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

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**Thursday, June 16, 2005**

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**Chair**

**Ms. Raymonde Folco**

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

Thursday, June 16, 2005

•(1145)

[Translation]

**The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)):** Welcome to meeting 42 of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities being held this Thursday, June 16, 2005.

Today, dear colleagues, pursuant to the Order of Reference of Wednesday, April 13, 2005, the Committee will consider Bill C-280, an Act to amend the Employment Insurance Act (Employment Insurance Account and premium rates setting) and an other Act in consequence.

As per your request, dear colleagues,...

[English]

Yes, Mr. Adams.

**Hon. Peter Adams (Peterborough, Lib.):** On a point or order, Madam Chair, I'd like to continue where I was at the last meeting.

It seems to me the Speaker's ruling on this legislation was so wide-ranging that in fact the only way of proceeding I can see is that we should reject it. I would now move formally that the committee reject Bill C-280 on the grounds of the Speaker's ruling.

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

Other speakers, please.

Madame Gagnon.

[Translation]

**Ms. Christiane Gagnon (Québec, BQ):** Madam Chair, Mr. Adams' proposal is unacceptable, because we can move to adopt the bill in committee. What the recommendation says about the...

[English]

**The Chair:** Excuse me.

Order, please. We're into some very technical stuff here, and I'd really appreciate having everybody....

[Translation]

Ms. Gagnon.

**Ms. Christiane Gagnon:** If the Royal Recommendation is not provided before the bill is read a third time, the bill must be returned to the House. That would therefore take us to November.

We may therefore proceed with the study and passage of Bill C-280 this morning. I believe that not wanting to consider the Bill C-280 shows bad faith.

I am sorry, madam Chair, but Royal Recommendation does not have to be provided before third reading of Bill C-280. We may therefore proceed and we could have gone forward long before this morning with the passage or rejection of Bill C-280. We did not manage to find a consensus on that. Amendments will be moved and at that point of time, the Royal Recommendation will be expected; they have until the month of November. That leaves us plenty of time.

**The Chair:** Thank you, Ms. Gagnon.

Ms. Bakopanos.

**Hon. Eleni Bakopanos (Ahuntsic, Lib.):** I would like to draw Ms. Gagnon's attention to the Speaker's decision, which is very clear and which says the opposite of what she has stated. She will find the following in French on page 6991:[...] Bill C-280 infringes on the financial initiative of the Crown for three reasons: first, clause 2 effects an appropriation of public funds by its transfer of these funds from the consolidated revenue fund to an independent employment insurance account established outside the consolidated revenue fund.

Second, clause 2 significantly alters the duties of the EI Commission to enable new or different spending of public funds by the commission for a new purpose namely, the investment of public funds.

Third, as indicated in my ruling of February 8, clause 5 increases the number of commissioners from four to seventeen.

I will stop there because it is obvious, in reading the three reasons given by the Speaker, that the bill is not in order.

In my opinion, it is of no use to review the bill if the two clauses that involve our recommendations require a Royal Recommendation. We can read the entire decision. We are not going to debate a bill that has already been rejected by the Speaker.

•(1150)

**The Chair:** Thank you, Ms. Bakopanos. I will come back to you, but I have a list.

Ms. Gagnon, we will have time to discuss this.

Mr. Van Loan.

[English]

**Mr. Peter Van Loan (York—Simcoe, CPC):** I haven't heard the actual motion. I was out of the room when Mr. Adams made it, so I'm somewhat handicapped, but my understanding is that it's a motion that we not proceed with consideration of Bill C-280, based on the Speaker's ruling.

**The Chair:** That is correct.

**Mr. Peter Van Loan:** There are two reasons why we should not do that.

First of all, that was based on the form of Bill C-280 before this committee had a chance to consider it and make amendments. I don't think any of us realistically expect that all the amendments that might be made here would eliminate the objections on the royal recommendation issue. But that being said, on a strictly legal basis, if the basis of the motion is legality, that would prejudge the debate that would occur here and effectively shut down that democratic opportunity.

The more important reason is that, as the Speaker says in the ruling—and I didn't have a chance to find it, but having been there in the House, I recall it—in his opinion, the bill would not be able to proceed until a royal recommendation was provided. That would not preclude the opportunity for the government to take the decision to provide a royal recommendation between the time this committee reports and the time it proceeds to the House of Commons. So on that basis, I see no reason for us to essentially eliminate that opportunity for the government to make that decision—for us to, if you will, do the dirty work of the government.

This committee already unanimously, if I recall...and if not, it was very close to unanimous. Members from all parties supported the notion of establishing an autonomous fund, or a fund that had autonomy to it, and supported the notion of restoring the moneys to workers and employers through that process. Our responsibility is to honour that commitment we made earlier. To conduct ourselves differently now would be hypocritical in policy terms.

Unfortunately, the majority on this committee doesn't have the power to provide the royal recommendation. I think it's up to the minority, who were part of this committee, who participated in those debates and supported those recommendations, to persuade their colleagues in the government to honour those recommendations and to be true to them. It's not up to us to preclude that opportunity.

**The Chair:** Thank you.

[Translation]

I will give the floor to Mr. Godin and then to Ms. Gagnon. Following that, I would like to add my two cents.

Mr. Godin.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Thank you, Madam Chair.

If we look at the same document as my liberal colleague...

**The Chair:** What page are you on?

**Mr. Yvon Godin:** Madam Chair, I just started talking about the document. If you had let me finished, I would have told you what page I was on.

On page 6990, in the second-last paragraph, the Speaker says:

The Chair went on to state that debate on the bill could proceed, despite this impediment, until the moment for putting the question on third reading. If by that time no royal recommendation had been provided with the bill, then the Chair could not accept to put the question on third reading.

That is why we will not be supporting the motion from the Hon. Peter Adams. The Speaker is clear in his decision and tells us how to proceed he entitles us to continue. Technically speaking, I do not see how anyone could prevent us from continuing the debate and reporting back. Once the bill reaches third reading, if the royal recommendation has not been provided, the situation will be different. But the Speaker is clear:

The Chair went on to state that debate on the bill could proceed, despite this impediment [...]

So that is our decision. I expect the majority of committee members to decide to continue.

**It says:**[...] until the moment for putting the question on third reading.

We are not at third reading, Madam Chair, we are at second reading. Mr. Adams' motion is not right, and we are going to vote against it.

• (1155)

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

Ms. Gagnon.

**Ms. Christiane Gagnon:** I would simply like to remind members what the Speaker said in the House. As for us, we do want to consider Bill C-280 for all of those reasons.

I would ask the clerk to outline the consequences of adopting the bill here, in committee. We are fully aware that it will go back to the House. There is the order of precedence. What are other consequences of wanting to adopt or reject the bill? We have not discussed that yet. We have spent the past two meetings discussing the royal recommendation and the relevance of adopting the bill here, in committee. What are the consequences?

**The Chair:** We will come back to that, Ms. Gagnon. There are several other things that I would like to address.

Mr. Komarnicki has asked for the floor.

Mr. Komarnicki.

[English]

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** I'm still reading through the judgment, but it's apparent to me that it would be open to this committee to so amend the bill that in no event would it require a royal recommendation. But even if it chose not to amend the bill, to the point where a royal recommendation is required, it wouldn't preclude it from doing that based on the paragraph Mr. Godin read.

In referring to the previous debate, the Speaker did say, "The Chair went on to state that debate on the bill could proceed, despite this impediment, until the moment for putting the question on third reading. If by that time no royal recommendation had been received"—which presumes one could be received even in the worst-case scenario—"then the Chair would decline to put the question on third reading".

