act and not really Bill C-23, and, second, that, since we're considering that bill following second reading in the House, the committee is not able to change

[*English*]

**The Chair:** — the fundamental terms and regulations of this bill. What 24.1, which you would like to add, would do in fact is set conditions on the premium rates. As I said before, these conditions are set out in the EI Act and are not and cannot be part of the bill before us today.

I would add also that BQ-4 is out of order for the same reason, because it also—

**Hon. Peter Adams:** Madam Chair, I suggest we—

**The Chair:** Deal with one at a time? That's fine.

**Hon. Peter Adams:** Could we deal with BQ-3 first?

**The Chair:** That's fine.

**Hon. Peter Adams:** Monsieur Lessard may well want to speak again. I think the committee will lose itself if we keep moving around.

[*Translation*]

**The Chair:** Mr. Lessard, do you want to react to my decision?

**Mr. Yves Lessard:** Madam Chair, here's why we think this amendment is in order. First, this department will have full responsibility for employment insurance. Second, the definition and responsibility framework are, in a number of respects, already provided for in this bill. If we cannot intervene on terminology now, that means it will be extremely difficult to make amendments. I don't think that's your intention.

Clause 24.1, which we're proposing in amendment BQ-3, does not contain the definition of premium amounts, for example. All that is stated is the responsibility framework with regard to how premiums, among other things, will be determined, when that will be done, by whom it will be done and how that is binding on the department. I believe the real basis of this bill is to determine the jurisdiction of the minister who will be responsible for the Department of Human Resources and Skills Development. That's why, with all due respect, Madam Chair, our view on this point differs from yours.

If you take another look at the text as such, you'll see that it determines when the premium rate is set and for what purpose it will be used and it talks about ensuring that there is sufficient revenue to pay for the expenditures authorized by the Employment Insurance Account. It has to be said somewhere. We think this is the place to say it. Rate stability also has to be maintained. I believe the Commission won't have to determine that because that will be done by legislation. I don't think the government intends to legislate through another bill to define this framework. In no way, for example, will it say that the premium rate will be of such and such an order of magnitude. It states what will be done, who will do it, how it will be done and why it will be done. This has to be determined, particularly with regard to maintaining the premium rate. That's very important because the department will have to conduct an analysis to determine the rate that will be sufficient to meet the commitments made by this fund.

The bill establishes that a commission will consist of commissioners. The bill refers to four commissioners. We think that's too few, far too few.

• (1135)

**The Chair:** Excuse me, are you still referring to amendment BQ-3?

**Mr. Yves Lessard:** Yes. I'm trying to illustrate our viewpoint clearly.

These people can't have this responsibility. Their responsibility has to be clearly defined and it also has to be ensured that the difference between the assets and liabilities of the Employment Insurance Account does not exceed a set amount. We wrote \$15 billion, but it could be less. Why did we choose \$15 billion? Because that amount has been identified.

Am I going too quickly for the interpreters?

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

**Ms. Susan Baldwin (As Individual):** Excuse me.

**The Chair:** I'm working with two ears: one ear is listening to you and the other is listening to the advisor.

**Mr. Yves Lessard:** Finish your conversation. I'll simply wait.

**The Chair:** Please continue.

**Mr. Yves Lessard:** I think what you said is very important. It must be clearly understood what you're suggesting, but you also have to understand why we think this amendment is in order. I could also hear you on this point afterward.

Provision has to be made so that the difference between the assets and liabilities of the Employment Insurance Account do not exceed \$15 billion. Madam Chair, why was \$15 billion stated? It could be less, depending on the study conducted by the Commission's Chief Actuary. To avoid making a mistake in our remarks, we took the estimate made by the Chief Actuary in the Commission's last fiscal year. In his opinion, a reasonable reserve to meet the fund's obligations would be the equivalent of a year of premiums. That's why we used \$15 billion. This is the only place we state it.

**The Chair:** Excuse me, Mr. Lessard, but I'm going to interrupt you. The question does not concern the content of the clause, but rather its merits. We agree that it isn't the premium amount that is the problem. The problem is that the clause you propose describes a way of determining the premium. However, that was not addressed in Bill C-23, and we are not entitled to do so, since this brings in an entirely different dimension. We are not entitled to do that following second reading in the House.

[*English*]

Is this right?

[*Translation*]

**Hon. Eleni Bakopanos (Ahuntsic, Lib.):** I'd like to say, Madam Chair, that we can't do by the back door what we're not entitled to do by the front door. This is precisely what happens in the case of Bloc Québécois amendments.

I'd like to hear the explanations of the department's legal counsel. As you emphasized, making the proposed changes is not part of our mandate.

**The Chair:** Ms. de Cotret.

• (1140)

**Ms. Michelle René de Cotret (Legal Council, Department of Justice):** I entirely agree on what's been said. With respect, I think that what's being proposed here is essentially an amendment of the Employment Insurance Act through the minister.

**The Chair:** I'm going to add here that this has direct implications for the Employment Insurance Act, another act that we're not considering here today.

Mr. Crête.

**Mr. Paul Crête:** The problem, Madam Chair, is that the department itself has defined this in the summary of the bill, which states:

This enactment establishes the Department of Human Resources and Skills Development over which presides the Minister of Human Resources and Skills Development. It defines the powers, duties and functions of the Minister...

It then states:

As well as those of the Minister of Labour and of the Canada Employment Insurance Commission.

The summary itself states that, in the context of this bill, the government has chosen to define the powers, duties and functions of the Employment Insurance Commission. I understand that we can't propose to add to a bill an element that amends the existing act, which is not affected by this bill. However the government itself, which in a way is being illogical, has said that the powers, duties and functions of the Employment Insurance Commission are part of the purpose of the act. The clauses contain definitions that specify what the Commission can do. That's entitled "Powers, Duties and Functions of the Commission", and that appears on page 8. It states:

24.(1) The Commission shall exercise the powers and perform the duties and functions

It states that it must record minutes and explains how. The government itself has chosen to include the definition in the act. In my opinion, if it had wanted to change only the question regarding departments, it would have said so. Here the summary of the bill

states the orientation the government wants to take. It states in this bill that the powers, duties and functions of the Employment Insurance Commission can be debated.

Having regard to that, I find it somewhat curious you don't want to allow the amendment. I'm not saying it should automatically be agreed to, but it is nevertheless related to the powers, duties and functions of the Commission and can therefore be a subject of discussion.

**The Chair:** The summary you refer to, Mr. Crête, says nothing about how to set the premium. I maintain my decision, and call the vote on...

**Mr. Paul Crête:** Madam Chair, I want to speak on this point again.

**The Chair:** Yes.

**Mr. Paul Crête:** BQ-3 does not concern just the premium rate; it contains a host of other elements. It consists of two pages of text. If you tell us that part of it is out of order and should be withdrawn, we can determine whether that's appropriate or not. The amendment nevertheless addresses a host of other points concerning how things are done. I don't think it's unreasonable to consider that the amendment should be examined, then perhaps corrected or withdrawn in part. I repeat, this situation could lead me to challenge the Chair's decision.

**The Chair:** Mr. Crête...

**Mr. Paul Crête:** The Chair's decision may be challenged by a majority report of the committee. If a majority of members decided to challenge this decision, a report would have to be sent to the House, and it would be up to the House to decide. That's why I would prefer us to take the time...

**The Chair:** I believe that's the Speaker of the House, Mr. Crête.

**Mr. Paul Crête:** So I would prefer us to take the time to discuss this properly in an attempt to find a suitable compromise. Otherwise we'll be forced to go so far as to report to the House. The committees being what they are, the government has to take into account... Perhaps the opposition will back our position, perhaps not. That's up to it to decide. But if the challenge is allowed, the government won't come out a winner in the area of studying bills. Moreover, Mr. Adams is a specialist on these matters, regardless of the law.

[*English*]

**Hon. Peter Adams:** Madam Chair—

[*Translation*]

**The Chair:** Give me a moment, please.

[*English*]

I will ask this committee for a few minutes of time to study each of the subsections of BQ-3 so we can answer Mr. Crête as best we can.

Mr. Adams, did you wish to intervene?

