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**Chair**

**Mr. Brent St. Denis**

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# Standing Committee on Industry, Natural Resources, Science and Technology

Thursday, June 16, 2005

•(0935)

[English]

**The Chair (Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.)):** *Bonjour, tout le monde.* Good morning, everyone.

I'm pleased to call to order this June 16 meeting of the Standing Committee on Industry, Natural Resources, Science and Technology. We're here to commence clause-by-clause consideration of Bill S-18, An Act to amend the Statistics Act.

We're all trying to get as much work done as we can before Parliament rises for the summer, presumably next week.

We're please to have here Richard Barnabé, assistant chief statistician, to help us today as needed. For the record, the chief statistician is in Geneva, but was helpful to our committee yesterday by teleconference call.

With that, unless there are any opening comments, we're going to get right into it.

(On clause 1)

**The Chair:** I believe the very first item of business involves an amendment that Werner wants to propose on behalf of the Conservatives.

Werner, I would like you to move your motion. Whether it's in order or not, I'll let you know once we've heard your comments. I think Mr. Barnabé will comment, and anyone else may. I'll seek Susan's advice, and then we'll go from there. I'm not saying that it's not in order, but just that the question of whether or not it is I can leave until before the vote, I believe.

So with that, Werner, I'll ask you to introduce your motion and move it.

**Mr. Werner Schmidt (Kelowna—Lake Country, CPC):** Thank you very much, Mr. Chairman.

I move the amendment.

I believe each of you has a copy of the amendment.

**The Chair:** I'm going to ask you to explain it as best you can.

**Mr. Werner Schmidt:** I would like to ask each of you if we could add the place of birth and the date of immigration to the amendment. So my amendment would be that in subsection 18.1 (1), which is really the first clause of our bill, line 6 be replaced by the following words: 18.1(1) The name, address, date of birth, sex and occupation of the respondent and the name of the

spouse or common-law partner and children of the respondent and the place of birth and date of immigration contained in the

I would like you to add those words, because in the proofreading of this, we found that we had left out “and the place of birth and date of immigration”.

**The Chair:** You've moved it, so I will ask you to speak to it as the mover and explain what you're proposing.

**Mr. Werner Schmidt:** Okay.

The reason for the motion is to recognize the significance of census information for genealogical and historical purposes. We want to make sure this information is available by name and by residence so that people, historians and genealogists, can follow through the history of certain families. We want to recognize that and make sure those records are available.

The other question is with regard to 1911, and then certain other censuses following that. There were no short forms and no long forms; there was only a long form. What this in effect does is make the 1911 long form really into a short form. It releases the short form information.

There was some indication at the time that the information asked for by the enumerators in 1911 and subsequent, up to 1971, was to be treated in confidence, and was not to be released. There was no indication as to any kind of a time limit. So it appeared to many of the people that this information would be kept confidential and private in perpetuity.

We had a long discussion about this yesterday. One of the arguments was that there was no indication that it was in fact in perpetuity.

This is a matter of interpretation, I'm sure, but if there is no specific date, it would appear to me that there definitely is an implication and a perception on the part of those who completed the census, through an enumerator, that indeed they believed this information would continue to be kept confidential and not made public—or made accessible, perhaps more accurately said—in the future.

So to meet the commitment made by the enumerators, this would be kept private and confidential; at the same time, the name and address and so on, as indicated in the amendment, would be available if people would like to seek that information. I think this gives the genealogists exactly the kind of information they wish.

In fact, I'd like to indicate to you that I have before me a sample of what the genealogists do go for. It is exactly the kind of thing that is contained in my motion. It includes the names of the children and the wife or partner, the day they were born, where they were born, and what the relationship is with the particular individual involved.

Mr. Chairman, I think this amendment achieves what genealogists essentially need and use. I think they have a valid contribution to make in our society, and I'd like to recognize that, but I do not believe some of the other information should be accessible to them in perpetuity.

That's the reason for my amendment.

**The Chair:** Thank you, Werner.

After we have heard from all members who wish to speak to this amendment, we'll ask Mr. Barnabé to speak.

Jerry.

**Hon. Jerry Pickard (Chatham-Kent—Essex, Lib.):** Mr. Chair, I think a few points should be raised.

One, I see that you would restrict information dramatically by the amendment.

Two, I guess it raises the question of who benefits from restricting information to people where, really, over time, as all of our witnesses have made very clear, some of that material becomes far less sensitive and far more of aid to historical references. You'd be burying that.

Three, I think it was made extremely clear yesterday that the costs of that amendment would be in the tens of millions of dollars. From further discussion, I believe the costs of that amendment would go into the hundreds of millions of dollars, potentially, because you're having to cut and paste information on every document we have that would be released.

