



House of Commons
CANADA

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

HUMA • NUMBER 059 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, February 27, 2007

—
Chair

Mr. Dean Allison

Also available on the Parliament of Canada Web Site at the following address:

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

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

Tuesday, February 27, 2007

• (1535)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Pursuant to the order of reference of Tuesday, January 30, 2007, Bill C-36, An Act to amend the Canada Pension Plan and the Old Age Security Act, will now go clause by clause.

I'll ask everyone to get their bills and their pieces of paper out, and we'll get started with the clauses.

I see that in clause 1 we have no proposed amendments, so I'll just call the question, unless someone wants to speak on it.

(Clauses 1 to 3 inclusive agreed to)

(On clause 4)

The Chair: We're going to move to clause 4, where we have an amendment, BQ-1.

Mr. Lessard, would you read your motion, please?

[Translation]

Mr. Yves Lessard (Chambly—Borduas, BQ): Yes, Mr. Chair. I move that Bill C-36, in Clause 4, be amended by replacing line 41 on page 2 with the following:

recoverable within six years in the Federal Court or

With your permission, I could argue this amendment, Mr. Chair.

[English]

The Chair: Go ahead.

[Translation]

Mr. Yves Lessard: Mr. Chair, the act provides for no time limit for recovering sums of money. In other words, if a person owes Her Majesty money, for any reason, she may claim interest and penalties without there being any time limit.

Section 32 of the Crown Liability and Proceedings Act already provides for a limit of six years, where the government has an obligation. Since that act is highly inclusive, we should draw on it so that the measure that applies where the government is liable also applies to an individual who is liable.

[English]

The Chair: Do we have any comments?

Ms. Yelich, and then Mr. Lake.

Mrs. Lynne Yelich (Blackstrap, CPC): Thank you, Mr. Chair.

I would like to say that the issue is about the translation. It was raised in light of the Whitton case, where the court interpreted the French version, which did not contain a statement equivalent to "at any time", as more restrictive when correcting these inconsistencies. This is what we're trying to do, to correct these inconsistencies to ensure that the legislation, in both the English and French versions, is not subject to misinterpretation. I just wanted to make that clarification on the translation issue.

I would like to also say that in light of the fact that both the CPP and OAS overpayments are not subject to a limitation period, associated debt such as interest payments or penalties should be treated in a consistent fashion. This is why we would not be able to support that particular amendment.

We also wanted to go back prior to 1995, when the old age security was amended to remove the existing limitations on the recovery of overpayments, and align the provisions of CPP, which had an indefinite period of time to recover overpayments.

Prior to the amendment, the Old Age Security Act contained a time limit that restricted the recovery of overpayments to the current year and the preceding fiscal year. This time limit was subsequently removed in order to ensure greater recovery and to ensure accountability to the integrity of the program.

What I'm saying is that we want to ensure accountability and having a greater recovery, and this provision was there just to have the translation consistent.

• (1540)

The Chair: Thank you, Ms. Yelich.

Mr. Lake.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): First, can I ask Mr. Lessard what is the rationale behind the six years? Why is it six years and not five or eight or...?

[Translation]

Mr. Yves Lessard: Mr. Lake, your question is excellent. We hesitated between six and five years. In Quebec, the taxation time limits are five years. We checked at the federal level to determine whether an act already provided for a measure governing the government itself.

The measure that we found in the Crown Liability Act, the CLPA, section 32, states that, in cases where the government is liable to a person and is in the wrong, retroactivity may be extended to six years.

We think that same measure should apply to an individual. If the government has not made an immediate claim, we think that the six-year retroactivity rule, which is already established, could enable us to govern ourselves in future, since we're not establishing a new rule.

[English]

The Chair: Does anybody have any other comments?

Mr. Mike Lake: Yes. I just want to ask the officials here, in terms of this amendment, how this would affect the spirit of the act overall, but also the bill as we're looking at it.

Ms. Marla Israel (Director, International Policy and Agreements, Seniors and Pensions Policy Secretariat, Social Development Sectors Branch, Department of Human Resources and Social Development): Thank you.

I take the comments and I thank you for them.

Right now, in terms of the overpayments, because the Canada Pension Plan and old age security benefits are over a person's lifetime, you can have a situation where there would be an overpayment, for example, that would take place over a number of years.

In other words, let's say that someone's marital status had changed for low-income benefits and let's say the department never found out about that situation. You don't want to create a situation of undue hardship on the part of a senior by having only a limited period of time in which to recover a potential overpayment. The principle I think is one whereby you want to extend the period for a length of time, to allow a person to provide only a certain level of their income per month. That was the rationale for extending it to "recoverable at any time". Otherwise, you may find yourself in a situation where the tendency would be to recover a larger share of the overpayment and a higher share of a senior's income.

The Chair: Thank you. If I understand correctly, Ms. Israel, this would enable them to benefit the person whom they may have overpaid for a number of years without its being caught.

I have Ms. Dhalla and then Mr. Lessard.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): I'd like some commentary from the officials. Can you just perhaps expand on that and, with the amendment that's coming forward, on the number of seniors who would perhaps be impacted as well? Do you have any statistics at all?

• (1545)

Ms. Marla Israel: I don't have any statistics in terms of the number of overpayments or the number of people who have overpayments in the system.

I may have said on previous occasions that there are a number of circumstances that could lead to a situation of overpayment. To be clearer, and just to expand on that example, if you have a person who is married and who suddenly gets divorced but doesn't come to the department to let us know that, you might be in a situation of recovery of an overpayment. Or the opposite may hold true because you've paid the guaranteed income supplement on different income levels and different marital status; you could find yourself in a situation where the individual hasn't come forward to let us know.

For the most part, they do let us know, but there are situations where they do not, and they won't tell us, let's say, for a number of years. People can find themselves in a situation where the recovery of the overpayment would have taken place over a number of years. You have to recover that overpayment, and it might be big. With a time limitation of six years, you have a short period of time in which to recover that overpayment.

Ms. Ruby Dhalla: But you cannot recover the overpayment beyond the six years.

Ms. Marla Israel: Well, it "shall be recoverable" within six years, so that would be the limitation.

The Chair: I have Mr. Lessard, followed by Ms. Charlton.

[Translation]

Mr. Yves Lessard: Thank you, Mr. Chair. Ms. Israel's answer to Mr. Lake's question doesn't appear to apply here. I refer you back to the text of the bill, which states:

(2) If a person has received or obtained a benefit payment to which the person is not entitled, or a benefit payment in excess of the amount of a benefit payment to which the person is entitled, the amount of the benefit payment or the excess amount, as the case may be, constitutes a debt due to Her Majesty and is recoverable at any time [...]

In other words, if that debt dates back eight or nine years, retroactivity could be eight or nine years. Ms. Israel answered that the repayment of what is owed would be spread over a longer period. However, that is not entirely correct. At line 41 of Clause 4, which we're changing here, we're talking about retroactive liability. That's very different. Ms. Israel's answer doesn't apply here.

The same is true of the answer she gave our colleague Ms. Dhalla.

[English]

The Chair: Okay.

Ms. Charlton.

Ms. Chris Charlton (Hamilton Mountain, NDP): I have the same concern as Monsieur Lessard did. It may just be that I'm misreading this, but the way I read clause 4 suggests that the debt is recoverable in Federal Court or any other jurisdiction, which seems to me to suggest that's the start of the action that allows the recovery by the government, so that in fact the period of six years is quite apart from the repayment schedule of that debt.

If you could just clarify that for me, I'd appreciate it.

The Chair: Ms. Israel.

Ms. Nancy Lawand (Director General, Canada Pension Plan Disability Directorate, Department of Human Resources and Social Development): Sorry, could we have a moment?

