



House of Commons
CANADA

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

HUMA • NUMBER 019 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Thursday, February 17, 2005

—
Chair

Ms. Raymonde Folco

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

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

Thursday, February 17, 2005

•(1105)

[English]

The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)): Colleagues, we'll begin the meeting now.

[Translation]

The Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities, meeting 19, Thursday, February 17, 2005. Pursuant to the Order of Reference of Tuesday, December 7, 2004, we are considering Bill C-22, an Act to establish the Department of Social Development and to amend and repeal certain related acts.

I would like to welcome the witnesses from the Department of Social Development, Peter Hicks, Assistant Deputy Minister, Policy and Strategic Direction in the Assistant Deputy Minister's Office; Susan Scotti, Assistant Deputy Minister, Social Development Sectors Branch; Johanne Bélisle, Director General, Corporate Planning; and from the Department of Justice, Julie Lalonde-Goldenberg, General Counsel and Assistant Director of Legal Services.

Welcome everyone.

Pursuant to Standing Order 75(1), consideration of clause 1 is postponed. We will therefore start with clause 2. I propose that we consider the clauses one at a time, starting with clause 2, and that, when we get to a clause for which amendments are moved by the parties, we study those amendments.

Some clauses may be the subject of more than one amendment. We will therefore deal with all amendments relating to a single clause at the same time. Is that fine with you?

Hon. Eleni Bakopanos (Ahuntsic, Lib.): Yes.

The Chair: Thank you.

(Clause 2—*Definition of "Minister"*)

[English]

Monsieur Martin, I know that you have asked for modification of clause 5. I propose that when we get there we deal with the issue.

Mr. Tony Martin (Sault Ste. Marie, NDP): Okay.

(Clauses 2 and 3 agreed to on division)

The Chair: For the Conservative Party, the Bloc, and the NDP, do you want all clauses that carry to carry on division? I just want to

make sure this is the case before we begin, and then we won't have to say it throughout, but it will be taken for granted if you say so now.

Some hon. members: Agreed.

Hon. Eleni Bakopanos: Just for clarification, Madam Chair, are the Conservatives, the Bloc, and the NDP all on division for every single clause?

The Chair: The Conservatives have just said so.

•(1110)

Hon. Eleni Bakopanos: On every clause is what we're talking about now? Is that what the chair just asked?

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

Mr. Forseth.

Mr. Paul Forseth (New Westminster—Coquitlam, CPC): But the other parties are probably going to want recorded divisions when we get to particular clauses.

The Chair: Of course.

Mr. Paul Forseth: They have amendments. We have a stack of amendments to go through here.

The Chair: No, the question is this: on those clauses that have no amendments and that are carried, as clauses 2 and 3 have just been carried, do the Conservative Party, the Bloc, and the NDP want these clauses to be carried on division? That's my question.

Mr. Paul Forseth: Yes.

The Chair: Good.

For the Bloc Québécois, Madame Gagnon.

[Translation]

Gagnon, Christiane Member : If we voted for it, would that mean...

The Chair: We're not concerned with voting here, but with the clauses that have carried, like the two we just agreed to.

Gagnon, Christiane Member : Except those that could be the subject of amendments.

[English]

The Chair: Mr. Martin.

Mr. Tony Martin: No problem.

The Chair: It is on division for two clauses anyways, so that will be good enough.

Monsieur Lessard.

[Translation]

Mr. Yves Lessard (Chambly—Borduas, BQ): The fact that the three of us are dissenting implies that it doesn't carry. Isn't that correct?

[English]

The Chair: I would advise that we say it's on division when these are clauses that are not voted on, as we did for the previous ones. We've done clause 2 and clause 3. We haven't voted. People have only carried it. We will automatically say that it's on division.

However, for the ones that are voted on, particularly the amendments, you will state your own division at that particular time. In fact, I'm only repeating what I said before.

Monsieur Lessard.

[Translation]

Mr. Yves Lessard: Madam Chair, so that means it doesn't carry. From the moment there's a majority of dissenters, it can't carry.

[English]

The Chair: I'm advised that—

[Translation]

Gagnon, Christiane Member : Why don't we have a vote on each question?

The Chair: I'd prefer that. Is that acceptable to everyone?

[English]

Mr. Forseth, let's take a vote on each question, and then it will be very clear.

If anyone says on division at any point, we don't need the vote and we can just carry through. It's what we did for Bill C-23, and I think it worked out quite well to everyone's satisfaction.

I'm now on clause 4.

(Clause 4 agreed to on division)

(On clause 5—*Powers, duties and functions of the Minister*)

The Chair: On clause 5, we have an amendment. In fact, let me tell you what the question is on clause 5. We have an amendment called NDP-1.

[Translation]

Mr. Lessard, is this a point of order?

Mr. Yves Lessard: Yes. We're supposed to vote on each of the clauses, Madam Chair, and we haven't voted on clause 4.

The Chair: No, what I suggested is that we consider the clauses as we did for Bill C-23 and that, when someone tells me that it's carried but on division, that that be noted.

Mr. Yves Lessard: Madam Chair, I'd just like a clarification. The difference between this and Bill C-23 is that we were dissenting when the majority was in favour. In this case, the majority of us are opposed so that can't come back before the House of Commons.

The Chair: I'm sorry, Mr. Lessard, you aren't a dissenting majority. In fact, it would appear to be up to the Chair to vote, something I don't particularly want. I'd like committee members themselves to vote. That's why I'm coming back to

[English]

Mr. Lessard's argument is that we should actually vote on every single clause.

I proposed that we carry on with Bill C-22, as we did for Bill C-23 and as we did for the first three that we voted on. When I asked whether a clause should carry, people said yes, and I said that was fine. Then somebody said on division, and we noted the division. That is what I proposed.

I understand that Mr. Lessard would like to have an actual vote on each one of the clauses. That's fine. We'll raise our hands for each clause.

Mr. Lessard, shall we go back then for clause 2?

• (1115)

Mr. Paul Forseth: No, you can't. You can't go back. It's done.

The Chair: All right.

We're still at clause 5. We have an amendment from the NDP called NDP-1, clause 5.

I would like to draw your attention to something that is very important. The proposed amendment was brought in within 48 hours, so there's no problem with it. However, there is an amendment on the amendment that is proposed by Mr. Martin.

I beg your pardon, I'm on the wrong one. I should be doing NDP-1.

NDP-1 is where the NDP has asked that Bill C-22, clause 5, be amended by adding after line 27, on page 2, the following: "(3) In this section, "social development...", and then there are 3(a), 3(b), 3(c), and 3(d).

Discussion, Mr. Martin.

Mr. Tony Martin: Do you want me to read that into the record?

The Chair: I can read it into the record if you like, yes.

Mr. Tony Martin: No, it's just that I was saying—

The Chair: It doesn't have to be since it's in front of us. But you can certainly argue for your amendment, Mr. Martin, if you wish.

Mr. Tony Martin: Since we're establishing this new ministry and it provides such a wonderful opportunity for us to do some really important things in our communities—and actually I've sensed some anticipation and expectation out there that this ministry will actually deliver on some very unique and wonderful challenges and opportunities—I think we should be more definitive in the bill. We should make sure that this in fact happens and that we give guidance from here to the House and to the ministry, so that at the end of the day we end up with an approach to social development that is in keeping with those values that we all embrace as Canadians. This set of amendments will go a long way to actually defining some of the work that this ministry should and could be doing.

The Chair: Thank you.

Mr. Forseth.

Mr. Paul Forseth: Thank you.

The speaker just talked about defining. Well, in the bill it says “with a view to promoting social well-being and income security”. Then, to add further definition, he talks about “develops social policy on a holistic and communal basis”. Well, what in the world does “holistic and “communal basis” mean in law? If anything, that adds a lot of fog and a lot of mist to the definition rather than trying to add specificity and clarity.

I just don't think those kinds of terms are appropriate for a piece of legislation. They are appropriate for a speech, but not a statute. When I read this, it looks like something coming out of perhaps a socialist speech, or whatever, but it's not appropriate for the making of a bill.

The Chair: Excuse me, Mr. Forseth. Are you referring to paragraph (d) only, or are you referring to the entire proposal?

Mr. Paul Forseth: The whole proposal. But I cite the specific examples because the argument made in favour of the amendment was to add further definition and clarity. And what he's done is throw in other generic terms that have absolutely no definition at all. So I'm arguing against the amendment because it does not deliver what is argued.

[*Translation*]

The Chair: Thank you.

Ms. Gagnon.