Four, I think it's critical to certainly understand that it would create an administrative nightmare, as has already been suggested.

Why would we put forward at this committee an amendment that is going to cost hundreds of millions of dollars, that is going to cause an administrative nightmare, that really benefits no one that I can see, and that is going to end up restricting historical information that may be very valuable to people in the future? It really doesn't make sense, in my mind.

• (0940)

**The Chair:** Thank you.

Paul, please.

[*Translation*]

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** I would tend to oppose the amendment because it affects the balance of the Bill. Researchers have tried for several years to find a way of balancing the whole thing and obtaining something reasonable. Subsection (2) reads : (2) The information contained in the returns of each census of population taken in 2006 or later is no longer subject to sections 17 and 18 ninety-two years after the census is taken...

The amendment would therefore have implications not only for the past, but also for the future.

Genealogy is not just a matter of birth dates and names of people. There are many other related topics of research. You also need to keep in mind the historical research that needs to be done. During the past few days, we have been receiving e-mails urging us to pass this Bill. Now, if we were to accept this amendment, we would be getting just as many e-mails tomorrow, but this time from people who would blame us for ignoring the spirit of the Bill.

Anyway, I do not think this amendment is relevant with respect to this legislation which has already gone through many changes.

**The Chair:** Thank you, Paul.

Brian.

[*English*]

**Mr. Brian Masse (Windsor West, NDP):** The census information that's used for a genealogical and historical context—it's more than just cataloguing when people are born in this country and when they die. In terms of privacy, I think the commissioner didn't have a problem with this. The release of information is consistent with the debate at the time and also the importance of protection of privacy right now.... So I don't think this amendment provides an improvement to the bill.

**The Chair:** Well, based on what I have heard, colleagues, I think we can move forward.

Werner, with great respect, I was going to ask Mr. Barnabé to comment and I'll let you conclude. How's that?

**Mr. Werner Schmidt:** Okay, sure.

**The Chair:** Okay, Mr. Barnabé.

**Mr. Richard Barnabé (Assistant Chief Statistician, Social Institutions and Labour Statistics, Statistics Canada):** Thank you, Mr. Chairman.

The only comment I would like to make is with respect to operationalizing the modality that is stipulated in the amendment. Even though we have not gone into detailed cost estimates, the nature of the various census schedules is such that it would require a huge amount of manual intervention to cut and splice from microfilm, from various questionnaires that range from the 1911 schedule, which is one type.... I'll give another example. For the 1951 schedule, it was basically computer cards with extremely small characters, with the data interspersed, so you had to have somebody almost go manually into the microfilms and cut and splice. Then it goes up to the 1981 census, where it was designed to be...the first time it was self-enumeration. Again, the persons are interspersed throughout the questionnaire.

The issue for us is this. We will carry out the wishes of Parliament, but the modality that we would have to put in place in order to respect the amendment, as currently worded, I think would be extremely costly, extremely complicated. We would get into definitional issues as well. For example, the amendment refers to the respondent. The notion of a respondent...up until 1971, the questionnaire was completed by a census-taker. So we have the concept of the head of household, which applied for several censuses, but at one point we changed that to person one. We went away from the notion of the head of household. The definition of the respondent to be made consistent throughout the various censuses would have to be agreed upon, and it would again give rise to complications in terms of cutting and splicing the information, and piecing together who is covered by the amendment when we get into the relationship to person one. The person who is listed as person one could be the spouse of what customarily was the head of household, or it could be a child, or it could even be a separate person altogether.

From that perspective, I just want the committee to be aware of what it would imply in terms of operational considerations, and the costs that would be associated with that would be far from negligible and could reach very significant numbers.

• (0945)

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

The last word on this leads to you, Werner.

**Mr. Werner Schmidt:** Thank you, Mr. Chairman.

If the word “respondent” is a stumbling block, we can change it. But I don't think that's correct. The enumerator was completing the form on behalf of someone, or a group of people. I don't find that to be a significant argument.

However, the more significant point is that there's a principle involved. When the chief statistician was asked yesterday, with regard to this amendment, whether in principle there was a violation of the census and the information contained, he said that there was not. He indicated that it would be costly, as Mr. Barnabé has told us today, and I'm fully aware that this may be the case.

The point was made that this would affect not only the previous census from 1911 but also those for 2006. That statement is false. In 1911, there was no choice about whether you had a short or long form, nor did you have a choice about whether you would allow this information to be accessible. That option was never given, either by the enumerator or by the questions in the questionnaire. In 2006, this question is contained in the long form, and the individual has the right to indicate whether they want the information to be accessible.

