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Tuesday, December 8, 2009

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Chair

Mr. Dean Allison

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

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• (1535)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Pursuant to the standing order of reference of Wednesday, September 30, 2009, we are studying Bill C-304, an act to ensure secure, adequate, accessible, and affordable housing for Canadians. We'll go to clause-by-clause consideration today.

I just want to state at the outset that we need to be a little bit patient here today. The bill, which has six clauses, somehow has 35 amendments. So we're going to actually have to take our time as we move through this and just be patient as we work with the legislative clerk to make sure that we follow through a sequential method here to make sure everything works. We'll try to do our best to explain the consequences, the actions of what is going on, and then we can just try to go through it clause by clause.

What I'm going to start off with right away is this. In clause 2, if the amendments are carried that are going to be suggested by the Liberals, that is going to affect what happens in clause 3. What I'm going to ask is that we stand down clause 2 first, we start with clause 3, and then we can come back to clause 2, if nothing gets amended or changed, and then we can go back to what we're doing. I can assure you that we're going to take every clause, clause by clause. We'll go through that.

I do need a majority from the group to be able to do that. If not, we will start on clause 2.

Mr. Lessard, I will turn the floor over to you, sir, and then we can go from there. Mr. Lessard, the floor is yours.

[Translation]

Mr. Yves Lessard (Chambly—Borduas, BQ): Thank you, Mr. Chair. With all due respect, I would note that in our initial discussions I wanted us to start the clause by clause study of this bill with clause 3, as you now want to do, starting with consideration of the Bloc Québécois amendment. This is the determining point for us in terms of participating after that regarding the bill as a whole, depending on the decision that is made, one way or the other.

If you have no objection, we could dispose of new clause 3.1 that we submitted as an amendment. I know that other amendments have been submitted. I don't know whether the other parties are going to want to move subamendments. I would like us to debate new clause 3.1 moved by the Bloc Québécois first.

[English]

The Chair: Thank you, Mr. Lessard.

The question I have, then, is this, and I just mentioned it. Is it all right for the committee to start on clause 3? We're going to come back to clause 2, but as Mr. Lessard said, there are some amendments that have been proposed that will reflect what we do in terms of definitions and interpretations in clause 2. We'll come back to clause 2, but I need the majority to decide whether that's the case.

Mr. Savage.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): I don't have a problem with that, Mr. Chair. I agree with you that this is going to be a little bit of a complicated process, and there may be some amendments we come to that we may need some time for, that we might even suggest that we come back to, depending on what happens on other clauses.

The Chair: Most definitely, and I want to make sure that's the case. The other thing I want to propose to the committee as well is if we do not complete this today, would it be all right that we continue to work on this on Thursday? We don't need to address that this second. I just put that out there. We'll need to discuss that before we go for votes. The bell's at 5:15, and we'll need to wrap it up shortly thereafter.

Ms. Leslie.

Ms. Megan Leslie (Halifax, NDP): Thank you, Mr. Chair.

Just for clarification, if we discuss the new clause 3.1, with the NDP and the Bloc amendments, and should, for example, those two fail, does that preclude us from starting at clause 2?

The Chair: No, absolutely not. We're going to have to go back to clause 2 anyway. I'm merely suggesting we start on clause 3 because there are implications in clause 3 that refer back to clause 2. That's all. After clause 3, we'll go back to clause 2.

I would like some clarification from the committee once again.

Mr. Lessard, I believe you're talking about subclause 3(1). That is going to determine how you vote on the rest of the bill, is that correct? Can we start with subclause 3(1), then come back to clause 3, then go back to clause 2? I promise we'll go back to clauses 4 and 5 after that.

Does that make sense for the committee? Because it does affect the way the Bloc are going to vote on the bill in general.

I put the question to you. The Bloc would like to address subclause 3(1). Right now we'll deal with subclause 3(1), then come back to clause 3, then go to clause 2, then clauses 4 and 5.

Do I have consensus from the group to start with subclause 3(1)?

Some hon. members: Agreed.

The Chair: Thank you very much. We'll go to subclause 3(1).

The way we're going to handle subclause 3(1) is I'm going to talk to the Bloc about this: NDP amendment 6, which is on page 8, was submitted first, so I'm going to ask you if you want to deal with yours. They are similar, but in terms of the way the amendments came in, we want to deal with them in that order.

I'm going to defer to you first, although I realize that clauses 8 and 9 are similar. I'll have us go right to page 8 so that people understand what amendment we're talking about.

I'm going to let the NDP move that amendment and then speak to that amendment.

We'll turn it over to you, Ms. Leslie.

• (1540)

Ms. Megan Leslie: Thank you, Mr. Chair.

This amendment would add to the bill a caveat that Quebec is exempt from the act, but that if the transfer of federal dollars came out of the implementation of this act, the Province of Quebec would receive its share. We've added this language in recognition of the unique nature of Quebec following a motion put forward by this Prime Minister, which was passed, recognizing the uniqueness of Quebec and that it forms a nation within Canada.

We've seen this kind of clause in other bills. We've seen it in the Child Care Act, for example, so I can say the Liberals have supported something written like this, as we have, and as has the Bloc. We've seen this kind of asymmetrical or flexible federalism in other bills as well. That's the point of this provision.

The Chair: So before we go any further, as I said, Bill C-304 provides for the minister responsible for CMHC to consult with the provincial ministers to establish a national housing strategy. This amendment proposes to allow the Province of Quebec to opt out of the national strategy.

As *House of Commons Procedure and Practice*, second edition, states on page 766,

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the introduction of this opt-out provision is contrary to the principle of Bill C-304, and therefore is inadmissible.

If there's no more discussion on that, I'm going to move to subclause 3(1), BQ-2.

Go ahead, Ms. Leslie.

• (1545)

Ms. Megan Leslie: That's fine. Thank you, Mr. Chair.

The Chair: All right then.

Mr. Lessard.

Mr. Gerard Kennedy (Parkdale—High Park, Lib.): Point of order.

The Chair: Go ahead.

Mr. Gerard Kennedy: Just to understand, then, you are ruling against it. So then without a challenge it can't be considered. Is that correct?

The Chair: That's correct.

Mr. Gerard Kennedy: Okay.

So effectively it's deemed to be ultra vires or not within the scope of the act, by a ruling of the chair?

The Chair: That's correct.

Mr. Gerard Kennedy: And it happens the moment you say that?

The Chair: That's correct.

Mr. Gerard Kennedy: So somebody here would have to challenge in order to change that outcome.

The Chair: That's correct.

Mr. Gerard Kennedy: Okay. I just wanted to make sure, because somehow it was happening a little quickly, and I wasn't certain.

The Chair: No, we want to take our time and go through this.

I know the next amendment is very similar.

Mr. Lessard, the floor is yours, sir.

[*Translation*]

Mr. Yves Lessard: It relates to the same point, Mr. Chair.

Should we appeal your decision now? Otherwise we can't discuss it.

[*English*]

The Chair: That's correct. Did you want to raise BQ-2?

[*Translation*]

Mr. Yves Lessard: Yes. I am going to appeal your decision.

[English]

The Chair: What happens is that you have a chance to challenge me, but once we move on we've moved on. So if you challenge me, it's not debatable; it's a vote we'll have.

I haven't dealt with your motion yet, so if you want to move to BQ-2 we could certainly do that right now. But I'm not going to move on until all the discussion has been dealt with.

Mr. Savage.

Mr. Michael Savage: Thank you, Mr. Chair.

I would suggest that we not challenge the chair on the NDP amendment, but we would be prepared to support the Bloc's amendment on page 9.

The Chair: Here's what I'll do then.

Go ahead, Mr. Kennedy.

Mr. Gerard Kennedy: Mr. Chair, you don't provide the reasons; it's simply a finding. Is that right, or do you give us some reason?

The Chair: Actually it was—

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Could you go through the explanation, please, just so it's clear?

The Chair: Sure, by all means.

As a matter of fact, I don't come up with whether it's inadmissible or not. That's why we have the legislative clerks before us. But the purpose of the bill was a national housing strategy and consultation with all provinces. So when we opt out a province it goes against the whole purpose of the bill, which was a national housing strategy.

I want to know if there's any more discussion on NDP-6 before we move on to BQ-2. I still see hands.

Mr. Savage.

Mr. Michael Savage: Just for clarification, Chair, I'm trying to recall Bill C-303, the child care bill that this committee considered. Was a similar provision considered to be outside the scope of the bill in that case? Do you recall?

The Chair: I do not recall. I don't believe I was here for that.