I think it's obvious that this committee has every right, despite what the Speaker has said and perhaps because of what he said, to not only review the bill and amend it but amend it in such a way that wouldn't preclude a royal recommendation from being given or provided subsequently.

**The Chair:** Thank you.

Let me add to the comments everyone has made. I have talked to the clerk, and of course the clerk will add any comments he wishes to make after I've made this presentation.

There are a number of things we can do. We can certainly bring amendments to this bill. It seems to me there'd be a high number of amendments and there'd be amendments to practically every clause of the bill, but that's all right. We would have to make sure these amendments we brought would not require royal recommendation; otherwise, we're back where we started from. I think we'd agree on that.

So there's that possibility, and there is the possibility Mr. Adams has just presented, which is not to go forward on the bill. There is also the possibility of going through every single clause of the bill and hearing your comments on it, taking into account of course the Speaker's decision, which you have before you now.

It seems to me, from my conversation with the clerk, these are the three possibilities that stand before us, and perhaps the clerk wants to add to that.

[*Translation*]

**Mr. Wayne Cole (Procedural Clerk):** All I might add is that if the committee reports the bill, with or without amendments, it will be dropped to the bottom of the order of precedence on the *Order Paper*, like any other private members' bill.

**Ms. Christiane Gagnon:** That is what we want.

[*English*]

**The Chair:** Yes?

**Hon. Peter Adams:** I don't debate the fact that the committee can continue with this, that it can report it either unchanged or changed, and that a decision would be made at the end. What I question is the value of doing that and the energy that will go into it.

At least one of the Speaker's rulings deals with the absolute principle of the bill, which is the setting up of a separate account. It seems to me that if a principle as fundamental as that is flawed and is unlikely to get a royal recommendation, then in fact, although the committee is entitled to do it, the committee essentially is wasting its time. We'd go through it paragraph by paragraph when the overriding principle of the bill is to set up an independent account, which the Speaker has already given us a strong indication requires a royal recommendation.

That's the point I'm making. I'm not debating the point of whether the committee can do it. It seems to me this is appropriate action.

The committee is, by the way, responsible for dealing with this bill; we should take our responsibility very seriously. In our view—and this is not a technical point or just because it's outside the committee's powers—this is a very serious infringement on the role of the government in this country.

• (1200)

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

I have Madame Gagnon and Monsieur Godin.

[*Translation*]

**Ms. Christiane Gagnon:** Madam Chair, I would like you to call the vote on Mr. Adams' motion. I think we have wasted a lot of time. We are prepared to vote on it.

**The Chair:** Mr. Godin, are you okay with that? Thank you.

I will therefore call the vote on Mr. Adams' motion.

[*English*]

It was moved by Mr. Peter Adams that the committee not proceed with Bill C-280, based on the ruling of the Speaker.

(Motion negated)

**Hon. Peter Adams:** On a point of order, Madam Chair, obviously I accept the vote. There's nothing else I can do. But I would now suggest, then, because of the far-reaching nature of the Speaker's ruling, that we seek detailed amendments that will at least give us an opportunity to address the Speaker's rulings. Without those amendments, to proceed to clause-by-clause is really quite pointless. I think at least one of the amendments should deal with the—

[*Translation*]

**Ms. Christiane Gagnon:** Point of order, Madam Chair.

**The Chair:** Excuse me, Mr. Adams.

**Ms. Christiane Gagnon:** I am sorry, Madam Chair, we just defeated his motion, and he is still presenting arguments and introducing other elements.

**The Chair:** No, Ms. Gagnon. I cannot accept your point of order. From what I understand, Mr. Adams was not discussing his motion that was defeated. He stated at the outset that he accepted the committee's decision. If I understand correctly, he has gone on to a second stage, that I already addressed briefly and to which I intended to come back: how will we work and with what purpose in mind?

[*English*]

Monsieur Adams, you have the floor. Please go on.

**Hon. Peter Adams:** Well, Madam Chair, as I see it...I had accepted the ruling, of course. I was simply suggesting how we might proceed best with clause-by-clause if that's what we're going to do. My thought was that if we start at number one and we don't have detailed amendments that deal with the royal recommendation, we might just as well vote on this and refer it back to the Speaker in its present form. Then the Speaker can rule at the appropriate stage, as my colleagues have said.

So my suggestion merely is—and it's a suggestion here—that we proceed when we have detailed amendments that address the Speaker's rulings.

**The Chair:** I think this is something we ought to consider seriously, and that is, how do we proceed? A little earlier I said there were various directions we could take, including the motion that was defeated. That was one direction, and there may be others, according to you. But I've spoken to the clerk on this to try to see our way through this morning's meeting, and one of the other directions we could take, of course, is for various members of the committee to bring amendments to the bill.

Now, it seems to me, as I think I said earlier, these amendments should be considered only if they do follow the ruling the Speaker has given us, and that is that they must be amendments that do not require a royal recommendation. It seems to me, again, that if we do that, then I would ask for some—and I'll quote Mr. Adams—“detailed amendments” that make that very clear. Otherwise, we're defeating our own purpose. We're moving it back once more.

Given the time element that is before us with the spring session we're into now, we know this isn't going to go on for much longer. After this we're into the autumn session. There is talk of all sorts of things; there is even talk of an election and so on. So I want you to take this into consideration, and perhaps you'll have other suggestions to make.

Monsieur Lessard.

● (1205)

[*Translation*]

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Madam Chair, we do not have to establish new rules because we are talking about Bill C-280. The rules already exist. One of these very rules entitles us to move amendments. There are two steps: moving amendments, and familiarizing oneself with the amendments to ensure that they are in order.

I will conclude my remarks, Madam Chair, by explaining my difference of opinion. Unless I misunderstood you, we have not ruled out the possibility of adopting a bill that requires the royal recommendation, since providing the royal recommendation has not been excluded. We cannot presume that it will not be provided. We must simply bear in mind that, as the Speaker stated, the royal recommendation is required for clause 2, for example. Clause 2 is the very basis of the bill. The committee could well decide to retain the basis of the bill, knowing full well that royal recommendation may not be provided. That is the situation, and all we need to do is proceed in accordance with the usual rules that we have established ourselves.

**The Chair:** That is fine. Of course, the committee will make that decision. We are currently discussing the best way of proceeding, in the opinion of committee members.

[*English*]

**Mr. Ed Komarnicki:** Madam Chair, I don't agree we're at a place that would preclude us from actually discussing amendments that would require royal recommendation. Inherent in the Speaker's ruling is that it's conceivable that royal recommendation may be required, and if it is, it may or may not be given. The odds of that may be small, but it should not preclude us from having that type of discussion.

If those amendments get defeated, they do; but if they don't get defeated, it doesn't end the matter. They could still pass. To say it precludes discussion, debate, or potential amendments that will require royal recommendation is not in line with the ruling.

**The Chair:** Thank you.

Mr. Van Loan.

**Mr. Peter Van Loan:** I want to agree with what Mr. Komarnicki said and add to it further.

We just took a decision as a committee to discuss a bill that the Speaker said in his forum requires royal recommendation. One of the two bases on which I voted in that fashion was, as Mr. Komarnicki said, that there would be an opportunity for that to be forthcoming. The same would apply for any other amendments we made.

I suppose the requirement for royal recommendation is kind of like being pregnant: you are or you aren't, and it's an absolute thing. To modify or reduce the extent of the effect of the bill that crosses that royal recommendation line—I see no reason why we shouldn't consider amendments like that as well. I think everything is on the table. All of us understand what we're dealing with and what the limitations are.

I think it's wholly legitimate for people to raise the issue that an additional burden may also require a royal recommendation. I think the people on this committee are thoughtful and intelligent enough to understand that process, appreciate it, debate it, and decide it on that basis. But I don't think it deprives this committee the jurisdiction to consider it, based on the Speaker's ruling.