The Chair: Sure. I guess what's being suggested here by Mr. Lessard is that should there be an overpayment, that goes back indefinitely, but should there be a limit with regard to those who owe them money, it would be six years. That's what I understand Mr. Lessard was saying.

Mr. Lessard, did you want to add a comment?

[*Translation*]

Mr. Yves Lessard: Before our friends start consulting, I invite them to reread the text here. It doesn't have the scope that you give it, particularly since the reference that you gave Ms. Dhalla concerning the six years does not apply here, since that only appears in the Crown Liability and Proceedings Act.

[*English*]

Ms. Marla Israel: Before we start our caucus, I will take a look, but I guess just to re-emphasize.... Let's take our caucus on that.

The Chair: Thank you.

Mr. Lake, do you have a final comment?

Mr. Mike Lake: I'm curious, actually. In the case of an overpayment to somebody and they owe money back to the government, they don't pay interest, typically, if it's an administrative error, or whatever the case may be. How is that money paid back? Let's say it's not discovered for 10 or 15 years. It might be a big amount of money. How do they...?

• (1550)

Ms. Nancy Lawand: There is a policy, a set of procedures, followed whereby the individual is informed of the amount of the overpayment, and there's a collections schedule that is negotiated with the individual.

I should say there's a very generous remissions policy that's been in place for a long time as well. If the individual demonstrates that they really have low resources, low income, there is an authority that is delegated to senior managers to consider the remission of overpayments in the case of low income. So there is a lot of flexibility in terms of how those moneys are recovered. Each individual can negotiate a repayment schedule based on their means.

Mr. Mike Lake: Okay. Just to clarify, there's no penalty involved. We're not talking about penalties. We're talking about people who just received money they should never have received, whether it be for the first six years or whether it be for 10 or 15 years. It's money they should never have received in the first place.

Ms. Nancy Lawand: That's right.

Just to add to your point, the fact is the debt could be recoverable from longer ago than six years. That's why I think we need to be a bit precise in terms of answering what the implication of Monsieur Lessard's amendment might be. So if we could take a couple of minutes.... Is that okay?

The Chair: I have one more comment from Ms. Dhalla. Then, if you would like, take a couple of seconds.

Ms. Ruby Dhalla: In your deliberations, I think it would also be helpful for the committee to know, when you talk about the repayment schedule—even though Mr. Lessard's amendment is not with respect to that, but about the collection—what the time range is for seniors who have to repay the government.

Mr. Ross MacLeod (Associate Assistant Deputy Minister, Operations Branch, Service Canada): I'm Ross MacLeod from Service Canada. We actually provide the payments to the seniors.

They can go on quite long. It varies with each case. We establish a debt to the Crown and then we send out statements. They can negotiate a payment schedule with us. In the case where it's a very

small repayment, sometimes it's not worth the cost of recovery, so it will ultimately be written off. But they can go quite long, depending on the means.

If you consider a senior who has a very low income, we don't want to collect too much money at once, obviously, so it can string on for a long time. It depends on the individual case, and there are cases that would go for more than six years.

The Chair: Did you need some time, or do you want to make a comment?

Ms. Marla Israel: I just want to comment on that, because I have the section. It was referencing the Auditor General's report concerning the overpayment policy:

[It] sets guidelines for the collection process to ensure that beneficiaries repaying overpayments are treated consistently and equitably:

Normally, recovery of the full amount is attempted first. The overpayment is to be recovered within 5 years or, if the overpayment is greater than \$10,000, within 10 years. Recovery is to begin promptly through monthly deductions from benefits, after informing the beneficiary of the overpayment....

If the beneficiary would suffer undue financial hardship from application of [this] provision, the recovery period may be extended beyond...10 years, but a minimum payment of \$10 per month must be established and the account must be reviewed [periodically].

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, that's not at all what this is about here.

[*English*]

The Chair: I realize you're not talking about the repayment process. Ms. Dhalla was just throwing out a hypothetical situation for us to consider.

Did anyone need any further clarification?

Mr. Mike Lake: They are taking a break to caucus right now?

The Chair: I don't want anyone leaving their chairs. We have about 26 more clauses to go through here.

We'll give them a few seconds to comment. We're going to suspend—but don't leave your chairs, please.

• (1550)

_____ (Pause) _____

• (1555)

The Chair: We will reconvene now.

I know that Mr. Lessard has a quick comment. Ms. Israel will also give her thoughts.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: I think I unwillingly misled our friends by starting with the second Bloc québécois amendment, BQ-2. If the order had been followed, the measure would have been better understood. I started with the amendment to line 41, but of course I should have dealt with line 36 first.

I therefore move that Bill C-36, in Clause 4, be amended by replacing line 36 on page 2 with the following:

recoverable within six years in the Federal Court or

As I said earlier, this means that retroactivity cannot go beyond six years. When we address the other amendment, things will be consistent, and it will be clearer for our friends. Once we've reached that point, it will no longer be a technical question, but rather a political choice. The point is to see whether or not we agree.

• (1600)

[English]

The Chair: Thank you.

Ms. Israel.

Ms. Marla Israel: My first comment is that of course you'd have to examine the financial impact of doing that. In other words, you'd only decide that if there's a debt that's owed, you would go back retroactively to six years and no more. And right now there could be cases of deliberate fraud on the part of an individual that would result in an overpayment.

The person, for example, might have knowingly committed that act of fraud. I can give you an example. GIS, for example, is not payable outside of the country for a period of longer than six months. Well, if a person has been living outside the country for more than that and has been collecting guaranteed income supplement payments for a long period of time, is it fair to say that there's not an onus of responsibility to try to recover that overpayment?

While I can appreciate the circumstances that perhaps would lead to going back no more than six years, I think there's a financial impact that would have to be considered.

The Chair: Thank you.

Mr. Lessard.

[Translation]

Mr. Yves Lessard: Mr. Chair, this is really a political debate, and I'll tell you why.

Persons who, for 12 years, have involuntarily benefited from an amount of money that did not belong to them will be penalized for all that time because we suspect that some in that group might commit fraud? Mr. Chair, this is simply a political choice. Let's weigh that choice in the balance and consider the fact that the government currently holds \$3.2 billion that belongs to seniors who are entitled to the Guaranteed Income Supplement.

With all due respect to our friends, who want to enlighten us, I would point out that this is definitely a political issue. Government finances will not be jeopardized as a result. This measure will protect people who involuntarily, without wishing it, find themselves in possession of money that does not belong to them. These are people whose incomes do not permit them to repay those amounts and for whom repayment spread over more than six years would mean misery.

Mr. Chair, I respectfully assert that this argument cannot be considered in the context of the decision we must make.

[English]

The Chair: Thank you, Mr. Lessard.

Mr. Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

I think what we have to remember here is that the proposed legislation, with respect to this part of the bill, is here because of inconsistent French and English versions of the current legislation, the current law. In other words, what the government is proposing to do here is to put some consistent wording into the existing statutes on the books, and nothing more.

What you are proposing is to make a substantive change to the current statute on the books. In other words, the current statute on the books allows the government to recover debts without any time restrictions. However, there's inconsistent wording between the English and French language versions of those statutes, so what we are attempting to do here in this portion of the proposed legislation is to make the wording consistent. What you are proposing to do is to change the length of time that the government can recover those debts to a period of six years. That has financial implications because that means that certain debts will not be recoverable, and those have not been costed out and have not been assessed by the departments or the government.

The Chair: Thank you, Mr. Chong.

Mr. Lessard, do you have a final word before we hold the vote?

[Translation]

Mr. Yves Lessard: Mr. Chair, we've said twice that the French text didn't correspond to the English text. If that's the case, I'm going to ask that we suspend our proceedings. Checks must be made.