Mr. Michael Savage: I remember you were here; you wore the same tie.

The Chair: I've been informed by the legislative clerk that once again, for clarification, any exemption can be part of an original bill. The challenge is that we've gone through two readings now and it's become part of the bill. The exemption was not made before that. So by all means we're not saying that no exemption could ever happen; it just cannot happen once it's past second reading.

Go ahead, Mike.

Mr. Michael Savage: I understand that. I think the timing was similar on Bill C-303; that's all. But it doesn't matter. We're fine and ready to go and all excited. Let's move.

The Chair: Do I have any more discussions on NDP-6?

Mr. Lessard.

[Translation]

Mr. Yves Lessard: Mr. Chair, it is a precautionary measure. Immediately afterward, we can discuss the Bloc Québécois amendment. The decision you make on amendment NDP-6, which is on page 8, does not assume the decision you are going to make on amendment BQ-2, which is on page 9, and also does not involve BQ-2.

I will tell you why. If you cite the fact that there has to be a decision, and you can do that, we are immediately going to appeal your decision, Mr. Chair. If you tell me that the decision will be made in relation to the Bloc Québécois amendment on page 9, we will not appeal your decision now. Your answer will decide the matter for us.

• (1550)

[English]

The Chair: Sure. Most definitely I'll have the same ruling. Then the question is whether you want to challenge me now or you want to challenge me later.

We could pass NDP-6; we could move on to your motion. I will rule it out of order, and then you can challenge me, if you like—however you want to do it.

Do you have any thoughts?

[Translation]

Mr. Yves Lessard: We are going to do it in relation to our amendment, to make the fun last longer, Mr. Chair.

[English]

The Chair: I thank you very much.

We're now going to move to page 9, which is BQ-2, and I'm going to ask the Bloc to just speak to their motion, and then I will give you the same ruling. But I'll wait to hear it, just in case it's different.

Go ahead, Mr. Lessard. The floor is yours, sir.

[Translation]

Mr. Yves Lessard: As it is now worded, the Bloc Québécois amendment reads as follows:

3.1 The Government of Quebec may choose to be exempted from the application of this Act and may, if it chooses to do so, receive an unconditional payment equal to the total of the amounts that would otherwise be paid within its territory under this Act.

Mr. Chair, I am now going to let you make your decision and I reserve the right to present arguments in support of this amendment, if it is ruled in order. I want to know first whether it is in order.

[English]

The Chair: Okay. All right, I'm going to rule this one out of order for the same reason as I ruled the last one. I am now taking a list to discuss that. I have on the list right now Madame Folco, Mr. Komarnicki, and Ms. Leslie, so why don't we go from there.

Madame Folco.

[Translation]

Mr. Yves Lessard: Mr. Chair...

[English]

The Chair: Oh, sorry. I'm sorry, Mr. Lessard. You weren't done?

Go ahead.

[Translation]

Mr. Yves Lessard: I am allowed to appeal your decision immediately, Mr. Chair.

[English]

The Chair: Okay. That's non-debatable. We'll go to challenging the chair.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): I have a point of order. The point of order would be that the chair has made a decision that this group accepted and that's not different from the decision now made. I would say this group ought to be precluded from challenging the chair, because it's the same issue. The fact of the matter is that this motion is not any different from the other motion, which this committee has already accepted, saying essentially if you allow one province to pull out, at its option—

The Chair: You know what, sir—

Mr. Ed Komarnicki: —which this proposes to do—

The Chair: I think, Mr. Komarnicki, in all fairness, they would have challenged me on the first one if that had been the case, so they're going to challenge me on the first or the second one.

It's not debatable; we're going to have a vote.

Ms. Raymonde Folco: I thought you said we could discuss this.

The Chair: We will discuss it, but Mr. Lessard has challenged the chair, and that's not debatable. We'll go right for a vote, and we'll come back. I still have the list.

The question is whether to sustain the chair in his decision, correct?

Mr. Ed Komarnicki: Can there be any persuasive arguments made one way or another on this issue?

The Chair: I need some help. Where are the lawyers in here? No, there are too many lawyers in here.

Go ahead.

[Translation]

Mr. Yves Lessard: Are we voting against the chair's decision now?

Mr. Georges Etoke (Committee Clerk, Standing Committee on Agriculture and Agri-Food): To uphold the decision.

[English]

(Ruling of the chair overturned: nays 6; yeas 5)

The Chair: Okay, so now we're open for debate.

Madame Folco.

•(1555)

[Translation]

Ms. Raymonde Folco: Thank you, Mr. Chair.

It works out well for me to speak now because I just voted a few minutes ago. I would like us to discuss the amendment moved by my colleague from the Bloc Québécois. The exemption he is seeking has already been agreed to in other bills. I have in front of me Bill C-303, which was introduced in the first session of the 39th Parliament, in 2006-2007. Clause 4 of that bill says essentially the same thing as amendment BQ-2, clause 3.1, moved by Mr. Lessard. It asks that, recognizing the relationship between the Government of Canada and the Government of Quebec, in certain areas, the Government of Quebec have control, having regard to its jurisdiction in relation to payments.

Heaven knows how many discussions we had about the division of powers between the federal government and the provincial governments. We had to debate it a hundred times. I think it is very important for us to preserve a balance that it was very hard for us to achieve and that we maintain a consistent course in terms of respecting provincial powers, in this case the powers of the Government of Quebec.

Thank you.

[English]

The Chair: Thank you, Madame Folco.

I now have on the list Mr. Komarnicki, and then Ms. Leslie and Mr. Savage.

Mr. Ed Komarnicki: My colleague Mr. Hiebert raised an interesting point. It certainly crossed my mind that we have a decision here. It was indicated that the essence of this amendment goes contrary to the purpose of the bill and therefore it is not, in a sense, lawful to make. I know the committee can decide to overrule the chair, but it doesn't change the fact that this amendment is contrary to the purpose and the stated essence of the bill.

It's a national housing policy. Look at the absurdity of saying that one province—and if we do it for one province we have to do it for all—can elect on their own to opt out of the national program. It wouldn't have to do another thing. It wouldn't have to build one house, lift one hammer. Yet it would also have the option to get an equal proportionate share of the federal funding for a national housing program that it wouldn't have to follow. Think about the absurdity of that. Then, saying we will proceed notwithstanding that this is contrary to the stated purpose of the bill, that it would otherwise not be allowable but we'll debate it anyway to cause us to debate other parts of the bill.... I would challenge my colleagues to think this through.

The decision that was made by the chair is sound. It makes good sense. To allow any province to opt out makes it a non-national program. If you follow the logic and all provinces have an option to opt out but they are entitled to get their funds proportionately, it doesn't make sense.

I would say that we not proceed with this bill. But if we do, we should at least have someone higher, or at a different level from this committee—the Speaker or the House leaders, or somebody—look at it to say you can proceed on the basis that this has some validity somewhere in the House.

It's contrary to the stated purpose of the bill. I'll leave it at that.

The Chair: Thank you, Mr. Komarnicki.

I have Ms. Leslie, Mr. Savage, and then Mr. Lessard.

Ms. Leslie, the floor is yours.

Ms. Megan Leslie: Thank you, Mr. Chair.

For the information of the entire committee, it was always our intention to have a clause like this in the original bill. However, we received what we would say was bad or incorrect advice from the legislative counsel's office. We actually withdrew that specific provision on the advice that we didn't need it. Now we're confronted with the fact that we do need it. So that everybody is aware, it was always the intention to have this provision or a similar provision in the bill, just as Madame Folco raised with Bill C-303 for a national child care strategy.

Further, we do see this kind of asymmetrical or flexible federalism in other bills, in other pieces of law. In fact it's interesting to think of what Mr. Komarnicki proposes, that one province may not actually have to build a single house, when Quebec leads the way when it comes to affordable housing in this country. We should aspire to build as many homes and as much affordable housing and have a strategy in the way they have a strategy.

Thank you.

• (1600)

The Chair: Thank you, Ms. Leslie.

Mr. Savage.

Mr. Michael Savage: It gives me no joy to challenge the chair, I can assure you of that. As the chair knows, this is not a slur on his capability. He runs this committee very well. I will support this amendment, but not without certain reservations.

There is a grain of truth in what Mr. Komarnicki says. I think the important thing is that this bill pass. I do not overestimate the impact that this will have on the government. We've passed private members' bills before. They have become the law of the land, but not necessarily the law of the government. Bill C-292 and Bill C-293 are notable examples. Nonetheless, there's a message here that Canada needs a national housing strategy. Those of us who travelled western Canada last week, including you, Mr. Chair, heard this everywhere we went. To pass this bill, we need to pass this amendment. I'll support my colleague in this amendment so that we can pass this bill and send a message to the government and to Canadians that we need a national housing strategy.