Gagnon, Christiane Member : I oppose this amendment. I'd like to go back to subclause 5(1), which states:

5.(1) The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction relating to the social development of Canada and which are not by law assigned to any other Minister, department, board or agency of the Government of Canada.

In the proposed amendments to 5(3)(a), (b) and (c) in NDP-1, the minister's powers, duties and functions are increased relative to the purpose of the new Department of Social Development.

The Bloc Québécois opposes the wording of this amendment. It would permit too much interference in other areas of jurisdiction. We note a lot of intrusions into the provinces' areas of jurisdiction. Agreements have previously been reached with regard to Quebec, and I find this amendment contradicts subclause 5(1).

• (1120)

The Chair: Thank you.

Mr. Komarnicki.

[*English*]

Mr. Martin is at the very end.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you.

The danger of trying to be specific is that you may tend to miss some things, and when you have a general statement it gives a minister a lot of leeway as to what falls under that umbrella. And once you start getting into specifics, the danger is you may miss something, and it's certainly not the function of this committee to get into the specificity of what a minister may do. And if you do, it's going to be a very long and lengthy process. So I would oppose it for that reason alone.

The Chair: Any other comments?

Mr. Martin.

Mr. Tony Martin: In response to those comments, I think it's time that we as a nation begin to define more clearly how we will relate to each other and what supports we will put in place to make sure everybody is able to participate, and particularly to look after those who are at risk and perhaps marginalized.

I put these amendments together in cooperation with a significant number of practitioners out across the country who are looking at social development and are seeing this moment, this new ministry being developed, as an opportunity to actually begin to do some things that have fallen off the table over the last few years.

You all know the history of CAP being wound down and moving to the health and social transfer. Now there are two transfers, the health transfer and the social transfer. The health transfer is very clearly defined, what it will be spent on, what the rules and regulations will be, and there is now even a council established, flowing from the Romanow report, that calls for certain accountability on those moneys.

I think the social development side of this, which actually has some significant ramifications for the health side, if you read any of the work that has been done, to define the determinants of health, is very much connected. That's why we use some of the words that we use in these amendments. In fact, we do need to be more definitive and clearer, while still allowing the minister the freedom within that to do the right thing. Some of the terms here may present to some as new and not defined or understandable, but they certainly are terms that are being used out there across the country by professionals in community development to define certain and specific things.

So I would just make that argument, then, and encourage members around the table to think hard about this—we don't have long—and perhaps find a way to support defining the duties of this ministry and this minister in this way.

The Chair: Thank you, Mr. Martin.

I think everyone who wanted to has given his or her opinion. Let us come to a vote on amendment NDP-1, with a show of hands.

(Amendment negatived [See *Minutes of Proceedings*])

(Clause 5 agreed to)

• (1125)

The Chair: Shall clause 6 carry?

Do you want to raise your hand again on clause 6? Please raise your hand. It has been asked for.

[*Translation*]

I beg your pardon, Ms. Gagnon?

Gagnon, Christiane Member : You say we agree on which clause?

The Chair: You asked for a show of hands for each of the votes. That's what I'm doing.

Gagnon, Christiane Member : All right.

The Chair: I call the vote on clause 6. Those in favour of clause 6 raise their hands please.

[English]

Hon. Eleni Bakopanos: I think you'd better clarify that, Madam Chair.

The Chair: Let us be very clear once again. Certain members have asked that whenever there is clause that has not been discussed, in spite of that, we ask for a show of hands for each of the clauses. That is what I'm doing with clause 6, so that instead of just saying yes, and then I say, fine, carried, or no, refused, I ask for a show of hands and you raise your hand according to whether you want it to be carried or not. Is that clear for everyone?

So I'm asking for a show of hands on clause 6.

Shall clause 6 carry? Please raise your hand if you are in favour of clause 6.

(Clause 6 agreed to)

(On clause 7—*Programs*)

The Chair: We will deal with BQ-1 first. BQ-1 is proposed by Madame Gagnon

[Translation]

She moves that Bill C-22, in Clause 7, be amended by replacing line 38 on page 2 with the following:

7.(1) The Minister, may with the agreement of the provinces, in exercising the

Ms. Gagnon, do you want to speak to this amendment?

Gagnon, Christiane Member : The purpose of this amendment is to ensure that the provinces collaborate with each other on all the powers, duties and functions the minister will have in relation to the various programs designed to provide support. We know perfectly well that the provinces must agree and that the minister cannot impose his views or directives on the basis of the duties assigned to him by the creation of a new department.

[English]

The Chair: Does anyone else want to intervene?

Mr. Forseth, go ahead, *ensuite* Monsieur Komarnicki.

Mr. Paul Forseth: Yes, I would like perhaps some comment from our experts as to whether they would have any concerns if this amendment were changed to say, “the Minister may, in consultation with the provinces”. At least that might be something worth exploring. But to require agreement with the provinces is unreasonable. It would be hamstringing the whole operation, and that would be impossible.

The spirit behind it is appropriate, I think, and regardless of whether it's in law or not, we know that in the context we're in we always have to consult. Our various ministries are in consultation, the experts are on the same newsgroups, and the policy wonks of the various topic levels are in communication all the time. But it might say, as a friendly amendment to this, “the Minister may, in consultation with the provinces”.

I would just like some comment from the end of the table about that possibility.

The Chair: Madame Bakopanos.

Hon. Eleni Bakopanos: Thank you, Madam Chair, I will speak to that.

Paragraph 6(b) actually covers exactly what Mr. Forseth is referring to, where it says, “cooperate with provincial authorities with a view to coordinating efforts for social development”. That totally covers the issue of collaboration and coordination.

What this amendment proposes in fact is to not allow the Minister of Social Development to actually establish and implement his own mandate, which was given to him through Parliament itself. It's fully within the jurisdiction of the minister right now to enter into such agreements, so it's not a matter of boxing him in. But as I said, paragraph 6(b) does cover the possibility. We already have as an example the multilateral framework for labour market agreements, which covers those types of collaborated efforts.

• (1130)

The Chair: Thank you, Madame Bakopanos.

Madame Gagnon.

[Translation]

Gagnon, Christiane Member : We're often told in the House that we have to respect the jurisdictions of the provinces and that the consent of the provinces, at least that of Quebec, is a precondition, particularly if the provinces' responsibilities are being encroached upon. So the provinces have to consent, or else it's a [*Inaudible—Editor*] on opting out with full compensation.

It seems to me that, if we want to be consistent with what is repeated to us in the House with regard to policy, this has to be clearly stated in the act. This will define the minister's mandate in relation to the provinces. I maintain it.

The Chair: You maintain the wording.

Gagnon, Christiane Member : If I had wanted to collaborate, it was already there. We wanted to see whether the political parties were consistent when they talk about respecting the provinces' areas of jurisdiction. Collaborating with the provinces is too much. We know what that means, but we want more than that. We want to ensure there is an agreement with the provinces before a program is presented.

The Chair: Very well.

Mr. Komarnicki.

[English]

Mr. Ed Komarnicki: My sense is that the minister can do what the minister can do. It's a jurisdictional matter, and there are certain areas of jurisdiction that fall to the federal area and certain that fall to the provincial area. Each is autonomous, and you can't bind one or the other. But if the federal government proposes to enter into a field that's provincial by nature, they'll have to consult and deal with the provinces, or that issue won't be respected. There are court systems and other systems that could resolve the matter if there were a conflict.

So I don't think you want to deal with a clause such as this, which really hamstring a federal minister in federal matters. If he needed agreement of the province to deal in those areas...[Inaudible] So I think it wouldn't be our job to do that. I think paragraph 6(b) sets out the intent and spirit of the fact that if you're going to encroach on somebody else's jurisdiction you will want their cooperation or consent, because you can't otherwise do it. That's the way federalism has worked, and I don't think we want to change it in this committee.

The Chair: Thank you.

Monsieur Lessard.

[Translation]

Mr. Yves Lessard: I'm reconsidering Mr. Komarnicki's remarks. He raised the same problem as my colleague Ms. Gagnon when he talked about collaboration and consent between the parties. He drew a clear distinction between the two, and, considering that, the amendment is entirely appropriate. So it's not fair to say this will be done as if by magic.

An hon. member: It's not magic.

Mr. Yves Lessard: That's correct. Collaborating implies implementing things that are already the prerogative of each of the respective jurisdictions. However, when it comes to implementing new programs—and Ms. Gagnon mentioned this earlier—an agreement has to be reached to ensure the areas of jurisdiction are respected, that there is no interference.