[*Translation*]

**The Chair:** Thank you.

Mr. Godin.

**Mr. Yvon Godin:** Madam Chair, my position is more or less the same as that of my opposition colleagues. Mr. Adams said earlier that he did not want to waste his precious time, but we must remember that the 28 recommendations submitted to the government in our report were all rejected. We are accustomed to wasting our time, but that is the way the cookie crumbles. That is the fate of parliamentary committees, as Mr. Adams will agree.

I agree with my colleagues on this side of the table that in the case of this bill, we must deal with what we have and get going. The speaker did not say that we would not succeed. For the time being, we cannot know that.

**The Chair:** Fine.

**Mr. Yvon Godin:** Madam Chair, I would like to quickly add that if we had listened to Mr. Adams' interpretation of the Speaker's ruling, even if it was just on the issue of separating the fund, there would simply not be a bill. In that case we would agree with Mr. Adams. However we do not agree with him.

● (1210)

[*English*]

**The Chair:** I've exhausted the list of speakers, so I suggest we proceed. I don't have a motion on the floor. So I will proceed now with the clause-by-clause study of Bill C-280.

**Hon. Peter Adams:** Is it your decision that we proceed with the amendments we have already received—

**The Chair:** Absolutely.

**Hon. Peter Adams:** —but not with new amendments?

**The Chair:** There are no new amendments that I have received. I can only proceed with the ones I have received, which you also have in front of you. You have the list. The first amendment is CPC-1, and so on.

I have no amendments for clause one.

Madame Gagnon.

[*Translation*]

**Ms. Christiane Gagnon:** I want a recorded vote.

**The Chair:** Fine.

[*English*]

(Clause 1 agreed to)

(On clause 2)

**The Chair:** Clause 2 has a proposed amendment, which is amendment C-1.

**Mr. Peter Van Loan:** We have two amendments there. I would prefer that only one should be adopted, because they are contradictory to some extent.

**The Chair:** Could you explain that, Mr. Van Loan?

**Mr. Peter Van Loan:** Yes. I would prefer that we proceed with amendment C-2.

**The Chair:** You want to do that first. Does that mean you are going to go to amendment C-1 or are you forgetting C-1 altogether?

**Mr. Peter Van Loan:** If amendment C-2 is adopted, C-1 would be abandoned.

**The Chair:** At the suggestion of Mr. Van Loan—

**Hon. Eleni Bakopanos:** On the record, if I'm not mistaken, that's totally contrary to what the Speaker ruled.

On your arguments earlier, Mr. Van Loan, I only want to put it on the record that we are ignoring the decision of the—

**Mr. Peter Van Loan:** If I have a chance to explain the amendment, then you might understand it.

**Hon. Eleni Bakopanos:** I do have the floor, thank you.

**Mr. Peter Van Loan:** You're offering an opinion without my having explained it, because you obviously don't understand it.

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

**Hon. Eleni Bakopanos:** Thank you for that comment, Monsieur Van Loan.

**The Chair:** Madame Bakopanos has the floor. You will have the floor later on and you will be able to reply, in as polite terms as possible, with your point of view.

Madame Bakopanos.

**Hon. Eleni Bakopanos:** Thank you.

Through you, Madam Chair, I'd like the clerk or the legal counsel to explain how amendment C-2 is in fact contrary to the decision that was taken by the Speaker of the House.

**The Chair:** Mr. Clerk, in detail, please.

**Mr. Wayne Cole:** Adopting amendment C-2 would have no effect on the requirement for a royal recommendation. It would still be required for the same reason that the Speaker indicated as the first reason in his ruling of June 13.

**Hon. Eleni Bakopanos:** To be clear, there will be a need. This is what I want to make sure of.

**Mr. Wayne Cole:** The same need that exists at the moment would continue to exist.

**Hon. Eleni Bakopanos:** Thank you.

**The Chair:** Thank you.

Is everybody clear that amendment C-2 would simply continue in the same direction as the Speaker has indicated as far as royal recommendations are concerned? Amendment C-2, as it stands, would require a royal recommendation.

Mr. Van Loan.

**Mr. Peter Van Loan:** If I could explain the purpose of this amendment, the royal recommendation arose as a result of the establishment of the autonomous fund. The need to put moneys into it was considered by the Speaker to be an expenditure. Even though it is money that stays in a fund, the placing of it in the fund is considered spending. That is why there is the need for a royal recommendation.

This amendment does not alter that one way or another. This amendment seeks to address the fiscal issues that were raised on the impact of having to do the transfer forthwith of \$46 billion. The effect of this amendment is to spread out the expenditure of that \$46 billion. I wouldn't call it an expenditure, but it is to spread out the return of that \$46 billion to the employment insurance fund over a period of 10 years, so that it does not create an undue fiscal impact. As we know, \$4.6 billion is not a difficult kind of expenditure for this government to adopt in a three-line bill.

The effect is that it will be done over 10 years. Of course, this is entirely consistent with the recommendation of this committee in our report on employment insurance, when we asked that the moneys be returned, and the phrase was, I believe, "over time". This establishes a timeframe of 10 years, which is a reasonable time for those funds to be returned.

It's also consistent with what we did in the amendment to the throne speech.

• (1215)

**The Chair:** Mr. Adams, and then Mr. Devolin.

**Hon. Peter Adams:** Madam Chair, I understand the point that's being made on spreading it out. A part of the Speaker's decision, or a part of our concern about this, is not only that the money is transferred out of the general revenues into an independent account. The allocation of the money and the investment of the money in specified types of financial institutions is largely in the hands of an unpaid volunteer chair of the new commission. Although \$4.6 billion per year may not be very much, I would suggest that is a great deal of money in the hands of an unpaid person who is appointed in some fashion.

But I am quite willing to proceed with this.

**The Chair:** Mr. Devolin.

**Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC):** I will support this amendment for several reasons.

I think it's important to remember some of the concerns the parliamentary secretary raised a couple of weeks ago about the impact that a one-time \$46-billion transfer would have, not only on the fiscal situation of the government but also, because it was so large, on the entire economy. At that point, I raised the point that the government over the past 10 years has put us in a situation where fixing the problem could have these massive repercussions. That shouldn't be used against workers and employers who've paid into it. Having said that, obviously we don't want to punish the entire economy for the mismanagement of the government over the past 10 years.

I think the suggestion that it be repaid over a 10-year period is reasonable and prudent. I think it addresses the issue, which is that a \$46-billion one-time transfer would have far-reaching negative impacts. I agree with my colleague Mr. Van Loan that while \$4.6 billion is a very significant amount of money, we have seen evidence in the past few months that the government is prepared to make commitments of this general magnitude for a variety of reasons. So while it is significant, I don't think it is beyond the scope of what the government not only can do but has recently demonstrated it is prepared to do.

The other thing that I think is important is around the money being repaid and the concerns about the fact that this money would be moved out of the consolidated revenue fund. I find it somewhat ironic that a government that has repeatedly demonstrated that it is prepared to transfer billions of dollars into foundations that are beyond the reach not only of Parliament but also of the Auditor General, and is willing to continue that, is—

**The Chair:** Is that a point of order, Mr. Adams?

**Hon. Peter Adams:** I have a point of order on the second part, which is not true. They're not out of reach of the Auditor General or of public audit. The foundations have reversed the brain drain. They are fully accountable, except, as Mr. Devolin said, to Parliament.

**Mr. Barry Devolin:** In summary, I think this is a reasonable proposal, and what comes to my mind is if government members are not prepared to support this, it really begs the question whether there is ever any intention to repay these dollars. If a 10-year repayment plan is not acceptable, is too significant, it really suggests that there actually is no intention to ever repay that \$46 billion.

