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Chair

Ms. Raymonde Folco

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Thursday, June 2, 2005

•(1110)

[*Translation*]

The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)): Good morning, ladies and gentlemen, honourable colleagues.

Today, Thursday June 2, 2005, the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities is holding its 38th meeting. On our agenda is consideration of Bill C-280, an Act to amend the Employment Insurance Act (Employment Insurance Account and premium rate setting) and another Act in consequence.

[*English*]

I would like to welcome our three witnesses, who were here last Tuesday, and thank them for coming back.

I would like to welcome as well Madame Clare Scullion, general counsel from the Department of Finance.

Welcome, Madame Scullion, and thank you for coming.

Hon. Peter Adams (Peterborough, Lib.): A point of order, Madam Chair.

The Chair: Yes, Mr. Adams.

Hon. Peter Adams: I want to express again our concern about the ruling with respect to a royal recommendation. We have arguments throughout the bill, but as we tried to express the last time, we are concerned about the bill in general. Because it involves such a huge transfer from the general revenue fund into a separate account, we believe a royal recommendation is required. I can argue this again, although I've put many of the points on the table before.

The objective of the bill is to ensure that the EI account is separate from the consolidated revenue account. That in itself, it seems to me, involves a royal recommendation. Under the bill, certain amounts, including those credited to the EI account, will have to be paid into the EI account, and the commission will have to invest those moneys put into the account in financial institutions that are specified. With respect to clause 2, which amends current sections 72 and 74, we believe those items at least require royal recommendation.

So I appeal the decision and move that the bill be returned to the House of Commons and referred to the Speaker for a specific ruling on royal recommendation aspects.

The Chair: Is that a motion you're putting forward, Mr. Adams?

Hon. Peter Adams: Yes, Madam Chair.

The Chair: Thank you.

I have received the motion, and I will hear from Madame Gagnon, s'il vous plaît.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Madam Chair, this is not...

[*English*]

The Chair: Let me just interrupt.

[*Translation*]

Last time, as you may recall, we had yet to get to certain people on the list who had wanted to speak. Should we continue going down this list, or should we just start fresh? Mr. Adams has already spoken to the bill, but Ms. Bakopanos' and Mr. Asselin's names were also on the list. As Mr. Asselin is absent,

[*English*]

and Mr. Devolin.

Hon. Peter Adams: Madam Chair, I urge you to proceed with the point of order and then return to the list.

[*Translation*]

The Chair: Fine.

Ms. Gagnon, on a point of order.

Ms. Christiane Gagnon: Madam Chair, we had a number of amendments that we wanted to propose which would eliminate the need for a royal recommendation, as they did not call for increased spending.

The Chair: We have not received any proposed amendments from you, Ms. Gagnon.

Ms. Christiane Gagnon: I'm referring to amendments that we were planning to propose. We haven't even discussed the bill yet. There were several amendments to the bill that we were contemplating. We wanted to propose a reduction in the number of commissioners, because that seemed to be a problem. Indeed, having 17 commissioners required a larger budget.

We have yet to discuss section 72, which lends itself to different interpretations. I think this is attempt to save time and send the bill back to the House of Commons for the Speaker to rule. We haven't even discussed section 72 yet and how it might impact government spending. At the very least, I think my colleague should be able to discuss it before we arrive at a solution like the one being advanced here this morning.

The Conservative Party has some amendments that it would like to propose. We haven't debated the bill's provisions yet and there are different interpretations as to the total amount in the EI Account. There are some matters that need to be clarified.

The Chair: Thank you.

Therefore, I'll continue going down my list.

Mr. Forseth.

[*English*]

Mr. Paul Forseth (New Westminster—Coquitlam, CPC): Thank you.

The Bloc is right that we haven't discussed some of the details, but we're talking about the concept of the bill as a whole.

I also have a concern about the royal recommendation aspect, even though I philosophically agree with the long-term intent of the bill. This bill creates a separate agency. They have to hire staff, get an office, and put all kinds of things together that are direct administrative expenditures. Normally these go through the budget challenge process that the Treasury Board sets up, and cabinet makes a decision about whether they're going to do a certain program or not. We have all kinds of safeguards in systems to ensure we don't mess up.