The Chair: Thank you, Mr. Savage.

Mr. Lessard and then Mr. Komarnicki.

[*Translation*]

Mr. Yves Lessard: The arguments made by our colleague Mr. Komarnicki are very interesting to listen to. I would urge him to listen to mine because they deserve a reply, and this is when it should be given.

I make no claims to having the truth, but I think his argument shows that if we don't amend the bill, it will be unconstitutional. Mr. Chair, if we don't amend the bill, it should not be in order, for the following reason.

[*English*]

The Chair: Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): I don't have any translation, so I haven't understood a word he said.

The Chair: Change the channel.

Go ahead, Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: I would like to draw your attention to certain facts, Mr. Chair.

First, the committee decides what its procedure will be. In fact, the Speaker of the House reminds us of this constantly. That is what the committee has just done, Mr. Chair. It was done with due respect for the skill with which you chair this committee. I don't think it challenges the way you chair the committee. You chair the committee based on the information you have. So there is no challenge to that legitimacy.

Mr. Komarnicki raised a good argument when he said that this bill is about a national policy that all the provinces will have to follow, while the Constitution provides that social housing is under provincial and territorial jurisdiction. If you follow that logic, the bill would not be in order if we did not amend it.

Second, I would also like to draw your attention to clauses 3 and 5, where the federal government's new power is defined, strictly on the basis of consultations with the provinces and other levels of government. Subclause 3(2) says that the Minister has the authority to develop a national housing strategy that "shall provide financial assistance, including financing and credit ...".

That subclause describes an entire field that in fact becomes virtually exclusively a matter under the jurisdiction of the federal government, when it does not have that jurisdiction. In paragraph 5 (1)(a) we have the same thing. That paragraph talks about "... develop[ing] standards and objectives for the national housing strategy ...". It could not be clearer.

The bill also says that the federal government has full authority in consultation with the provincial ministers and provincial representatives. We can come back to this when we talk about the other amendments.

That is why our amendment is not only in order, but is also unequivocally appropriate in a bill like this.

Otherwise, we oppose it and say that it violates provincial jurisdiction, particularly because the amendment also states a position taken unanimously by the National Assembly of Quebec. All parties in Quebec, without exception and regardless of political stripe, have always defended Quebec's right to be able to exercise its full jurisdiction in relation to social housing and to be able to withdraw from national strategies with full compensation where it considers it appropriate. That is what the amendment says.

That is why I urge my colleagues, including those in the Conservative Party, to vote in favour of this amendment. They have to clearly understand what the amendment means and ensure that the government does not oppose it by using royal recommendation.

Thank you, Mr. Chair.

• (1605)

[English]

The Chair: Thank you very much.

I have on my list Mr. Komarnicki, Mr. Ouellet, and Mr. Hiebert.

Mr. Ed Komarnicki: I'm going to appeal to the logic, good common sense, and judgment of Mr. Savage and others. They're saying it's true that this amendment is against the stated purpose of the bill, and we accept that. Mr. Savage says it impinges upon provincial jurisdiction, so he wants to have the opportunity to opt out.

If we use similar logic, is Mr. Lessard prepared to say that the Government of Quebec or any province may choose to be exempted from the application of this act and receive the funds if they choose to opt out? Because that same argument would apply across the provinces of Canada. That makes the exact point that everyone could

opt out of the program and call it a national housing strategy, which it obviously couldn't be.

An hon. member: It's the national opt-out strategy.

Mr. Ed Komarnicki: Yes, the national opt-out strategy—so the point is a good one.

Let's just get down to common sense and good judgment. The chair has ruled on a basic, fundamental part of this bill, and if you take it to the logical extension, everyone can opt out. It seems to me you would either not support this proposed amendment, or extend it to apply to everyone and then proceed. That would be only from a point of fairness and nothing else.

The Chair: Thank you, Mr. Komarnicki.

I'm going to move to Mr. Ouellet.

[Translation]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Thank you, Mr. Chair.

I would like to reply to Mr. Komarnicki and Mr. Jean who are laughing at my position when I say that is not it.

You say that logically, all the provinces could withdraw. It is not a question of logic, it is a question of cultural heritage in social housing in Quebec. We are talking about a practice, a fact situation.

Are you listening?

A voice: Yes.

Mr. Christian Ouellet: Yes? Okay.

I have visited all the provinces of Canada to investigate social housing. I am familiar with every program and every ministry, and I know how they work. None of them work like the ones in Quebec. You say that to be logical all the provinces would have to be given the same thing.

They aren't listening, they don't want to listen. No problem. In any event, they won't understand.

You then say, however, that you are afraid a province would take the money and not use it for social housing. I agree with you that in some provinces there is no structure, and that's true not very far away. But in Quebec that is not how it is. In Quebec, we build more social housing units than in any other province in Canada. It is an older culture.

In the bill, paragraph 3(3)(e), it says: "uses sustainable and energy-efficient design". Do you know that Quebec was the first province to adopt an energy code, in 1982, and apply it to social housing?

• (1610)

[English]

The Chair: I have a point of order, Mr. Ouellet.

[*Translation*]

Ms. Raymonde Folco: Excuse me, but I think we are now in a constitutional discussion. I would like to remind all the members here that we have one meeting left on this bill, and I think, as the chair told us, that Thursday's meeting will be shorter than scheduled, since there will be a meeting about an Olympic torch ceremony.

I would like to say that my impression is that we're going backwards. In other words, I think we could well not complete the cork on this bill before Thursday evening. I would like to remind all members of that, because this is my impression at this point, and I want everyone to be aware of it. I understand that the Bloc Québécois has decisions to make, but I hope we can conclude this discussion so we can move on. This is only the second amendment we are discussing, after all.

[*English*]

The Chair: Thank you.

I'll just remind the committee that we are masters of our own demise. I think we just heard that. I'm joking.

Mr. Ouellet, the floor is back to you, sir.

[*Translation*]

Mr. Christian Ouellet: I understand my colleague's argument very well. It is a good one in itself, but I think that before voting we need to answer the questions and how the situation as it is, with the real facts.

I totally support what my colleague Yves Lessard about the constitutionality of this bill. We think this is fundamental. There are parts of this that are fundamental. For example, why does it say "Quebec" and not "all provinces"? If we don't adopt clause 3.1, we will not go any further, because the Bloc Québécois considers the bill to be unacceptable.

It is therefore fundamental to spend a bit more time studying this clause before moving on to the others. In fact, we will not consider them if clause 3.1 is not adopted.

[*English*]

The Chair: Thank you, Mr. Ouellet.

Ms. Leslie.

Ms. Megan Leslie: On a point of order, Mr. Chair, I'm new to this committee, so I'm wondering how to call the question.

The Chair: Sorry, you can't call the question.

Ms. Megan Leslie: I can't call the question?

The Chair: No. I don't want to be challenged a second time. My feelings can't handle it.

I have a list here: Mr. Hiebert, Mr. Jean, and Mr. Lessard.

Mr. Hiebert, the floor is yours, sir.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair.

As a visiting member to this committee, I'm a little bit surprised at the direction it's moving in. As a lawyer, I have a respect for the law and the interpretation of the law, and I would have thought that would have prevailed.

I have some comments to make, Mr. Chair, but I have a question for the legislative clerk. My question has to do with whether there are any limits on a committee that would prevent it from making amendments to a bill outside the scope of the bill or outside the scope of the committee. We've just had a ruling from you that because the amendment is outside the scope of the bill, it cannot be allowed by the chair. Now mob rule has prevailed, and we're making that amendment regardless.

I don't meant to offend. Okay, I withdraw the words "mob rule". The majority has now stated that we're going to proceed with an amendment that's outside the scope of the bill.

My question is to the legislative clerk—and I want to make sure they hear my question. Then I have some additional comments, Mr. Chair.

Is there any limit to what a committee could do to amend a bill? Does not the logic of the law prevail in any means? Could this committee make an amendment that you, the chair, would overrule?

I'm elaborating on my question. Is there any limit to the kind of challenge that could be made to the chair to amend a bill? I'll use a couple of extreme examples.