●(1145)

**Hon. Peter Adams:** Madam Chair, I have no objection to that, but I would simply say that the Standing Orders of the House of Commons have been developed over many decades, that they're often very frustrating, but they have developed the way they have for a particular reason. At the moment, it seems to me, your ruling is simply under the Standing Orders of the House of Commons as to the powers of a committee with respect to a piece of legislation the committee has already studied. The key point is that this deals with another act. What the content is and those things are important, and I'm quite willing to discuss them, but that is the key point. Under the Standing Orders, Madam Chair, no matter how interested we are in the topics, it's out of the jurisdiction of the committee at this stage of the proceedings.

**The Chair:** Thank you, Mr. Adams.

Mr. Crête.

[Translation]

**Mr. Paul Crête:** Can Mr. Adams state his interpretation? He says it's out of order. I know he is very familiar with the laws and procedures: he's probably one of the most knowledgeable members. The summary states that the powers, duties and functions of the Commission are part of the bill, and there are clauses on the subject. Then, was it from that point that the decision made... Strategically, the government could have made another choice, but this appears in the bill. How can it then be said that this is not part of the bill, since the government included it in the summary, in the purpose of its bill? As a main purpose? There is a main purpose: to redefine the departments; there are also secondary purposes with regard to the spirit of the bill, but which are nevertheless included, including the Commission. I don't understand your argument in view of this information, which comes from the department.

Madam Chair, I'd like to have Mr. Adams's opinion.

**The Chair:** One moment, please, Mr. Crête. To answer Mr. Crête's question, and to add to Mr. Adams's answer, I'll say that, according to our advisor, paragraphs 24.1(1)(a), (b), (c) and (d) are out of order. However, I would ask our guests to tell us whether subsections (2) and (3) amend or change section 66 of the Employment Insurance Act in any way.

[English]

**Mr. Peter Van Loan:** If I may, can you tell me where we are?

**The Chair:** We're at BQ-3, Mr. Van Loan.

**Mr. Peter Van Loan:** We're already looking at BQ-3. What did we determine on BQ-1 and BQ-2?

**The Chair:** We haven't addressed BQ-1 and BQ-2 yet. We're still waiting for some other things to happen. This is the first amendment we're dealing with.

**Mr. Peter Van Loan:** So we're only looking at whether BQ-3 is in order. That's why I'm confused.

**Hon. Peter Adams:** Madam Chair, Andrew Treusch will comment. And by the way, my understanding is that we're commenting now on Bloc amendment number 3, and we're dealing with new subsections 24.1(2) and 24.1(3). Am I right?

●(1150)

**The Chair:** No, it's 24.1(2) and 24.1(3).

**Hon. Peter Adams:** Okay. Thank you.

[Translation]

**The Chair:** Yes, Mr. Crête.

**Mr. Paul Crête:** If I understand correctly, you'd be prepared to consider subclauses 24.1(2) and (3), which we're proposing, as admissible. Is that the case?

**The Chair:** Everything will depend on the comments of the officials we're going to hear.

**Mr. Paul Crête:** All right. We're going to listen to them with interest.

[English]

**Hon. Peter Adams:** Again, Madam Chair, we repeat that we've dealt with (1) and we're now dealing with (2) and (3).

**The Chair:** Yes.

**Hon. Peter Adams:** Andrew Treusch.

**Mr. Andrew Treusch (Assistant Deputy Minister, Strategic Policy and Planning, Department of Human Resources and Skills Development):** I am dealing with BQ-3 and on the first page the section starting with the number (2). I read this as the commission causing a report to be sent to the minister, describing this new premium rate-setting process. That continues through the subsequent subsections. I do not have the EI act in my hand. I cannot compare it clause by clause, but the detailed clauses relate to the new premium rate-setting mechanism that is implied by BQ-3.

With respect to (3), that relates to a report to the House of Parliament on any of the first five days on which the House is sitting after the minister receives it. Again, I don't have our current reporting mechanisms here, but I would draw to the House's attention that there is a calendar for EI premiums. Very practically, employers need to know before Christmas, and ideally no later than early to mid-December, what the rates would be. They have a payroll system, so in the event that Parliament was not sitting at that time, this might have unintended consequences.

Obviously we would like the opportunity to study these more closely, because I understand the intent to be to cause a report to Parliament. But again, with amendments of this nature, there are unintended consequences that require careful study.

**Hon. Peter Adams:** Madam Chair, we would stand by our general argument on BQ-3.

[Translation]

**The Chair:** Mr. Crête.



**Mr. Paul Crête:** I have a question on what Mr. Treusch said. He assumes that we're referring to the premium rate. That would be related to what's in clause 24.1 which we're proposing. However, when I read the text starting at subclause 24.1(2), I see nothing that relates that text to the way the premium rate has just been changed. That clause can apply to the general premium rate rule as it already stands. It seems to me this clause is unrelated to the change and that it can be admissible. Although I believe that subclause 24.1(1) should be admissible, you should rule that at least subclauses 24.1(2) and (3) are admissible because everything they contain concerns one aspect of the powers, duties and functions of the Commission. The summary of the bill and a certain number of clauses in the bill concern the powers, duties and functions of the Commission.

Of course your argument has to be considered very seriously, but, since the powers, duties and functions of the Commission are included in the bill, and subclauses 24.1(2) and (3), which we propose, concern the powers, duties and functions of the Commission, the committee could decide to adopt these subclauses. It definitely would not be illogical to include them in the bill. If subclause 24.1(1) is not acceptable, the other two definitely are because they are in no way related to the problem initially identified by the Chair.

**La présidente:** Thank you, Mr. Crête.

Ms. Bakopanos.

**Hon. Eleni Bakopanos:** I have a point of order, Madam Chair.

You made a decision and you changed that decision without asking us whether we agreed on the decision.

If the first part of this amendment is inadmissible, the other two should normally be inadmissible. It can't be said that the first part is inadmissible and that the other two are admissible. Either the amendment is admissible or else it isn't.

I'd like the committee's legislative advisor to tell us whether or not it is admissible because two opinions have been given so far.

• (1155)

**The Chair:** Mr. Crête.

**Mr. Paul Crête:** Madam Chair, I didn't understand that you had made a decision. I understood that we were assessing the situation.

**The Chair:** I was very clear on this point. I was asked the question, and I clearly said that paragraphs 24.1(1)(a), (b), (c) and (d) were not in order. The discussion is now on subclauses 24.1(2) and (3) of this amendment.

**Mr. Paul Crête:** So if we ever wanted to challenge your decision on 24.1(1)(a), (b), (c) and (d), we could still do so at the end of the discussion on subclauses 24.1(2) and (3).

**The Chair:** Precisely.

**Mr. Paul Crête:** All right, let's continue.

**The Chair:** Allow us a brief moment because we're in discussion here.

**Hon. Eleni Bakopanos:** I'd like to clarify a point. You previously said that the first part was inadmissible, and the other other parts are directly related to that. I'm not an expert on legislative drafting, but I

know an amendment can't be divided when the second part stems directly from the first part.

**Mr. Paul Crête:** That's not it.

**Hon. Eleni Bakopanos:** Yes, that's it. The first part says "maintain stable rate levels", and the second part refers to that rate in relation to the House and the minister.

We'll let the experts clarify all that.

**Mr. Paul Crête:** If you wish, we can talk and try to enlighten each other while the Chair is busy.

**Hon. Eleni Bakopanos:** I don't want to take part in any such discussion. I want the experts to clarify the situation.

**Mr. Paul Crête:** I agree. I'll give my opinions later.

[English]

**Hon. Peter Adams:** Madam Chair, if I could, I know this is difficult for you and that you've heard the different arguments. Our view is that your ruling was correct for all of these items. Even the mildest of them, the one that requires the tabling of a report before there is a Governor in Council decision, or whatever it is, involves a change to the EI Act. Under the Standing Orders we cannot do that.

Madam Chair, I would urge that you rule and that we move on. These are interesting arguments, but they're not relevant to the clause-by-clause process we're involved in.

**The Chair:** Let me say, Madame Bakopanos, you're absolutely right that normally when we refuse the first part of an amendment, we should, by all means, refuse all the others.