Still in the House we hear—and of course the opposition exploits this—that the government doesn't administer wisely because it bends the rules, doesn't follow the Financial Administration Act, or whatever. But here at committee, it appears to me we are doing the very same thing I've been criticizing the government for—this kind of after the fact, off the cuff going ahead and diving into a program, without following the proper rules that throughout history we've set up to protect the public interest. When we administer taxpayers' money we must do it wisely. Whenever we make a shortcut, historically it's been shown that we run into problems when we try to break the rules and hurriedly rush into something.

On the general concept of the bill, this is the kind of thing government should be doing when it has the full resources of the expertise of government from all the ministries, whether it's trade or whatever—even consulting with the Bank of Canada—so collective wisdom can be brought to bear in the challenge process to be able to go philosophically where we want to go.

I'm also, you might say, from a government in waiting. I want to be careful what I ask for lest I get it. If I'm in government a year from now and we're stuck with this bill, what kind of consequence would that have for us? Maybe the Liberals would love to quickly pass it so when we're the government we'll have egg all over our face.

●(1115)

Hon. Peter Adams: I thought your name was Forseth, not Machiavelli.

Mr. Paul Forseth: All right. I could think of it that way.

But I want to be cautious about a major restructuring that involves not only the technicalities of making it happen, but also the other controversy about transferring money.

We know the basic concept is that revenue was raised from taxpayers under the name of EI, and it was spent for EI beneficiaries but also to balance the budget. That money is gone. It may be politically nice to try to embarrass the government over that, and they have to wear that publicly for doing that. But in retrospect we have a practical problem of whether it's financially wise, from a private member's bill from the opposition, to cause payments to go back. I think that does require a royal recommendation. That is my problem, even though I philosophically agree with the concept of where we want to go with this bill.

The Chair: Thank you.

I have a list: Monsieur Lessard, Monsieur Coderre, Madame Bakopanos, Monsieur Devolin, Mr. Martin, and Mr. Komarnicki.

[*Translation*]

Mr. Lessard.

Mr. Yves Lessard (Chambly—Borduas, BQ): Madam Chair, it's worth noting that when this bill was tabled, the Liberals argued that a royal recommendation was essential, since the number of commissioners was being increased to 13. That was the argument they presented, Madam Chair. If a bill calls for increased spending, then a royal recommendation is required.

That was in fact the ruling of the Speaker of the House on February 8. He based his decision on the fact that if the new Commission was composed of 17 commissioners, then public funds would need to be expended and in that case, a royal recommendation was required. That's why we have proposed consequential amendments to scale back the size of the Commission from 17 to 4 commissioners, as is presently the case. Therefore, no new government spending would be required.

Therefore, all we need to do this morning is to proceed with the clause-by-clause study. When we come to the clause on the composition of the commission, the Liberals and Mr. Forseth, can vote in favour of the amendment. That would de facto dispose of the Speaker's ruling. In our view, it would be pointless to go back to the Speaker and have him repeat the same thing to us. The Speaker would likely tell us to agree on the number of commissioners before telling us if what we're doing is correct. That's exactly what we are in the process of doing, since the Bloc has forwarded to you...

I assume you've received the Bloc's amendments, Madam Chair.

●(1120)

The Chair: You submitted them last week.

Mr. Yves Lessard: Our amendments call for a reduction in the number of commissioners.

I'm not saying at this time that this is a stalling tactic, but if members insist on sending this back to the Speaker of the House, despite what I've just told you, then I will have no choice but to conclude that this is in fact nothing more than a tactic to delay the bill so that it dies on the Order Paper before the summer recess. And that would be most unfortunate, Madam Chair. Thank you.

The Chair: Thank you, Mr. Lessard.

Mr. Coderre.

Hon. Denis Coderre (Bourassa, Lib.): Madam Chair, unlike my colleague, the Member for Chambly, I think obtaining a royal recommendation would be a very responsible move on our part, for a number of reasons. Clearly, we are not just talking about a structural reorganization here, but rather about a transfer of funds. If in fact we want to protect the public interest, it is our duty to act responsibly and to guard against any cutting corners.

We're not saying that this bill is destined to die on the Order Paper. Let's not be paranoid here. The purpose of this whole exercise is to ensure that we're acting in a completely responsible manner. The bill would be referred back to us immediately after the royal recommendation was given and we would move on it accordingly.

Like my colleague Mr. Forseth, I too think we're cutting corners a bit. If we want to be certain that this initiative does not have any negative repercussions... One can disagree from a philosophical standpoint. Personally, I totally disagree with the idea of a separate account. I've even discussed this with some unions and many weren't interested in a separate account. They wanted more in the way of employment insurance provisions, but were not interested in the least in seeing a separate account established.