I'm normally a member of the natural resources committee, and we're dealing with the isotope issue. Could the majority of the members of this committee sustain an amendment to this bill mandating the Minister of Human Resources to negotiate a national isotope strategy? Is that possible? Could the members in a majority, by overruling the chair, redefine what a house is in Canada so that it would include a car? Is this all possible? If that's the case, where does this go?

If we're moving into the realm of Alice in Wonderland, is there not any backstop at some point where someone has the authority to say okay, you've moved beyond the boundaries of what's legally possible, and no, you can't proceed? Is there any backstop at some point that would prevent a majority of a committee from making these kinds of changes?

● (1615)

The Chair: I'm going to take a stab at this first, and then the legislative clerk can add to it.

My understanding is that committees are masters of their own destiny—not demise—and because of that, the committee can overrule and go in any direction.

What I will say is that as a party you'd probably appeal to the Speaker of the House. The chair's already been challenged, so we'll go to the Speaker now. It would be appealed to the Speaker, and the Speaker would have to make a ruling on that. So that's where it would go after this particular thing.

But to answer your point, Mr. Hiebert, mostly definitely, as committees we can go in any direction we want. To go beyond this, you'll be talking to the Speaker of the House.

I'll turn it back over to you.

Mr. Russ Hiebert: To have a ruling from the Speaker, does it require a majority of the committee to send it to the Speaker, or can any number on the committee ask for a ruling from the Speaker? Is it a majority or is it any number?

The Chair: No, it's just a point of order raised in the House, probably by the government House leader.

Mr. Russ Hiebert: Okay. And the Speaker's ruling would presumably have to incorporate the logic of the law?

The Chair: That's correct. That's usually the case.

Mr. Russ Hiebert: I see. So then there's really no threat that this amendment would actually ever sustain—

The Chair: Well, I can't speak for how the Speaker may rule.

Mr. Russ Hiebert: But presuming that the legislative clerk's advice is sound, the Speaker would get the same advice from their lawyers—presumably, making some assumptions—so this bill would never proceed beyond the Speaker's ruling. Is that correct?

The Chair: It is possible, but once again, I can't speak for the Speaker.

Mr. Russ Hiebert: I appreciate that, Mr. Chair.

Okay, I just wanted to make those points. I think it's an entertaining experience to amend bills beyond the scope. In law we call this *ultra vires*, but it's just an exercise in entertainment if what I understand is correct.

The Chair: All right, thanks, Mr. Hiebert.

I have Mr. Jean, Mr. Lessard, and Mr. Komarnicki again.

Mr. Jean, the floor is yours.

Mr. Brian Jean: Thank you, Mr. Chair.

I just want to say, first of all, that I wasn't laughing at Mr. Ouellet at all, and I have no laughter at him or at what he said. I was more or less making an observation. In English, of course, in my communities, my area of Canada, in Alberta, we have a saying that you can't suck and blow at the same time.

An hon. member: We have that too.

Mr. Brian Jean: Amazing. That's good. I'm glad, because it makes it less difficult to explain myself.

If you're suggesting constitutionally that it might infringe upon provincial constitutional rights in the case of Quebec, then it certainly does so in the case of all the other provinces. We are governed by the same Constitution, at least the Constitution that I recognize. So I would suggest that if indeed your argument has weight, then it does in fact violate the jurisdiction of all provinces, and they all have the right to opt out and to deal with it accordingly.

Your argument is with respect to social programs and to the housing program that Quebec has as being different. I'm sure it is much different. But I come from the most socialist province in all of the country. Alberta spends more on social programs, per capita, than

any other province, as far as I'm aware, so I would suggest that this would be the most socialist province. Certainly that's what's explained by most right-wing parties in Alberta.

Saying that, I also have another observation that I'd like to make. I have two francophone communities in my riding, Plamondon and Lac La Biche. In fact there are some other ones that have been settled by francophones. I would be certain that those people would like to take advantage of the same social programming structure for housing that the people in Quebec would. At least, that's their ancestry, so to preclude them from that position would in fact not do them any justice.

Further, about 20% to 23% of my riding is aboriginal, and they have social programs. I would suggest that possibly the per capita housing in my particular constituency would be very high as far as that kind of social programming goes.

I just want to make you aware that if this is a national strategy for housing, and the Government of Canada is obviously the national body that would govern that, I would suggest that Mr. Komarnicki is correct in his assertion that if you opt out by one province, then it all of a sudden becomes a non-national program, which is obviously beyond the scope of the bill. That is what I would like to say.

I would like to hear from Monsieur Lessard in relation to those comments, because the Constitution argument is, I think—

• (1620)

The Chair: It just happens that it's his turn to talk as well.

Mr. Lessard, you have the floor, sir, and then I have Mr. Comartin.

[*Translation*]

Mr. Yves Lessard: I'm going to answer Mr. Komarnicki's question and Mr. Jean's question. I think they are both very worthwhile questions that clearly reflect two opposing political options. For that reason, with all due respect, I will come back later with those two answers, but I will start with two statements made by Mr. Hiebert.

Mr. Hiebert started by telling us he is here as a visiting member. My impression is not that he is visiting the committee, but that he is visiting the House of Commons. He is missing a good session.

When the House refers a bill to a committee, it is so the committee can assess it and make amendments, and that is what we're doing. That is the first thing. This is not a cheap shot. It's what he said. He also told us he is visiting and finds this entertaining. I don't find the situation of homeless people at all entertaining. I don't take it lightly, here or anywhere.

Mr. Chair, I come to Mr. Komarnicki's question, because I think he asked a good question. He asked whether the other provinces could also have the right to opt out. However, the fact is that they have never requested it.

The House of Commons has recognized that we are a nation, with the attributes of a nation, let us hope. Those attributes are not always visible. Quebec, not the Bloc but all of the parties in the National Assembly, unanimously, have made the political choice that it will have full powers and full jurisdiction, as recognized in the Constitution, to take responsibility for social housing.

I have never heard Mr. Komarnicki or his colleagues say they wanted the same thing for Ontario or Manitoba or other provinces. That's up to you, you are entitled, it's your choice and we respect it. If there is anything we respect, it is your political choices. They may be described as right-wing, but we pass no judgment on those choices. It's up to you.

In our case, however, it is not our choice and that is not the recognition we have historically been given. As well, Quebec's historical request is not what appears in the bill.

However, I would not want to do to Bill C-304... I think the opposition considers it to be very important. It is not perfect. We want to give it the potential to be adopted, at least by the opposition. It is the basis for an amendment.

I find it unfortunate, however, that something as irresponsible as systematic obstruction of the work we are doing on Bill C-304 would be done here. I think it would be completely irresponsible, just as I would think it was irresponsible if we did it on Bill C-56.

The government asked us to expedite our work on Bill C-56. We did that and I think it is also important to expedite work on Bill C-304. If we are given substantive arguments, we will deal with them. But making arguments as frivolous as saying that it's entertaining is not acceptable. That kind of argument amounts to systematic obstruction.

Thank you.

•(1625)

[English]

The Chair: Thank you very much.

I have Mr. Komarnicki, Mr. Cannan, and then Mr. Hiebert.

Mr. Komarnicki.

Mr. Ed Komarnicki: Mr. Chairman, I know Monsieur Lessard was trying to say that there's a filibuster going on. Nothing could be further from the truth.

First of all, why did Mr. Lessard pick this particular clause as the first one debated? It's because it's going to determine how he votes on the rest of the bill.

Let's not kid anyone about what's going on here. Why are the NDP supporting a non-national housing strategy by allowing this or any other province to opt out? They want the rest of the bill to go in, because the writing is on the wall in terms of what Mr. Lessard would do if this weren't here.

It's the same for the other parties. You can't pull the wool over our eyes. It's a legitimate debate, and it's not a filibuster. It's making a point as the crux of what's going to happen here today. Let not anyone pretend we don't know what's up or what's attempting to be

done here. It's only a sense of good reason that would prevent that from happening.

My point would be this: If this is indeed an issue, and we know how substantive an issue it is and the fact that the Bloc will support the rest of the bill only if this that we say ought not to be in is in, the least that this particular group should do is allow this matter to be appealed to the Speaker and have the Speaker make a ruling on it before it comes back here for further discussion. At least that much should happen. Otherwise we're going on an exercise saying that the Speaker will have to deal with this after we've gone through a lot of debate and a whole lot of other clauses. When it's so critical a point, one would think that we would want to establish the correctness of it before we choose to proceed with all the rest of the bill.

The Chair: We'll have Mr. Cannan, Mr. Hiebert, and then Mr. Jean.

Mr. Cannan.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thank you, Mr. Chair.