But I would like to add another argument that has been brought to my attention, and that is, according to Bill C-2, which you'll remember was about two and a half years ago, the rate—

**Mr. Peter Van Loan:** I don't remember it well.

**The Chair:** Well, some of you may not, but some of us may because we were in it.

The rate-setting is not in the hands of the commission any more but is now, according to Bill C-2, in the hands of the Governor in Council.

• (1200)

[Translation]

**Mr. Paul Crête:** I was there for the consideration of Bill C-2, Madam.

**The Chair:** Yes, I remember it well.

**Mr. Paul Crête:** Bill C-2 merely suspended the application of the act. It didn't cause the act to disappear. So, in my view, we can discuss what it contained because it merely suspended application of the act so that, for two years, the rate would be applied other than in accordance with the method proposed in the act. When the suspension terminates, the enactment is again in effect, and the legislator can then decide to amend that enactment. That's part of the world we have to live in.

**Mr. Yves Lessard:** Madam Chair, with your permission...

**The Chair:** Just a moment. First I have to process the information I've been given thus far, Mr. Lessard.

**Mr. Paul Crête:** We just provide RAM memory.

[*English*]

**The Chair:** According to our counsel, she has suggested that the chair not decide whether or not it is admissible, but in fact this is a political question that can be decided by the members themselves. It's a legal interpretation, and she suggests that the members of this committee make their voices known, make their opinions known on this, and then at the end we can come to a vote on amendment BQ-3, whether it will be sections (2) and (3). That is what she suggests.

**Hon. Peter Adams:** Madam Chair, I profoundly disagree with that interpretation. This is a technical matter; it's a matter of the Standing Orders of the House of Commons. We're not here debating rate-setting mechanisms, either this rate-setting mechanism, which is proposed to be in this legislation, or the rate-setting mechanism that is in the EI Act. We're debating the Standing Orders of the House of Commons.

I think there has been sufficient discussion. Our objection is on the basis of the Standing Orders, that this deals with the EI Act. The committee, perhaps unfortunately, is simply not allowed to do that, and we would urge that you call a vote now.

**The Chair:** Thank you.

Madame Bakopanos.

**Hon. Eleni Bakopanos:** I totally disagree with what you've said. We asked for a legal interpretation. We were given one at the beginning of this committee.

The legal counsel, I understood, agreed; the legal counsel from the justice department agreed. Now you are throwing the ball and saying it's a political decision. Well, I'm sorry to say it isn't a political decision. Either part (1) is tied to parts (2) and (3), and you've already ruled on part (1), or it's not. I would call the vote. Let's vote.

Mr. Crête has all possibility to go to the Speaker, if he gets agreement from the committee, and decide that your ruling was wrong, but I'm not going to debate politically what has already been decided legally.

[*Translation*]

**The Chair:** Please be brief, Mr. Crête.

**Mr. Paul Crête:** I only want an answer to the question I asked a little earlier. You said that Bill C-2 had already settled this matter. I answered that Bill C-2 merely suspended the process. Consequently, it's still relevant to discuss the merits of the question because Bill C-2 merely provides for a temporary period during which this will apply. I'd like an answer so I can form a final opinion on whether the amendment is in order because I think this is a significant problem. It's a legal matter, not a political matter.

•(1205)

**The Chair:** Our advisor will have the last word.

**Mr. Yves Lessard:** Madam Chair, I've been asking to speak for a long time now.

[*English*]

**Ms. Susan Baldwin:** There are a couple of things I would like to clarify a little bit. First of all, the advice I have given the chair is not

a legal interpretation. It is a "procedural rules of the House of Commons" interpretation.

When we start to talk about C-2, we start to talk about how this affects what legal interpretations of C-2 might have on this, and those kinds of things. That starts into legal interpretations, not procedural ones. It's a fine line, but it's very important to the procedural services. Not even the Speaker himself will offer, in the House, legal interpretations and opinions of something. It is up to the committee itself to decide what would be proper in terms of whether or not this has any validity or if C-2 would have any effect on it. That's all a legal opinion and not a House of Commons rules opinion.

Second, it is true that when an amendment has one part out of order, it means the entire amendment is out of order. However, my understanding was that the Bloc members were willing and happy to change their amendment sufficiently. They asked us if the other parts were possibly in order. In other words, instead of submitting the amendment as is, they would be submitting the amendment as parts (2) and (3).

The chair has ruled already part (1) inadmissible. The question now before us is whether parts (2) and (3) are procedurally correct. That would be my sole area. It's not a legal interpretation, but is it procedurally correct? It's my view that it is procedurally correct because we're talking about a report. That doesn't mean there aren't problems with it.

I understand that the officials feel that if you look carefully at this, proposed subsection (2) says the report will be made public before the normal time of releasing the setting of the rate. Now, whether or not the committee wants that is a political question. It is not whether it's proper from the point of view of the rules of the House.

**Hon. Eleni Bakopanos:** On procedure alone—

**The Chair:** As the last two, we'll hear from

[*Translation*]

Mr. Lessard, then it will be Ms. Bakopanos's turn.

**Mr. Paul Crête:** Madam Chair, the Standing Orders...

**The Chair:** Mr. Lessard, over to you.

**Mr. Paul Crête:** As regards the time limit, the Standing Orders state that a member who wishes to speak may speak as long as he or she needs to understand the clauses.

**The Chair:** Someone requested a vote a little earlier. I believe it was Mr. Adams.

**Mr. Yves Lessard:** I've been asking to speak for a long time now.

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

**Mr. Yves Lessard:** I want to draw the committee's attention to the following situation. On December 16 last, the committee gave its opinion on the Commission's power, duties and functions. Recommendations 5 and 6 of our December report refer to this. It stated that the Commission is responsible for setting the rate, whereas the rules are the minister's responsibility. Where there is a difference of opinion between the Commission and the Governor in Council on the setting of the rate, it would be the House of Commons that decides the matter. Consequently, I find it hard to understand how it can be said that the powers, duties and functions cannot be inserted in the bill, when they are part of the responsibilities and mandate of the committee. If the act creating the department cannot include its powers, duties and functions, I wonder where they can be found.

• (1210)

**The Chair:** We're not talking about the powers, duties and functions of the department, Mr. Lessard. We're talking about powers, duties and functions, about the clauses of the bill.

**Mr. Yves Lessard:** It's the same logic, Madam Chair.

**The Chair:** It's the same logic in your opinion, but not in the opinion of others. Ms. Bakopanos, over to you, and then it will be Mr. Adams's turn.

**Hon. Eleni Bakopanos:** No, it's Mr. Adams's turn.

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

[English]

**Hon. Peter Adams:** Madam Chair, it's our view that the whole of BQ-3 is procedurally out of order, and we urge that you call the vote.

**The Chair:** All right, I will call the vote. We are now voting on BQ-3, all of it. This is on proposed subsections 24(1), 24(2), and 24(3).

**Mr. Peter Van Loan:** Are we voting on the substantive amendment, or are we voting on whether you believe it can be discussed?

**The Chair:** It's on whether it can be discussed.

Is that right?

**Some hon. members:** No.

**The Chair:** Oh, I'm sorry, my mistake. We would be voting on amendments to proposed subsections 24(2) and 24(3) together, on the substance.

Monsieur Crête.

[Translation]

**Mr. Paul Crête:** I would like some clarification. You consider that subclauses (2) and (3) are inadmissible, since we're discussing these two questions. But then what are we discussing?

**Hon. Eleni Bakopanos:** I agree with you, Mr. Crête: we need clarification.

**Mr. Yves Lessard:** Does this concern the Chair's decision, or are we talking about the merits of the question?

[English]

**The Chair:** Order, please.

**Hon. Peter Adams:** Madam Chair, I'm having difficulty hearing some of the comments.

**Ms. Susan Baldwin:** The chair has already ruled that the amendment to proposed subsection 24(1) in BQ-3 is inadmissible. At the request of the Bloc, that has been stripped from the amendment now being put before the committee.

One does not vote on the rulings of the chair, so the only vote that can be held is upon the substance of the amendments to proposed subsections 24(2) and 24(3). It's a question now of whether the committee wishes to add these to their bill.