I think that needs to be stated clearly. Occasionally, the Bloc Québécois purports to speak for many, when in fact it is speaking only for its own party.

One thing is certain. The transfer of several billion dollars in total will impact people's quality of life, because it will bring about an extensive restructuring of finances. We would be derelict in our duty, as MPs, if we did not seek a royal recommendation to verify the concept of the bill. If we really want to do our job seriously, and not attempt to destabilize the government and score points in the run-up to the next election — and your entitled to do that — our role, as MPs, is to protect the public interest.

I think we can disagree philosophically, but we all have the public interest at heart. Therefore, I support the motion calling for us to first seek a royal recommendation.

The Chair: Thank you.

Mr. Lessard, your name appears on my list.

I will now go to Ms. Bakopanos.

Hon. Eleni Bakopanos (Ahuntsic, Lib.): It will come as no surprise that I concur with my two colleagues. Mr. Lessard said that you did not seek an opinion on section 72. We discussed this very matter when the committee last met and representatives — I won't say experts — were in attendance. They argued that this provision

would imply a transfer of funds and that the move would destabilize the market.

[English]

I think that was made very clear by the experts when we asked that question. There was a question about proposed section 72. I don't think we're going to be very responsible parliamentarians, as my other colleague said, if we do not send it back.

By the way, the president did rule, but that doesn't mean the president is infallible either. It could be that a second opinion may be warranted in this case. All we're asking for is a delay. I think the delay is reasonable. We can ask the Speaker to rule quickly if we want to, but I think we need much more legal counsel than has been provided, without prejudice to anybody who is here at the moment. But I think this has to be studied further, and that's the responsible thing to do.

Thank you.

• (1125)

The Chair: Thank you.

Mr. Devolin.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): We had a discussion at our last meeting about the actual impact of clause 72. This was first read on November 15. When I read it then, it was pretty clear to me what 72 meant. I recognized at the time that it was a dramatic step. So I'm surprised that the government members and the parliamentary secretary didn't raise this a long time ago, instead of waiting until this week, since it's such a significant concern. That's the first thing.

The second thing is, it's important to remember how we got where we are. I'm referring to the deliberate mismanagement of the EI system by the government for the past 10 years. They used the system to run surpluses that were then used through the consolidated revenue fund to balance the budget. The government has acknowledged that there is a \$46 billion notional surplus in this account. The money does not belong to the taxpayers of Canada. It belongs to a subgroup, which are workers and employers. So this is not general revenue. These are overpayments, or you could call them "under-benefits". It is money that came from employers and employees.

So that's where we are today. The parliamentary secretary raised the issue that to make a single lump sum, write a cheque for \$46 billion, from the general revenue fund into a dedicated account would cause a major disruption, not only in the government's annual budget, but also more broadly within the economy.

My response is that it's very unfortunate, if not tragic, that correcting a situation that has been 10 years in the making could actually cause this to happen. In response to the concern raised on Tuesday, my colleague from York—Simcoe has suggested that this repayment could be made over five or ten years. This was something that floated around this room on Tuesday. I think you could argue, just to pull two numbers out of the hat, that if you did \$4.6 billion over 10 years, you would not cause the economy of Canada to falter.

The Chair: Excuse me, five years.

Mr. Barry Devolin: Well, there are two options. My point is that in recent weeks we've seen the government prepared to sit down and cut deals for \$4 billion or \$5 billion a crack. So I think it's possible. It might suck up a big part of the surpluses and remove flexibility, but it is possible.

The responsible thing for our committee is to continue to work with this—possibly pass one of these amendments that would eliminate the one-time shock the parliamentary secretary is talking about and actually create something doable and practical. That is the way to deal with this, rather than sending it back.

I'm curious to hear from the parliamentary secretary or from the government members, given that they don't like this remedy. Is their remedy to scrap Bill C-280 and just continue things as they are? Is it to establish a separate fund, to write off this amount of money and tell workers and employers the \$46 billion really isn't there? Will they explain that it's a chit, that they're going to just throw it away because honouring it would be too disruptive, and that they'll start from this point forward in a new account?

The government members need to come forward with some solution of how they're going to make good on this \$46 billion surplus. If they don't like this solution, would they support one of the other proposed solutions?