That's also the wish of the House. As you'll remember, at the time of the Throne Speech, a power relationship became apparent between the parties, which subsequently reached a compromise that the jurisdictions of the provinces would have to be taken into consideration and respected. It's this aspect that we think has to appear here. That's what's underlying the amendment. If our colleagues' concern isn't warranted, there's no need to use the real terms.

The Chair: Thank you.

Mr. Forseth.

[English]

Mr. Paul Forseth: I'm looking at this amendment, but also it is tied to the next Bloc amendment. This particular amendment introduces a subclause 7(1) for the reason that they want to introduce a subclause 7(2) related to the same issue.

In the last election, our party tried to draw some distinction that we would shift the boundary to provide somewhat greater emphasis to provincial rights and jurisdiction, and greater respect for that. We had a bit of a national conversation about that. But we also recognized that we don't have an ironclad wall between what is provincial and what is federal. There is also, legitimately and legally, shared responsibility. There's some overlap, where both have legal and constitutional authority in the same area. Some responsibilities are purely provincial, some are purely federal, and some are shared.

I just don't accept the kind of nuances people are trying to put on this bill. If anything, it hardens lines rather than promoting cooperation. I don't think we'll be supporting either this amendment or the next one.

•(1135)

The Chair: Thank you, Mr. Forseth.

I've heard arguments from all sides now.

On BQ-1, that is the amendment on line 38 in English, page 2.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We now go to the next amendment, which is BQ-2.

I am advised that this amendment is not admissible. It does require a recommendation, not because the amount of money might be changed, or would be changed, but because the terms and conditions under which this money would be spent would themselves change. The amendment is deemed non-admissible.

We'll go now to Madame Gagnon.

[Translation]

Gagnon, Christiane Member : Our specialist tells us this doesn't entail a transfer of additional votes. So I don't see in what way this amendment is inadmissible.

The Chair: As I just said, the amounts might not be different. In fact, the question here is how these amounts would be divided. Here you're talking about "the portion of the grants and contributions that the Minister would have provided". That implies that the amounts could be divided differently if this amendment were not adopted. The division of compensation also requires royal recommendation.

[English]

Mr. Forseth.

Mr. Paul Forseth: Thank you.

In view of the challenges to the chair, and mindful of the information and advice we received that this does involve a royal recommendation, I would suggest that we simply call the vote on the matter. Then the committee has clearly spoken to the issue, and it protects the chair from a challenge.

The Chair: I'm advised that no vote is called on this issue, because it is deemed non-receivable.

Mr. Paul Forseth: All right.

The Chair: I understand what you're doing, Mr. Forseth, and I appreciate it, but...

Monsieur Lessard.

[Translation]

Mr. Yves Lessard: Madam Chair, we're going to appeal your decision for the same reasons as were mentioned today in the House. We don't share your view on this matter, with all due respect for your opinion.

The Chair: That's not a problem for me, Mr. Lessard. You're fully entitled to do so.

I would simply like to emphasize for committee members as a whole that I'm accompanied by the legislative clerk, who is extremely competent in the field, who has been doing this job for years and who advises me on the opinions and decisions the Chair should have and make on points that may be discussed. It's the decision of the Chair, of course, but the Chair's decision is emphasized, assisted, supported and, in some cases, even initiated by our clerk.

Over to you, Mr. Forseth.

[English]

Mr. Paul Forseth: Could we receive some advice? You've made a ruling, but isn't the first step to have the committee hear a vote whether we sustain your ruling or not, and then if someone wants to take it further, they could go to the House?

I've laid out my question.

•(1140)

[Translation]

The Chair: Mr. Lessard, it seems you requested a vote. You're appealing from committee members' decision, is that correct?

Mr. Yves Lessard: I'd like to add this, Madam Chair, so there is no ambiguity or misunderstanding about the clerk's competence, which we acknowledge. We are entirely familiar with the competence and discipline she displays in her work. Now it should also be kept in mind that the lower courts, particularly the civil courts, sometimes make mistakes. That's why we have a Supreme Court. That's the same logic as is being applied here, Madam Chair. This takes nothing away from Madam's authority or opinions.

The Chair: Very well.

Mr. Adams, over to you.

[English]

Hon. Peter Adams (Peterborough, Lib.): Madam Chair, we would have no objection to a vote in support of the chair's ruling.

[Translation]

The Chair: Thank you. We'll now move on to the vote in support of the decision of the Chair.

[English]

Those in favour of the decision of the chair, please raise your hand. Those against?

Thank you very much. Thank you for your support.

[Translation]

Gagnon, Christiane Member : Madam Chair.

The Chair: Yes, Ms. Gagnon.

Gagnon, Christiane Member : May I introduce an amendment to this amendment?

The Chair: Do you want to do that for BQ-2, Ms. Gagnon?

Gagnon, Christiane Member : Yes.

[English]

Mr. Paul Forseth: We can't amend what's never been received.

The Chair: It's not receivable; it's no longer receivable.

[Translation]

Ms. Gagnon, I'm told that this amendment no longer exists at this time. You must now introduce a new amendment and do so within the 48-hour time period established by this committee, unless you obtain the unanimous consent of the members of this committee.

Gagnon, Christiane Member : I know we can't reverse the decision, but I believe we're within our rights and that this motion is admissible. It was admissible in its wording and that doesn't require redoing the entire process.

The Chair: What do you intend to do, Ms. Gagnon?

Gagnon, Christiane Member : I feel this is an infringement of our right to introduce this amendment, which we think is entirely admissible. It doesn't require any additional money.

The Chair: Do you want to come back to the amendment? There's just been a vote, Ms. Gagnon, by all the members of this committee. It's already been decided, Ms. Gagnon.

Gagnon, Christiane Member : We're going to appeal to the Speaker of the House of Commons.

The Chair: You're entirely entitled to do so.

I thought we were talking about the amendment, in this case about what you called the amendment to the amendment. The decision I've just made concerned that, Ms. Gagnon. As the amendment was not deemed admissible, you'll have to introduce a new one. Notice of 48 hours should then be given, unless you obtain the unanimous consent of the committee members.

Gagnon, Christiane Member : I could request it, indeed.

The Chair: Ms. Gagnon, could you give us the wording of your new amendment?

Gagnon, Christiane Member : In my opinion, what might be disputed follows "...une compensation financière sans condition égale à la fraction des subventions..." We could delete that part, right up to the word "province".

The Chair: Starting with what word?

Gagnon, Christiane Member : Starting with the word "égale" and up to the word "province".

The Chair: So the amendment would read as follows:

(2) Le ministre verse à toute province qui refuse de donner son accord à un programme une compensation financière sans condition.

Is that correct, Ms. Gagnon?

Gagnon, Christiane Member : Yes.

The Chair: In English, it would read as follows:

[English]

The Minister shall provide, to every province that refuses to give its agreement for a program, unconditional financial compensation

That would be the end of the proposed amendment by Madame Gagnon. Is that clear?

Now, I will ask for unanimous consent for Madame Gagnon to present this amendment.

It is out of order. Our legislative clerk will explain to you why this proposition is out of order.

•(1145)

Ms. Susan Baldwin (Procedural Clerk): The proposed change to the first amendment creates the same problem. A royal recommendation is required to spend money from the consolidated revenue fund, but there's a little more to it than being simply that straightforward. The royal recommendation to this bill—and it would be the same with all bills—says that the money can be spent in the ways designated in this bill. The minister then has the authorization by this bill to spend money from the consolidated revenue fund in a specific fashion on the various programs in the bill.

If you take that and say, no, if the province doesn't want to do that, then we'll give it the same amount of money anyway, that means you completely and utterly change the terms and conditions under which this royal recommendation allows this minister to spend the money on these programs and it would require an additional royal recommendation. It's not only the amount of money being spent that requires a royal recommendation, but also the terms and conditions listed for how that money is spent.

[*Translation*]

The Chair: Mr. Lessard.

Mr. Yves Lessard: I'd like the clerk to explain to us how her position is consistent with the fact that, under the Standing Orders, we can't spend more money. Ms. Gagnon's motion doesn't have the effect of spending new money: the provinces would receive compensation out of money already granted under the act, not out of new votes.

[*English*]

Ms. Susan Baldwin: It is true that this amendment would not spend more money. Nevertheless, although that's certainly one of the criteria, it's not the only one. It would be the major one for amendments requiring a royal recommendation. But as well as not spending more money, they cannot completely and utterly change the terms and conditions or the objectives of how that money is spent, and this amendment is a complete change to how the money is spent. It's not just a question of the sum of money spent; it is also a question of how and under what terms and conditions it is spent. The first amendment and the second proposed amendment fail to meet the same test, and that is, they change the terms and conditions on how the money is spent very significantly.