[Translation]

**The Chair:** Mr. Crête, you have the floor.

**Mr. Paul Crête:** Perhaps I misunderstood because I was listening to the interpretation, but it seems you said that we had determined that subclause (1) was out of order. We never said that. We took note of the decision by the Chair, who said that that subclause was out of order. Then she told us we could conduct that kind of debate on subclauses (2) and (3). If I understand correctly, we're now discussing whether subclauses (2) and (3) are inadmissible. That's what the Chair said.

**The Chair:** We tried to facilitate matters. Mr. Crête, if I understood correctly, you are not withdrawing subclause (1).

**Mr. Paul Crête:** No. It was you who decided that it was inadmissible.

**The Chair:** I decided that it was inadmissible, but you're not withdrawing it, and, consequently, it stands. That's fine.

**Mr. Paul Crête:** If you rule it inadmissible, we can't debate it. Otherwise we'll have to appeal from your decision. You said that we could debate subclauses (2) and (3). Do you find them admissible?

**The Chair:** No, but in view of the fact that you don't want...

**Mr. Paul Crête:** I'd simply like to have some clarification.

[English]

**The Chair:** Order, please.

[Translation]

In view of the fact that you don't want to withdraw subclause (1), I must rule subclauses (2) and (3) inadmissible. That's the way it is. Thank you.

We'll now move on...

**Mr. Paul Crête:** I'd like some information. In that case, can we appeal from your decision as a whole?

**The Chair:** You may do so, indeed.

**Mr. Paul Crête:** Must we do it now, or can we do it at the end of the consideration? Is there a time period for doing it? We must be able to do it now.

**The Chair:** You can do it now.

**Mr. Paul Crête:** Excuse me?

**The Chair:** You can do it at the end of the meeting, I suppose.

It seems it has to be done immediately. Madam Clerk will take your...

•(1215)

[English]

**Hon. Peter Adams:** Madam Chair, with respect—by the way, there's nothing wrong with this procedure, but I suspect the Bloc has the right to appeal it, not only now or at the end of the meeting but also in the House of Commons.

**The Chair:** Not according to the clerk, Mr. Adams.

Let's be clear on this. Let's make it as safe as it can be and as rigorous as we can, and let's make it receivable right now so everything can be as clear as possible.

Monsieur Crête.

[Translation]

**Mr. Paul Crête:** I only need to know whether what Mr. Adams says is true. If I'm told that we have a time period, I want to have the time to think about it. If I don't have the time to think about it, I'm going to act immediately. If you tell me I can appeal later, you give yourself more of a chance that it won't take the form of a formal appeal, upon study and analysis.

**The Chair:** I think you can appeal from it immediately. There's no debate. Do it right now; it won't take any time, and we can continue.

**Mr. Paul Crête:** I'd like to know whether I can do it later.

**The Chair:** According to the Clerk, you have to do it now.

Madam Clerk, can you explain that to us?

**The Clerk:** A committee is master of its own procedure. This is something that has arisen now. Madam Chair has made a decision, and it's up to the committee to judge whether it wants to support or reject that decision.

**Hon. Eleni Bakopanos:** It's a technical question, Mr. Crête.

Are you now asking the committee to decide whether it accepts the Chair's decision on your amendment?

**The Chair:** That's the second stage. There's a third stage, where an appeal is made to the Speaker of the House of Commons.

**Mr. Paul Crête:** Are they two separate stages?

**The Chair:** It seems to me that going on to the third stage is a minor matter.

Wait a moment, Mr. Crête; I'm going to give Mr. Van Loan the floor.

[English]

**Mr. Peter Van Loan:** If we are going to have the ruling of the chair appealed, I would urge you to do that now. Once we get through the amendments and clause-by-clause, basically it's out of this committee, as far as I'm concerned, and it would be inappropriate to bring an appeal to the ruling at another day at another time. As for the House, well, that's a whole separate matter. You can do what you like there. But just so we can get on with business and do things, if you want to appeal it, appeal it now, and let's decide it.

**Hon. Eleni Bakopanos:** Is there a decision?

[Translation]

**Mr. Paul Crête:** I need a final clarification. May I appeal formally and directly to the Speaker of the House of Commons, as a member of the committee, without having done it here?

I want to know whether the notice can be transmitted directly to Mr. Milliken, regardless of what happens here, or whether I necessarily have to go through the committee.

[English]

**Ms. Susan Baldwin:** All members have a right at any time to bring up a question of order or a question of privilege in the House to the Speaker. However, let me warn you that traditionally in this kind of matter unless there's something extremely serious going on in a committee, the Speaker has traditionally ruled that he will not hear committee matters in the House, that's it's underneath the jurisdiction of the committee.

There have been a few serious exceptions to that, but he's quite scrupulous about it.

**The Chair:** Mr. Van Loan.

**Mr. Peter Van Loan:** I believe the general principle in law would apply that you have to exhaust your appeals at lower levels before you go to higher levels. I'm sure if I were the Speaker the first thing I would ask would be whether he had appealed the ruling at the committee, and if the answer was no, then I would not deal with it.

**The Chair:** What would we do without our lawyers.

You can ask the members. You can ask for a vote here, Mr. Crête.

[Translation]

That's what I told you a little earlier.

**Mr. Paul Crête:** Thank you for your information. So I'm going to appeal from your decision. The Bloc Québécois feels that this amendment should have been considered admissible. I want there to be a vote on this.

**The Chair:** A vote is requested.

[English]

We're being asked for a vote on whether BQ-3 in its entirety—

**Hon. Eleni Bakopanos:** No, no, we're not voting on that.

•(1220)

[Translation]

**The Chair:** We're voting on the Chair's decision on the admissibility of amendment BQ-3 as a whole.

[English]

Is that clear?

**Mr. Peter Van Loan:** But then it's not in...[Inaudible—Editor]

**The Chair:** The actual question is, shall the ruling of the chair be sustained? This is for BQ-3.

[Translation]

**The Chair:** I ask who is in favour of sustaining the Chair's decision.

(Motion agreed to on division)

**Mr. Yves Lessard:** I have a reference question, Madam Chair. Since we've sustained your decision—I don't challenge it and I'm going to respect it—that this type of motion is inadmissible, am I to understand that we're going to strip the bill of any similar measure?

**The Chair:** Mr. Lessard, I can answer you that we will continue considering the amendments that you and your party have brought before this committee. Then we will do the clause-by-clause consideration of the bill. That's the purpose of our meeting, and you can challenge the clauses as you wish. It's up to you to decide.

**Mr. Yves Lessard:** Madam Chair, my question is simple. Do you intend to apply the same decision to similar clauses?

**The Chair:** Mr. Lessard, the only answer I can give you is that we will consider the clauses one by one and see whether each of them is admissible. We'll see as we go along. I can't give you an answer that covers the bill as a whole.

We'll now move on to...

**Mr. Yves Lessard:** Another reference question, Madam Chair, and this will be the last one.

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

**Mr. Yves Lessard:** Will the reasons for your decision appear in the minutes of this committee meeting?

**The Chair:** We have a verbatim transcript of this meeting, Mr. Lessard. Everyone has access to it.

**Mr. Yves Lessard:** All right, thank you.

**The Chair:** You have access to it on the Internet.

[English]

**Hon. Eleni Bakopanos:** I have a point of order. If you have ruled BQ-3 *non recevable*—I keep thinking of the French word—

**The Chair:** Non-admissible. That's what happens when you are at least bilingual, Madam Bakopanos.

**Hon. Eleni Bakopanos:** —BQ-4 automatically becomes inadmissible.

**The Chair:** Thank you, Madam Bakopanos.

**Hon. Eleni Bakopanos:** Now, I'd like clarification if I'm wrong.

**The Chair:** Yes. This was the advice I received from counsel—and you make it very clear in clause 64—that sections 66 to 66.3 of the Employment Insurance Act are repealed. It is my understanding that this is beyond the scope of this bill. I'm not going to repeat all the reasons I gave in the discussion of BQ-3, but the reasons I mentioned for BQ-3 hold for BQ-4.

I judge, therefore, that BQ-4 is *non recevable*. Thank you.

Monsieur Lessard.

[Translation]

**Mr. Yves Lessard:** I don't know whether this is the time to do so, but I want to dissent from the two decisions you just made.

**The Chair:** Thank you, Mr. Lessard.

We now move on to Mr. Crête.