The Chair: We won't answer right away, because I still have some names on my list.

Mr. Martin.

Mr. Tony Martin (Sault Ste. Marie, NDP): I can agree with all of what Mr. Devolin has said and would certainly support his thinking on that front. This piece of legislation was passed in the House, sent over to us to do some work on, and was to be brought back so we could then move forward on this. It is an issue that has been recognized and talked about for some period of time, and it needs to be addressed now, not left hanging.

If we can find a way as a committee to move this forward without triggering the royal assent, we should be doing that. It's not our job, as I've been reminded in this committee before, to micromanage how government does its business. We tell government to do something and then government finds a way to do it. That's their job. Our job is to offer direction in terms of policy and general direction, then the government finds a way to do it. I don't think we're talking about setting up a whole new bureaucracy here.

My understanding of it, and maybe I'm a bit naive, is that we move this money that is supposed to be for the unemployed into an account that we can see very clearly, with lots of transparency and accountability, for that purpose. As it is now, I asked the minister, Mr. Volpe, about the surplus when he came before us and he said there was no surplus. He said, "There's no surplus. What are you talking about?"

We have to clarify that. We have to clear that up, because we know there is and we know that money was dedicated and put there for a particular purpose. It was collected for a particular purpose and now it's not being used for that purpose any more.

We have constituents, all of us, across the country, who are between jobs, who find themselves out of work, because the nature

of the economy we live in now is very unpredictable, and they no longer qualify. That's one of the reasons this surplus is growing as it is.

I'm in support of whatever effort can be made at this committee, cooperatively, with all parties, to find a resolution to this so we can move it forward, get it back into the House and get going on doing something with this longstanding, obvious, very important problem.

• (1130)

The Chair: Thank you, Mr. Martin.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): There is no question, when I look at proposed section 72 and subsection 72 (2), that we're talking about real money being transferred. That is the first point in the matter, and any amendments we propose, whether they be over time or about a lesser amount, still deal with a money issue. It would seem wise to get a ruling on whether you can deal with that before you start dealing with it, because if you're not able to, because it deals with money—that's my understanding of the ruling you're requesting—what's the point of going through all the discussion?

Having said that, there's no question that the money was taken from two particular groups of people—employers and employees—and was intended for the benefit of employers and employees and was used for general revenue purposes, and not in some small amount but in a vast amount, \$46 billion or more. My first inclination is that it should be put back. It is a large sum, and even if it was gained over time, it still involves \$46 billion. At the same time, we look at the fact that the government has, in the space of 24 hours, committed this country to \$4.6 billion simply to stay in power. If you can do that overnight, why can't you do it for employers and employees who paid the money in the first place? That's a concern. There is a lesson there that says you should put it back, and it's that simple. But before making a decision on that aspect of whether it should be put back or not, it might be wise to know whether we have the ability or the authority to make that kind of decision before struggling through the decision.

At the moment I'm thinking about finding out whether or not we need to go on that journey. So I'll reserve my judgment for a time and will discuss it a little further with my colleagues. But if you can't make a decision, why struggle with making a decision only to find out you can't do it in the first place?

I'd like to know whether we have the ability to do it, and then make a decision if we do and not make a decision if we don't.

The Chair: I have two more names on my list.

[*Translation*]

There's Mr. Lessard, and Ms. Ratansi.

Mr. Lessard.

Mr. Yves Lessard: Thank you, Madam Chair.

I wish our colleague Mr. Coderre had bothered to find out what the committee has been up to before saying what he did this morning. Let me just point out for the benefit of our colleague, who is showing up here for this first time this morning, that we've been working on this file since September. Specifically, we looked at this issue in October, November and December.

Granted, we've waited eight years, but he should find out where people stand today. Madam Chair, our colleague stated that union leaders were not in favour of a separate account. However, virtually every union leader without exception appeared before the sub-committee and they unanimously endorsed the idea of a separate account. Employee associations also expressed support for this initiative. Mr. Coderre's statement was off the mark, for lack of a more blunt qualifier.

• (1135)

The Chair: Order, please.

Mr. Yves Lessard: Moreover, I wish to remind members that recommendation number 3 of the report of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities unanimously calls on the government to set up a separate account. This bill is a sound reflection of the committee's efforts.

So then, what are we doing today? We're focussing on a technicality, on the obligation of the Speaker to ascertain if this bill will result in new spending. The Speaker has indicated to us that Bill C-280, as tabled on first reading, passed on second reading and referred to this committee for study, would result in new spending and that a royal recommendation would be required for the appropriation of public revenues, since a new 17-member commission would be created.