I'm in no way planning to filibuster—I wasn't even planning to speak—but I just wanted to clarify the procedure with the clerk. Both clerks are lawyers? No? So do you consult with lawyers to get their opinions? No? You're speaking just from experience, then? Do you have consultation with the Speaker? If the House leader asks for a ruling, does the Speaker then consult with you? In your past experience, is that what has happened?

Mrs. Lucie Tardif-Carpentier (Procedural Clerk): Yes, we would give advice to the Speaker, but he would decide. He would make his own decision.

Mr. Ron Cannan: I'm just trying to clarify how that goes.

He's a big boy, so he can fend for himself, but I just want to say there's no way that my colleague Mr. Hiebert was insulting any aspect of housing. He has been around here a long time. He's just filling in. Perhaps it was something in the translation, that Mr. Lessard was not....

I just want to clarify that he is filling in. He's substituting. Yes, he's visiting the committee, filling in for my colleague who's away today, but he wasn't insulting any aspect of housing. We're both from British Columbia. We have a 30-year Canada-B.C. social housing agreement, which was signed in 2006, and I think that social housing, affordable housing, accessible housing, housing of all forms is very important in British Columbia, as it is in all provinces and territories in the country.

I just wonder if maybe Mr. Lessard would be willing—he talked about how the Government of Quebec may choose to be exempt—maybe just after the word “Quebec” to add, as a friendly amendment, “and the Government of British Columbia to be exempted from the application of the act”. That way we'd also have the ability to choose if we want to. It's in the spirit of friendship and cooperation. I think it would make sense for all of us, all Canadians, to be treated equally. It's our national policy.

The Chair: I need some clarification. Are you adding a subamendment to this right now?

Mr. Brian Jean: I'm adding one as a friendly amendment.

Mr. Ron Cannan: It's just as a friendly amendment, Mr. Lessard.

Mr. Brian Jean: That's if he accepts it. He has to accept it.

The Chair: Ron, do you want to just state again what you're suggesting as a friendly amendment?

Mr. Ron Cannan: I think they're just talking.

• (1630)

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: What I understood, Mr. Chair, is that our colleague, Mr. Cannan, I believe, has asked that we add something after "Quebec". It would read as follows: "The government of Quebec and British Columbia to exempted from the application of the act ...". Is that it? And all the rest would stay?

Mr. Ron Cannan: Yes.

Mr. Yves Lessard: That's right.

I have two other things to say, Mr. Chair, a question and a submission.

Does he, as we do, have a mandate from British Columbia to do this? We have one from Quebec. That is my first question.

My second question is: is British Columbia recognized as a nation on the same basis as Quebec? That is the basis on which we made the amendment.

If one of the two answers is no, the amendment is void, and we will vote against it.

[*English*]

The Chair: Go ahead, please, Mr. Cannan, and then I'm going to move right to Mr. Hiebert and Mr. Jean.

Mr. Ron Cannan: Mr. Lessard, I was elected as a member of Parliament for Kelowna—Lake Country in British Columbia, so I'm sitting here as a Canadian and a member of Parliament, so that gives me the mandate and the ability to make a friendly amendment. If it's not being accepted as a friendly amendment, then I'll just move on.

Mr. Brian Jean: But he hasn't stated that. Is it accepted?

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, I reiterate my question. We are in this situation where it is the government of Quebec, unanimously, in the National Assembly, that wants this condition, a traditional request by Quebec, to be honoured. My question is whether the Government of British Columbia has made the same request.

The other question is whether the people of British Columbia have been recognized as forming a nation.

I think the answers to those questions are simple. I know what the responsibility of everyone here is and that is not what my question is about. My question is twofold and clear.

[*English*]

Mr. Ron Cannan: It's not being accepted in a friendly manner, so we'll just move on.

The Chair: I'm going to move, then, to Mr.—

Mr. Ron Cannan: Let's not waste any more time.

The Chair: I have Mr. Hiebert and Mr. Jean. That's all I have on the list. If I don't add any other people, I'll be calling the question.

Mr. Hiebert.

Mr. Russ Hiebert: I wanted to clarify for Mr. Lessard that my use of the word "entertaining" had nothing to do with the substance of the issue we're addressing. That's the implication that I got from the interpretation, and it couldn't be further from the truth. My use of the word "entertaining" referred to the process being used by this committee to overrule the conclusion of the legislative clerk. That's what I was referring to. Now that we know the legislative clerk would be providing the same advice to the Speaker—

The Chair: There is a point of order.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, a point of order. The decision has been made and we don't need to talk about it now. If he says today that it is an entertaining decision, Mr. Chair, he only has to appeal your decision. He doesn't need to talk about it, he just needs to appeal it. That is not what the debate is about, it is about the substance.

Do we agree on the Bloc Québécois amendment concerning clause 3.1, yes or no?

[*English*]

The Chair: You have the floor again, Mr. Hiebert.

Mr. Russ Hiebert: To wrap up my thought, I was referring to the process that's been used by the committee to overrule the conclusion of the legislative clerk. As we just learned, it's the legislative clerk who will be providing the same advice to the Speaker, if the Speaker has the opportunity to consider this amendment.

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, I am going to ask that you rule on my point of order. You have decided how we would deal with clause 3.1.

What he is questioning is the way you proceeded. He is talking about the procedure for getting there. He finds it entertaining and is arguing that point again. That is out of order and I would ask that you rule it to be such.

• (1635)

[*English*]

The Chair: Mr. Hiebert has the floor, so I'm going to let him continue, and then we'll move on to Mr. Jean and Mr. Komarnicki. If I don't add any more names, then I'll be able to call the question.

Mr. Hiebert.

Mr. Russ Hiebert: Perhaps, Mr. Lessard, some things are being lost in translation. I'm referring only to the comment you made about my motives for using certain terms, and I'm trying to clarify for your benefit that these terms were not used to cause offence or make light of the issue of national housing. It was simply a response to your comment about my motives for using the description that I did. I'm not sure where the point of order is coming from, but I think I've made my position clear. I'll leave it at that.

The Chair: Thank you, Mr. Hiebert.

Mr. Jean, and then Mr. Komarnicki.

Mr. Brian Jean: I have a question for the clerk, or maybe Monsieur Lessard could answer this question. This subclause 3.(1) has been used in other acts. Which acts, and when was it used? I know it has been, but I wasn't sure where. I thought maybe somebody could clarify that for me.

Then I have a comment after that.

The Chair: As I said before, the challenge was not based on the fact that this was a—

Mr. Brian Jean: No.

Ms. Raymonde Folco: On a point of information, are you referring to...?

Mr. Brian Jean: The opting-out clause. This is an opt-out clause.

Ms. Raymonde Folco: Yes, I referred to a bill.

Mr. Brian Jean: Which bill, and when was it, which year?

Ms. Raymonde Folco: Do you mind my giving him the information?

The Chair: Go ahead.

Ms. Raymonde Folco: I referred to Bill C-303. It was presented in the first session of the 39th Parliament, 2006-07, and I'm referring to clause 4, which is called "Exemption".

Mr. Brian Jean: My memory is that it was actually before the vote on Quebec being recognized as a nation.

Ms. Raymonde Folco: I couldn't say. You asked me the date of the bill, and I'm giving it to you.

Mr. Brian Jean: It was, because I voted for that clause. I was very happy to do so and very proud to recognize the distinct society of Quebec as a nation at that time.

I just find it interesting that the first argument was a constitutional infringement argument, and now the second argument is the nation, which obviously placed second in time to this opt-out clause being used before. I just found that interesting.

What I was going to say, Mr. Chair, and what I was interested in is just letting these particular persons know—especially Monsieur Lessard—how important a national housing strategy could be to this country, especially having regard to what's going on in Fort McMurray. Of course it's my constituency, but I just want to make sure that people recognize that we have what I would say are the highest prices in Canada for single-family dwellings. In fact, there are hundreds and hundreds of people living in tents on the sides of the rivers—even during winter—just because of the cost of housing.

So I certainly think that it would be a shame to see this bill come to a place where it can't be utilized on a national basis to actually help the economy of the nation as well as the people of the nation who can't afford their own housing.

I just wanted to make that comment, because certainly that has been my number one issue since I've been elected here, almost six years. Housing is a real problem in northern Alberta, and I just wanted to bring that to his attention.

The Chair: I've got only one person left on the list and we will call the question after this intervention.

Mr. Komarnicki.