Do you want to dissent?

**Mr. Paul Crête:** No. I have a reference question.

• (1225)

**The Chair:** Please go ahead.

**Mr. Paul Crête:** Our amendment BQ-4 stated: 64. Sections 66 to 66.3 of the *Employment Insurance Act* are repealed.

64.1 Sections 127 and 128 of the *Act* are repealed.

I believe they referred to the matter of the Commission. So you're applying the same logic, that is to say that, even though the powers, duties and functions are referred to in the summary of the bill, you find it inadmissible to amend this part for the same reason.

**The Chair:** There are a number of reasons, Mr. Crête. One is that we are considering the bill following second reading in the House; so there are fundamental aspects that we cannot change, including clause 64. Now we're coming back to BQ-1. It seems to me, Mr. Lessard, that you had information to provide us.

**Mr. Yves Lessard:** Yes, and we're going to provide it to you.

[English]

**Mr. Peter Van Loan:** Did he not appeal your ruling?

**The Chair:** No, he didn't.

**Mr. Peter Van Loan:** You withdrew the appeal?

**The Chair:** He did not appeal BQ-5. He appealed BQ-4 only. I'm sorry. BQ-3 is appealed; BQ-4 is not.

**Mr. Peter Van Loan:** I just heard him say he appealed it.

**The Chair:** I'm sorry, he just said so himself.

Let us go on, please.

**Mr. Peter Van Loan:** All right.

[Translation]

**The Chair:** Mr. Lessard, we're listening.

[English]

**Hon. Eleni Bakopanos:** I need legal counsel, but I don't think that's the role you want to play at the moment.

[Translation]

**The Chair:** Mr. Lessard.

**Mr. Yves Lessard:** Madam Chair, in the wake of the work we did last fall, and more particularly based on the recommendations we adopted in this committee on December 16, it's now appropriate to set the number of persons who will form the Commission, that is to say the commissioners.

If I'm not mistaken, in recommendation 1 of our report, we provided that this commission would consist of a majority of employer and employee representatives.

On this point, we clearly can't choose...

**The Chair:** I'm trying to get advice from all quarters.

**Mr. Yves Lessard:** Madam Chair, I definitely won't reproach you for that.

Thus, clause 20, in which the number of representatives is set at four, including one for the employers and one for the workers, is not consistent with recommendation 1 of our December 16 report, in which we stated that the Commission should be composed of a majority of people representing those who contribute to it, employers and employees. For that reason, we're going to move the following amendment.

I probably don't have enough copies for everyone. However, the amendment is drafted in both languages.

**The Chair:** Mr. Lessard, could I please have a copy? First, with respect to BQ-1, we have before us a new proposal from the Bloc Québécois. I could call it BQ-1A, couldn't I? In it, it is moved that Bill C-23, in Clause 20 be amended by replacing line 36 on page 6 with the following: Commission, consisting of 17 commissioners

[English]

Let me just get the English version, please. It is that Bill C-23 in clause 20 be amended by replacing line 36 on page 6 with the following: "Commission, consisting of 17 commissioners".

[Translation]

Ms. Bakopanos, do you have a point of order?

• (1230)

**Hon. Eleni Bakopanos:** Are we admitting amendment?

**The Chair:** It's an amendment replacing the one currently before you.

**Hon. Eleni Bakopanos:** Was the other one withdrawn?

**The Clerk:** Has it only been tabled?

**The Chair:** It hasn't been tabled. We now have before us amendment BQ-1A, which I just read in both official languages.

Mr. Adams.

[English]

**Hon. Peter Adams:** Madam Chair, I listened very carefully to what you had to say. I thought you said that now the only amendment we're considering here raises the number associated with the commission to 17 from 4. I would argue—the same argument we had before—that this clearly will involve extra cost and royal recommendation. Therefore, at this point it's out of order.

**The Chair:** Mr. Van Loan.

**Mr. Peter Van Loan:** I'm not an expert on royal recommendation, but I did have the benefit of being in the House the other day when the private member's bill from Mr. Asselin of Manicouagan, Bill C-280, was debated. Before it was debated, there was a component in that particular bill that does the exact same thing. The Speaker did offer a ruling on that section at the time, indicating that it did require royal recommendation and as such would not be in order. Without offering my own opinion, I thought that was useful information to offer to the committee here.

**The Chair:** Thank you very much, Mr. Van Loan.

Monsieur Crête.

[Translation]

**Mr. Paul Crête:** The committee's decision must be consistent with the report it adopted. Otherwise everyone will say we're not being logical. We agreed to a motion stating that there should be a majority of members representing the unions and employers. Today we're moving an amendment to make the bill consistent with the report we adopted. It seems to me this argument is entirely valid.

As to Mr. Adams's argument on costs, I would like the legislative advisor to give me her interpretation. We're not talking about additional budgets. We're talking about the make-up of a commission whose members won't have any extraordinary compensation. In any case, it has to be known whether a mechanism has been provided for that. If we can't decide to change the number of members on a commission, we won't have much decision-making power left as parliamentarians. It seems to me we should respect the will of our committee, which said that there should be a majority of labour and management representatives on the Commission. It wouldn't be logical to pass a law a few weeks later that was inconsistent with that decision. We'd appear a little inconsistent to say the least.

**The Chair:** Mr. Crête, committee members, this question is very clear in my mind. It is being asked that there be 17 commissioners, and the government would have to spend more to compensate those commissioners. Royal recommendation does not permit this in view of what is contained in the bill. So BQ-1A is ruled inadmissible.

**Mr. Yves Lessard:** Madam Chair, would you allow me to request information?

**The Chair:** Yes.

**Mr. Yves Lessard:** When the Speaker of the House alleged...

[English]

**Hon. Peter Adams:** Monsieur Lessard—

[Translation]

**Mr. Yves Lessard:** The Speaker of the House gave the opinion Mr. Van Loan referred to on the basis that this was a private members' bill. He said that a private members' bill must not incur any expenditure for the government. That's very different from a government bill. If I'm not mistaken, we're dealing with a government bill here.

**The Chair:** Mr. Lessard, your logic is unfortunately incorrect. We have before us a government bill, Royal assent is required and we can't change the total cost in respect of a bill. That's why I ruled this amendment inadmissible.

Ms. Bakopanos.

• (1235)

**Hon. Eleni Bakopanos:** I'd like to point out that it is being moved that there be 17 commissioners instead of four, as the bill proposes. Correct me if I'm wrong, but we didn't decide on the number of commissioners in December.

**Mr. Paul Crête:** It's the majority.

**Hon. Eleni Bakopanos:** Yes, but the government is proposing in its bill that the number of commissioners be four. You move in your amendment that there be 17. I want it to be clear that an increase in the number is being proposed.

Mr. Adams wants to add something on the subject of costs, I believe.

[English]

**Hon. Peter Adams:** Madam Chair, we're arguing a procedural point again. We're not arguing the logic or how it fits in with the committee's wishes, but a procedural point.

As the Speaker has already said with respect to a private member's bill, as Mr. Van Loan pointed out, an increase to 17 clearly involves an increase in expenditures, and therefore, under the Standing Orders, it is out of order at this time.

**The Chair:** Thank you.

I will now move on to BQ-2.

[Translation]

Mr. Crête, I believe that amendment BQ-2, which I have before me, was not tabled and that amendment BQ-2A, which has just been brought to me by Mr. Lessard, is the one you're moving.

**You move that Bill C-23, in Clause 20, be amended by replacing lines 34 to 36 on page 6 and lines 1 to 5 on page 7 with the following:**

The 17 commissioners are the following: the deputy minister of Human Resources and Skills Development, who is the President of the Commission, an assistant deputy minister who is the vice-president, a third member representing the government, 7 persons named after consultations with the union's organizations.

I won't read it in English because we have interpretation.

[English]

Given that I said that BQ-1 is *non recevable*, BQ-2 is also *non recevable*, for the same reasons or motives.

[Translation]

**Mr. Yves Lessard:** Madam Chair, I object to your decision.

**The Chair:** Mr. Lessard's dissent is noted.

**Mr. Yves Lessard:** On BQ-1 and BQ-2.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** I'd like it noted that I also object to this decision.