Further to Tuesday's proceedings, we believe that section 72 could be interpreted in the manner Mr. Forseth alluded to earlier. Our job is to study the question and decide if a recommendation for increased spending is warranted. Conceivably, the Speaker of the House of Commons could decide that a royal recommendation is needed and refuse to allow the bill to move forward for third reading debate. Will we have to do this every time?

I agree that it's premature to go back to the Speaker of the House, because we have yet to arbitrate the matter amongst ourselves, Madam Chair. Moreover, if I understand correctly, the Conservative Party has come forward with some amendments of its own this morning. If, by some chance, we decide to recover the \$46 billion in question... But, as I said, that was not the intention.

The Chair: Not yet.

Mr. Yves Lessard: That does not apply in the context of this bill, Madam Chair. I'm not saying that we agree on this matter. In fact, we have different views, but I think you understand my position.

Accordingly, if by some chance the Conservative Party's amendments were well received, we'd need to see if these would involve new spending and, if that's the case, would we risk making this kind of recommendation? However, before we get to that point, Madam Chair, we need to do a clause-by-clause study and resolve our differences on each clause.

Summing up, if a particular clause is faulty, that is if it calls for new expenditures and we are unwilling to take that kind of risk, then we can either dispose of it immediately or proceed as the committee deems fit.

The Chair: I have on my list the names of Ms. Ratansi, Mr. Adams and Mr. Coderre.

Ms. Ratansi.

[*English*]

Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you, Madam Chair.

I think we should not forget the historical reasons why this was put into the consolidated revenue fund. It was put in the consolidated revenue fund by the Mulroney government on the advice of the Auditor General. The Auditor General has confirmed it. The Auditor General is a neutral body, and we really need to look at what the Auditor General thinks of this situation.

When people talk about the government being able to find \$4.6 billion to help the budget through, they need to know that it is double-sided bookkeeping, so we took it away from somewhere else. We are all trying to work towards getting a certain level of comfort for the workers. If we create a situation that is not economically favourable, then the workers are the ones who are going to suffer.

I think Mr. Forseth made a very interesting statement when he said that whoever makes the decision, if they become the government, they are left to hold this albatross around their neck. Let's think intelligently. Let's not think this is some political game we can play. We are dealing with the finances of the country. We need to send this money bill.

I think Mr. Komarnicki posed the question, do we have the right to make decisions like that? This is a money issue, and my suggestion would be to ask for a vote before we move along so that then we could start discussing.

• (1140)

The Chair: I have two more names on the list, but you can ask for a vote on the motion at any time.

Mr. Adams.

Hon. Peter Adams: Madam Chair, I intend to do that now, but I do want to stress the concern we've expressed, that with regard to the royal recommendation, the whole piece of legislation begs questions. It's such a huge change in the government finances. It's difficult for us to believe that as a whole it does not require a royal recommendation.

If we go to clause-by-clause, including in the amended clauses, we will argue the royal recommendation case, not just for the size of the commission, but we will argue it with respect to the amended new commission. It is the transfer to an independent fund that seems to us to require a royal recommendation.

If we get this motion approved, the Speaker can tell us, and then we can get on with our work. If in fact we are wrong and the Speaker rules that we're wrong, it can come back and we can continue with our work.

So I would urge, Madam Chair, that you put the question.

The Chair: Thank you.

We don't actually have a motion written down, Mr. Adams.

Hon. Peter Adams: The motion is that the bill be referred to the Speaker for a ruling with regard to the need for a royal recommendation.

The Chair: Thank you.

A voice: In the light of section 72 and—

Hon. Peter Adams: No, the whole bill.

The Chair: The whole bill.

Give me that again, Mr. Adams.

Hon. Peter Adams: It's that the bill be referred to the Speaker for a ruling with respect to the need for a royal recommendation.

To repeat, Madam Chair, my intention is simply to clear the deck so that we know what we're doing.

The Chair: What our counsel is suggesting is that we say that the provisions of the bill be referred to the Speaker, and so on. Is that all right?

Hon. Peter Adams: I'd be glad to accept your advice, Madam Chair.

The Chair: Okay.

There's no confusion then that the committee is sending the bill back to the House, the provisions of the bill.