• (1605)

Mr. Raymond Gravel (Repentigny, BQ): That's not what was said.

[English]

Hon. Michael Chong: On a point of clarification, the present law on the books is not consistent in its English and French versions, so what the proposed legislation here in front of us wants to do is to make that wording consistent in both official languages. That's the purpose of this portion of the bill.

In other words, the existing legislation, while it doesn't have consistent wording, also doesn't put a limitation on the time the government can collect those debts. What you're proposing to do is to place a restriction on the time period the government can collect those debts. That has not been costed out by the government and has financial implications.

The Chair: I have the list here: Mr. Savage, Mr. Gravel, Ms. Yelich, and then Mr. Lessard.

We're at 30 minutes on this one. We have 22 amendments. We'll be another 11 hours at this pace.

Some hon. members: Oh, oh!

The Chair: I just want to point that out.

Mr. Savage.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): We'll miss the entire trade deadline, Mr. Chair.

I have one question. Is this amendment in order, Mr. Chair?

The Chair: Yes, it is.

Mr. Michael Savage: The amendment is in order. So the fact that there might be spending implications is okay.

The Chair: Legislative counsel has indicated that this particular one is in order.

Mr. Michael Savage: Thank you.

The Chair: Ms. Kalinowski, did you want to add a comment?

Ms. Suzan Kalinowski (Senior Economist, Department of Finance): Yes, just on a point of fact that was mentioned at one of the previous discussions of this bill by one of the witnesses, and that's just to remind committee members that CPP is a federal-provincial program, and changes to the plan require a formal consent process from two-thirds of the provinces.

The two principal amendments to the CPP that are in this bill were put forward by federal-provincial finance ministers. The other proposed amendments in this bill that are of a technical nature were discussed as well with the provinces.

We haven't discussed with the provinces ever these issues of interest, retroactivity limits, etc., so while there may not be financial implications for the central reserve of the government, there certainly would be for the plan. It's an issue that has not been discussed with the provinces, and we may not likely get their consent. I can't speak to that.

The Chair: Okay, thank you.

I have on the list Mr. Gravel, Ms. Yelich, and then Mr. Lessard.

[*Translation*]

Mr. Raymond Gravel: Mr. Chong said that the bill had been designed to improve the correspondence between the English and French versions of the acts. I understand that very well. However, there's nothing preventing us from improving this bill. That's what we're doing. If we improve the English version as well as the French version, so much the better. This is a bill aimed at senior citizens. In my opinion, these are vulnerable people.

If we're here simply to make the two acts correspond, I think we're wasting our time. As consideration of the bill is conducted, there will be improvements to make, and so much the better. We have the opportunity to do so.

[*English*]

The Chair: Okay, thank you, Mr. Gravel.

We're going to move to Ms. Yelich, followed by Mr. Lessard.

Mrs. Lynne Yelich: I guess I won't ask what are the potential implications because I'm sure there are lots that have to be assessed, so I just don't ask that. Mainly I want to mention to Mr. Lessard that the Auditor General has, under her observation, also asked us to make improvements to our collection methods. That's solely why this clause is there, besides making it consistent with the languages, which I said at the onset.

I really find this amendment hard to vote on if we don't know the implications. I think there would be serious implications.

The Chair: Okay, thank you, Ms. Yelich.

We're going to move to Mr. Lessard for the final comment, hopefully, but we'll soon find out.

[*Translation*]

Mr. Yves Lessard: You didn't intend to limit my...

There are things that are hard to understand here. In my opinion, our mandate isn't to study bills—and in this case, this is a government bill—by asking ourselves whether the provinces would or wouldn't agree. We have to make amendments in accordance with the rules specific to the House. For your part, you must tell us whether this is admissible or not.

Today, out of three decisions, two were that it was admissible, which constitutes a majority.

• (1610)

[*English*]

The Chair: There were only two. The other one was the House leader's. That was two for two. We're two for two.

[*Translation*]

Mr. Yves Lessard: If it's admissible, Mr. Chair, that means it's consistent with our responsibilities.

Furthermore, I don't think that as elected members of the people, in view of the fact that our primary responsibility is to pass the best laws possible, we need to ask ourselves whether this will cause problems for those who will have to administer it. I believe that, with new technologies, including computer technologies, it can be administered.

I was surprised to see that the government—and I tip my hat to the Conservatives on this point—were implementing machine processing in order to enforce certain measures. Things will be even better once that's done. Processing can then be done more quickly.

I'm not going to address the merits of the issue once again, Mr. Chair. That's quite clear. I hope my colleagues here agree to what is in fact a fairness measure. We're talking about weighing in the balance what the government and individuals can respectively do.

[*English*]

The Chair: Thank you, Mr. Lessard.

We're going to move to Ms. Kalinowski before we have Mr. Chong.

Ms. Suzan Kalinowski: Yes, I have just a point of fact. Usually when we go to the provinces after a bill has received royal assent and there are provisions in that bill for which provincial consent is required, we cite those provisions, and we ask for their consent on the entire package of provisions.

So, in general, we don't ask. The changes in the bill go with a package, so it's not “yes to this, no to that”; it's the package of changes.

The Chair: Mr. Chong.

Hon. Michael Chong: I have a closing comment on this. In addition to the financial implications, we must respect provincial areas of jurisdiction, and pensions are provincial areas of jurisdiction. We have the Canada Pension Plan. We have the Quebec Pension Plan. The Canada Pension Plan is administered jointly with the provinces.

This bill is a culmination of a federal-provincial first ministers agreement on amendments to be made to the structure of that pension plan. In other words, if we don't follow the structure of this proposed legislation and we make substantial amendments to it, the provinces will not give their consent to change the plan. So this is not *intra vires* exclusive federal jurisdiction, and that's why we have to be careful about the sorts of amendments we are proposing.

My understanding is that the proposed amendment in front of us here has not been discussed with the provinces. We have not sought or gained their consent on this issue, and therefore for us to pass it here really is to put the whole legislation at risk.

The Chair: Thank you, Mr. Chong.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, we have to be careful. We are adults, and we've been around the block. We should stop talking nonsense to each other.

Managing funds allocated to these programs is a federal responsibility. The federal government has full authority to retain or manage that money. If what my colleague says were true, the federal government would have consulted the provinces, including Quebec, to determine whether it could amend the employment insurance program or deprive seniors of \$3.2 billion that belongs to them, but which is still in the federal coffers. I can tell you that, in that case, no one asked Quebec's permission because, if that had been the case, it would not have agreed. Mr. Chair, if it's true in one sense, it's also true in the other.

You mustn't take us for people who don't understand things. The amounts at issue here are very small. People who receive incorrect benefit amounts are exceptional cases. That's even more true of those who commit fraud.

•(1615)

[*English*]

The Chair: Thank you.

Mr. Chong, please.

Hon. Michael Chong: Thank you, Mr. Chair. Just to clarify for the record, employment insurance is exclusive federal jurisdiction. It was transferred to the federal government decades ago. Pensions are not, and that's the difference in this case.

The Chair: Okay, if there is no more discussion, the question is on Bloc amendment 1.

(Amendment negated)

The Chair: We'll now move to Bloc amendment number 2.

Mr. Lessard, would you like to read your amendment, sir?

[*Translation*]

Mr. Yves Lessard: Yes, I move that Bill C-26, in Clause 4, be amended by replacing line 41 on page 2 with the following:

recoverable within six years in the Federal Court or

Mr. Chair, I believe we've had the debate, since this is a motion pursuant to the previous motion. Mr. Chair, I'm going to request a recorded vote.

[*English*]

The Chair: Okay. If there's no more discussion, then, I will ask...