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I'll just add a little bit to the debate, for no particular reason, just to point out that this particular amendment is dependent on the first one, which has been struck.

Hon. Eleni Bakopanos: That's right.

Mr. Ed Komarnicki: Essentially, if there was no agreement, you couldn't spend the money, and this says you can, so it is very much what you say it is. It's an improper motion to begin with and shouldn't even require a vote on our part, and I agree with that.

The Chair: Mr. Adams.

Hon. Peter Adams: Madam Chair, I'm very sympathetic to debate, and as this bill is a major change in government that was initiated by this committee, I think it's very important for us to discuss it in great detail. But in my view, we're getting very close to a

proxy debate for challenging a decision of the chair, and that is something that is not normal. Colleagues can appeal to the Speaker, but we cannot and should not sit here and use arguments that are in fact attempts to challenge the chair, and I would suggest that's what we're doing.

Hon. Eleni Bakopanos: That's right.

The Chair: Thank you, Mr. Adams.

I get the feeling that we would like to have a vote—well, not a vote, actually. It has been deemed.... So this new proposed amendment from Madame Gagnon—

Hon. Eleni Bakopanos: It wasn't even voted on to be discussed.

The Chair: Well, I'm not voting on it. It has been deemed non-receivable.

We'll now move on to the next stage.

[*Translation*]

As regards this second amendment, Ms. Gagnon is appealing from the Chair's decision.

[*English*]

Madame Gagnon, I'd like to come back to this new amendment you wanted to present, and this is what you're repeating.

[*Translation*]

I'd like to remind you that we agreed at the second meeting that an amendment was to be received 48 hours in advance, except where the committee's unanimous consent was obtained. That's not the case here, Ms. Gagnon. The amendment is therefore inadmissible.

I'll hear only one final comment. Go ahead, Mr. Lessard.

•(1150)

Mr. Yves Lessard: Madam Chair, I'd like to point out that we're not talking about an amendment here, but about an amendment to an amendment. It's possible and even likely that your decision is correct, but I believe that taking your view would be tantamount to saying that, if Ms. Gagnon's amendment proved to be of interest to the House of Commons, not even another party would be able to amend it. It seems to me we can't be compelled to limit ourselves to one party's amendment.

The Chair: Mr. Lessard, I'd like to remind you that we all voted in favour of a 48-hour limit last week. This amendment was put before the members of this committee within the 48-hour period permitted. My decision is based on the vote by all the members of this committee, not on the content of the amendment or the amendment to the amendment.

So if you want to appeal from this decision, that's your right.

Gagnon, Christiane Member : I'd like to do so.

The Chair: You still intend to appeal? All right.

Gagnon, Christiane Member : Thank you.

The Chair: We'll continue.

Mr. Adams.

[*English*]

Yes, Mr. Adams.

Hon. Peter Adams: I absolutely don't want to prolong it, but there's a difference between the two appeals. The first one was an appeal with respect to a decision you actually made on an amendment that was formally before the committee. The second one—and the Bloc is perfectly entitled to appeal to the Speaker on it—dealt with a piece of business that was not officially before us. I'd simply like to note that now, just as I'm sure we will note it in the argument in the House of Commons.

The Chair: Thank you very much, Mr. Adams, for underlining that.

We are at clause 7. Shall clause 7 carry?

Mr. Tony Martin: I have an amendment.

The Chair: Yours is new clause 7.1, Mr. Martin?

Mr. Tony Martin: Yes.

The Chair: Immediately after we've accepted clause 7 as is, we can add new clause 7.1 if the members so wish.

Mr. Tony Martin: All right.

The Chair: I've not forgotten.

(Clause 7 agreed to)

The Chair: We'll now deal with NDP-2. Let me tell you that there have been new developments on NDP-2. You have before you NDP-2, which has been proposed by Mr. Martin within the required time limits. However, within the 48 hours Mr. Martin has proposed a new clause that differs from NDP-2 in only one instance: at subparagraph (v), which reads in his original amendment: "includes a gender and race analysis of existing and future social policy initiatives". This would be changed in the new amendment that has just been received by the following: "includes comparative analysis of the impact of social policies on the various groups that comprise Canadian society".

So the words "gender and race" have been removed and have been replaced by, "the impact of social policies on the various groups".

This is a subamendment that has been received within 48 hours of this meeting, so I need unanimous consent for this new subparagraph (v) to be accepted by this committee. I need a vote on this.

• (1155)

Mr. Paul Forseth: You should ask if there are any objections.

The Chair: Are there any objections to new subparagraph (v) being accepted by the members of this committee? Then we can go on to the full amendment as proposed by Mr. Martin. Any objections? We do not have unanimous consent, I'm sorry.

We don't need unanimous consent? I thought we did.

I am advised, ladies and gentlemen, colleagues, that no unanimous consent is required to change subparagraph (v) of Mr. Martin's amendment, and that we have taken due note of Madame Gagnon being against this, but that the majority has accepted new subparagraph (v).

So subparagraph (v) in the new amended motion will now be replacing the subparagraph (v) in the old amendment.

Will someone move that subparagraph (v), which reads in English, "includes comparative analysis of the impact of social policies on the various groups that comprise Canadian society"...?

Hon. Peter Adams: I will so move.

The Chair: Thank you.

Now, do we need a vote on this, or is this all right?

Hon. Peter Adams: We were voting on the—

The Chair: It's changed. That's fine.

So we're now with amendment NDP-2, which you have in front of you, with a change at subparagraph 7.1(b)(v) of that amendment.

Mr. Martin, do you wish to speak on this?

Mr. Tony Martin: Yes, I do.

Again, thank you for the little victory here. It's like the one shot in the golf game that I usually get that keeps me coming back for the next game or the next round. So I appreciate that.

This, for me, is a very important amendment in terms of what's happening out there in our communities across the country today. More and more, there is a drift to individual responsibility, focusing on the individual, challenging the individual, asking the individual to look after himself or herself, and we're finding that the result of that is the deterioration of that very wonderful social fabric that so many of our predecessors worked so hard to put in place, the social safety net that catches so many of our at-risk and marginalized citizens.

I need to mention no other than the Prime Ministers of this country, Pearson and Trudeau, who were so committed to this notion of community, of working together as a community, of people looking after each other, the responsibility that we have for each other. So these amendments, the previous ones that got defeated and this one now, speak to putting in place some very definite direction for the ministry and the minister in terms of how we build community, how we understand what's going on in community, and how we support community in its effort to support the individuals who actually live within that community.

It even talks about the integration of social and economic strategies. Quebec has shown itself to be way ahead of the rest of the country on many of these fronts and has done some very progressive and exciting work in the area of, for example, the social economy and supporting communities, putting in place social investment vehicles that are infrastructure in making sure that all of the people who call themselves Canadian citizens, who call Canada home, have access to supports and programs and opportunities to better themselves and, in turn, to better the communities and the country in which they live.

So I make this amendment with that in mind and, again, having spoken to practitioners out there in the field who feel very strongly that in fact this ministry, if it is actually going to do the job that everybody anticipates it might have the potential to do, needs to be defined more clearly. The mission needs to be there, or else we'll continue on this kind of meandering road of bits and pieces and support for individuals, or support for a group of people, perhaps, if the political climate is right, or whatever, but there would be no real comprehensive plan for the country where social development is concerned that includes the support of communities and communities of people.

So if the chair wouldn't mind, I want to ask the witnesses who are here today why they didn't put a definition and a mission statement into this in the first place, and what objection they would have to including a piece such as the one I'm proposing here by way of amendment.

● (1200)

The Chair: Thank you.

Next I have Mr. Lessard, and then Madame Gagnon.

Madame Bakopanos, did you wish to speak?

Hon. Eleni Bakopanos: No, I'll hear the others, and then we'll answer Mr. Martin.

The Chair: Fine.

Monsieur Lessard.

[*Translation*]

Mr. Yves Lessard: Before starting, Madam Chair, can you confirm for me that I'm not off point? Are we in fact discussing the entire amendment to add a new clause 7.1?

The Chair: That's correct.

Mr. Yves Lessard: In a single block.

The Chair: Yes. You may decide to debate a part of it, but, for the moment, we've changed point 5.

Mr. Yves Lessard: Yes.

The Chair: The debate therefore concerns the amendment as a whole.