**The Chair:** Thank you. That's automatically done.

Mr. D'Amours.

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Madam Chair, I'd like to make a brief remark that I consider important. I know you've just given your decision, but I'd like to come back to the position of the Subcommittee on the Employment Insurance Funds. The subcommittee's recommendations were approved by the Standing Committee on Human Resources Development, right here. I'd like to remind the member that the amendment he sought to move was contrary to the recommendation we made here in committee.

**The Chair:** Excuse me, but this is over. I would now like us to move on...

**Mr. Paul Crête:** Madam Chair, it's as though the member was accusing us of lying.

**The Chair:** Please, Mr. Crête!

**Mr. Paul Crête:** He said we wanted to move an amendment that was not consistent with the report. We heard arguments.

**Mr. Jean-Claude D'Amours:** No.

**Mr. Paul Crête:** Mr. Lessard explained the logic of the matter to us for a number of minutes.

**The Chair:** One can be mistaken without lying.

Do you want to continue your remarks, Mr. D'Amours? Just a moment, we have a problem. [Editor's Note: Technical difficulties]

• (1240)

**Mr. Yves Lessard:** Madam Chair, our colleague has raised a good point. He's right on the subject. If we want to be consistent with our logic of December, we should be able to accept an amendment that is consistent with recommendation 1 of December 16. In agreeing to clause 20 as it is currently worded, we would be adopting a principle contrary to the one we previously adopted.

**The Chair:** What amendment are you referring to, Mr. Lessard?

**Mr. Yves Lessard:** The amendment to clause 20 to which we referred.

**The Chair:** Mr. Lessard, I'd like to remind you that the decision was made by the Chair and that Mr. D'Amours, who now has the floor, wanted to explain the reason why he made that remark. The discussion of your amendment is over, Mr. Lessard. We can't come back to it.

**Mr. Jean-Claude D'Amours:** Madam Chair, I simply wanted to explain the amendment. We said we wanted to retain the guidelines approved by the Human Resources Committee. I simply wanted to point out to committee members that there was a difference between the two.

**The Chair:** Yes, Mr. Crête.

**Mr. Paul Crête:** I understand Mr. D'Amours' explanation, and I acknowledged that I perhaps spoke too soon a moment ago. The explanation he gave us confirms the fact that the report that was made in December contains things that are different from what appears in the bill today. It's not a matter of saying we lied. I misinterpreted his remarks, and I admit the fact.

However, I must say that, in his remarks, Mr. Lessard clearly demonstrated that the bill under consideration should be amended to take into account the committee's December 16 recommendations. I even wonder whether the committee shouldn't adjourn so that an acceptable version of this bill can be prepared.

**The Chair:** Mr. Crête, I'd like to draw your attention to the fact that the subcommittee's recommendations, which were accepted by the members of this committee, are precisely that, recommendations, whereas we have before us a bill that, it seems to me, is quite different in scope.

**Mr. Yves Lessard:** I've often asked you questions, and there was always a logic in your answers.

**The Chair:** I try.

**Mr. Yves Lessard:** I'm going to ask you a question, and I'd like there to be the same logic in your answer. There's some distortion Madam Chair... [Editor's Note: Technical difficulties]

•(1245)

**The Chair:** We'll have to stop because the interpreter can't hear what we're saying. We'll come back to that, Mr. Lessard.

[English]

Before we do clause-by-clause consideration of Bill C-23, I would suggest that we leave the short title and the definitions to the end. When we have done the entire bill, we can come back and deal with the short title and the definitions. Do you agree, colleagues?

**Some hon. members:** Agreed.

**Hon. Peter Adams:** Madam Chair, if I could, I'll make a suggestion. It does seem to me that very large sections of this bill are in fact technical and that very large sections either are unchanged from the previous legislation or are simply re-articulations of the previous legislation. I'd like to urge that colleagues recognize that, and I suggest that rather than simply going through clause by clause, we perhaps go through it section by section or something of that sort and colleagues draw our attention to clauses that are of concern to them.

[Translation]

**The Chair:** Go ahead, Mr. Crête.

**Mr. Paul Crête:** I don't agree with that position. I'll simply cite an example. The Commission is already defined in clause 2. It states that it means "the Canada Employment Insurance Commission continued by section 20". Earlier you told me that we couldn't address the powers, duties and functions of the Commission, whereas they're referred to in this clause. Each of the clauses may have to be discussed in order to understand the logic. I don't think it's logical to say that the amendment is considered inadmissible, when we're going to agree to clauses that concern exactly the same thing. They're admissible because the government tabled them. That's quite curious.

•(1250)

**The Chair:** Mr. Lessard, you raised your hand a moment ago.

**Mr. Yves Lessard:** Madam Chair, you gave me the floor when we had as much distortion in our ears as we had in our remarks. I was talking about distortion and your customary logic with regard to my questions.

I want to ask a question, and I'd like it to be addressed. Will that be now or not? When we come to clause 20, Madam Chair...

[Editor's Note: Technical difficulties]

[English]

**The Chair:** Colleagues, we have several options before us at this time. It is ten to one. We can continue, we can go into the other room and continue, or we can adjourn now and continue next Tuesday.

**Hon. Peter Adams:** Madam Chair, I would propose that we extend until at least 1:30.

**The Chair:** Well, I'm quite willing to do that, but in order to do that, people have to go into the other room. It's pretty obvious that the audio here is not working, so let's go into the other room and continue.

*Pardon?*

[Translation]

No interpretation is working, Mr. Lessard. That's why I cut you off.

•(1252)

(Pause)

•(1304)

**The Chair:** Please be nice with me. If something else happens today, I don't know what I'll do.

Let's resume the proceedings. We're now at clause 3.

Mr. Crête, over to you.

•(1305)

**Mr. Paul Crête:** I believe you want to discuss clause 2.

**The Chair:** Clause 2 concerns interpretation.

**Mr. Paul Crête:** No, it concerns definitions. We've deferred clause 1. For clause 2, in my view, we have to...

**The Chair:** No. You agreed to something earlier, and

[English]

I asked it in English, and that was to leave the short title and the definitions to the end. This is what I asked for.

[Translation]

**Mr. Paul Crête:** All right. We'll come back to that.

(Clauses 3 and 4 agreed to on division)

**The Chair:** Shall clause 5 carry? Mr. Crête, over to you.

(Clause 5—Powers, duties and functions)

**Mr. Paul Crête:** I'd like to ask a question.

**The Chair:** Does it concern clause 5, Mr. Crête?

**Mr. Paul Crête:** Subclause 5(1) reads as follows: 5.(1) The powers, duties and functions of the Minister extend to and include all matters relating to human resources and skills development in Canada over which Parliament has jurisdiction and which are not by law assigned to any other Minister, department, board or agency of the Government of Canada.

Doesn't the content of this clause contradict you? In your interpretation, we can't discuss the Commission's mandate, whereas one clause states that all matters pertaining to human resources will be addressed. Isn't there some incongruity between your judgment, which was sustained by the committee, and the text of the clause?

**Mr. Yves Lessard:** I agree with that.

**The Chair:** Based on the advice I've received, the rule is that this question has been discussed, that it has been decided by the Chair and that this entire question and those that follow from it are null and void.

**Mr. Paul Crête:** You decided that the amendment was inadmissible, did you not?

**The Chair:** Yes.

**Mr. Paul Crête:** Based on your logic, the amendment was inadmissible because the Commission's mandate could not be discussed in that context. Now we have a clause under which the minister's powers, duties and functions concern all activities. If we adopt this clause, but cannot pass amendments within that clause, it's as though we had no parliamentary rights.



**The Chair:** I simply don't understand the logic of what you say, Mr. Crête. I have no other answer except the one I've just given you.

**Mr. Paul Crête:** In that case, consider it just a remark.

**The Chair:** Thank you.

(Clauses 5 and 6 agreed to on division)

**Mr. Paul Crête:** Madam Chair, I'll vote against each of the clauses.

(Clauses 7 to 17 inclusive agreed to on division)

I'd like to ask a question.

**The Chair:** Do you want to discuss clause 18, Mr. Crête?

(Clause 18—*Minister of Labour*)

**Mr. Paul Crête:** My question concerns clause 18. Subclause 18 (1) read as follows:

18.(1) A Minister of Labour may be appointed by a commission under the Great Seal to hold office during pleasure.