Do we want a recorded vote? Okay. We'll have a recorded vote.

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

The Chair: We're going to move now to Bloc motion number 3.

Mr. Lessard, would you like to read the amendment in?

[*Translation*]

Mr. Yves Lessard: Mr. Chair, again for the purpose of concordance, I'm going to request a vote on this as well. I move that Bill C-36, in Clause 4, be amended by replacing line 5 on page 3 with the following:

to Her Majesty and is recoverable within six years in

[*English*]

The Chair: Okay. All those in favour of Bloc amendment 3, please signify.

[*Translation*]

Mr. Yves Lessard: I request a recorded vote, Mr. Chair.

[*English*]

The Chair: Okay, we'll have a recorded vote.

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

(Clauses 4 to 10 inclusive agreed to)

(On clause 11)

The Chair: Mr. Lessard has amendment BQ-4 on page 4.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: I move that Bill C-36, in Clause 11, be amended by deleting lines 8 to 10 on page 8.

This concerns paragraph 104.01(3)(d) in the bill, which reads as follows:

(d) on the conditions that may be prescribed, any other individual authorized in writing by the individual.

So I'm moving that these lines simply be deleted.

With your permission, Mr. Chair, I could argue in favour of this amendment.

•(1620)

[*English*]

The Chair: Go ahead, Mr. Lessard.

[Translation]

Mr. Yves Lessard: Where it refers to representative, you see further on that it is a representative duly authorized in predetermined conditions, whereas here it states: “on the conditions that may be prescribed, any other individual authorized in writing by the individual.”

We know that seniors may experience periods of confusion. Consequently, we think the expression “any other individual” opens the door to authorizations that could be highly inappropriate and that would not properly serve a senior's interests. So that, Mr. Chair, is why we are moving that these three lines be deleted.

[English]

The Chair: Thank you, Mr. Lessard.

I have Ms. Yelich.

Mrs. Lynne Yelich: Thank you, Mr. Chairman.

I share some of the concerns Mr. Lessard expressed; however, we've actually had this request from many seniors, including people I know personally, who thought this was really good. I would therefore like to see the clause stand as it is, if it's possible.

The Chair: Thank you, Ms. Yelich.

Are there any other comments?

I will call the question, then, on amendment BQ-4. All in favour—

[Translation]

Mr. Yves Lessard: I request a recorded vote.

[English]

The Chair: All right, we'll have a recorded vote.

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

(Clauses 11 to 15 inclusive agreed to)

The Chair: We have a new clause 15.1, which will be on page 5.

Mr. Lessard, would you like to read your amendment?

Ms. Ruby Dhalla: It's amendment 5 on page 12.

The Chair: I'm sorry. Thank you. It's page 12.

[Translation]

Mr. Yves Lessard: This is an omnibus amendment. I move that Bill C-36 be amended by adding after line 9, on page 12, the following new clause:

15.1 Section 8 of the act is amended by adding the following after subsection (1):

(1.1) The first pension payment to any person shall include an application for payment of a supplement referred to in subsection 11(2).

With Mr. Chair, with your permission, I could explain this amendment.

[English]

The Chair: Go ahead, Mr. Lessard.

[Translation]

Mr. Yves Lessard: Mr. Chair, this comes in the wake of the debates that have been held here and in the House of Commons concerning the fact that there are still 128,000 persons listed in this country as being entitled to the Guaranteed Income Supplement, but

who are not receiving it. They're not getting it because of their civic situation, I would say: either they aren't aware of it or they aren't able to claim it.

Of the measures that the department has told us it wants to implement, it seems to us this should be the first. When a person requests his first old age security pension cheque, we should be able to send him, with his first cheque, an information form concerning the Guaranteed Income Supplement.

• (1625)

[English]

The Chair: Are there any additional comments?

Mr. Lake.

Mr. Mike Lake: I'm not exactly sure what this means either, so I want to hear from the department what the implications of this would be.

The Chair: Mr. MacLeod.

Mr. Ross MacLeod: In particular, the practical application of it is that we will have a combined application for both OAS and GIS, so that the effect of what I think Mr. Lessard is suggesting will happen at the application point. Beyond that, there are a large number of activities that the government follows on with to make sure that people know about the availability of GIS in addition to OAS and CPP.

For instance, with every T-4 slip we mail out to millions of Canadians every year, there's a newsletter that goes out to inform them. We've mailed out over 400,000 applications in the last few years pre-filled so that people can apply. With the statement of contributions for CPP that we send out to people in targeted age groups, such as age 60, age 65, and age 70, of which we've done over 600,000, we also remind them to apply.

So it will be in the combined application form, plus we've now done reminders to over 900,000 people to do it, plus there are outreach activities, plus any activity that's available in almost 500 service locations nationwide.

The Chair: Ms. Israel.

Ms. Marla Israel: What you want to ensure is that you reach out as quickly as possible, and not necessarily at the time of payment. For the department it's important that, as Mr. MacLeod explained, you take steps as early as possible to ensure that people are aware of the benefits, and this is with respect to proactive measures as well.

With respect to “The first pension payment any person shall include an application”, I think it's inherent that with the combined application form for old age security and the guaranteed income supplement, at the time an individual is applying for the old age security benefit is when you want to ensure that you're also reaching out to them on the guaranteed income supplement so that they're aware at that time.

And as a result of that combined application form, which is a tick, “Yes, I want to be entitled to both old age security and the guaranteed supplement”, as a measure this is what we're proposing and administratively this is what will happen.

The Chair: I've just been informed by the legislative clerk that we are not amending section 8 of the act, so this motion is out of order.

Mrs. Lynne Yelich: Is it more appropriate for regulations?

The Chair: No, the—

Mr. Mike Lake: It doesn't matter.

The Chair: The legislative clerk just indicated that because we are not looking at section 8 of the act, this goes beyond the scope of what the bill is.

Go ahead, Mr. Lessard.

I don't make this stuff up.

[*Translation*]

Mr. Yves Lessard: The fact that this isn't in order is a joke, isn't, Mr. Chair?

[*English*]

The Chair: No.

[*Translation*]

Mr. Yves Lessard: We should know.

[*English*]

The Chair: No. I'm sorry, the amendment is not in order, I've been informed.

[*Translation*]

Mr. Yves Lessard: I'd like to understand why, Mr. Chair.

[*English*]

The Chair: Mr. Lessard, it goes into dealing with the Old Age Security Act, which is not what we are amending here today—section 8—so it does not fall within the scope of what we are dealing with here today.

Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, with all due respect, I don't want to debate with you any longer, but I do want to understand. We're not trying to amend the Old Age Security Act.

Officials who have come to talk to us had the same concerns as we did. They said that helping people determine whether they are entitled to the Guaranteed Income Supplement does not involve a single measure, but rather a set of measures. It seems to me this is an obvious measure. We're not amending the act.

I'm simply asking the officials this: does sending this form pose a problem? It seems to me there isn't a problem. If there isn't a problem, Mr. Chair, it is our view that as long as we're mailing this out, we might as well include the form.

• (1630)

[*English*]

The Chair: I've just been instructed by the legislative clerk that if there was unanimous consent among the committee members, by all means we could add that, but once again, it goes beyond the scope of... As I said, it's section 8, which is not what we are dealing with here.

Mrs. Lynne Yelich: Could it be added just to be ruled out of order in the House of Commons, really, because it is—

The Chair: I say once again, it would have to be unanimous consent if we wanted to accept that. The point is that if all parties agreed to this, it wouldn't be raised back in the House with a point of order.

I'm going to rule this motion out of order unless there is unanimous consent to proceed with it.

BQ-5 is ruled out of order.

[*Translation*]

Mr. Yves Lessard: I understand that there are people who...