Mr. Yves Lessard: Madam Chair, the argument of our NDP colleague goes against the philosophy of his amendment. In it, we find a concern to protect the jurisdictions of the provinces, whereas the amendment sweeps away a number of responsibilities that fall to the provinces: the issue of illness which comes under employment; housing, which is a shared responsibility between the federal government and the provinces; the matter of the family, which is also a shared responsibility; and social protection. This amendment opens a significant breach in the provinces' areas of jurisdiction, leaving the provinces vulnerable to an invasion of their responsibilities. We therefore cannot support this amendment.

The Chair: Thank you, Mr. Lessard.

Ms. Gagnon, over to you.

Gagnon, Christiane Member : I'm going to go my colleague one better. I don't see how all these amendments and motions could be included in the bill. If I come back to subclause 5(1) concerning the powers, duties and functions of the minister, those powers, duties

and functions must not overlap those of other ministers. I believe that goes beyond the mission of the Department of Social Development.

I'd also like to recall that we're mainly talking about objectives, programs. The social development mission falls within the Department of Human Resources and within the Department of Social Development. We have all that and it's ultimately found in all the departments that have a specific mission. I believe they're outlined better in terms of responsibilities than if they appear in a bill. I'm opposed to these amendments.

There have also been agreements with the provinces on social protection in various areas of activity. We've had an agreement on health. We've reached agreements on certain aspects raised by the NDP member. For those reasons, we'll oppose all the amendments presented here today.

● (1205)

The Chair: Are there any other speakers? Thank you. So I'll call the vote on amendment NDP-2, as amended.

Mr. Martin.

[*English*]

Mr. Tony Martin: I want to speak again. I also want to hear from the witnesses here as to why they didn't include a definition and a mission statement in the first place, defining the mission of social development, the meaning of social development, and the communal and collective dimension of social policy. Why wasn't that put into this bill in the first place?

If you don't mind, I'd like to respond to the comments made by the Bloc this morning. I guess I'm not surprised, but I'm disappointed, because if there's one thing I felt from Quebec and the politics of Quebec, it was this really genuine and sincere concern about the community, about supporting community, about people looking after each other. I thought this would be an excellent opportunity for them to share with the rest of the country those values, that approach, those principles, and if we were to somehow get them into this piece of legislation, that in fact would happen.

Over the years I've met with some folks from Quebec, in my role as member of Parliament in Ontario, to try to see if there weren't some things we could begin to do together, particularly to enhance the situation for those most at risk and marginalized in our communities. That's why I came to politics in the first place.

I met with those in some of the social movements in Quebec. It seemed to me that on the issues of social development, looking after people, looking after ourselves, and supporting those most at risk and marginalized in our communities, we were on the same page; we had the same philosophy and approach.

So to not want to put in place programs that are reflected when something is federally driven, where you have the real money, where you have some significant resources to actually do those things for everybody—caring for people, caring for each other, and building community.... It's not a provincial jurisdiction, it's not even a national jurisdiction; it's a universal jurisdiction, something we should be doing for ourselves as a global community.

So to always throw this little provincial jurisdiction fly in the ointment, in opposition to a very sincere attempt to get this ministry moving in a direction that would see them committed to the communal development of programs for all Canadians, particularly those who are at risk, but even those who aren't at risk, to maximize all of our potential as human beings collectively, to play a role on that international/national scene so that we're can actually be successful there, Chair...

I would like to hear from the witnesses here this morning, if you don't mind. They are giving up their very valuable time to be with us.

Why wouldn't you have added this in the first place, or am I missing something?

The Chair: Before I give members the floor, I would ask for respect on the part of all the members of this committee. I think every time someone has spoken we've listened with a great deal of respect. I would like that to continue, please.

Hon. Eleni Bakopanos: I will say a few things, and perhaps Mr. Hicks or someone else would like to add something.

I think, Mr. Martin, you in fact asked the minister that question. The minister answered you very clearly that clause 7 in fact gives express authority for everything you covered, but you're trying to be very limited and too prescriptive in terms of what you're actually offering in terms of the scope of this bill. For example, what if in the future there's a program that doesn't fit within what you've already limited the minister to?

Also, a lot of what you've said is covered—as was said by both the Conservative members and others—in the types of arrangements we make federally and provincially in terms of paragraph 6(b), which covers that clause I've already raised.

So this goes beyond what is within the scope of the bill; and secondly, it's too prescriptive and too limiting in terms of the types of specific actions you want on the part of the minister. And his authority, as I said, and his mandate are expressed in clause 7.

• (1210)

The Chair: Thank you.

[*Translation*]

Gagnon, Christiane Member : I've had the time to calm down. I feel our NDP colleague has gone a little far this morning in accusing us of posing as saints in our objectives to help the community.

I'm trying to bring the discussion back to the reality of what's going on in Quebec. We work together on the parental leave and day care files. Quebec has helped you move forward and helped you put pressure on the government with regard to day care centres.

At the same time, some social development responsibilities very clearly fall to the provinces; they fall within their areas of jurisdiction. Quebec is assuming its responsibilities. I don't want a bill to be too limiting or for us to have our hands tied. We wouldn't have the right to say we disagree. You have to stop putting your head in the sand. I may be a saint, but you may have your head in the sand. You don't even see that a centralizing Canada doesn't work. It doesn't work. That's why we've gone through a difficult time in Quebec. I think we need a bill that's flexible. That's why we're going to vote against it. If we do what you propose, it will collide head on

with everything that's being done in Quebec. The NDP doesn't get 50 percent of the vote in my riding. Pardon me, but I've answered.

The Chair: If people speak to each other with respect and respect what the others say, I have no objection, Ms. Gagnon.

Mr. Lessard, over to you.

Mr. Yves Lessard: Madam Chair, I think the NDP is being faced with its own contradictions. It wants to have the federal government solve problems that are related to responsibilities that fall to the provinces. In so doing, it begs comparisons between what's being done in other provinces and what's being done in Quebec. The only way to solve this problem is definitely not to ask the federal government to invade the jurisdictions of the provinces. Instead it must be ensure that the money the provinces give to the federal government for responsibilities shouldered by the provinces returns to the provinces and that what concerns Quebec returns to Quebec. That's the stance and the position the NDP should adopt. Unfortunately, the NDP itself is confronted with its actual political option, and that political philosophy is a dead end. You don't resolve that with amendments of this kind; they only aggravate the situation.

[*English*]

The Chair: Mr. Martin, do you wish to add anything?

Mr. Tony Martin: Yes, I do, and thank you very much.

I just want to say that perhaps if the members from the Bloc had been listening as opposed to interjecting, they would have heard that I didn't say that Quebec or anybody was being goody-goody. I said that Quebec had some excellent programs, has been very progressive in the way it delivers services to people, and that it might want to share that with the rest of the country in some ways.

This is the federal government here. We're all here to organize ourselves from a federal perspective, in front of the whole nation, to provide programs. I think there are some programs that need to be national in scope and nature, so that everybody who lives in this part of North America benefits from them. To somehow suggest that this is politically motivated confuses me.

I just want to say to Madam Bakopanos that in fact I think you contradict yourself in saying that this goes beyond the scope and yet is too prescriptive. How does that fit? How can it be beyond the scope and at the same time be too prescriptive?

I didn't ask that the first piece of clause 7 be withdrawn. It's still there. All of those things that the minister is allowed to do under it are still possible. I'm just saying that we need to focus our attention, and the attention of the minister and the ministry, on some of the things I've outlined in this amendment.

I'm not suggesting for a second that in the future, as life evolves and we find out how this ministry is going to work, we wouldn't be back at this table entertaining other amendments to make changes to the way this ministry operates, to things it does, or perhaps removing things that tie its hands or limits its ability to actually deliver.

At this point in our history, it seems—and I've said this before—that we're sliding down a path that puts individuals at the centre of our attention, that makes it the responsibility of individuals to look after themselves, when we know that in many instances, particularly where the at-risk and marginalized are concerned, they just don't have the resources; they don't have the wherewithal to really take advantage of those things they need to better themselves. We have a responsibility, as an intelligent civil society, to put in place supports and programs to build community around ourselves and others so that nobody falls off the cart or through the cracks.

As I said, we have done a wonderful job over a period of time now, under the direction of leaders such as Mike Pearson and Pierre Trudeau, to weave a fabric that defines us, that catches us when we fall off—the social safety net that supports us. All I'm saying is that in the establishment of this new ministry, perhaps we might want to entertain getting back to some of those values and principles, to this approach to creating society in Canada and supporting people towards their best aspirations.