So I'll read the motion again in English. The motion from Mr. Adams is the following: that the provisions of Bill C-280 be referred to the Speaker for a ruling with respect to the need for a royal recommendation.

Those in favour, please raise your hand.

• (1145)

[*Translation*]

Mr. Yves Lessard: Are we debating it, Madam Chairman?

The Chair: We have just debated it, Mr. Lessard. That is what we just did. I was asked for the vote.

[*English*]

Mr. Ed Komarnicki: Hold on one second.

The Chair: Do you need him to tell you how to vote? That's what it looks like.

Can we vote now, Mr. Komarnicki?

[*Translation*]

Meanwhile, for your information, Mr. Lessard, I will tell you that the debate took place before anyone asked for the vote. When Mr. Adams asked for the vote, the debate had already ended.

[*English*]

Are we ready to vote?

(Motion agreed to)

The Chair: Thank you.

I would like to tell you what will follow now. The bill will be reported back to the House. It will be tabled.

Mr. Wayne Cole (Procedural Clerk): The motion will be reported to the House.

The Chair: Yes, it will be reported to the House. You can then—

Mr. Wayne Cole: You can raise a point of order with respect to the committee report.

The Chair: Yes, and then we'll wait for the Speaker's decision. Following the Speaker's decision, we will then go back to the bill or not, depending on what the Speaker has to say.

Is it a point of order, Monsieur Lessard?

[*Translation*]

The Chair: Is this an enquiry point? Go ahead.

Mr. Yves Lessard: I invoke the Rules, Madam Chairman. I am asking you. If you don't have the answer, will the Speaker of the House perhaps be able to give it to us.

Does the committee have the power to ask the Speaker if there will be a Royal Recommendation when it didn't do its work pursuant to a decision of the House asking it to consider the Bill in second reading? Even before we consider it, he was asked if he is going to give an opinion on the Royal Recommendation when he had already done so, Madam Chairman.

It seems to me that there is something here that is incompatible with proper legislative procedure. I would like to hear your opinion on this matter. It seems to me that we have not done our duty and that we have even evaded our responsibilities with respect to the mandate given us by the House. I would like to hear the expert's opinion.

The Chair: The committee makes its own decision on this matter, Mr. Lessard. If I understand properly, the committee may decide to continue considering the clauses of the Bill or simply, as we have just done, send it back to the Speaker of the House. But we can come back to this later.

[*English*]

Hon. Peter Adams: I have a point of order, Madam Chair. I would like to say, first of all, I know the Speaker's office will use the transcript of our meetings, of all of our meetings, when making this decision. I think that's extremely important. There will be a discussion, because we will raise it in the House, so he will use the transcript.

I would like to say now that although we've only just received these additional amendments, I don't know to what extent the Speaker uses amendments that have not yet been discussed, but we have no objection at all to the possible amendments being considered in the decision.

The Chair: Monsieur Lessard.

[*Translation*]

Mr. Yves Lessard: Does the question we are asking the Speaker concern the admissibility of the Bill without Royal Recommendation, the general economy of the Bill, or does it concern its Section 72?

The Chair: In English, we say:

[English]

“with regard to the need for a royal recommendation”.

[Translation]

We are asking the Speaker to decide whether or not this Bill requires Royal Recommendation as a whole. Am I mistaken? This is what I understand. I suppose that the translation told you that.

Mr. Devolin.

[English]

Mr. Barry Devolin: Obviously, I haven't been through this process before.

I'm glad to hear two things. First of all, the Speaker will consider what has gone on in this committee, because I think some of the arguments are clearly on the record in terms of whose money this is. The second point, though, is this. Will there be direction back from him saying that if the bill was to come forward in a certain form, it would require a royal recommendation? I would ask, if the answer to that is yes, will the Speaker then specifically give us an option for how it could be constructed so it would not?

If that's not within the power of the Speaker, then I thought it would be a good idea for us to make an attempt to improve Bill C-280 through amendment so that what went to the Speaker would have a better chance of passing, which is why I voted against the parliamentary secretary's motion. It would be unfortunate if the ruling that comes back from the Speaker says that as it stands, Bill C-280 would require a royal recommendation. I hope he says, however, that if this amendment was approved, it would not.

• (1150)

The Chair: Let me tell you what I think the Speaker will do, and if anyone knows better than I do, please go ahead. The Speaker is likely to say no, it does not require it, or yes, it does. If it does, he would refer us to specific articles of the bill, which would be identified then. That's what I would hope the Speaker would do.