• (1220)

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

Madame Ratansi.

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

I am going to vote against the motion for the basic reason that the Auditor General—

**The Chair:** Excuse me.

Order, please.

**Ms. Yasmin Ratansi:**—who understands accountability governance, has told us, and had told the previous Conservative government, to put the money in the consolidated revenue fund. If I look at the whole ruling of the Speaker, I see that the Speaker says that when a private member makes a submission, they should be warned of its shortcoming if they are trying to put in a spending provision—which includes this transfer.

I think we are being irresponsible, but that's okay. We can go ahead and make all sorts of statements, but in fact, the money has been there. It was this government's good management—

**Mr. Peter Van Loan:** [*Inaudible—Editor*]

**Ms. Yasmin Ratansi:**—of the economy that got the money into the fund.

**The Chair:** Excuse me.

Mr. Van Loan, I would ask you to keep personal remarks out of this. They're pretty personal, and you've made two remarks now to members who have said things. I really can't accept that.

**Ms. Yasmin Ratansi:** Madam Chair, it's just irresponsible behaviour by the opposition.

**The Chair:** But there's a way of working within a committee.

**Ms. Yasmin Ratansi:** To keep on harping at the \$4.6 billion deal that was made with the NDP... I am sure they understand it was their mismanagement of the budget vote, which they agreed to first, then disagreed with. We had to see that people were responsible enough to vote on the government budget, which required child care, which required everything that the worker needs for a good economy.

**The Chair:** Thank you.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** Thank you, Madam Chair.

I have a couple of quick points. Last time I said the moneys were taken from workers and employers and they should be put back. The issue is whether royal proclamation is required. It is.

**The Chair:** You mean royal recommendation.

**Mr. Ed Komarnicki:** Yes.

It's something the government can do, and then they'd be forced to make that decision whether to keep those moneys or not. They're just coming up with the workers protection fund, which they'll be taking out of general revenues over many years, when they don't need to, when there is ample money in this fund to take care of that. If they put that back, that money could be used vitally.



I think the government needs to be forced to make a decision on this, so I would be in support of it.

**The Chair:** Mr. Devolin.

**Mr. Barry Devolin:** I would like to respond.

It's my understanding that the previous Auditor General suggested that a separate fund did not need to be established; that the EI funds could be managed within the consolidated revenue fund. When the Auditor General said that, I suspect she presumed the government would honour the EI Act and would make every effort to establish premium rates that would be offset by expenditures. The Auditor General did not foresee that the government would continuously and deliberately overcharge employers and workers so these annual deficits would occur year after year, and this massive surplus would build up.

I agree that in a world where things happen as they should, there should not be a segregated fund. We are putting a lock on the liquor cabinet. It's unfortunate that we have to do that, but I believe the segregated fund is now necessary, based mostly on the evidence that the government has mismanaged this account over the past several years, and will continue if it is not precluded from doing so.

**The Chair:** Thank you.

*Madame Ratansi, ensuite Monsieur Forseth.*

**Ms. Yasmin Ratansi:** If Bill C-43 had been passed by the Bloc and the Conservatives, we would not be having this discussion. If they understood Bill C-43—the EI was there. The Auditor General, for governance purposes, kept it in the consolidated revenue fund.

In the report on monitoring the assessment, there is a negative spread. For anyone who doesn't understand how a financial market works, we had a 1.4 negative spread, with the employers putting in. The input and the output is a 1.4 negative spread. We cannot afford that. If that happens, the fund is going to be totally diminished.

So I think we have to understand what we're doing. We have to understand as responsible people that this is financial, it will require royal recommendation, and we should have voted for Bill C-43.

• (1225)

**The Chair:** Thank you.

Mr. Forseth.

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

At one time the EI fund was separate. Then when the economy went into great difficulty and there were great drawdowns, the government was transferring huge amounts of money into the fund to keep it going. That's when the recommendation of the Auditor General came, and then the government followed, to put it all into the consolidated revenue fund.

We knew coming out of 1995-96 that there would be the choice that, unless the premiums were drastically reduced, the annual books of the government would be balanced based on the top-up they would get from collecting more in the name of EI than they really needed. So that was a decision of the government at the time, and we in the House were always after the government to not do that.

That is why the political pressure now is that EI should collect its premiums, be actuarially sound, and not be able to be manipulated at the last minute by any government of the day in view of an election or whatever—because we remember that happening in times past. It's the whole idea of having a separate, much more fiscally responsible insurance scheme rather than just another so-called government department.

Regardless of whether the funds are separate or not, it does reflect the overall fiscal position of the country, and it is considered by international financiers when they look at our financial worthiness. There are kind of political-historical reasons going back and forth, and there is no....

The money collected in the name of EI has been spent every year by the EI program. A little extra was collected, so a kind of surplus was being built up. It was in deficit at one point. Money was transferred from other areas into it to keep it going, but then the surplus built up. Actuaries tell us that in current circumstances, a fund of about \$15 billion should keep the fund actuarially sound, and premiums should reflect that. I think there is a general political move from our side that we want to have it as true insurance and not have it be available to be manipulated by any government in the future. That could be done by keeping it within the consolidated revenue, or without, if other adjustments were made, such as the rate-setting mechanism. If the commissioners and so on were much more autonomous, that would solve some of that.

So that's some of my understanding of what we're doing.

Just as a political comment, the money was raised in the name of workers. It was the current Prime Minister, I believe when he was in opposition, who actually used the phrase that high EI premiums are a tax on jobs. That's kind of an economic view.

So there is a long history back and forward, and you can see the spirit of this bill here as trying to fix some of that. I also had earlier concerns about the appropriateness of a private member's bill making this kind of major adjustment, and I was proved correct by the Speaker's comments.

That's all I'm going to say at this point.

**The Chair:** Thank you.

I have on my list of speakers Mr. Van Loan and Madame Gagnon.

Mr. Van Loan.

**Mr. Peter Van Loan:** I support both the history of what Mr. Forseth reviewed and his sentiment. I think he captured this well.

The member for Don Valley East is very selective in referring to the Auditor General. The Auditor General was also scathingly critical of the fact that this government has taken \$46 billion from workers.

The member for Don Valley East talks about the ratio and the risk of depleting the fund. Well, unless this law is adopted, if Bill C-43 and the employment insurance changes go forward, there will be no fund. There will be nothing to be depleted. And the surplus that will be collected every single year will continue to go into general revenues and be taken away from workers, as has been done for a decade. That's why we want to see this changed.

I'd call the question now.

•(1230)

**The Chair:** Thank you.

The question has been asked, Madame Gagnon.

[*Translation*]

Do you still want to make your comments? Go ahead.

**Ms. Christiane Gagnon:** Could we put the question on the amendment, Madam Chair?

**The Chair:** Yes.

[*English*]

So we are voting now on amendment CPC-2, presented by Mr. Van Loan.

[*Translation*]

That Bill C-280, in clause 2, be amended by adding after line 16, on page 4, the following:

(1.1) Amounts referred to in paragraph 72(1)a) shall be paid annually in equal amounts over a period of ten years.

**Ms. Christiane Gagnon:** I want a recorded vote.

**The Chair:** Ms. Gagnon wants a recorded vote, madam clerk.

(Amendment agreed to: yeas, 7; nays, 4)

**The Chair:** Ms. Gagnon, I think that is the only time I have ever you heard speak English.

[*English*]

**Mr. Peter Van Loan:** Madam Chair, at this point amendment CPC-1 would be withdrawn.

**The Chair:** All right.

**Mr. Peter Van Loan:** Amendment CPC-2 has dealt with that question.

**The Chair:** Amendment CPC-1 having been withdrawn, we're now looking at clause 2 as amended.

Are there any comments about clause 2, as amended, before we come to a vote? Do you have comments, Mr. Van Loan?