Thank you.

•(1215)

The Chair: Thank you.

Mr. Martin, Monsieur Lessard, Madame Gagnon, I really do feel that all three of you have expressed your opinion on the subject. The only thing I would like to do before we come to the vote is to ask the parliamentary secretary to answer on this. I do feel that the three of you have had a great deal of time to express your opinion on this subject.

Madame Bakopanos.

Hon. Eleni Bakopanos: Just to clarify my point, because Mr. Martin did say I was in contradiction, I'm absolutely not in contradiction. I'll give him two examples.

First of all, the mandate and the programs that this ministry supports are in line with what he has said. That's exactly what the mandate is. Those are the programs we have to help all the people he insists we help. But I'll give him two examples that he insists we are not taking care of, in fact.

Providing a minimum level of income is outside the scope of this bill, Mr. Martin, and it's the same way with affordable health services. That's outside the scope of this bill. I can go on and on in terms of telling you specifically which it is. I think we had that discussion on your first amendment, so we're just reiterating what was already said on your first amendment. But those two are specific cases where you are asking us, as a committee, to do something that is outside of the scope of this bill.

The Chair: Thank you, Madame Bakopanos.

I will now come to the vote.

I have just made a statement, Mr. Martin, and I really do feel—

Mr. Tony Martin: We're at committee here, where we're apparently—I'm new to this place—allowed to speak our mind and be satisfied that we've had our say—

The Chair: In which case—

Mr. Tony Martin: And all I want to say is—

The Chair: No. I'm sorry if you want to add something, but Madame Gagnon is first. Monsieur Lessard also wants to say something, and then you will have your say, Mr. Martin.

Madame Gagnon.

[*Translation*]

Gagnon, Christiane Member : Our objectives are similar to those of the NDP: to provide better service to the general public, to families, to children, to people living under the poverty line. However, we don't advocate the same ways of doing that.

I want to respond to his criticism of us. We want a province to be stronger in fighting fiscal imbalance, for example. There are other ways to achieve the same ends. I'm here to talk about what Quebec is doing and about its consensus. If we set an example for certain provinces in the area of day care, hurray for us!

We don't agree with any expansion of the mission of the Department of Social Development because that's at cross purposes with what we're doing. We don't want this act for the provinces. The Canada Social Transfer has been reduced. There's also the fiscal imbalance, the Employment Insurance Fund, and I could name a number of other things. We don't fight our battles in the same way. That's my contribution this morning.

There is a consensus within Quebec society; national programs should not be centralized, but rather decentralized. I understand that might be a compromise between what we want, what the government wants and what the NDP would like.

We're not going to achieve an ideal this morning, but never doubt the objectives of the Bloc Québécois. I feel my mission, since I was elected 11 years ago, has been to defend my riding and social programs. I've even written a report on the social safety net and on the federal government's assistance and support in that regard. That report showed that the social safety net fell within the areas of jurisdiction of the provinces and the federal government. What is being proposed to us this morning is something else entirely. It's increased encroachment and a promise of perpetual disputes with the provinces. Some provinces want to go faster, others slower, and still others have different priorities. We should have a fairly flexible framework so that, as long as we're in the federal system, we can advance as well. What you're proposing to us this morning will force us to stick to our guns.

•(1220)

The Chair: Thank you.

Mr. Lessard.

Mr. Yves Lessard: I'd like our NDP colleague to understand clearly that his amendment involves frontline services that fall under provincial jurisdiction. That the federal government takes charge of them is not a problem. The problem stems from the fact that the federal government gives money to the provinces and to Quebec for them to discharge those responsibilities properly.

The Chair: Thank you, Mr. Lessard.

Mr. Martin.

[English]

Mr. Tony Martin: I've made all of the points I want to make. But we have three other Liberals here this morning who haven't spoken yet on this, and I was wondering if they had any thoughts on what I consider to be this very important issue.

Hon. Peter Adams: Madam Chair, from our point of view, we would call the vote. As I said before, there is passion on both sides here, but I don't think there is consensus, even over there, let alone around the table, and I think we should call the vote.

The Chair: Thank you very much, Mr. Adams.

I'll call the vote on amendment NDP-2, which is new clause 7.1.

(Amendment negated [See *Minutes of Proceedings*])

(Clauses 8 to 12 inclusive agreed to)

[Translation]

Mr. Yves Lessard: Madam Chair, may I suggest something to facilitate the procedure?

The Chair: Yes, Mr. Lessard.

Mr. Yves Lessard: I'm going to tell you why so it's clearly understood. Earlier I thought the signal the Conservative Party gave to show dissent meant that it was opposed. However, I see that the Conservatives are in favour. From now on, we would agree to say that it's carried on division.

The Chair: Thank you, Mr. Lessard.

[English]

Is that agreeable to everyone here in this committee?

Thank you. So we'll continue as such.

[Translation]

Thank you for your suggestion, Mr. Lessard.

[English]

(Clauses 13 to 29 inclusive agreed to on division)

(On clause 30—*Availability of information to provincial authorities*)

[Translation]

The Chair: We have before us amendment BQ-3 moved by the Bloc Québécois. Ms. Gagnon moves that Bill C-22, in Clause 30, be amended by replacing line 39 on page 8 with the following:

is satisfied that the information will be used for a purpose consistent with the purpose for which it was collected and the information is

Ms. Gagnon, do you wish to speak to this amendment?

• (1225)

Gagnon, Christiane Member : Yes. I know the Privacy Commissioner had sought an amendment to provide more protection for information that might be used. The officials who came and testified at that meeting told us that an amendment wasn't necessary because the protection codes in each department could be enough.

Once again I inquired with staff members at the Privacy Commission, who felt an amendment would be necessary to provide more protection for information, which may fluctuate from one

department to another or from one administrative branch to another. Incidentally I'd like to remind you that, this week, the Auditor General, in her report, deplored the fact that the federal government's computer system was not very secure with regard to information circulating in the departmental computer systems.

There are serious deficiencies in the computer system. It's a vulnerable system. Computer incidents have been on the increase for a number of years now. Authorities have cited a number of types of data, including online government data for which there apparently hasn't been enough protection for circulating information.

We were given another argument. We were told that, if I brought an amendment such as the one that was presented this morning, it could restrict the circulation of certain types of information between the departments.

Based on our research, this amendment would protect the information held by the Department of Social Development as well as information transfers.

The Chair: Ms. Bakopanos, over to you.

Hon. Eleni Bakopanos: First, I don't know whether the Auditor General's report deals with this type of case, Ms. Gagnon, but I'm going to ask Ms. Lalonde-Goldenberg to repeat the technical answer we were given in our hearings on preliminary consideration of the bill.

The Chair: Ms. Lalonde-Goldenberg, you have the floor.

Ms. Julie Lalonde-Goldenberg (General Counsel and Deputy Director, Legal Services, Department of Social Development): Ms. Gagnon, your amendment concerns information that may be made accessible to the provinces and foreign countries. It does not concern what is transmitted between departments. Consequently, an amendment to these provisions could not protect the manner in which this department shares...

Gagnon, Christiane Member : That's because there were deficiencies in your computer system. I know perfectly well there's no link, but that was an example.

• (1230)

Ms. Julie Lalonde-Goldenberg: There's no link, no.

Here we're talking precisely about provisions governing the disclosure of information to the provinces and foreign countries. They're consistent with the provisions of the Privacy Act. Your amendment uses the words "consistent with the purpose". That goes beyond what's already in the act governing personal information at the federal level. That's why we don't support the amendment.

Last time we also talked about the effect such an amendment might have on future disclosures to the provinces and foreign countries. There's a risk that this minister might not take initiatives, together with other provinces or countries, that would be necessary for the cooperation we discussed a little earlier.

As to the Privacy Commissioner's position, from what I know, the committee agreed to the same provisions two days ago in its consideration of the bill constituting the Department of Human Resources and Skills Development. I don't know the Privacy Commissioner's position on that bill relative to this one, but they're identical positions. I don't see how these changes or the proposed amendment could help protect information.

The Chair: Thank you.

Is there any further debate?

Mr. Adams, over to you.

[*English*]

Hon. Peter Adams: Madam Chair, I would like to comment on Christiane Gagnon's points about the Auditor General's report. I think it's something we should take very seriously.

I noticed the Auditor General mentioned, I think, 90 different regimes in the federal government where the systems should be strengthened. I think this committee, in its work on bills C-22 and C-23, is in fact doing very good work with respect to what the Auditor General was reporting on. We have collapsed five quite separate privacy and protection regimes into one, and I think that's a small step forward.