[*English*]

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Silence is assent, Mr. Chair. I had the impression we had unanimous consent.

[*English*]

The Chair: No one agreed to unanimous consent.

I'll do it one more time. Is there unanimous consent?

Some hon. members: No.

The Chair: No? Okay.

We'll have that withdrawn.

We're going to move to clause 16. We have BQ-6 from Mr. Lessard. Would you read that in, sir, and then maybe talk to that amendment?

(On clause 16)

[*Translation*]

Mr. Yves Lessard: Mr. Chair, you've no doubt seen it, because I know you are a very studious person and that you examined in advance the amendments that were sent to you; the weight of words is important. That's especially true in legislation.

For example, in subclause 16(1) of the bill, proposed subsection 11(4) reads as follows:

(4) The Minister may waive the requirement referred to in subsection 2 for an application for payment of a supplement for any month or months in a payment period if an application for payment of a supplement has been made in respect of any payment period before that payment.

These words often reappear. That's why I read this paragraph in full.

Our amendment consists in changing the word "may" to the word "shall". The subsection would therefore read as follows:

(4) The Minister shall waive the requirement [...]

The purpose of that is to avoid repetition and to enable people to make changes to their applications only where there have been changes to their pensioner status.

[*English*]

The Chair: Thank you, Mr. Lessard.

Mr. Lake.

Mr. Mike Lake: Once again, I'm going to bow to the department officials to maybe explain the implication of this.

Ms. Marla Israel: I think, generally speaking, words are important—I would definitely agree with you—and the obligation of the “shall” provides an obligation on the part of the minister to disregard circumstances that could arise where it would be warranted, for example, to provide an individual with an application form.

Now, I have to say that from a departmental perspective, as I said, the automatic renewal of GIS, the measures that are taken in Bill C-36, will I think go a long way to ensure that seniors will not be placed in a position where they have to apply through a paper application.

But let me give you a circumstance where the flexibility in the “may” may be warranted. For example, we rely on income information that is provided to us from the Canada Revenue Agency. If an individual has, for example, applied for the benefit in the past and could be in a situation where certain life events have changed—let's say their income information has changed—we're relying on the information that is provided by the Canada Revenue Agency. If that individual claims that the Canada Revenue Agency has not assessed their income appropriately, then what happens is we'd be obliged to accept the CRA income and potentially not have a senior be eligible for a GIS benefit because their income, as assessed by the Canada Revenue Agency, would be too high.

So you proactively go out and you initiate an application form for the individual. They provide us with the income. Ultimately, if the reassessment of CRA deems them to have income that's too high, there will have to be a reassessment of that situation. But I think the flexibility is something you want to ensure, with the proviso that you take every effort that is necessary to avoid an application process.

• (1635)

The Chair: Okay, thank you.

Does that clear it up, Mr. Lake?

Are there any other comments?

Yes, Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, I'd like to clarify a point so that we clearly understand one another.

In a situation such as that described by Ms. Israel, the minister, through his officials, may intervene and say that a person's status has changed, that he has observed it. In that case, it is in his interest because it is the provision we previously addressed in clause 4 that enables you to intervene when you realize that someone is receiving a larger benefit than the one to which he is entitled. So at that point it's clause 4 that applies for you, not this one.

[*English*]

Ms. Marla Israel: I'm not sure I absolutely understand that. Can you please repeat it? I apologize.

The Chair: Mr. Lessard, did you want to...?

Ms. Marla Israel: It's not an overpayment situation. Clause 4 is an overpayment situation.

[*Translation*]

Mr. Yves Lessard: That's simply so we understand each other. I don't want to get you in trouble.

Ms. Marla Israel: Yes.

Mr. Yves Lessard: You're describing a situation where you see, for example, that someone has an income that isn't consistent with the benefit he's receiving. So you can intervene at any time and tell him that's not appropriate.

This isn't the same thing here. The minister is being relieved of the obligation to request it each time, to repeat requests. So when you see that an individual has income that is not consistent with his benefit, you intervene under clause 4 and you tell him that he is receiving too much or not enough. You're not required to wait six or eight years in order to tell him.

[*English*]

The Chair: Are there no other comments?

If there are no other comments, then, on amendment BQ-6—

[*Translation*]

Mr. Yves Lessard: Mr. Chair, I request a recorded vote.

[*English*]

The Chair: A recorded vote? Is that what he's saying? I had a feeling.

We're going to have a recorded vote, then.

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

The Chair: We are going to move to amendment BQ-7, which is right in line with what you have, but if you're looking at your sheets, it's out of order by one amendment.

Mr. Lessard, if you'd like to, read the motion for amendment BQ-7 and make just a quick comment on it.

[*Translation*]

Mr. Yves Lessard: One moment, please, Mr. Chair. You say it's on page 8?

[*English*]

The Chair: It's page 8 in the package.

[*Translation*]

Mr. Yves Lessard: I thought that was on page 8 of the act, Mr. Chair. It was my mistake. It's on page 8 of the amendments. We understand each other.

• (1640)

[*English*]

The Chair: I see that—

[*Translation*]

Mr. Yves Lessard: Mr. Chair, I want to concord this with the clause we saw earlier.

I move that Bill C-36, in Clause 16, be amended by adding after line 18 on page 12 the following:

(1.1) Paragraph 11(7)(a) of the Act is repealed.

[*Technical difficulties—Editor*]

Mr. Chair, what would be repealed is the paragraph that I've just pointed out to you, which states:

(ii) a person in respect of whom an undertaking by a sponsor is in effect as provided under the Immigration and Refugee Protection Act.

Mr. Chair, I believe another party has introduced the same amendment. Is that possible?

[*English*]

The Chair: Mr. Lessard, I've been informed by the legislative clerk that this motion is inadmissible, and I can give you the long answer or the short answer as to the reason. The short answer is that it requires a royal recommendation, because of the fact that it would waive that eleven months.

I could read the whole page, or we can keep this short and you can just trust me on this one. In fact, it does require a royal recommendation, so the motion is inadmissible.

[*Translation*]

Mr. Yves Lessard: That's because of the financial implications.

[*English*]

The Chair: We are now going to move back a page in your book, to page 7 of the amendments. We're still on page 12 of the bill.

We have an amendment, NDP-1. Ms. Charlton, would you like to read the motion and maybe just briefly discuss it?

Ms. Chris Charlton: The motion reads that Bill C-36 in clause 16 be amended by deleting lines 19 to 24 on page 12.

This subsection deals with the attempt, I believe, to create greater equity in terms of benefit entitlements, but it does that by ratcheting down the entitlements for everybody. I'm proposing that we go back to the status quo ante in the bill.

The Chair: Do I have any discussion on that?

Mr. Lake.

Mr. Mike Lake: Again I'd like to ask the officials to comment on this.

The Chair: Ms. Israel.

Ms. Marla Israel: From the perspective of what was discussed originally, there's a notion that benefits under the Old Age Security Act and the Canada Pension Plan are not subject to nationality restrictions. In other words, you should not advantage or disadvantage someone simply because they happen to be a permanent resident or a Canadian citizen. As I've explained before, Canada is one of the few countries where that equality of treatment provision is built into its pension legislation. This is something that is rare around the world, and it's something that I'm exposed to in my negotiations internationally on social security agreements.

I take your point in terms of ratcheting it down, but the provisions already exist within existing legislation to have that different category of person established. The concern is that if you don't make it on par—in other words, if you don't ensure that Canadian citizens and permanent residents in terms of their sponsorship are treated the

same way—then it opens it up to a difference of treatment. I think this is something that is the intention here to avoid.

• (1645)

The Chair: Thank you.

Ms. Charlton.