**Mr. Peter Van Loan:** I'll very quickly say that although it's not my amendment, this is an amendment that does address one of the three—

**The Chair:** I'm sorry. This is not an amendment. This is clause 2, as amended.

**Hon. Peter Adams:** I'm sorry. I would simply point out that this is one of the focuses of the Speaker's rulings, that's all.

**The Chair:** Thank you.

So we'll come to a vote then.

[*Translation*]

**Ms. Christiane Gagnon:** I would like us to proceed systematically with recorded votes in our consideration of Bill C-280.

**The Chair:** Thank you, madam clerk.

(Clause 2 as amended agreed to: yeas, 7; nays, 4)

[*English*]

(Clause 3 agreed to: yeas 6; nays 5)

[*Translation*]

(Clause 4 agreed to: yeas, 7; nays, 4.)

(Clause 5)

•(1235)

**The Chair:** We will now go to clause 5. I draw your attention to amendment BQ-1, moved by Mr. Lessard.

That Bill C-280, in clause 5, be amended by replacing lines 21 to 25 on page 6 with the following:

(2) Four commissioners as follows:

- a) a Chairperson;
- b) a Vice-Chairperson;
- c) a person representing employees; and
- d) a person representing employers.

Just a moment, please, Mr. Lessard.

The clerk has just drawn something to my attention. The relationship between BQ-1 and BQ-2 is as follows: the vote, regardless of the outcome, applies from BQ-1 to BQ-2. If the BQ-1 is defeated, we do not even need to go on to BQ-2. If BQ-1 is adopted, we do not have to go on to BQ-2 either, since BQ-2 is consequential to BQ-1.

Mr. Lessard.

**Mr. Yves Lessard:** That is our understanding as well, Madam Chair.

As regards our amendment, I would like to remind you that our position was that the commission should be made up of 17 commissioners, including seven representing employers and seven representing employees. We remain fundamentally convinced that the majority of the commissioners must be representative of the two groups that pay. However, to take into account arguments by our Conservative colleagues and the argument by our Liberal colleagues stating that this clause alone would justify a royal recommendation, we wanted to attempt to eliminate the objection.

Madam Chair, along the same lines again, we will maintain this amendment so that a royal recommendation is not justified by this simple fact. That is why we are going back to our initial position as regards the makeup of the commission.

**The Chair:** Thank you.

Any discussion?

Mr. Adams.

[*English*]

**Hon. Peter Adams:** Thank you, Madam Chair.

As Yves Lessard has said, this amendment was designed to meet the Speaker's original ruling on the royal recommendation. We understand that. We appreciate the attempt to adapt this part of the bill, in light of the Speaker's original ruling, which of course was repeated in his second ruling.

Although this reduces the number from 17 to this much smaller number, we point out that the new Speaker's ruling makes it quite clear that it still requires a royal recommendation, because the roles of these individuals have changed in the way they're appointed, of course. As I mentioned earlier, in the matter of investing these large sums of money, their roles are changed.

As I pointed out, the way in which the chair will be paid is not clear. It's virtually certain that the chair will need to be paid, which will involve additional expenditures over those that are required at the present time.

It also begs the question of the support of the department. At the moment, in theory the current chair has the support of tens of thousands of employees, people who are knowledgeable about EI, and you can draw on them without apparent expense. In an independent organization, has provision been made for this expense, which at the moment simply flows from the nature of the chair of the current commission?

I would simply say that I appreciate the effort to adapt to the Speaker's original ruling, but in our view, even with the executive and the four commissioners, a royal recommendation would still be required for this part of the bill.

• (1240)

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

Mr. Van Loan.

**Mr. Peter Van Loan:** I appreciate Mr. Adams' comments, but I'm not sure they are accurate.

The requirement to invest the moneys, which was one of the three issues of concern, does not arise out of this clause but out of an earlier clause. It is not an issue that relates to this clause at all or to the establishment of the commission at all. It relates to an earlier item that we dealt with.

Secondly, I would be shocked and surprised if the human resources department were to suddenly refuse to cooperate or provide the resources to support the commission. Certainly when it functioned as an independent commission in the past, I think they had full support and resources, so I'm not sure there's any validity to that argument.

When this issue arose and the bill was presented, I can tell you that we supported the bill, subject to wanting to seek amendments to this very clause. That was before we were even aware of the royal recommendation issues. We are pleased to see the change, not only as a way of ensuring compliance with the royal recommendation requirement but also on a policy basis.

**The Chair:** It is my understanding that the change as regards paragraph 23(2)(a) and paragraph 23(2)(b), that is, the chairperson and the vice-chairperson, who were set out in the original bill as the deputy minister and the assistant deputy minister...if that is no longer so, this new chairperson and vice-chairperson, who would not come from the department, would have to be remunerated in some other way than by their salaries through the civil service. So this is how I interpreted the fact that there would be a royal recommendation required for amendment BQ-1.

Mr. Adams and then Mr. Van Loan.

**Hon. Peter Adams:** It was a purely technical point. I certainly was not implying that the current department, if this became law, would not support it. I was making the point that one of the efficiencies of the present situation is that the person in charge of the department is the person in charge of the commission. There are great efficiencies involved there, and they would have to be changed, and I think the Speaker is now cognizant of that. He was not before. We should realize that the Speaker has seen these proposed amendments, because in the way it was reviewed, this material was available to him.

**The Chair:** Absolutely, this was made available to the Speaker.

**Hon. Peter Adams:** I'm sorry, it's just that one point.

**The Chair:** Thank you.

Mr. Van Loan.

**Mr. Peter Van Loan:** As I was saying, amendment BQ-2 seeks to address the issue by...the English translation is fairly bad, but in French it says:

[*Translation*]

(2) Vice-Chairperson from among the Deputy.

[*English*]

It just says "Deputy". I think they mean "Deputy Ministers" in amendment BQ-2.

**The Chair:** We're dealing with amendment BQ-1 right now.

**Mr. Peter Van Loan:** Yes, but amendment BQ-2 is consequential, so I'm just saying the objection to amendment BQ-1 is addressed, at least in part, by amendment BQ-2.

**The Chair:** I've exhausted the speakers list, so we will now come to a nominal vote on amendment BQ-1.

I'm sorry?

[*Translation*]

**Mr. Peter Van Loan:** We call it a roll call vote in English.

[*English*]

**The Chair:** Thank you for the English, Mr. Van Loan. If you come to Montreal this summer, I'll teach you some French.

[*Translation*]

(Amendment agreed to: yeas 7; nays 2)

**The Chair:** Amendment BQ-1 having carried, amendment BQ-2 is subsequently carried.

We will now go on to clause 5 as amended by BQ-1 and BQ-2. Any debate?

There is no debate. I will put the question on clause 5.

• (1245)

**Mr. Yves Lessard:** Does that include the amendment, Madam Chair?

**The Chair:** Yes. We are voting on clause 5 as amended.

(Clause 5 agreed to as amended; yeas 7; nays 4)

(Clause 6)

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

We will now move on to clause 6.

I think there is a mistake on my sheet, but I do have BQ-3, even though it says BQ-2 on the sheet. However, you will see that it is a mistake, since BQ-2 was just adopted in clause 5.

So we are on BQ-3, as moved by Mr. Lessard:

That Bill C-208, in Clause 6, be amended by deleting lines 11 to 14 on page 7.

Mr. Lessard.

**Mr. Yves Lessard:** It represents concordance, in part with Bill C-23, which already contains provisions on rules of operation of the commission as such.