[*Translation*]

The Chair: Mr. Lessard, it's your turn.

Mr. Yves Lessard: Madam Chair, I'd like to come back to what Ms. Lalonde-Goldenberg correctly pointed out, that is to say that an equivalent amendment was not passed in the other case. I don't know how that could have escaped us, but if by chance we pass this amendment, I believe we'd have to make the two consistent with each other when we go to the House of Commons. However, it will be up to the House to do that at the appropriate time.

My point is this: I'm particularly concerned about the information that may be transmitted outside Canada. I believe Ms. Lalonde-Goldenberg is correct. Internally, between departments, I believe there may be safety valves, but it must be ensured that that is the case. For other Canadian services, we've seen...

The Chair: Do you mean outside the government?

Mr. Yves Lessard: This goes as far as outside the government. That's why our concern with regard to the transfer of information is fundamental. In quite recent events, we saw that the Canadian government transmitted—to the U.S. government, among others—information that had serious consequences for individuals. That caused major errors and hurt people for life. I believe you have examples of this in mind. People should be reminded of this and it must be ensured that the minister is convinced that such transfers will serve no other purposes than those for which that information was requested. That's why this amendment is entirely relevant and warranted.

The Chair: Thank you.

Ms. Gagnon.

Gagnon, Christiane Member : I think this amendment is really justified. You have to be convinced of that.

The Privacy Commissioner was somewhat unsatisfied when she was given the arguments concerning the departments' information protection code. According to our research, that information will now cross borders. We must therefore ensure greater protection.

I know there's no link with what the Auditor General raised in her report concerning the government's computer systems, but this leads us to be prudent, particularly since that information will be disclosed between countries and outside certain provinces.

Consequently, I maintain my argument that we should all agree to this amendment in order to show greater prudence and to ensure greater protection.

• (1235)

The Chair: Ms. Bakopanos.

Hon. Eleni Bakopanos: Ms. Gagnon, I'd like to raise two points.

First, we consulted the Commissioner before preparing this bill. She was very satisfied with what was proposed in it, when the bill had not yet been introduced in the House or in committee.

Second, I believe we made it very clear that we had no concerns on this side of the House. We don't want the public to be concerned once personal information is disclosed. I know that the minister and we, as members, are responsible for ensuring that all the measures are in place in the departments. I don't believe—and I refer to your example—that, in the context of the Auditor General's report, another department reported any deficiencies regarding information in circulation.

I'm going to ask Ms. Bélisle to say what measures are already in effect in the departments to ensure that information is not lost or transmitted to the wrong persons.

The Chair: Ms. Bélisle.

Ms. Johanne Bélisle (Director General, Corporate Planning, Horizontal Initiatives and International Relations, Department of Social Development): Adding this code of protection of personal information to the act establishing the department requires the department to ensure, in a transparent and coordinated manner, that all personal information is managed in accordance with the code's prescriptions. In fact, our department is already subject to the code set out in the Canada Pension Plan. That code, which has been in existence for a number of years and was modernized in 1998, governs the protection of personal information.

As you know, the Canada Pension Plan and Income Security Program have personal information on a large number of Canadians, and we already have procedures in place in this regard. Our department is used to taking the protection of personal information into account in its work.

The Chair: Thank you.

Ms. Gagnon.

Gagnon, Christiane Member : I simply wanted to come back to the process Ms. Bakopanos described to me a little earlier.

I know you worked in cooperation with the Privacy Commissioner. The bill was then drafted and we committee members then met with the Commissioner. In spite of everything, she continued to say—although perhaps not in the same words—that you hadn't met her expectations. She moreover reconsidered this provision, which did not appear in the bill.

I'm coming back to this today. If the Commissioner's remarks had been to the contrary, I would not have moved the amendment. I know she worked with you, but that was before the bill was drafted. You may not have taken into account certain aspects that were discussed with you at that time. For my part, I repeat this proposal, which was also shared by the Commissioner.

The Chair: With your permission, Mr. Lessard, I'm going to give Mr. Hicks the floor. He'll give us more details on these matters.

Mr. Hicks.

[*English*]

Mr. Peter Hicks (Assistant Deputy Minister, Policy and Strategic Direction, Assistant Deputy Minister's Office, Department of Social Development): I would just like to add a point of clarification, Madam Chair.

The issue that this particular amendment addresses is really only very loosely linked to access, privacy, the control of data, and sharing of data. The amendment goes to really quite a different topic. That is the topic of the situations in which we can share information, as Madame Lalonde-Goldenberg said, with provinces and other governments with respect to programs. We would never do that, for the reasons Madame Bélisle has indicated, unless they were under the regime of the privacy protection we've already talked about. There is no additional risk to privacy here.

The wording of the amendment is that in the future, if we have collected data relating to pensions or something like that, we couldn't share it with the provinces if, for example, they wished to set up a new program that would augment the pension program in some way, if they wanted to top up pensions or something like that. There'd be a risk that the courts would interpret it that we didn't collect the data for that purpose.

This is saying that when new things we can't anticipate arise, if they make sense and are legitimate, such as a province wishing to top up an existing federal program, or examples of that nature, we wouldn't be precluded.... The same level of protection of information that Madame Bélisle described—the code, the privacy, and the access—would apply completely. So there'd be no new risk to privacy.

So the amendment is really addressing quite a different topic. There is a real risk, mainly in the area of dealings with the provinces, that this would preclude certain sharing of data with the provinces.

• (1240)

The Chair: Madame Lalonde-Goldenberg.

Ms. Julie Lalonde-Goldenberg: I have just a little point of clarification.

Madame Gagnon talked about protecting the information, which this is all about. This provision as written says when we can give it to provinces and foreign states, and then it has a protection that goes

above and beyond what's seen. The protection says that once these organizations have received it—we're looking at subclause 29(3)—those organizations cannot make it available to anybody else unless the minister considers it advisable and the information is made available to someone else for the same purposes for which it was collected, upon the conditions agreed upon by the minister and the other government. Those are protections that are already enshrined in the wording of the provisions we are proposing.

On top of that, as you will see a little later, we have added a bite to these. This is not just saying what happens if you don't do this. There are some serious sanctions within this code that are not found in the Privacy Act, in terms of recrimination for people who use the information in a way that's not consistent with the protections that are enshrined here.

For those reasons, we feel that the protections you're talking about are sufficiently addressed.

The Chair: Thank you.

Monsieur Lessard.

[*Translation*]

Mr. Yves Lessard: Madam Chair, after what I've just heard, I see another reason to bring this amendment. This is much more disturbing that I thought. If fines are the only instrument we have to ensure that other organizations use information properly, it's quite disturbing. There are organizations that couldn't care less about fines, such as CSIS, the CIA, the U.S. Army, and I could name many others. There are people who, for reasons that would in fact appear reasonable, could solicit and receive information. After that, they wouldn't care about the fine.

This disturbs me even more when I see the resolve with which this amendment is being fought. The amendment is consistent with the concerns of this country's citizens, so that the information transmitted to the organizations responsible for the government is properly managed. If the minister himself has the prerogative of satisfying himself that the information will be used for a purpose consistent with the purpose for which it was collected, that opens a fairly broad field. From the moment the example that Mr. Hicks gave us is based on departments that provide the social safety net, it's consistent. In the case of organizations responsible for the public interest and for services to the public, it's consistent. However, in the case of organizations that are established with the flexibility and discretionary power to put the information to another use, it's not consistent.

Some families have been hurt for life. In the past two or three years, there have been flagrant cases in which the United States used information from Canada to take measures against people who did not deserve it. I could even cite you some cases here, in our country, in relation to CSIS.

What's reprehensible about saying that the minister will have to ensure that the information will be used for a purpose consistent with the purpose for which it was collected? He was given the information for reason *x*, not for any other reasons.

• (1245)

The Chair: Mr. D'Amours, go ahead.

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Madam Chair, at this point, I would like you to call the vote, please.

The Chair: We're calling the vote.

[*English*]

The amendment is BQ-3, the substitution on line 39, page 8.

(Amendment negatived)

[*Translation*]

The Chair: We now move on to amendment BQ-4, moved by Ms. Gagnon. She moves that Bill C-22 be amended by replacing lines 7 and 8 on page 9 with the following:

enforcement of a law if the Minister is satisfied that the information will be used for a purpose consistent with the purpose for which it was collected and the information is made

In fact, if I understand correctly, this amendment is entirely similar to the one just negatived, but perhaps I shouldn't offer an opinion.