Up until 1971, the assurance was given, through the enumerator on behalf of the respondents, that this information would be private and confidential. This assurance was given. There's absolutely no question about it. No choice was given for the respondent to say yes or no. This is the principle involved. My concern is that we are betraying a confidence. We are giving retroactive permission to release information. This was not the case at the time the person responded.

In 1971, when the individual responded, the individual did not have the option of saying whether the information could be released

or not. Therefore I think the assurance was given in 1971 and in subsequent censuses that this information was to be used only for planning purposes by the statistics department and the government itself. It was not supposed to be cross-referred to other departments and would not be usable by the income tax department or any other department. This assurance was given there, and it was also given by the enumerators. The understanding was that this information was confidential and private.

The other point I'd like to make is that the effect of this information changes over time. For example, in 1911, in one of the sections on infirmity a person could be designated as a “lunatic” or “silly”. These are sensitive pieces of information. The point was made by the parliamentary secretary that those words have changed in sensitivity over time. I quite agree. If this information were to come forward now, it might have a very different implication.

We should not betray confidences. The retroactivity that this proposed legislation provides is wrong in principle. We ought not to betray, at some subsequent date, a confidence that was directly stated to the individuals. This should never happen. That's my concern, and that's why the amendment.

• (0950)

**The Chair:** Thank you, Werner.

I've consulted with my clerk and listened. The summary of the bill says that the principle of this bill is that it allows unrestricted access. You may wish to challenge me on this, Werner, but I'm going to rule the amendment out of order. It is contrary to the purpose of the bill, which is to allow unrestricted access.

If you wish to challenge that, we'll ask the will of the group on that question. Otherwise, I'm going to proceed to clause-by-clause. I'll let you think about it for a moment.

**Hon. Jerry Pickard:** Mr. Chair, if the committee accepts it and we vote on it, then we deal with it. I would say, put it on the floor in the committee and let us vote.

**The Chair:** No, we can't vote on a motion that is out of order. I would have no problem if Werner wished to object to my ruling. I would ask all of the group on that, but I think you're okay.

You'll accept that ruling, Werner? I don't mean to put words in your mouth.

**Mr. Werner Schmidt:** I don't want to accept that ruling because I don't think that's correct. I don't think this does restrict the information. I think what this does do is indicate very clearly what information shall be released and that information shall be unrestricted.

**The Chair:** Just put a motion that you do not agree with my ruling that your amendment is out of order. We'll do a vote on that, and then we'll continue.

**Mr. Werner Schmidt:** I challenge your ruling. I think this motion is in order.

(Motion agreed to)

**The Chair:** Fair enough. Then we will vote on your amendment, Werner.

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

(Clause 1 agreed to on division)

(Clause 2 agreed to)

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

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill to the House?

**Some hon. members:** Agreed.

**The Chair:** I guess the bill is carried.

Congratulations, colleagues.

Monday afternoon at 3:30 we're going to have our session with the researchers to give guidance on the industrial strategy. Just prepare your thinking about how you would like Dan and Jean-Luc and others to prepare a report over the summer that condenses what we've heard. Also, let's have some recommendations on the table, possibly from colleagues, and then when we come back in September we can make a serious effort to finish chapter 1—or the first phase.

Paul.

[*Translation*]

**Mr. Paul Crête:** However, if we finish before Monday, we could provide suggestions for the study, so that there is no undue delay.

I would also note that there was this morning in the *Globe and Mail* an article of the do-not-call bill. This Bill appears to have been included in the negotiations on Bills C-43 and C-48. You may not be

aware of the details of that issue, but this Bill should be allowed to go ahead now that it is no longer being studied in Committee.

It should by all means be kept out of the negotiation. The article actually states clearly that it is what people want. People have said that they want things to move along. However, the implementation of that Bill could be delayed by one year if it is not dealt with soon.

• (0955)

**Hon. Denis Coderre (Bourassa, Lib.):** It is always the fault of the opposition.

**Mr. Paul Crête:** It is nobody's fault. I do not want in any way to blame anyone, I just want to ask our Chairman if he could find out where we stand on this and if there is anything that we can do about that issue.

[*English*]

**The Chair:** With respect to Bill C-37, let's all encourage our House leaders to get it on the table and over to the Senate, at least, before we finish next week.

Paul's point, which he raised last week, is that if perchance we are out of here this week, as unlikely as that appears, then the instructions from members to the researchers will be by e-mail or otherwise, but you will provide your input to the researchers. If we don't have our meeting Monday, instruct the researchers by email.

I suppose going through the clerk would be helpful, because I think we should all see what everybody else is saying. So do it through the clerk, as we would in a meeting, so we hear everybody's input, okay?

With that, we are adjourned.

Thank you, colleagues. Good job.









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