Why is it stated that the minister may hold office during pleasure? Wouldn't it be preferable to confirm that there will be a Minister of Labour? This suggests there may be or may not be a Minister of Labour. I'd like this idea to be explained to me.

**The Chair:** Could we hear comments?

[*English*]

**Hon. Peter Adams:** Madam Chair, there's no change in that particular paragraph, and the answer is yes.

**The Chair:** The answer is yes to...?

**Hon. Peter Adams:** To the question; there may be.

**The Chair:** There may be.

• (1310)

[*Translation*]

**Mr. Paul Crête:** I move an amendment. Instead of "A Minister of Labour may be appointed", it would read "A Minister of Labour shall be appointed". I would replace "may be" by "shall be".

**The Chair:** All right.

[*English*]

A Minister of Labour shall be appointed by commission under the Great Seal to hold office during pleasure.

[*Translation*]

That's the amendment Mr. Crête is moving.

**Mr. Paul Crête:** May I speak on the content of my amendment?

**The Chair:** You've already done that, but go ahead.

**Mr. Paul Crête:** With respect to the Labour Code, labour relations in Canada and new realities in the labour market, I think it necessary that there be a Minister of Labour in Canada and that we have to confirm that a Minister of Labour shall be appointed, unless it is explained to me that someone else is necessarily appointed Minister of Labour. Perhaps I haven't examined this bill enough, but I didn't see that anywhere. I think it's more logical to ensure that a Minister of Labour is appointed.

You could put the question to all the union federations and the Conseil du patronat. There have been a number of questions in the

House in previous parliaments, in particular on the matter of the Labour Code and the hiring of strike breakers. I think it's essential to send the working world a message that there will be a Minister of Labour. That's the logic of my argument.

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

[*English*]

**Hon. Peter Adams:** Madam Chair, this is a section that has served us well in the past. It gives the government some useful flexibility. But to reassure Paul Crête, towards the end of the bill there is a provision that in the absence of a minister of labour, the Minister of Human Resources and Skills Development takes over that function, so there is no possibility of there being a vacuum in this situation.

[*Translation*]

**The Chair:** Pardon me.

[*English*]

Under part (3) of the same article—Monsieur Crête.

[*Translation*]

**Mr. Paul Crête:** That's precisely the reason for my amendment. The Minister of Human Resources is responsible for I don't know how many billions of dollars, for the employment insurance system, old age pensions and many other things.

[*English*]

**The Chair:** Order, please.

[*Translation*]

**Mr. Paul Crête:** It's a political choice. So I'm shouldering my responsibility as a parliamentarian by moving the amendment that there be a Minister of Labour. In the past, when there wasn't one, we found ourselves in situations in which the Minister of Human Resources had to give up some of her duties. I would like assurances that there will be a Minister of Labour and that "may be appointed" will be replaced by "shall be appointed". So it would read: 18.(1) A Minister of Labour shall be appointed by commission under the Great Seal to hold office during pleasure.

**The Chair:** I call the vote. Are there any other remarks?

[*English*]

The vote will be on the amendment presented by Monsieur Crête, that a minister of labour shall be appointed by commission, etc. Those in favour, please raise your hands.

(Amendment negatived)

**Hon. Eleni Bakopanos:** I will make a point of order now. Are we going to be accepting amendments as we're going along in terms of this? Is there a rule, in terms of accepting any amendment at any time on any clause, Madam Chair?

[*Translation*]

**The Chair:** Ms. Bakopanos, I'm told that, unless the committee decides otherwise by a vote, we must continue on a clause-by-clause basis as we have done thus far. You may ask the committee to decide otherwise.

**Hon. Eleni Bakopanos:** No, that's all right, thank you.

**The Chair:** We're now on clause 18.

[English]

Shall clause 18 carry?

[Translation]

**Mr. Paul Crête:** No, Madam Chair. You're referring to clause 18?

**The Chair:** Yes.

**Mr. Paul Crête:** I move that we delete subclause 18(4), the last paragraph of five lines, which states: (4) The Minister of Labour shall make use of the services and facilities of the Department and may authorize employees of the Department to exercise any power or perform any duty or function of the Minister of Labour.

I move that this subclause be deleted from clause 18.

**The Chair:** Is that an amendment you're moving, Mr. Crête?

**Mr. Paul Crête:** Yes.

[English]

**The Chair:** The amendment from Mr. Crête is that subclause 18 (4) be omitted completely. It begins "The Minister of Labour shall make use" and ends with "or function of the Minister of Labour".

Monsieur Adams.

•(1315)

**Hon. Peter Adams:** Madam Chair, I would simply point out that this would remove the support structure of the Minister of Labour, and I would urge you to call the vote.

[Translation]

**Mr. Paul Crête:** I haven't spoken yet.

**The Chair:** I'm listening, Mr. Crête.

**Mr. Paul Crête:** Thank you, Madam Chair.

This is consistent with the same logic. Earlier the amendment that there shall be a Minister of Labour was negated. In the preceding lines, it is stated that, if no Minister of Labour is appointed, the Minister of Human Resources will assume that role. However, if that person has to intervene in a labour dispute playing both roles at the same time, that is to say his own and that of the Minister of Labour, there's an obvious conflict of interest. I'm not anxious that the Minister of Labour should be able to influence the organization of the department, particularly if it's the same person. Where no Minister of Labour is appointed, the other minister takes over the Labour Minister duties and consequently, responsibilities.

For that reason, I move that this subclause be deleted.

**The Chair:** Does anyone else wish to speak?

[English]

I call the vote on Mr. Crête's amendment to omit subclause 18(4).

(Amendment negated)

(Clause 18 agreed to on division)

[Translation]

(Clause 19 agreed to on division)

**The Chair:** Clause 20 now.

(Clause 20—*Commission*)

**Mr. Yves Lessard:** I propose that we consider this subclause by subclause and that we edit it to reflect the decision you made earlier. We have to ensure that everything concerning the order of powers, duties and functions is deleted. The order of powers, duties and functions, is governance, Madam Chair.

**The Chair:** Based on the advice I'm given, Mr. Lessard, we can discuss subclauses 20(1), (2) and (3) separately, but the vote can only concern clause 20 as a whole.

Do you wish to discuss clauses 20(1), (2) and (3)?

**Mr. Yves Lessard:** Yes.

Madam Chair, earlier you described the reasoning concerning the structure, governance and powers, duties and functions of the Commission, which also fall under the mandate. From the outset, that is starting with clause 20, when we talk about the people who make up the Commission and who are appointed by the Governor in Council, we're already talking about structure, a matter that is raised in these words: (2) The four commissioners shall be

We're talking about an associate deputy minister and the manner in which the commissioners are appointed. It also states where they come from. For the reasons I gave you a little earlier, there's a kind of distortion here compared to the recommendation we adopted in this committee on December 16.

So I'd like to know how we can make this bill consistent with the recommendation of our December 16 report, whereas this doesn't say the same thing regarding the number of commissioners and how they are appointed.

If we can't be accountable for the consistency of this committee, Madam Chair, we have a problem.

**Hon. Eleni Bakopanos:** I have a point of order.

**Mr. Yves Lessard:** I would recall this...

There's a point of order?

**The Chair:** I would simply ask you to finish your sentence, Mr. Lessard.

**Mr. Yves Lessard:** Madam Chair, I don't know whether you have a copy of recommendation 1, which appears on page 4 of our December 16 report and refers to the Commission. It states:

This new Crown corporate entity should be governed by commissioners who broadly and equally represent employees and employers.

•(1320)

**The Chair:** Pardon me for interrupting, but there has already been a decision by the Chair...

**Mr. Yves Lessard:** Not on this, Madam Chair.

**The Chair:** Mr. Lessard, let me finish, please. There was a decision by the Chair on subclause 20(1), subclause 20(2) and subclause 20(3). I understand that you're going back over the validity of that decision. Pardon me, but the decision has been made.

**Mr. Yves Lessard:** Madam Chair, with your permission, I'm asking that this be added. We decided on the number 17. Here we have a number of four, a number that is not consistent with the recommendation we adopted on December 16, in which we referred to "commissioners who broadly and equally represent employees and employers". We also referred to a "two-year term".