**The Chair:** Thank you.

Any further debate on Mr. Lessard's proposed amendment?

Mr. Adams.

[English]

**Hon. Peter Adams:** Madam Chair, I want to repeat the general point about the fact that it's not simply the size of the commission, it's the roles of the officers and the change in the roles of the officers that are of concern to us and to the Speaker.

**The Chair:** Thank you.

Mr. Van Loan.

**Mr. Peter Van Loan:** In that case, I would expect we will see Mr. Adams supporting BQ-3, because it has the effect of restoring the definition of role from what was in the bill to what was in the statute and regulations.

**The Chair:** Mr. Adams, do you wish to reply to this?

**Hon. Peter Adams:** I'd point out that the positions may sound the same, but they are different people, appointed in a different way, and therefore I will be opposing this as well.

**The Chair:** Thank you.

We'll come to the vote now, and we'll have a roll call.

Mr. Van Loan, is that all right?

[Translation]

**Mr. Peter Van Loan:** Yes.

[English]

**The Chair:** This is good in English?

[Translation]

(Amendment agreed to; yeas 7; nays 4)

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

BQ-3 has carried, we will now move on to clause 6 as amended by BQ-2 and BQ-3. Any discussion on clause 6 as amended?

I will call the vote.

(Clause 6 agreed to as amended; yeas 7; nays 4)

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

We will now move on to amendment BQ-4 by Mr. Lessard, who is proposing a new clause, clause 7.

**7. If Bill C-23, introduced in the 1<sup>st</sup> Session of the 38<sup>th</sup> Parliament and entitled the Department of Human Resources and Skills Development Act (the "other Act"), receives royal assent, then, on the later of the coming into force of the other Act and the coming into force of this Act,**

**a) subsections 20(1) and (2) of the other Act are replaced by the following:**

**20.** (1) There is hereby established a Commission to be known as the Canada Employment Insurance Commission.

(2) The Commission shall be composed of four commissioners, as follows:

- a) a Chairperson;
- b) a Vice-Chairperson;
- c) a person representing employees; and
- d) a person representing employers.

**b) the other Act is amended by adding the following after section 21:**

**21.1** (1) The Governor in Council shall appoint the commissioners who will represent employees and employers from a list of nominees [...]

I am obviously not reading it in full.

(2) The Governor in Council appoints the Vice-Chairperson from among the Deputy Ministers or the Associate Deputy Ministers [...]

**21.2** (1) The Chairperson shall be appointed by the House of Commons on the recommendation of the Minister following consultation of the commissioners [...]

(2) The Chairperson shall not vote, but shall cast a deciding vote in the case of an equal division.

That is what Mr. Lessard is moving.

Mr. Lessard, do you want to add any comments?

● (1250)

**Mr. Yves Lessard:** Yes, I just have a clarification to make, Madam Chair: as you can see, these amendments are for consistency with the eventual adoption of Bill C-23. If I am not mistaken, the only difference is that subclause 21.1(1) now stipulates: **21.1(1)** The Governor in Council shall appoint the commissioners who will represent employees and employers from a list of nominees provided by associations [...]

If my memory serves me well, that did not exist. That is the only difference. Moreover, it takes into account the common concern of all committee members, that the representatives of both categories be appointed from a list.

That is the only change. The rest, Madam Chair, is consistent with the eventual adoption of Bill C-23.

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

Mr. Adams.

[English]

**Hon. Peter Adams:** Madam Chair, there are two points.

The first is that the translation, when you read out this section, was extraordinary. It was really quite remarkable.

**The Chair:** My congratulations to the translators.

**Hon. Peter Adams:** The second point is that I'm going to vote against this—which may surprise members—despite the fact that I really do like the proposed name. If in some way we could extract the name and put it in for the present commission, it would suit me fine. I just wanted to make that point.

**The Chair:** I've lost you a little bit, Mr. Adams.

**Hon. Peter Adams:** It's okay. No, Madam Chair, it's an observation for the record.

**The Chair:** It's an observation. All right.

Are there any other comments?

[*Translation*]

I will call a recorded vote.

(Amendment agreed to; yeas 7; nays 4)

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

[*English*]

Yes, Mr. Devolin.

**Mr. Barry Devolin:** On a point of privilege, Madam Chair, just to clarify the record and to help my colleagues and the staff with the pronunciation of my name, in English it is Devolin—Mr. Barry Devolin.

**Hon. Peter Adams:** I thought it was Irish.

**Mr. Barry Devolin:** It is. It's bastardized Irish.

**The Chair:** I thought it was Italian.

**Mr. Barry Devolin:** Having said that, I also quite like the French pronunciation, Monsieur Devolin. It sounds very classy.

So feel free, you can choose either Mr. Devolin or Monsieur Devolin.

[*Translation*]

**The Chair:** Madam Clerk, are you satisfied with that explanation?

**The Clerk of the Committee (Ms. Danielle Bélisle):** Yes.

**Ms. Christiane Gagnon:** Madam Chair, when are you going to report the bill to the House?

**The Chair:** Wait, we are not finished. Give me a moment, Ms. Gagnon. We have only voted on the amendment.

[*English*]

Madame Ratansi, do you have something?

**Ms. Yasmin Ratansi:** The same way Monsieur Devolin was saying—

**The Chair:** Devolin. I still have problems with Mr. Komarnicki, but I'm okay on Mr. Devolin.

**Ms. Yasmin Ratansi:** It's Ratansi. Thank you.

**The Chair:** Actually, Mr. Devolin, I thought it might be Devolini, you know.

You're okay, Mr. Van Loan; you have almost a very famous ancestor.

Okay, we're back to clause 7.

**Mr. Wayne Cole:** Clause 7 is adopted.

**The Chair:** Clause 7 has been adopted.

We're now at the title, which is the following, as it stands before voting: “An Act to amend the Employment Insurance Act (Employment Insurance Account and premium rate setting) and another Act in consequence”.

Is there any discussion on this title?

• (1255)

[*Translation*]

Do you want a recorded vote, Ms. Gagnon?

**Ms. Christiane Gagnon:** Yes.

**The Chair:** Okay.

(The title agreed to; yeas 7; nays 4)

**The Chair:** Now, we are going to vote on the bill. Shall the bill, as amended, carry? I will ask once again for a recorded vote.

(Bill agreed to as amended; yeas 7; nays 4.)

**The Chair:** Thank you.

I have one final question. Shall the Chair report the Bill, as amended, to the House?

Mr. Adams.

[*English*]

**Hon. Peter Adams:** On a point of order, Madam Chair, I think I know the answer, but could you give us an indication of the guidelines for a minority report? Would you sooner wait until we vote on that?

**The Chair:** No, we can discuss it in an informal way. I would like to know if, first of all, there is a possibility of a minority report. Could someone give me a sign of whether you intend to present a minority report in respect of this bill?

**Hon. Peter Adams:** We would reserve the right to do so.

**The Chair:** Thank you.

Today is Thursday. Can we give you until Tuesday next?

[*Translation*]

**Ms. Christiane Gagnon:** No.

**The Chair:** Why not, Ms. Gagnon?

**Ms. Christiane Gagnon:** Last time, when we produced a report on persons with disabilities, I had until the end of the day to submit a minority report. You would never have given us the whole weekend. It was not our choice, The chair had asked us to do that, because of the time we had been given.

**The Chair:** Order please. Please wait a moment while I look into this.

[*English*]

I've learned from the clerk that although a minority report is allowed, it cannot be attached to a bill. It would have to be tabled separately.

That means we can table the bill as quickly as possible in the next sitting, which will be tomorrow.