Mr. Ed Komarnicki: Mr. Chairman, given where we're at, and how critical and pivotal this point is to the rest of the bill, and the fact that, clearly, there is an issue about its appropriateness, I would move that this decision of the committee be appealed to the Speaker and that this committee adjourn the clause-by-clause hearing until it has received a ruling by the Speaker. Speaking to that motion, it would make good common sense to have that before we go further, at least that much.

I would appeal to the good judgment of at least one member of this committee. What are we doing without getting at least the opinion of the Speaker of the House on this matter before we proceed? What we'll do then is have a definitive decision made whereby we can either proceed or not proceed.

I would urge members to support this motion. It still leaves the clause as it now sits, without us voting on the clause, but it has at least a higher-level ruling before we go forward. I would ask at least one member of the opposition to see the good sense in that and support us.

The Chair: Okay.

That's all the comment I have on that. We do have a motion before us that we need to deal with.

An hon. member: We moved a motion.

• (1640)

The Chair: You can't move a motion; we're already dealing with a motion.

Mr. Brian Jean: I would move an amendment to that motion.

The Chair: Okay, you want to move an amendment to this motion now?

Mr. Brian Jean: To the motion that's on the floor.

The amendment would be "and that this matter not be dealt with until such time as we receive the ruling from the Speaker in relation to its validity here".

Then you can debate that motion.

The Chair: I'm going to rule that amendment out of order because it doesn't deal with the motion at hand.

Mr. Brian Jean: How so, Mr. Chair, if I can just ask for that clarity in relation to your ruling?

Certainly it deals with the motion at hand. I would argue that it does. How could it not?

Mr. Michael Savage: What, are you challenging the chair all of a sudden? Are you crazy?

Mr. Brian Jean: No, I'm asking for clarity. Is that a problem?

The Chair: Once again, thank you, Mr. Jean. It deals with procedure, but not the actual content, so I'm going to rule that out of order.

Mr. Brian Jean: Even though it deals directly with the issue of validity?

The Chair: Yes. Okay?

All right, if there are no other comments, then.... Okay, Mr. Lessard.

[Translation]

Mr. Yves Lessard: Mr. Chair, I have only one question to clarify the procedure.

Given that this has changed what the committee agreed to for the process, there has to be unanimous agreement to have approval to appeal to the Speaker. If anyone here doesn't want that, it is automatically rejected. Am I mistaken?

[English]

The Chair: No, anyone can appeal to the Speaker about a ruling that has been made by the chair. But we have to go through the bill first and deal with it before it can be appealed to the Speaker.

[Translation]

Mr. Yves Lessard: I think we have the same understanding, Mr. Chair. It's about the appeal. Mr. Komarnicki is moving an appeal. Is that in order? If you say it is in order...

Mr. Christian Ouellet: He rejected it.

Mr. Yves Lessard: Ah, you rejected it. I had not understood. I apologize. Forget what I said.

[English]

The Chair: Okay.

If there are no other comments, then I'm going to call the question on amendment BQ-2.

[Translation]

Mr. Yves Lessard: I would ask for a roll call vote, Mr. Chair.

[English]

The Chair: All right.

(Amendment agreed to: yeas 6; nays 4) [See *Minutes of Proceedings*]

The Chair: I would ask you to turn to amendment NDP-3. It's on page 3.

I just want to indicate what NDP-3 will do. Then I'll have Ms. Leslie read the amendment and speak to it.

Just to let everyone know, if NDP-3 is carried, it will apply to further amendments NDP-7, NDP-8, NDP-9, and NDP-10.

If NDP-3 is adopted, then Bloc amendment 1, which applies to Bloc amendments 3, 4, 5, and 6, cannot be moved.

I'm going to repeat that again....

Go ahead.

Ms. Megan Leslie: Perhaps I can make a correction. I don't believe it's NDP-10. I believe it's NDP-11.

That would make it NDP amendments 7, 8, 9, and 11.

The Chair: We'll have a look at that to just confirm it.

Ms. Megan Leslie: Thank you.

The Chair: Again, we're dealing with page 3, NDP amendment 3, which I'll have Ms. Leslie speak to shortly.

If it is agreed upon, the vote will apply to NDP amendments 7, 8, and 9; we're just confirming whether it applies to 10 or 11.

If NDP-3 amendment is adopted, then Bloc amendment 1, which applies to Bloc amendments 3, 4, 5, and 6, cannot be moved.

Ms. Leslie, I'll ask you to read and talk about NDP-3 for us.

• (1645)

Ms. Megan Leslie: Thank you, Mr. Chair.

Currently each provision we're looking at reads along these lines: "the Minister shall, in consultation with the provincial ministers of the Crown". Our amendment would change it to "provincial and territorial ministers of the Crown".

We were actually alerted to this issue through Mr. Komarnicki's speech to the House, when he noted that "territorial" was excluded.

According to the Interpretation Act, "territorial" would be read in; it's deemed to cover territories. However, in consideration of and with respect to our territorial friends, we certainly want to make sure that they are expressly included.

There are several places within the bill where it simply says "provincial", and we would want to insert "and territorial" at each of those places.

The Chair: Ms. Leslie, can you confirm for us the reference number? We want to make sure that we're using the right one.

We're suggesting that what we have down here is NDP-10; that could be "NDP-11", the way it's written. The reference number is 4201694.

When you have a second, just look at the reference and let us know what it is. We want to make sure that we're talking about the same thing.

Ms. Megan Leslie: Oh. Sorry....

Yes, I think that's right.

The Chair: It is NDP-10, then.

Ms. Megan Leslie: Yes.

I'm just looking up why I thought it was amendment NDP-11. My apologies, Mr. Chair, my records for amendments NDP-10 and NDP-11 were mixed up.

Thank you.

The Chair: Thanks.

Have you finished discussing amendment NDP-3, then, Ms. Leslie?

Ms. Megan Leslie: Yes, I have.

The Chair: Okay, then I'll just open it up to any kind of conversation or debate.

If there's no debate on that, I'll call the question on amendment NDP-3.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: Amendment NDP-3 will carry, then; therefore, amendments NDP-7, NDP-8, NDP-9, and NDP-10 will also carry.

That means that amendment BQ-1 cannot be moved.

We will now move to amendment LIB-1.1, which is on page 4.01. I will give you a second to move to that page, and I am going to ask someone from the Liberals to speak to that amendment.

Go ahead, Mr. Kennedy, anytime you want, as people are turning to that page. Thank you.

Mr. Gerard Kennedy: Essentially this is just to make it more complete and ensure that the right people are seated at the table. It's really a friendly amendment to the amendment that follows from the NDP. It just makes it more express that it's not-for-profit and private sector housing providers, to make sure that those are people we've seated at the table, as well as the more encompassing term of "civil society organizations". It's meant to ensure that the people who provide housing are part of the conversation and that it happen expressly in order to strengthen that outcome.

•(1650)

The Chair: All right. I just also want to make sure people understand that if amendment LIB-1.1 is adopted, amendment NDP-4.1 cannot be brought forward. Once again, I want to make sure everyone gets clarification on that.

Are there any questions, comments, or discussion on Mr. Kennedy's movement of amendment LIB-1.1?

Then I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: That then means that amendment NDP-4.1 will not be moved.

We're now going to move to amendment LIB-2. Once again I'll ask Mr. Kennedy to read that and let us know what the intent of that is.

Mr. Gerard Kennedy: Mr. Chair, this is basically making explicit what is implicit in the bill, that we are trying to fulfill our obligations as undertaken by governments of all different political parties internationally, and this gives us a linkage to some of those aspirations that we've already passed and debated, and so on, in past

generations of parliamentarians. It is creating a firm link between a national housing strategy and our already existing international obligations.

The Chair: Is there any discussion on amendment LIB-2?

Then I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We'll now move to amendment LIB-3.1, found on page 5.2.

Once again, I'll turn it over to you, Mr. Kennedy, to discuss it.

Mr. Gerard Kennedy: Again, this is really the form of a friendly amendment in the sense that it broadens what we would consider to be minimal basic needs, so it's not just food and clothing but also access to health care services, education, and recreational activities. It's basically just understanding that people can't exist in a room. I'm leaning here on the years I had running food banks in Edmonton and Toronto and saying you don't want to have too artificial a definition of "basic needs", because it is those other things beyond food that are part of people's existence. So while the word "including" is there, this is ensuring that we don't inadvertently—because I think it would be inadvertent—put people in a more narrow strait or circumstance than we wanted to in the first place.

The Chair: Are there any comments or discussion on Liberal 3.1? All right, then I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We're now going to move to NDP 5. That is on page 6.