**The Chair:** Mr. Lessard, I take the liberty of interrupting you once again.

The provisions of the bill are limited, and the amendments that we can make to them are limited by a number of factors, one of those being that we are considering this bill after second reading by the House and that there are a certain number of things we cannot change.

The second point, which I mentioned long ago, this morning, when we discussed the recommendations we would like to make, is that changing the number would require Royal recommendation. We cannot do that.

There may be other measures that you can subsequently take, through the report of the Subcommittee on the Employment Insurance Funds, which was approved by this committee, but we can't change this clause at this time. You can make the arguments that you've already presented. However, a decision has already been made, not only by the Chair, but by this committee as a whole, Mr. Lessard.

Go ahead, Mr. Crête.

**Mr. Paul Crête:** Madam Chair, your decision concerned admissibility. You also told us that we couldn't increase the number of commissioners.

The spirit of the report is that the labour and management representatives should be in the majority. I'm asking the committee to consider the following motion, which I will be prepared to table as an amendment. Instead of referring to four commissioners appointed by the Governor in Council, I would replace the number "four" by the number "three". There would be no additional costs. Then we would say that, of the three commissioners, one would represent the government, one would represent the union and one would represent management. In that way, we would at least be complying with the spirit of the recommendation, which was to ensure that there is majority representation of labour and management. That would result in no additional costs. I believe the amendment is formally admissible.

Of course, the idea would be to replace "four" with "three". In subclause 20(2), it would be stated that the three commissioners are the Deputy Minister of Human Resources, a person appointed upon consultation with the labour organizations and another appointed upon consultation with the management organizations.

For that to work, it would have to be said that, when the Deputy Minister of Human Resources cannot perform his or her duties, he or she may be replaced by the Assistant Deputy Minister. That wouldn't be a problem for me. However, I would like there to be three commissioners. The deputy minister would be the Chair and the other two commissioners would represent the other two parties. That was the make-up of the Commission before C-2 was passed.

That would be consistent with the report. At the same time, it would not be more costly, it would be less costly. Furthermore, I'm sure we won't need the Queen's opinion for that.

[*English*]

**Hon. Peter Adams:** Madam Chair.

• (1325)

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

**Hon. Peter Adams:** First of all, the consistency with the report is, I think, an interesting but irrelevant argument. Second, the present provision for four, Madam Chair, as we all know, includes three voting members, along the lines that Paul Crête has just described, so in effect it operates now on that basis, simply with a chair who does not have a vote. This particular commission is the known quantity. We know how much it costs, so it doesn't infringe at all on the fact that the committee can't recommend greater expenses.

I would strongly urge, Madam Chair, that we call a vote on the amendment and that we move on.

[*Translation*]

**The Chair:** Thank you, Mr. Adams.

Mr. Crête, I'm going to ask you for a written copy of your amendment. I can't really continue without that. It seems to me there are a number of parties to this amendment. I want to be sure committee members clearly understand what this is about before we come to the vote.

**Mr. Paul Crête:** In that case, Madam Chair, could we move on to the following clause while I draft it?

**The Chair:** I was going to propose that. While awaiting the written copy of Mr. Crête's amendment to clause 20, I propose that we move on to clause 21.

[*English*]

**The Chair:** (Clauses 21 to 23 inclusive agreed to on division)

[*Translation*]

**Hon. Eleni Bakopanos:** It's not up to the Chair to say it's on division.

**Mr. Paul Crête:** Madam Chair, my colleague asks that it be said each time.

**The Chair:** You said that applied to all the clauses, and I took that for granted. You said it at the start.

**Mr. Paul Crête:** I agree. It's Ms. Bakopanos who doesn't agree.

**The Chair:** I understood from what you said that you accepted the clauses on division. That's why I say "agreed to on division" each time.

**Mr. Paul Crête:** Will we have to repeat it every time?

**The Chair:** No, you won't have to repeat it.

**Hon. Eleni Bakopanos:** That's fine, if you made that decision.

**Mr. Yves Lessard:** That applies to me as well, Madam Chair.

**The Chair:** Very well, thank you, Mr. Lessard.

(Clause 24—*Powers, duties and functions*)

**Mr. Yves Lessard:** Madam Chair, once again this is an area related to your decision. Subclause 24(2) reads as follows:

(2) With the approval by order of the Governor in Council, the Commission may, notwithstanding any other Act of Parliament, enter into agreements with the governments of other countries to establish reciprocal arrangements relating to any matter set out in subsection (1).

A little earlier, you prevented us from giving similar mandates. I find it hard to see how we could give this mandate to the Commission.

I ask that this subclause be deleted, Madam Chair.

[English]

**Hon. Peter Adams:** Madam Chair, I would simply point out that this is not new. This is what we're operating under at the present time. This bill is simply adapting the HRSD part of the former HRDC legislation.

[Translation]

**The Chair:** Are you introducing a formal amendment, Mr. Lessard?

**Mr. Yves Lessard:** Yes, Madam Chair.

**The Chair:** Mr. Lessard's amendment moves that clause 24 be amended by deleting subclause (2), which reads as follows: (2) With the approval by order of the Governor in Council, the Commission may, notwithstanding any other Act of Parliament, enter into agreements with the governments of other countries to establish reciprocal arrangements relating to any matter set out in subsection (1).

Is there any discussion?

[English]

**Hon. Peter Adams:** Madam Chair, I would point out that under the Standing Orders, in Marleau and Montpetit, it says, "An amendment is out of order if it simply attempts to delete a clause..."

**The Chair:** This is a subclause, not a clause.

**Hon. Peter Adams:** Thank you, Madam Chair. It was a good try.

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

**The Chair:** Is there other discussion about this amendment?

I will call the vote on the amendment. Those in favour of withdrawing subclause 24(2) from the bill, would you raise your hands, please?

(Amendment negatived)

**The Chair:** We now pass to clause 24.

[Translation]

**Mr. Paul Crête:** I have a point of order, Madam Chair.

**The Chair:** You have the floor, Mr. Crête.

**Mr. Paul Crête:** We agreed to Mr. Adams's motion that we stop at 1:30 p.m. It is now 1:30 p.m.

**The Chair:** Yes.

**Mr. Paul Crête:** I move that we adjourn.

● (1330)

[English]

**Hon. Peter Adams:** Madam Chair, my suggestion was to go until at least 1:30.

[Translation]

**Mr. Paul Crête:** No, no.

[English]

**Hon. Peter Adams:** Madam Chair, the record will show that I said at least until 1:30.

[Translation]

**Mr. Paul Crête:** Look at the text, Madam Chair.

**The Chair:** Look at the text, Mr. Crête, please.

**Mr. Paul Crête:** Pardon me?

**The Chair:** May we see the text? May we see it now?

**Mr. Paul Crête:** Remember the spirit of that decision. It was 12:55 p.m.

[English]

**The Chair:** Let us decide now whether we want to continue. I think things are going reasonably well, and I would strongly suggest that we do continue as far as we can. Let us not forget that this committee has been pushing very hard to get as much work done as possible in the last few weeks, not to speak of last fall, and I would seriously ask the members to consider continuing until a few minutes before two o'clock—let's say until ten minutes to two. That gives us twenty minutes, and it allows us to go a lot further.

[Translation]

**Mr. Paul Crête:** Are we going to vote, Madam Chair?

**The Chair:** Pardon me?

**Mr. Paul Crête:** Are we going to vote on this question?

**The Chair:** That's what I'm asking.

**Mr. Paul Crête:** All right.

**The Chair:** I move that the committee continue to sit until 13:50 today.

[English]

Those in favour?

(Motion negatived: nays 6; yeas 5)

[Translation]

**Mr. Paul Crête:** I move that we adjourn, Madam Chair.

**Mr. Peter Julian:** I second the motion.

[English]

**The Chair:** I have not adjourned yet. Could we pass clause 24 and then adjourn? Would that be acceptable?

[Translation]

**Mr. Peter Julian:** No, Madam Chair. An adjournment motion has been introduced and seconded. It must be applied.

**Mr. Paul Crête:** We've moved that the committee adjourn.

**The Chair:** The meeting is adjourned.







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