**Hon. Peter Adams:** I didn't realize that. Are there rules about length? Is there any timing, as there would be in the case of an attachment?

**The Chair:** No, there is not.

**Hon. Peter Adams:** No rules as to length.

**Mr. Wayne Cole:** It would be a separate report, and that would be a decision for the committee to make.

**The Chair:** For the minority report.

**Mr. Wayne Cole:** It would be a report from the committee.

**Hon. Peter Adams:** Madam Chair, to be honest, I'm no clearer. I understand the point that it's a bill and a minority report is not attached to a bill.

**The Chair:** From what I understand, Mr. Adams, since it is a separate report, even though it is a minority report, it would be tabled by the chair in the House. No special interval of time must pass between the tabling of the bill and the tabling of the minority report. There is no time element involved there.

**Hon. Peter Adams:** Madam Chair, would the House then wait for the minority report before it considers the bill?

[Translation]

**The Chair:** Excuse me a moment.

[English]

I'm trying to get legal advice on this and I ask you to bear with me.

[Translation]

Ms. Gagnon, please. I have asked others to respect the committee. I am trying to obtain legal advice, after that I will give you each the floor.

The clerk's response is as follows.

• (1300)

[English]

The bill, first of all, will probably be tabled before the report. The bill will likely be tabled tomorrow, and it is separate from a minority report. There is no relationship between the two, no legal relationship. So when the bill is tabled in the House, it goes to the bottom of the list of bills to be voted on in the House. It appears on that list and bears the time it is voted on. There is no relationship in time with respect to when a minority report would be tabled.

Is that clear for everyone?

**Hon. Peter Adams:** Madam Chair, I have one more point. With respect to a minority report from this committee, can you give me some instruction on how I do that? If we want a minority report, do I prepare it? Do I bring it here? Is it debated? What happens to it?

**The Chair:** It would require the consent of the committee.

**Hon. Peter Adams:** Can I have the consent of the committee, Madam Chair, to table a minority report?

**The Chair:** Several people want to speak, so before we come to that question, I'll recognize Mr. Komarnicki.

**Mr. Ed Komarnicki:** On a point of order, there's a difference between a report and a bill. When you're doing a report, it could be a majority or minority report. But the bill is voted on clause-by-clause and it's either accepted or rejected. When you have a bill, it should go in as it's done by the committee and there shouldn't be any report.

That's my view.

**The Chair:** Exactly.

**Mr. Wayne Cole:** The report on the bill will be tabled separately. It is open to the committee to table a separate report expressing any

concerns it may have around the issues related to the bill, if it so chooses.

**Mr. Peter Van Loan:** Okay, which leads to my next question. If there is to be a minority report, it's logical to me that there should be a majority report to express where the dissent is from.

**The Chair:** It seems to me, Mr. Van Loan, that the majority report is the bill. You've made your intentions clear. At least the committee, as a majority, has made its intentions clear, clause by clause, so to speak, as to where it stands. It is only the people who do not agree with that majority opinion—the majority opinion being that Bill C-280 should be presented to the House—who should have a report.

**Mr. Peter Van Loan:** However, I just heard the legislative clerk tell us it is a report separate and apart from the bill.

**The Chair:** Absolutely.

**Mr. Peter Van Loan:** That suggests that if the minority produces a report, the majority could produce a similar report at the same time to respond or explain their rationale.

**The Chair:** That could be. Legally, that could be, although—

**Mr. Peter Van Loan:** I'm posing the question, do we want to get into the exercise of these two competing reports? I don't know if Madame Gagnon or Monsieur Lessard are listening, but the point I'm making is that if there is going to be a minority report and it's a matter that's entirely separate from the bill, should there be a majority report, and should we create that opportunity at the same time?

**The Chair:** I don't want to preclude anybody's right to present a report. However, I do insist on the fact that we do have two majority reports from this committee. One was our recommendation to the minister, out of which flowed the possibility of Bill C-280, which this committee has *majoritairement* adopted clause by clause, plus amendments. It seems very clear to me what the majority of this committee wishes—very clear. I'm not precluding anybody's right to write a report, I'm just bringing forward an argument. It seems to me that it is up to the minority to say why they are against certain clauses or all the clauses of Bill C-280.

Once again, I'm not precluding your right to do whatever is legal.

Madame Gagnon, Monsieur Godin, Monsieur Adams.

[Translation]

**Ms. Christiane Gagnon:** I agree with Mr. Van Loan. If we want to present a minority report, what report will it be attached to? We do not have a report, we have a bill. Unless we decide that the bill is our report.

• (1305)

**The Chair:** No, the bill is not a report. A bill is a bill.

**Ms. Christiane Gagnon:** I know, but at the same time, we would have to draft a committee report, and in the end, there would be a minority report.

**The Chair:** You are entitled to your opinion, but that is not what I just explained.

**Ms. Christiane Gagnon:** I will put my question another way, Madam Chair. Suppose that we do not have a unanimous report. Could Peter Adams present a minority report by himself, without being part of a group?

**The Chair:** As I just explained, Ms. Gagnon, the majority opinion of the group has been clearly expressed in two documents, the first being the committee report with recommendations and the second being clause-by-clause consideration of Bill C-280. The latter is not a report, but it does represent the majority opinion in the committee.

**Ms. Christiane Gagnon:** All right.

I have a second question, Madam Chair.

**The Chair:** Go ahead.

**Ms. Christiane Gagnon:** I would like to come back to the tabling of the bill in the House. You said that it would probably be tabled tomorrow.

**The Chair:** I said that it would be tabled tomorrow.

**Ms. Christiane Gagnon:** Fine. I just wanted to get confirmation on that from you. I was not sure. Thank you.

[*English*]

**Mr. Peter Van Loan:** I have a point of order, Madam Chair. I've been advised by the clerk that we still have one more motion to adopt about reporting to the House. What we know from the legislative clerk is that the issue of a minority report is separate and apart from that—

**The Chair:** Yes, that's right.

**Mr. Peter Van Loan:** —so I think we should proceed to that motion first, and then we can continue this discussion.

**The Chair:** Fair enough.

Okay, so the last motion I have is the following: Shall the chair report the bill, as amended, to the House?

Do you want a roll call on this?

**Some hon. members:** Agreed.

(Motion agreed to: yeas 7; nays 4)

**The Chair:** Before we get back into the other argument, I just want to check with the clerk that the bill itself can be reported back to the House tomorrow in terms of the time element. I can say yes, but I'm not the one who works on the bill. I'd like to ask the clerk what her opinion is on this.

**The Clerk:** I think we will be able to. The problem is that we have a secretary who is pregnant, and she's not there this afternoon. We'll try to find somebody.

**The Chair:** That's fine. So the answer is tomorrow.

We're back on the question of the minority report. I have Mr. Godin and then Mr. Adams.

[*Translation*]

**Mr. Yvon Godin:** Madam Chair, I would just like to make a comment. If I am mistaken, I would like our clerk to correct me. This is not the first time that we are passing legislation and, personally, I have never seen a dissenting opinion appended to a report on a bill.

When we tabled the report of the Committee and the Subcommittee on Employment Insurance with our 28 recommendations, we included a dissenting opinion. However, we are dealing here with a bill. Are we opening a Pandora's box? If the government introduces legislation, will we be able to table dissenting opinions from now on? Am I missing something? Personally, I have never seen this.

There can be dissenting opinions to reports, but not to bills. I have never seen such a thing. I am sure that Mr. Adams is aware of this. I want people to realize what we are saying. After all, we have a minority government, you have lost the battle, and a bill will be introduced in second reading. Let us be clear here. What are we saying? The situation will not always be as it is now. We will certainly work to prepare reports on bills, but this is something that has never been done.