Ms. Leslie, would you like to take the floor and tell us a bit about this and the reason behind it?

Ms. Megan Leslie: Thank you, Mr. Chair.

What NDP amendment 5 would do is replace line 15 with the following: "The national housing strategy shall include incentives for affordable rental housing and shall", etc. It's including incentives for affordable rental housing. We heard from witnesses from the apartment associations about the role of the private sector in ending the housing crisis in Canada, and this is acknowledgement that most low-income households live in private rental housing and the private sector does have a stake in affordable housing. This is in recognition of what we actually heard from witnesses at committee.

The Chair: Mr. Cannan.

Mr. Ron Cannan: Thank you.

Unlike several folks around here, I don't have a law degree, so I just want to seek clarification. If this requires government money to be expended, would that require royal recommendation?

The Chair: This bill is about coming up with a strategy. Part of the thought process is that there would be incentives in there. To my knowledge, it's not asking the government to spend money, but rather to come up with a strategy.

Mr. Ron Cannan: Okay. Thanks for the clarification.

The Chair: Go ahead, Ms. Leslie.

Ms. Megan Leslie: Just to add to that, an incentive doesn't necessarily have to be money. It could be looking at changing zoning.

Mr. Ron Cannan: Tell my children that.

Ms. Megan Leslie: Good point.

The Chair: Are there any other comments on NDP 5?

I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We're now going to turn the page to Liberal 4, which is on page 6.1.

Mr. Kennedy, I'll turn it back over to you, sir.

Mr. Gerard Kennedy: It's just adding safety and security to this, so you have "safe, secure, adequate and affordable" and then into the existing wording of "accessible". Again, it's a friendly amendment for more completeness so we know what we're talking about as the core of the bill, which is the minimum housing we want to be able to provide to all Canadians.

•(1655)

The Chair: Is there any other discussion on that?

Mr. Cannan.

Mr. Ron Cannan: Just to clarify, do they have a definition of "affordable"? Is that part of the bill?

The Chair: It's the third paragraph under the interpretation. There's a definition at the front part of the bill.

Ms. Raymonde Folco: It's already in the article.

The Chair: That's the only reason we've stood down clause 2, to come back to that.

Are there any other questions? I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: I'll get you to turn your page over to 6.2, Liberal 5.1.

I'll turn the floor back over to Mr. Kennedy.

Mr. Gerard Kennedy: Essentially, this just makes it more precise. Rather than just "access for the elderly and the disabled", which could be only one part of their living needs, it expressly talks to "independent living as a result of housing adaptations", which is the language from Canada Mortgage and Housing Corporation.

The Chair: Thank you.

Any questions? I will call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We're going to move to Liberal 6.

Mr. Kennedy.

Mr. Gerard Kennedy: Again, it anchors the good intent of the bill with the specificity of the LEED certification, which is becoming the standard for housing, and therefore gives it a more measurable outcome.

The Chair: Okay.

Ms. Leslie.

Ms. Megan Leslie: Thank you, Mr. Chair.

I've talked at length with Mr. Kennedy about our various amendments, but I failed to ask him about this specific amendment. My concern with LEED is that LEED exists right now at this moment in time, and it isn't necessarily a program that will continue to exist in the future. There may be better standards for environmental design. I'm just wondering if you see any problems with naming LEED in particular versus saying something like "the leading environmental design standards".

Mr. Gerard Kennedy: No. According to the research we've done, LEED has various levels, so this does not require the highest level for government housing or not-for-profit housing, whatever. But it is a standard, and it's the only standard. So I guess I appeal to the committee to support us having the existing standard, as opposed to no objective standard.

The Chair: Is that a sufficient answer, Ms. Leslie? Is that what you're looking for?

Ms. Megan Leslie: Yes.

The Chair: Okay. We can come back.

I have Mr. Lobb, and then Mr. Ouellet.

Mr. Lobb.

Mr. Ben Lobb (Huron—Bruce, CPC): Just on the point of this one here, I wonder if there are any thoughts on the extra costs that will be associated with the housing project if it's mandated that it be LEED certified. Obviously it's debatable whether it's cheaper on an ongoing basis for operational costs. But the upfront costs, from my understanding, are normally significantly more. I just wondered if that may hinder any of the affordable housing projects going forward because they are mandated to go by LEED, as well. Are there any thoughts around what the upfront architectural costs may be prohibitive to?

The Chair: Gerard, do you want to respond?

Mr. Gerard Kennedy: Just very briefly, Mr. Chair.

It's becoming the standard. It's already in use by most provincial governments. And again, it's not all LEED gold. It just simply has to observe these things. And what most public housing has done is wish they had used it earlier because it saves much more money on the operational costs in terms of heat and so on than it does on the other. That's at the basic level. In fact, there are private companies now that make money going to not-for-profit housing and capturing the savings, because that's how favourable the economics are.

The Chair: Mr. Ouellet.

[*Translation*]

Mr. Christian Ouellet: Mr. Chair, given how the LEED standardization system is organized in Canada, we can't expect that it will disappear in a decade or even more. The system is a matter for private enterprise, not the government. It is entirely to the advantage of private enterprise to retain it. So it is almost certainly going to be in existence still in 40 or 50 years. The first level of LEED is not more expensive. It is mainly a question of choice, organization and land. Mr. Kennedy is right: investing in LEED may even providing savings on building maintenance.

• (1700)

[*English*]

The Chair: Thank you.

If there are no other questions, I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We'll turn now to amendment LIB-7.1 on the next page.

Mr. Kennedy.

Mr. Gerard Kennedy: Again, this is a relatively small change in wording, but it's meant to organize the idea a little bit more clearly. It says:

give priority to ensuring the availability of secure, adequate, accessible and affordable housing to those without housing and to members of groups particularly vulnerable to homelessness, including

The point there is that it could be read previously that people who had suffered from lack of housing but had obtained it could still be somewhere favoured in the queue. So really all this does is gather that together and say no, just to be very clear, we mean if they are from these groups but also do not have good housing now. It's putting the semantics in line with the original intent of the bill.

The Chair: If there are no questions, I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We're now going to move to amendment LIB-8.1 on page 6.5.

Mr. Kennedy, the floor is yours.

Mr. Gerard Kennedy: Mr. Chair, this is a similar type of thing —“for greater certainty”, as the lawyers are wont to say—that members or groups denied housing are added in as a class of those vulnerable people who should be recognized.

Ms. Raymonde Folco: I have a question, Mr. Chair.

The Chair: Sure. Go ahead, Madame Folco.

Ms. Raymonde Folco: I'm not against this at all. I just want to know the difference between “those who are” and “members of groups who are”. What exactly is the difference between the two? Is it a matter of legalese? What does it mean?

Mr. Gerard Kennedy: I'm sorry. This is the advice we got from the drafting advisers, that this had more precision. That's all I can say. I'm sorry, I'm not certain on why they make that distinction.

Ms. Raymonde Folco: Okay.

The Chair: All right. Are there any questions? Then I'll call the question.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We're now going to go to amendment NDP-5.1, which is on the next page, page 7.

Ms. Megan Leslie: We'd be happy to withdraw that.

The Chair: Okay. Thank you very much.

All right, so then we go right to amendment L-10.1, which is on page 7.1.

Mr. Kennedy, the floor is yours.

Mr. Gerard Kennedy: Thank you, Mr. Chair.

This recognizes the reality that much of the affordable housing need is for families who have been victims of family violence, or at risk of it, and it is preventing that from taking place, and that's just including among the recognized vulnerable groups.

The Chair: Okay. Any questions on that?

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 3 as amended agreed to)

(On clause 4—*Implementation of national housing strategy*)

The Chair: We're now going to go to clause 4.

Ms. Raymonde Folco: Sorry, Mr. Chair, where is clause 3.1?

The Chair: We've already dealt with clause 3.1. That was the one we spent the first little bit of time on.

We're now going to move to clause 4.

We will not be dealing with BQ-3 because we carried NDP-3. We don't need to deal with NDP-7 because we carried NDP-3, which takes us to Liberal-14.

We will go to the L-14 amendment. The page is 11.1

Mr. Ed Komarnicki: Mr. Chair, I have a point of clarification.

I know clause 3 carried. There's a number of subclauses to that, like (1), (2), (3), (4). Those would have carried as well, I gather. But what was the reading of subclause 3.(3), as carried?

• (1705)

The Chair: A clarification, Ed. Are you referring to the bill now?

Mr. Ed Komarnicki: To the bill.

The Chair: The bill. Okay, clause 3 in the bill.