Ms. Chris Charlton: I appreciate what you're trying to do here, but I would have preferred if you had expanded the category of who's entitled to the benefits. We should be really clear about what we're doing here. We're taking entitlements away, and we're reducing the number of people who are entitled. I have three amendments that all speak to the same thing. I would have preferred that it be broadened. Since I can't do that under this act, I'm suggesting we just go back to the previous category.

Thanks.

The Chair: Thank you.

Ms. Israel, and then Mr. Lake.

Ms. Marla Israel: The only thing I would add to that is that the financial obligation of the sponsor is in play. If the financial obligation of the sponsor is in play, and a person only through social security agreements would be entitled to a prorated income-tested benefit—I'm preaching to the converted I think on this one—it does afford that difference in treatment. The only thing I would say is that opening it up does lead to the potential that you would have a sponsored immigrant who, granted they would be a Canadian citizen.... But let's just talk about sponsored immigrants. You could have a situation where you'd have prorated income-tested benefits, you'd have the financial obligation of the sponsor, and then in turn they would be receiving foreign pension benefits from another country. It's a parity issue as well.

The Chair: Mr. Lake.

Mr. Mike Lake: I want to clarify something Ms. Charlton said. She said that we're taking something away.

Can you clarify this? Are we taking away benefits that people are actually receiving now with the changes here?

Ms. Marla Israel: No, it would be grandfathered, so—

Mr. Mike Lake: Okay. I just want to clarify that we're not actually taking any benefits away from anybody right now.

Ms. Marla Israel: No.

Mr. Mike Lake: Okay.

The Chair: Ms. Yelich.

Mrs. Lynne Yelich: I just want to mention this. Wouldn't it create a burden for the sponsors and make them vulnerable if something happened that these sponsors were made vulnerable to the clawback of the benefits?

Ms. Marla Israel: If there's a sponsorship breakdown, or if the sponsor happens to be incarcerated, or if the sponsor I think goes—which one did I say first?—bankrupt or there's incapacity, for example, then there would be entitlement to prorated GIS benefits for the sponsored immigrant.

The Chair: Are there any other comments?

We are voting on NDP-1, a recorded vote.

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

The Chair: Okay, so NDP-1 is defeated.

We have BQ-8, which is exactly the same amendment, so we're going to strike that.

We had BQ-6; we said no. We had BQ-7, which was out of order, and NDP-1, which was voted no.

Shall clause 16 carry the way it is?

(Clause 16 agreed to)

(On clause 17)

The Chair: We're going to move to clause 17. What we have before you is amendment BQ-9, which is found on page 10 of your handout book. We're still dealing with page 12 of the bill.

Mr. Lessard, would you like to read your amendment and then give a brief description, please? Thank you, sir.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, that's consistent with the decision the committee made earlier considering the word "shall", which should apply instead of the word "may". I believe the committee ruled and that it would be useful to vote on each of these amendments.

[*English*]

The Chair: Are you withdrawing the amendment then?

[*Translation*]

Mr. Yves Lessard: Unless my colleagues have changed their minds. We could begin.

•(1650)

[*English*]

The Chair: We just want to know if it's okay if we apply the earlier vote. And if anyone has had a change of heart, let us know as we move forward on these. So we'll have that...

Is that okay, then, Monsieur Lessard?

[*Translation*]

Mr. Yves Lessard: Yes. Wherever the word "shall" appears, we...

[*English*]

The Chair: Thank you.

[See *Minutes of Proceedings*]

(Clause 17 agreed to)

(On clause 18)

The Chair: We're now going to move to clause 18. We have a couple of motions, so let's deal with the first one.

First we have BQ-10, which is found on page 11 of your handouts, but now we move to page 17 of the bill.

Mr. Lessard, would you like to read your motion again? I believe it's the same "shall".

[*Translation*]

Mr. Yves Lessard: I didn't understand clearly, and I apologize, Mr. Chair. Are you on page 14 of the amendments?

[*English*]

The Chair: Sorry. It's page 11 of the handouts, page 17 of the bill, and I believe it deals with the same issue of "shall" again. We will continue along the same way we've been handling this and assume that everyone is—

[*Translation*]

Mr. Yves Lessard: ... Mr. Chair.

[*English*]

The Chair: Okay.

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

The Chair: We will then move to BQ-11, which is also, I believe, a "shall" as well.

[*Translation*]

Mr. Yves Lessard: Yes.

[*English*]

The Chair: So we'll have that deemed to be defeated as well.

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

The Chair: There are no amendments now.

(Clause 18 agreed to)

(On clause 19)

The Chair: We're now going to move to clause 19. There are a couple of amendments before us. The first one we have is BQ-12. This deals with the bill on page 18. This is another "shall". Should this be deemed defeated as well?

[*Translation*]

Mr. Yves Lessard: Yes, it's the same thing.

[*English*]

The Chair: Okay.

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

The Chair: We're going to go to BQ-13, which is on page 18.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, the purpose of this amendment was to ensure concordance with the decision that we had to make starting with clause 2. So it would be pointless to vote on it again, since we've already disposed of it.

[*English*]

The Chair: Thank you. You're right. This motion is out of order, I've been informed, so we will strike that.

We will then move to NDP-2, which is once again on page 18 of the bill, page 15 of your handout package.

Ms. Charlton, would you like to read and maybe discuss the motion?

Ms. Chris Charlton: I'd like to make an impassioned speech to try to persuade my Liberal colleagues to vote differently from how they did on the last amendment in this regard, but it is the same issue. It's about extending entitlements to Canadian citizens under a sponsorship agreement that currently exists and maintaining those entitlements for them. I suspect, though, that I should just accept the fact that this will be defeated as well.

The Chair: We'll deem that as defeated as well.

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

The Chair: We'll move to BQ-14, which is identical.

Ms. Dhalla.

Ms. Ruby Dhalla: Can we have Ms. Charlton expand a little in terms of her rationale for the amendment that she's putting forward?

Ms. Chris Charlton: There are three amendments that all deal with the same issue. Currently, Canadian citizens are entitled to benefits during the course of their sponsorship agreement. Landed immigrants are not. In an effort to create equity, rather than entitling everybody to those benefits, we've now taken those entitlements away from Canadian citizens during the period of their sponsorship agreement. I moved that this be struck, even though I understand the department's hesitancy to expand the group of people who are entitled to the benefits. At a minimum, though, we should keep the status quo ante so that we're not actually diminishing the number of people who are accessing that benefit.

• (1655)

The Chair: Ms. Yelich.

Mrs. Lynne Yelich: I would like Ms. Israel to explain that again. I didn't understand that you were taking away.

Ms. Marla Israel: Just to clarify, the existing provision would be something going forward. Anyone who was previously entitled—in other words, if somebody became a Canadian citizen during the length of their sponsorship and was put into pay, for example—and did receive benefits for this period of time, like prorated GIS benefits, that situation would remain as is. It would remain the status quo. In other words, that would be grandfathered. Going forward, we would then put the limitation in.

The Chair: Thank you.

Ms. Charlton.

Ms. Chris Charlton: What that means is that after whatever point this legislation takes effect, anybody who becomes a Canadian citizen during their sponsorship agreement will be the only Canadian citizens who aren't entitled to these benefits.

The Chair: Ms. Israel, you have a comment.

Ms. Marla Israel: Citizenship has absolutely no bearing on the provision of benefits under the Old Age Security Act specifically. Here we're dealing with provisions, so I'm going to give you an example.

Let's say someone who is a Canadian citizen happens to move to China. We don't have a social security agreement with China, so that individual would not be entitled to receive prorated GIS benefits. If that person moves back to Canada, they need ten years of residency to open up the right.