I would like you to think carefully about your decision. Otherwise, people will necessarily wonder whether this is what we want to do in the future. We have discussed the issue. Everyone has had an opportunity to speak. Clauses have been proposed. There was a bill. The government had an opportunity to speak to each of the clauses. I have no problem with that. However, this is a bill, and I would like the clerk to tell me whether this is a new way of proceeding.

My question is to the clerk. Is this something new? Has it ever happened before?

• (1310)

[*English*]

**Hon. Peter Adams:** Madam Chair, my remarks might fit in with these comments. I don't want to interrupt.

**The Chair:** Just one moment, please.

**Hon. Peter Adams:** Okay.

[*Translation*]

**The Chair:** I would like the clerk to answer your question.

Mr. Godin, have you finished?

**Mr. Yvon Godin:** Yes.

[*English*]

**Hon. Peter Adams:** It would save time. The response would probably be the same to my remarks. He can reply to us both at the same time.

**The Chair:** That's what I would like to do now.

Could I have your leave to ask the clerk to answer your question?

**Hon. Peter Adams:** Madam Chair, I have an additional point that is exactly on Yvon's point—and, by the way, on Peter Van Loan's also. Then the clerk could reply to both.

I reserve the right to a minority report. I asked about it and got a ruling on it that we could do it, okay? That's what I said. As I said, and as Yvon has said...I've never been in this situation before, but it was said that we reserved the right and that we could in fact table a report. Then it was explained that we could do it independently.

Now, I hope no one tells him this, but I agree completely with Peter Van Loan's logic. In order to have a minority report, you have to have a majority report, and we don't have a majority report. The other thing is, if it is the committee report, which was the second part of the ruling, the only way you can get a minority report is for the majority to vote for the minority report.

**The Chair:** But we do have an answer for this, Mr. Adams.

**Hon. Peter Adams:** There's a catch-22 in there.

I just wanted to add that to Yvon's point, and I'd love an explanation.

**The Chair:** Yes, we do have an answer for you, Mr. Adams, and Mr. Godin, and all members of the committee.

I would ask the clerk to give the answer directly.

**Mr. Wayne Cole:** In studying bills, committees very often have additional concerns that they wish to bring to the House, whether they are concerns of the entire committee or only a part of the committee. Those have to be tabled as a separate report, and that would not be described, technically, as a minority report. It is a report from the committee on related matters. It's not necessary, as with any committee report, that it be adopted unanimously.

**The Chair:** So this document could then be called, "Additional Matters Discussed by Members of the Committee", or

[*Translation*]

In French, "Les préoccupations de certains membres du comité."

[*English*]

Would that be acceptable?

**Mr. Wayne Cole:** That would be up to the committee.

**The Chair:** But I mean, legally it would be acceptable.

*Oui, Monsieur Godin.*

[*Translation*]

**Mr. Yvon Godin:** Madam Chair, I have a question of clarification. If a report comes from one person or one party, does it have to be adopted by the committee? If the committee decides that it does not want the report to be tabled in Parliament, can it refuse?

[*English*]

**Hon. Peter Adams:** That's the catch-22.

**The Chair:** Excuse me. I have a list.

I have Mr. Devolin. Did you ask, Mr. Komarnicki?

Mr. Devolin, and then you.

**Mr. Barry Devolin:** For clarification, I want to go through this again.

It is my understanding that the committee—

**The Chair:** Please listen. We've clarified it so many times, because I think people are really not paying all that much attention. Please pay attention, Madame Gagnon.

**Mr. Barry Devolin:** Committees, many times, send reports to the House through a formal reporting process, which is a majority report, and there is a provision for minority reports attached to that. Correct?

**The Chair:** That's one thing.

**Mr. Barry Devolin:** There is a separate thing, which is that committees consider pieces of legislation, and if a piece of legislation is sent on by the committee to the House, that's its own thing. There are no provisions for specifically attaching any report to that piece of legislation.

Having said that, any committee at any time, if it so chooses, can send a report to the House. Right? Is that correct?

**The Chair:** That's what it amounts to, yes.

**Mr. Barry Devolin:** It's my understanding that a majority of members of the committee must actually vote in favour of any such report going to the House.

• (1315)

**The Chair:** Is this right, Mr. Clerk? Yes.

**Mr. Barry Devolin:** So it's my understanding that if any individual member or group of members or caucus at the committee wanted to write something at any time to send it to the House, they could only do that if a majority—not unanimous, but a majority—of the members of the committee would agree to that.

So the question isn't whether Mr. Adams has a right to send a dissenting report or not; the real question is whether this committee will agree to vote in favour of sending something to the House that only a minority of the members subscribe to.

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

Madame Bakopanos, go ahead, please.

**Hon. Eleni Bakopanos:** But on that point, Mr. Devolin—

**The Chair:** Oh, I beg your pardon. Mr. Komarnicki had asked for the floor first, and after that, Madame Bakopanos.

**Mr. Ed Komarnicki:** The point, I think, is well made, and we just have a question about whether these reports should go forth.

[*Translation*]

**The Chair:** Ms. Bakopanos, please.

[*English*]

**Hon. Eleni Bakopanos:** This is an unusual situation, in my experience of 12 years, also. The fact that the Speaker, twice—not once—has ruled out of order clauses of a private member's bill is an exceptional situation, and I think we have the right—at least on this side of the House we feel that way—that we ought to have the right—of course, with the consent of the committee, because as the Speaker has always said, the committees are in charge of their own business.

But the fact of the matter is that I think there has to be an opportunity again.... Okay, you can correct me if you want to. The point I'm trying to make is that this is not a usual situation. Twice, the Speaker has ruled out of order a bill that we are now sending back to the House, so I believe the circumstances merit the fact that we should have....

We have never stifled debate in this committee. We have never disallowed anyone from presenting any minority opinions, and I think it's important to put in the record, as it is important if you wish, as a majority, then, to counter whatever arguments we decide to bring forth in terms of this bill.



**The Chair:** Ladies and gentlemen, I'm going to cut short the discussion. It's 1:15 and I must admit I did not realize it was so late. If you want to have some money to travel on this year, I have to be out of here very quickly.

Let me say this, as chair. I think that given the good relationship we've had as members of this committee, I don't know what the *qualificatif* would be for this to allow for some members of this committee to explain why they have voted against certain articles or the whole bill. I would ask you to consider this, but I think we're going to have to come to a vote right now. It is 1:15, and I think people have made up their mind, so I will call the vote.

Yes, Madame Gagnon?

[*Translation*]

**Ms. Christiane Gagnon:** There are two things to look at.

**The Chair:** If you want money, Ms. Gagnon, you had better hurry, because...

**Hon. Eleni Bakopanos:** Can we bring this up for discussion again? Some members of the committee have left.

**Ms. Christiane Gagnon:** I will be quick, Madam Chair. You are telling us that even if we agree to let them do a minority report, they will need to come back here to present it and it will be voted on by the committee.

There are two stages: first, we agree to let them do a minority report and, second, they come back here to present it to the committee. For a minority report, we also have to...

All right? We agree on that.

**Mr. Yves Lessard:** And we can respond to it, because there will be things that we will not agree with.

**Hon. Eleni Bakopanos:** Very well.

**Ms. Christiane Gagnon:** I just want to be practical, really.

**The Chair:** Very well, I do not know if you want a motion. If someone wants to present it, we can have a motion.

Is there a consensus?

[*English*]

Do we have unanimous agreement to allow some members of this committee to express their minority opinions on Bill C-280, as accepted by this committee, and that the minority opinions be presented to this committee?

**Some hon. members:** Agreed.

**The Chair:** Thank you very much.

The meeting is adjourned.

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