Mr. Van Loan.

Mr. Peter Van Loan (York—Simcoe, CPC): If I could, I'll follow up. I would hope, following on Mr. Devolin's comments, which I think are most worthy, that after our having pre-empted—and that's what we have done here, pre-empted—the ability of this committee to debate the matter, amend it, change it, and solve such deficiencies, any decision of the Speaker would not have the consequence of then pre-empting any subsequent debate or effort to correct any deficiencies that are identified that could cause the royal recommendation. A ruling should not constitute a ruling that says this committee loses its jurisdiction to deal with it, but rather it should be one that identifies what needs to be changed or what the deficiency is that would, if the bill came in that final form—because it's not coming in a final form, it's coming in an unamended, undiscussed, undebated form—cause or require it to comply.

The Chair: I'm sure the Speaker, when he reads the minutes of the proceedings, will think about your opinion in depth, Mr. Van Loan.

Monsieur Lessard.

[Translation]

Mr. Yves Lessard: Madam Chairman, I would like to avoid—a bit like what Mr. Van Loan said—this becoming simply a stalling tactic. Furthermore, I would hope that the Speaker be able to decide quite quickly. However, no matter what his decision, it doesn't stop us from considering the Bill clause by clause. Is that right?

The Chair: That is what I just said, that the committee can decide to continue consideration of the clauses.

Mr. Yves Lessard: Consequently, it will automatically be referred back to us, and we will begin clause-by-clause consideration again. Is this correct?

The Chair: Yes, yes, absolutely.

Mr. Yves Lessard: I understand that it will be the Speaker's decision, but whatever it is, we will begin clause-by-clause consideration. The only thing it will tell us is what clause should receive a Royal Recommendation. It could very well be that, the committee decides to make the recommendation even though a clause has to receive a Royal Recommendation, because it is not excluded that it will, in the end, nonetheless receive a Royal Recommendation.

The Chair: That is what we hope and that is what I just said, Mr. Lessard. If I understand correctly, when the Speaker makes his decision, he will make it. If it is positive with respect to the Royal Recommendation, the clauses in the Bill will be identified. Certain clauses in the Bill would be identified, but still within the Bill, obviously. The committee will then be able to deal with these clauses—and others, of course—to see whether they could be changed and amended.

I think that we are agreed on this. I merely wanted to make it very clear: this matter must be followed up on. We will ask the Speaker of the House of Commons—and I do so it here, since he will read the minutes of this committee—to render a decision as quickly as possible, so that this committee can continue its work on the Bill before the summer recess.

• (1155)

[English]

Mr. Martin wanted to say something.

Mr. Tony Martin: It's just to say that Mr. Godin, who isn't here this morning, will be quite disappointed that we're now once again stuck in a place and not moving forward at a more expeditious rate. He's in the House carrying a bill on this subject this morning as we speak and couldn't be in both places.

I met with him this morning at eight o'clock, and he advised me to do everything possible, to support everything possible, to keep this thing moving and to work with people who are able to bring forward amendments that would get us below that mark where we have to go for royal assent, so we can get this piece done.

It would be my hope too, on behalf of Mr. Godin, that we would not lose this bill through this process, that it would be back here even though now it's going to take a little longer, so together we can find a way to make real the intention of this bill.

The Chair: Thank you, Mr. Martin.

[*Translation*]

Mr. Lessard, I will give you the floor for a final remark.

Mr. Yves Lessard: Madam Chairman, I would like to make a motion pursuant to the previous motion. This is related to the concern you raised just now, that is, that we should deal with the Bill before the summer recess, before the holidays.

I would move, Madam Chairman, that we ask the Speaker to reach a decision quickly, so that we can complete clause-by-clause consideration of Bill C-280 before adjournment for the holidays.

The Chair: Do you so move, Mr. Lessard?

Mr. Yves Lessard: Yes.

The Chair: I will read it, and you tell me whether it is what you intend.

Ms. Bakopanos.

Hon. Eleni Bakopanos: Why didn't you move an amendment to Mr. Adams' motion? One committee member has now left, Mr. Lessard. If you had an amendment to the motion...

The Chair: Let her finish, Mr. Lessard. I will give you the floor afterwards.

Hon. Eleni Bakopanos: You had a chance to present an amendment to the Mr. Adams' motion while we were discussing it. Now, you make a motion when we have nearly...