This provision is for those people who benefit. By having a social security agreement with another country, it opens up the right for non-sponsored immigrants from those countries to receive income-tested benefits but for sponsored immigrants to not receive them. It's because of the obligation of the sponsor. You could have Canadian citizens, for example, who wouldn't meet the ten-year residency requirement and would therefore not be entitled to GIS benefits.

Ms. Chris Charlton: But from here on out, the group of people who will be eligible is smaller than the current and grandparented group will be, because the restrictions are being tightened and not broadened. Am I right?

Ms. Marla Israel: Yes. From this point going forward, for example, if somebody were to become a Canadian citizen, then just like permanent residents, they would not be entitled to receive prorated GIS benefits if they would have been eligible for them under a social security agreement.

The Chair: Ms. Yelich.

Mrs. Lynne Yelich: So this comes back to the sponsorship obligations. They still have an obligation to their sponsors.

The Chair: Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): I'm inclined to be sympathetic to Ms. Charlton's motion, but I'm not very clear on the rationale within the department. Maybe Ms. Israel could clarify it. It's very unclear to me why there would be a shrinkage. It seems like we're taking away benefits. Why is that the case?

Ms. Marla Israel: I don't think there's an intent to take away benefits as such. What exists right now in the current legislation is that you have different classes of people treated differently. In other words, you could have a situation in which there would be no eligibility for a permanent resident who is a sponsored immigrant. That is the way the legislation exists right now.

Due to a drafting anomaly, what ended up happening was that if you had sponsored immigrants who became Canadian citizens during their sponsorship, which is usually for a length of ten years, it was commensurate with the time that is required to have entitlement for old age security benefits and therefore the guaranteed income supplement. You could have a situation in which the person who became a Canadian citizen during the length of their sponsorship would therefore be entitled to the guaranteed income supplement on a prorated basis. It's a technical amendment, because here you end up having social security agreements and you end up having prorated benefits.

If I could, I would just say that this change, the intent of the legislation to prevent sponsored immigrants from being able to receive GIS benefits on a prorated basis, happened in 1996. It was to avoid those situations in which you would have what's called super-GIS. In other words, you'd have somebody with as little as one year's worth of residency in Canada, but they would then be able to have a top-up of their guaranteed income supplement benefits if they qualified under social security agreements. That was why the legislation was changed in 1996: to prevent persons who were sponsored from becoming eligible for GIS benefits.

• (1700)

The Chair: Thank you.

Mr. Lake, then Mr. Chong.

Mr. Mike Lake: I'm going back to some of the testimony and some of the discussion we had over the last couple of meetings. If I remember correctly—and you can correct me if I'm wrong—this was something that came out of what was basically an error that occurred in 1996, when the act was amended in the first place.

I understand where Ms. Charlton's going with the consistency question, but if I understand the act correctly, the basis of consistency in the act is based on length of residency, not citizenship. Is that correct?

Ms. Marla Israel: That's correct.

Mr. Mike Lake: So under this act, with the amendment, all people who have been residents in Canada for less than ten years are treated equally now. We don't differentiate between them.

Ultimately, I don't think we want to go down the road of having two different people who've been in the country for three years, one who's a permanent resident and one who's a citizen, treated differently, such that the citizen gets the benefits and the resident doesn't. That leads to a whole question of motivation of citizenship at that point, in a sense, right? You don't want someone becoming a Canadian citizen simply because they get the benefits of the GIS or whatever the case may be. There are all sorts of great reasons that people become Canadian citizens. I think we want to be consistent, and I think residency is what we're talking about here.

Ms. Charlton looks like she may have....

The Chair: I'll go to Mr. Chong, and then to Ms. Charlton.

Hon. Michael Chong: To start, for the benefit of everyone on the committee, we currently have a situation in which if you've become a Canadian citizen under a sponsorship agreement, you are treated differently than if you're a permanent resident under a sponsorship agreement. That may even be unconstitutional because of the fact that we base our benefits on residency.

All we're trying to do here is ensure—and extend, as a matter of fact—benefits to permanent residents in a way that is consistent with the treatment of Canadian citizens who have become citizens under a sponsorship agreement.

To suggest that we're taking away benefits is not entirely correct. What we're trying to do here is pretty complicated because of the rules involved. As it stands right now, though, two people arrive in Canada under sponsorship agreements as permanent residents. One becomes a Canadian citizen within the duration of that sponsorship agreement. The other still is a permanent resident but has not yet become a Canadian citizen and is still under that sponsorship agreement. Those two people are presently treated differently.

What we are trying to do here is create a legislative framework that will treat both persons the same, regardless of their citizenship, because they've both arrived here and they both intend to make this their home. One just happened to receive citizenship ahead of the other. Right now, as it presently stands under law, they're treated differently. What we're attempting to do here is treat them consistently and the same.

That's the purpose of these amendments. They're not to take away benefits. They're to ensure consistent treatment of both permanent residents and Canadian citizens.

The Chair: Thank you, Mr. Chong.

Ms. Charlton.

Ms. Chris Charlton: I appreciate that we have people being treated differently right now, so there are two ways of dealing with that. One is to ratchet everybody down and the other is to lift the other side up.

Since the government isn't in a position right now to treat landed immigrants the same way they currently treat citizens—or isn't willing to—they've decided to take future entitlements for future Canadian citizens and ratchet them down to the same level as those of landed immigrants.

Since it would be out of order for me to suggest that they do the exact opposite and enhance everybody's entitlements, I'm suggesting that, at a minimum, we should return to the status quo ante.

Hon. Michael Chong: So that members of the committee understand it, if we do that, we are in essence returning to a status quo in which two people arrive in Canada, both under sponsorship agreements. One receives citizenship a couple of years ahead of the other. One is therefore a citizen and the other is not. They will not be treated equally, and they are not treated equally under the present system.

If you vote against this, you are voting for unequal treatment of those two people. What we are attempting to do here is equalize the treatment so that a person who becomes a Canadian citizen is treated the same way as a person who is a landed immigrant, and vice versa.

• (1705)

Ms. Chris Charlton: But since, with unanimous consent, this committee can do pretty much whatever it wants, I wonder if our shared interest is to create equity. If so, then the government members would agree to raise the benefit levels for landed immigrants to the same levels that are currently being enjoyed by Canadian citizens. That, too, would achieve equity.

The Chair: Okay, if there is no more discussion, I think I'll....

I'm sorry. Mr. Silva.

Mr. Mario Silva: I believe that's a motion I'm willing to support, but I'm not sure if that is a motion she has moved. Is that to be voted on?

Ms. Chris Charlton: I need unanimous consent to be able to move that.

Mr. Mario Silva: Is there unanimous consent?

The Chair: You need unanimous consent to move a motion.

My question is, do we want to vote on amendment NDP-2? That's what's before us.

[*Translation*]

Mr. Yves Lessard: Yes.

[*English*]

The Chair: If all the discussion is done....

Mr. Michael Savage: Are we going to go back to amendment NDP-1?

The Chair: No, that one was defeated. This is a new one.

I will remind everyone that we voted against it the last time, but here we are at amendment NDP-2.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Chair, I'd like to hear the officials' response to the suggestion made by Ms. Charlton.

Ms. Chris Charlton: That suggestion didn't get unanimous consent, though.

The Chair: That's correct.

Hon. Carolyn Bennett: I'd still like to hear from them.

The Chair: Do you have any comments?

Ms. Marla Israel: If I understand it correctly, you would end up providing sponsored immigrants with income-tested benefits on a prorated basis, in the same way that you would—

Ms. Chris Charlton: Canadian citizens.

Ms. Marla Israel: —non-sponsored immigrants.