Ms. Gagnon, do you wish to speak to this amendment?

Gagnon, Christiane Member : I find it a bit disappointing that the issue we're discussing is not well understood. The purpose of our amendment is to ensure protection for citizens. I believe my colleague Mr. Lessard has discussed that at length. It's being said that we're stuck with regard to the adoption of this amendment. How can wanting information to be used for a purpose consistent with the purpose for which it was collected be so threatening?

This provides a guideline for the transfer of information. It can't be exchanged for other purposes and can't be sent to places where it shouldn't go. I find it very disappointing to see our colleagues ready to give the minister free rein. The bill states:

...if the Minister considers it advisable and the information is made available subject to conditions agreed upon by the Minister and the government...

I think we have to go further than that. We're talking about citizens. This information belongs to the government, but within that, there will be information intended for citizens. There's information there. I don't understand how you can reject this amendment and allow the minister and the government all flexibility and completely abandon citizen rights and protection in this case.

I thought we could pass this amendment in view of the fact that the Privacy Commissioner emphasized this weakness in the bill. If I had met the Privacy Commissioner before the bill was drafted and she had said that everything was fine, it would have been different, but she did offer some caveats. Those caveats are still relevant. In addition, she probably sees a lapse in this. It can be seen that there have also been lapses in the case of other information transferred, where computer system protection left something to be desired. There are deficiencies. The Auditor General referred to these in her report.

As I said, why not be more prudent and ensure that the information conveyed from one government to another is conveyed in a context consistent with the purpose for which it was agreed that

this vehicle for the transfer of information should be created? I invite you to think about this and to reconsider your decision.

• (1250)

The Chair: Thank you.

Mr. Adams, over to you.

[*English*]

Hon. Peter Adams: Madam Chair, I agree with your interpretation that this is very similar to the previous amendment in its implications. In fact, I think it's virtually the same, and I think what's going to happen is we're going to hear the same arguments.

When the Privacy Commissioner was here it was quite a remarkable meeting, because for a person who's guarding the privacy of information in Canada, she came as close as such a person could to endorsing what was in this legislation. She said she had been consulted throughout. She said that in several areas the privacy provisions here were stronger than in the Privacy Act, which she wants to change.

I think, despite my colleague's comments, that the Privacy Commissioner approves of this legislation, and I would urge that we move on, because we have, in fact, just spent a considerable time discussing essentially this same amendment.

I would ask that we call a vote.

The Chair: The vote has been called, Mr. Lessard.

[*Translation*]

The vote has been called, Mr. Lessard.

Mr. Yves Lessard: Come on, Madam Chair!

The Chair: Mr. Lessard, you have the floor.

Mr. Yves Lessard: Madam Chair, it's the remainder. I don't believe it. We've been asking a question since we began considering this amendment, and we've still had no answer.

Hon. Eleni Bakopanos: It was answered.

The Chair: All interpretations are possible. You feel you haven't been answered. Please continue.

Mr. Yves Lessard: I want to come back to the question, Madam Chair. It's very important. I was here too when the Privacy Commissioner appeared. She of course stated that she agreed on the bill. However, let's remember that she expressed reservations with regard to the entire information component—Ms. Gagnon referred to that earlier—and to privacy. In that regard, she didn't give us a full blessing. We also have work to do.

My question is this, Madam Chair. The text we're moving is clear. If our amendment were agreed to, the text would read as follows: "... if the Minister is satisfied that the information will be used for a purpose consistent with the purpose for which it was collected..."

I'm going to put my question differently. In view of the fact that we've received no answer, am I to understand that the intention is that this information be able to be used for a purpose inconsistent with the purpose for which it was collected? If that's not the case, the amendment should be accepted. Do we want it to be able to be used for a purpose inconsistent with the purpose for which it was collected? If that's not the case, I don't see why our amendment wouldn't be accepted. Otherwise we'll have trouble explaining this to the public.

The Chair: Are there any other remarks?

Hon. Eleni Bakopanos: Madam Chair, I believe we've already answered Mr. Lessard. I'm sorry if he doesn't like the answer. This is precisely what he's repeating once again. Mr. Adams has already said that, when Ms. Stoddart appeared before this committee, she answered all questions. She never said that this bill would enable anyone to use information for his or her own purposes. That was never the case, and I invite Mr. Lessard to review what the Commissioner said.

The Chair: I accept...

Hon. Eleni Bakopanos: Ms. Lalonde-Goldenberg would like to clarify a point.

The Chair: Ms. Lalonde-Goldenberg.

Ms. Julie Lalonde-Goldenberg: It's a technical point. The provision clearly shows the purposes for which information may be disclosed, and that isn't inconsistent with the purpose for which it was gathered. That's for the purpose of the administration of a provincial law. It's very clear here that it's to administer international laws. So it's not just for anything. It may be entirely consistent with the purpose for which the information was gathered. So that's fine. The purposes for which anyone wants to provide information are very clear.

•(1255)

The Chair: You asked a question; you've been given an answer. Other persons have requested a vote on this amendment. We'll now vote on amendment BQ-4.

(Amendment negatived)

(Clause 30 agreed to on division)

[*English*]

The Chair: Colleagues, we now have clauses 31 to 67, where no one has asked for amendments. Would you accept that we carry clauses 31 to 67 inclusive automatically with one vote?

Some hon. members: Agreed.

(Clauses 31 to 67 inclusive agreed to on division)

The Chair: Thank you very much.

We now arrive at the short title.

[*Translation*]

Shall the short title carry?

Some hon. members: Carried on division.

The Chair: Shall the title carry?

Some hon. members: Carried on division.

The Chair: Shall the bill carry?

Some hon. members: Carried on division.

The Chair: Shall the committee order that the Chair report the Bill to the House?

Some hon. members: Carried on division.

[*English*]

The Chair: Thank you.

Colleagues, it's 12:55 p.m. I did hope we would have time today to discuss future business. However, as you can see, this is not going to be the case.

Mr. Adams.

Hon. Peter Adams: With respect, I would like to say something about what the committee has just done.

We're at a certain stage with this legislation. As a former chair of this committee—and I think Paul Forseth was perhaps on it at that time and some members of the staff were here—I don't know if the new members realize that we're engaged in a very unusual exercise here.

Under very stressful circumstances, this committee had a long series of meetings. The report that was produced, which was a committee report finally debated and fully adopted in the House of Commons, recommended the splitting of the old department of HRDC. By the way, the report was very well received across the country, I may say. We are now well on our way, having done this with Bill C-22 and having reached a similar stage with Bill C-23, to completing work that this committee and the House of Commons of that day began.

I just thought I'd like to put that on the record. It's an example of a committee achieving results.

Thank you, Madam Chair.

The Chair: Thank you for that, Mr. Adams. I think it's very important, when we talk about the role that committees play, that here is the work a committee presented to the minister years ago and it has finally found fruition in a real bill, in real legislation. Thank you very much for underlining this fact.

Colleagues, there seems to be a question here. It has been brought to my attention that the agenda you have in front of you only goes to clause 67, and that there is in fact a clause 68, a clause 69, and a clause 70, if you would look at the back of the bill.

[*Translation*]

The Chair: First, I apologize for this oversight and I put clause 68, "Coordinating Amendment", to the vote.

(Clause 68 agreed to on division)

[*English*]

The Chair: Clause 69 repeals the Vocational Rehabilitation of Disabled Persons Act, of course. Shall it carry?

Is this on division as well, Madame Gagnon?

• (1300)

[*Translation*]

Gagnon, Christiane Member : Yes, Madam Chair.

[*English*]

The Chair: Thank you.

(Clauses 69 and 70 agreed to on division)

[*Translation*]

The Chair: Colleagues, I want to thank all of you. We'll see each other next Tuesday.

[*English*]

I'd like to remind you, please, that I'm asking for suggestions as to further work of this committee.

I would remind you that the budget will be presented next Wednesday.

Hon. Eleni Bakopanos: Earlier, did we skip over clause 1, which is the title of the act?

The Chair: I did it.

Hon. Eleni Bakopanos: I'm sorry, but I just want it clear.

The Chair: Clause 1 has been carried; the title has been carried.

Hon. Eleni Bakopanos: Okay, thank you.

The Chair: I just want to remind the members that next Wednesday the budget will be presented, and I will probably get a lot of feedback from the ministers at that time. But please think about possible subjects that we can continue on, and we'll discuss this next Tuesday.

Thank you very much.

The meeting is ended.

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

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.