The Chair: Mr. Lessard.

Mr. Yves Lessard: Madam Chairman, this morning, I would find it very out of place if we were to be held responsible for the absences of others. We must assume our responsibilities, Madam Chairman. We are here.

The Chair: I will reread the amendment, at any rate.

Mr. Yves Lessard: The motion is incidental. First of all, we had to deal with the other item. I could not suspect what would happen with the first, Madam Chairman.

The Chair: I therefore reread Mr. Lessard's motion:

That the Speaker rule expeditiously so that the Committee can dispose of the Bill clause by clause before the holidays.

Is that correct, Mr. Lessard?

Mr. Yves Lessard: Yes.

The Chair: Is there any discussion?

If there is no discussion, we will proceed to a vote.

Ms. Bakopanos.

Hon. Eleni Bakopanos: I would like us to have at least a few moments to ask the committee member who left to come back. We gave Mr. Komarnicki time to discuss and to reflect. It is a matter of respect, because this was not done intentionally on our part, and I don't imagine it was done intentionally on the part of Mr. Lessard.

The Chair: I think the request is logical and wise. It is true that I gave Mr. Komarnicki and Mr. Van Loan time right in the middle of the vote. In fact, I stopped the vote and started again.

I would ask you for a few moments so that they can come back with a committee member on the government side.

Mr. Lessard.

• (1200)

Mr. Yves Lessard: Madam Chairman, as far as I know...

Ms. Christiane Gagnon: If we were the ones who left, they wouldn't give a darn!

The Chair: We will take a recess, Mr. Lessard. We will return to this matter in a moment. Excuse me.

• (1200)

(Pause)

• (1205)

The Chair: We will now resume. I will therefore reread the motion:

That the Speaker rule expeditiously so that the Committee can dispose of the Bill clause by clause before the holidays.

[*English*]

That's fine?

(Motion agreed to)

The Chair: Colleagues, excuse me, I do have something else that I would like to add to the first part of the motion, with your authorization. We already have a motion that it be referred to the Speaker, and I would like to add to this

[*Translation*]

"and that the Speaker report to the House,"

[*English*]

which is a normal way of doing this.

Is that acceptable to everyone?

Are there any comments on this?

Mr. Peter Van Loan: Until the rest of the motion kicks in.

The Chair: Yes.

[*Translation*]

Mr. Yves Lessard: When you say: "report to the House," do you mean our committee's work?

The Chair: No, I mean his decision, this motion. That's it, thank you very much.

[*English*]

For next week.... We have been playing with our schedule quite a lot. You will remember that there is a subcommittee on the status of persons with disabilities. The subcommittee has now finished its report. It's been accepted by the members, and they are ready this coming Tuesday, that is next week, June 7, to come and present in person their report so that we can discuss it and possibly adopt it. That would be this Tuesday coming.

Thursday coming we will be doing future business. We might be doing Bill C-280, depending on when we get the reply from the Speaker. After that, what I see is possibly the government's response to the second and third report on EI, with a possibility of the minister being here.

I'm giving you ideas here.

Mr. Peter Van Loan: And after that?

The Chair: We don't know when the House is going to rise.

Mr. Peter Van Loan: No minister next week, no EI response next week?

The Chair: I think you were away when we discussed this on Tuesday.

Mr. Peter Van Loan: No, I was here. You said she wasn't coming this week and that you were going to try for the next week. It sounds like she still has not read the report—is still working on reading it.

[*Translation*]

The Chair: Ms. Gagnon, you have the floor.

Ms. Christiane Gagnon: Madam Chairman, if the Speaker gave his answer about the Royal Recommendation by next Tuesday—which should not be so difficult, he has his legal advisors around him—, could we postpone the report by the Subcommittee on the Status of Persons with Disabilities to the following week, and Tuesday...

The Chair: If the committee so decides, we certainly can.

Ms. Christiane Gagnon: I move that priority be given to Bill C-280.

The Chair: In any case, we will all be here Tuesday. I suppose that we will know by Monday afternoon or first thing Tuesday morning, anyway. You can then move that we consider the Bill a priority. I don't think it would help to speculate right now. I don't know how long it will take him.

Ms. Christiane Gagnon: I am getting ahead of myself.

The Chair: You are getting ahead of yourself. You will move it during the meeting as soon as the Speaker's position is known.

Thank you very much.

(The meeting is adjourned.)

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