You may end up levelling the playing field in terms of persons, but from the financial side, it's not something we've assessed from a departmental perspective. I'm not quite sure...

It comes back to the financial obligation of the sponsor as well.

Ms. Nancy Lawand: I was just going to say that the intent of sponsorship is that the sponsor takes on the financial responsibility. It's a relationship with the sponsored immigrant, and if I'm understanding your point correctly, the effect of your proposed change would be to basically undo the amendment that was brought in back in 1996. That's how I hear the effect of what you're suggesting.

The Chair: Are there any other comments?

We don't have a formal motion or amendment before us, because that does require unanimous consent.

The second point I'll add is that if we're going to add more benefits, there is a chance such a proposition could require royal recommendation. Once again, I haven't seen a motion, so if there is no more discussion, I'm going to go back to what we have before us, which is amendment NDP-2.

Ms. Chris Charlton: Could we get a recorded vote on that?

The Chair: Most definitely.

Ms. Chris Charlton: Thank you, sir.

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

The Chair: Motion BQ-14 is the same, so we will strike that.

We had motion BQ-12, which was negated; BQ-13, which was out of order; and NDP-2 which was defeated. So we go back to clause 19.

(Clause 19 agreed to)

(On clause 20)

The Chair: We are now going to clause 20.

We have before us motion BQ-15, which is on page 17 of the handouts and page 18 of the actual bill.

Mr. Lessard, again, this is a "shall". Do we want to deal with that in the same way we have in the past?

• (1710)

[*Translation*]

Mr. Yves Lessard: Yes.

[*English*]

The Chair: Thank you very much, sir.

That is defeated.

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

The Chair: We will then go to BQ-16.

Once again, previous motions have been ruled out of order because of royal recommendation, so I will also rule that one out of order to be consistent with what we've dealt with.

We are now going to move to motion NDP-3, which is the same issue again.

Do we want to reopen that?

Ms. Chris Charlton: Oh, I'd love to take another shot...no, I'm just kidding.

The Chair: Three strikes and you're out.

We're going to deem that one defeated.

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

The Chair: We're going to move to motion BQ-17, which is the same. We're going to strike that.

Now we have clause 20 before us as it was originally written.

(Clause 20 agreed to)

(On clause 21)

The Chair: We are now going to move to clause 21. We have an amendment, BQ-18. This is on page 21 of your handouts, page 19 of the actual bill.

Mr. Lessard, would you read the amendment and touch on that briefly, please?

[*Translation*]

Mr. Yves Lessard: Yes.

[*English*]

The Chair: Is it "shall" here?

[*Translation*]

Mr. Yves Lessard: Yes. We've disposed of it, Mr. Chair.

[*English*]

The Chair: Thank you very much.

That is defeated.

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

The Chair: On clause 21 as it is written in the bill....

(Clause 21 agreed to)

(On clause 22)

The Chair: We're going to go to clause 22. We have BQ amendment number 19.

Mr. Lessard, would you like to read that and give us a brief overview?. Once again, that is in your handouts. It's page 22 and page 19 of the bill.

[Translation]

Mr. Yves Lessard: Mr. Chair, I had two amendments to move on this point.

The word "If", which appears at the start of the sentence, must be changed. I move that Bill C-36, in Clause 22, be amended by replacing line 27 on page 19 with the following:

26.1 When the requirement for an application for

That would replace what's proposed in the bill:

26.1 If the requirement for an application for

[English]

The Chair: Did you want to talk to that briefly?

Is there anyone who wants to ask a question?

If there's no discussion, the amendment is BQ-19.

(Amendment agreed to)

The Chair: Mr. Lessard, congratulations. We have an amendment that has carried.

[Translation]

Mr. Yves Lessard: Do I have your permission to deliver a speech of thanks, Mr. Chair?

Some hon. members: Oh, oh!

[English]

The Chair: Thank you.

Maybe we should have started with amendment 19 and worked our way around.

We're going to clause 22 as amended.

(Clause 22 as amended agreed to) [See *Minutes of Proceedings*]

The Chair: On clause 23, there are no proposed amendments.

(Clauses 23 and 24 agreed to)

(On clause 25)

The Chair: We're going to move to clause 25.

I believe that is BQ-20.

Mr. Lessard, we'll see what kind of a roll you're on here, sir.

If you would like to look at that in your packages, it is on page 23. On the actual bill, it is page 21.

Mr. Lessard, would you like to comment on that and read your amendment, please?

• (1715)

[Translation]

Mr. Yves Lessard: Pardon me, Mr. Chair, we should have put some order in our affairs. Remind me of the page number, please. Is it page 22?

[English]

The Chair: It is on page 21 of the bill. It is BQ motion 20, which is found on page 23 of your handouts.

[Translation]

Mr. Yves Lessard: Mr. Chair, I move that Bill C-36, in Clause 25, be amended by deleting lines 1 to 3 on page 21.

We should see if we have disposed of this in another way. That's what I'm trying to check.

In the bill, the paragraph reads as follows:

(d) on the conditions that may be prescribed, any other individual authorized in writing by the individual.

I believe we've previously disposed of that, haven't we?

[English]

The Chair: I'll deem the amendment to have been not carried.

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

The Chair: Shall clause 25 carry the way it is written?

(Clauses 25 to 27 inclusive agreed to)

The Chair: I see light at the end of the tunnel.

(On clause 28)

The Chair: On clause 28, we do have some amendments before us. We've got BQ-21. I believe we did have some of this discussion before. Do we want to deem this as...?

[Translation]

Mr. Yves Lessard: Mr. Chair, it's related to the provisions concerning the six-year time period, which we've also previously disposed of.

[English]

The Chair: Yes, we did, and thank you, Mr. Lessard.

That will be deemed as defeated.

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

The Chair: We have NDP-4, which you withdraw.

Ms. Chris Charlton: That was withdrawn, yes.

The Chair: Thank you very much.

Amendment NDP-4 has been withdrawn.

We've got BQ-22. It is on page 26, and it concerned the same issue of the six years. We will deem that as not approved.

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

The Chair: We're going to the last amendment we have here, which is the same thing, and it is BQ-23. We'll deem that as not approved either.

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

(Clauses 28 to 39 inclusive agreed to)

The Chair: We've got to move forward. We've got a few more things left.

Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: I want to thank the officials for being here.

We have a little bit of housekeeping on what we need to deal with in terms of committee business.

I will dismiss the witnesses and the government officials.

Thank you very much for being here this afternoon.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, can we take three or four minutes to freshen up?

[*English*]

The Chair: You look good, sir. I don't know if you need freshening up, but go ahead.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, some things in life are stronger than the police.

[*English*]

The Chair: This is a very short amount of business.

What we have is this. On February 7 the committee adopted a motion whereby it decided to hear from witnesses on the employability study on March 20, 22, and 27. On March 20 and 27, we are supposed to have two panels of five witnesses, which would go from 3:30 to 5 for the first panel, with the second panel from 5 to 6:30.

We've been having votes on Tuesdays and Wednesdays, so it does not seem likely that we're going to get a chance to hear them. My suggestion, at the suggestion of the clerk, is to recommend that we modify the calendar, hear witnesses on the 20th, 21st, and 22nd, and on March 27 and 28.

We're adding a couple of additional meetings. I know we don't like this, but we'd like to get this done on Wednesdays. Then, should we have a chance, the meetings could be 90 minutes rather than 120. We're going to still do the same thing; we're going to tide over to Wednesday.

On March 29 we have an in camera meeting to give instructions for the analysts to write the report.

The question is, do I have unanimous consent to modify the previous order of the committee to that effect? Will that be all right?

Some hon. members: Agreed.

• (1720)

The Chair: If I have unanimous consent, then it is so carried.

Thank you very much.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

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

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