Mr. Ed Komarnicki: I'm assuming it's passed. How does it now read, subclause 3.(3)? The bill had, "The national housing strategy shall also ensure", and that wording has changed. What does the beginning of subclause 3.(3) read?

Does it now read, "The national housing strategy shall include incentives for affordable rental housing and shall..."?

The Chair: Yes. It starts with what we adopted as NDP-5, which is, "The national housing strategy shall include incentives for affordable rental housing and shall ensure the availability of housing that", etc., etc.

Go ahead, Ed.

Mr. Ed Komarnicki: Now, on the word "ensure", does anyone have any problems with that? In terms of the clerk, it would seem to me that the strategy would have to ensure a number of things that would end up being a cost factor. That's not an issue, I gather.

The Chair: No, they don't have an issue with it.

Mr. Ed Komarnicki: And subclause 3.(2) reads, as I take is, as amended, "The national housing strategy shall provide financial assistance", and that's not a problem either, simply because the strategy could provide it, but you wouldn't have to act on it. Is that what you're saying?

The Chair: Yes, because it's just a strategy that we're talking about.

Mr. Ed Komarnicki: Interesting.

The Chair: Okay. Any other questions?

I will go, then, to amendment L-14, and that is on page 11.1.

Mr. Kennedy, the floor is yours.

Mr. Gerard Kennedy: People can see that what this does essentially is ensure there is an outcome. In other words, it's not just that they will "encourage and promote", but that they will develop a coordinated approach to the implementation. So that's the difference. It replaces line 22, which says "shall encourage and promote", and proposes instead to say "shall develop". So it takes the high degree of ambiguity out of that.

[*Translation*]

In French, it says "élabore une approche coordonnée de mise en oeuvre de la stratégie", which is more precise.

[*English*]

The Chair: Is there any other discussion on amendment L-14?

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: The next one is amendment BQ-4, which is not applicable.

And amendment NDP-8 has already carried because of the vote on amendment NDP-3.

Now I'm going to ask the question on clause 4, as amended.

(Clause 4 as amended agreed to)

(On clause 5—*Conference to be held*)

The Chair: Amendment NDP-9 has already been dealt with because of the vote on amendment NDP-3.

Amendment BQ-5 is withdrawn.

That takes us to amendment L-14.1, which is on page 15.1. I'll turn that over to Mr. Kennedy.

• (1710)

Mr. Gerard Kennedy: Again, it's a variant on the previous issue, which is basically including that not-for-profit and private housing providers are among those included as part of the discussion, as well as those who represent groups in need of adequate housing, because those are not necessarily the same—the people who provide housing and those who need it. In many of our communities they are organized, they do have a voice, and they need to be at the table.

The Chair: Okay. I also want to let the committee know that if we adopt amendment L-14.1, then we will not be dealing with amendment NDP-9.1, just so people are aware of that.

Are there any questions on amendment L-14.1?

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: That means we will not be dealing with amendment NDP-9.1.

That takes us to amendment L-15.2, which is on page 15.3.

Mr. Kennedy, the floor is yours.

Mr. Gerard Kennedy: Thank you, Mr. Chair.

Again, this is a little bit more precision. You'll see that the language at the outset is the same but refers back to the previous subclause 3(1) and includes "targets to end homelessness—with clear timelines and accountability measures, and develop programs to carry out the strategy".

It brings it to what I think is its logical development in terms of what we mean.

The Chair: Is there any discussion on that?

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: We will not be dealing with amendment NDP-10 because that was what was applied from amendment NDP-3.

We'll not be dealing with amendment BQ-6. That will be withdrawn.

That will take us to amendment NDP-11.

Go ahead.

Ms. Megan Leslie: For consistency we may want to first consider amendment LIB-15.2.1, which is on page 17.011.

The Chair: Thank you.

All right, we'll go to amendment LIB-15.2.1.

Ms. Raymonde Folco: Is that the page?

The Chair: It's on page 17.011, not 17.01 but 17.011. It was an extra page that was handed out.

Ms. Raymonde Folco: Is this Mr. Kennedy's, too?

The Chair: Yes.

Ms. Raymonde Folco: I have here page 17.1.

The Chair: It's page 17.011.

Mr. Kennedy, would you like to speak to that?

Mr. Gerard Kennedy: Yes. For the third occasion and for greater clarity, it basically inserts the not-for-profit and private sector housing providers on the listing of those that should be included and those that represent groups in need of adequate housing.

The Chair: Okay. As a clarification and so everyone is aware then, if we accept this we will not be dealing with amendment NDP-11.

Is there any discussion?

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: It is carried, which means we will not be dealing with amendment NDP-11.

That takes us to amendment LIB-15.3, which is on page 17.02.

Mr. Kennedy, the floor is yours.

Mr. Gerard Kennedy: One moment, Mr. Chair; I want to make sure I have the right reference.

Mr. Chair, this basically adds "monitoring and evaluation" of the programs, not just the "development and delivery". Again, it makes it more precise in terms of what we want this strategy to accomplish.

• (1715)

The Chair: Okay. Is there any discussion?

Mr. Lobb.

Mr. Ben Lobb: Is it the intention of this amendment that the federal government would be in charge of monitoring and evaluating the program, or would the provinces be able to monitor and evaluate this?

Mr. Gerard Kennedy: Again, it's in its context, which is paragraph 5(1)(c). It basically says they're doing that together. In other words, the housing strategy is going to seat the people around the table and this is one of the objectives they have to arrive at together. There's the list of people we've approved who should be seated, and they have to develop the principles of an agreement with respect to development and delivery of the programs. That's what precedes it.

Answering your question, the principles would be made as part of the strategy, as opposed to us telling them how to do it now.

Mr. Ben Lobb: I have one other question. I don't want to get into a big debate on this, but going back to our issue we had at the beginning, for example, if Quebec could not come to an agreement on how it should be monitored and evaluated, with the amendment we debated would they have the ability to opt out if they disagreed?

Mr. Gerard Kennedy: I'm sure the clerk can tell you that. I understand that to be the effect of the amendment that was passed.

This refers to a successful discussion involving everyone, and it suggests what they need to arrive at. I don't think it's affected one

way or the other by that particular amendment. I think that is a standing option, if you like, that's been created for Quebec.

The Chair: Okay, I have some names here.

Mr. Ouellet.

[*Translation*]

Mr. Christian Ouellet: Mr. Chair, this practice is already in effect. At present, the federal government asks the provinces to submit a report on quality, the things they are doing, and so on. It isn't new. Every year, Quebec is always the first to comply, in fact, reporting on how it used the funds.

[*English*]

The Chair: I want to ask the committee what its intent is. Do we want to come back after votes to deal with this? Do we want to come back on Thursday? What's the thought process?

Ms. Raymonde Folco: What time is the vote, Mr. Chair?

The Chair: It's in ten minutes.

Is it okay to come back on Thursday?

Mr. Ed Komarnicki: We'll have to carry it over to the new year, as far as I can see.

Mr. Ron Cannan: I won't be here on Thursday, unfortunately. I have to make an affordable housing announcement.

The Chair: I'm going to call the question on L-15.3, because that's what we're talking about now.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: On L-16 and L-16.1, I believe there is something different.

Mr. Kennedy.

Mr. Gerard Kennedy: There's a new L-16, so I want to make sure people have the right version. Amendment L-16 is the one you were handed that is shorter than the one in the booklet.

The Chair: It was the one that was just handed out.

Mr. Gerard Kennedy: That's correct.

The Chair: It's on page 17.1.

Go ahead.

Mr. Gerard Kennedy: This is to make sure you not only have a strategy, but you have a means for seeing whether the strategy means something to the people for whom it's intended. So it will "develop a process by which an independent body will review, address and report on complaints about possible violations of any housing rights recognized by this Act."

This closes the loop so we don't just go into an exercise that ends with a conference and a strategy. Someone will tell us whether or not it amounted to some benefit for Canadians.

The Chair: Mr. Lessard.

[*Translation*]

Mr. Yves Lessard: Mr. Chair, this is a text we have just received. Our work is going well; we have taken the time we needed. I suggest that we conclude this work at the beginning of the meeting on Thursday. If everyone agrees, we could proceed that way.

[*English*]

The Chair: Go ahead, Mike.

• (1720)

Mr. Michael Savage: So it is agreed that we will take this up at the beginning of the meeting on Thursday.

The Chair: That is correct.

Mr. Michael Savage: And we'll proceed until it's finished.

The Chair: That's correct.

Thank you.

The meeting is adjourned.

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