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Tuesday, May 5, 2009

—
Chair

Mr. Derek Lee

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•(1105)

[English]

The Chair (Mr. Derek Lee (Scarborough—Rouge River, Lib.)): I call the meeting to order, colleagues. I see a quorum.

We are today considering Bill C-18, which is a bill dealing with the mechanics of the Royal Canadian Mounted Police Superannuation Act. We have witnesses from the Royal Canadian Mounted Police, the Department of Justice, and a group known as the Quebec Mounted Police Members' Association, or the *Association des membres de la police montée du Québec*.

We will now proceed to hear from witnesses on the subject of Bill C-18. It was our hope that we could complete disposition of this bill today. Your cooperation in that regard would be appreciated.

I'll ask the witnesses, first Mr. Michael Cape, director of pension services of the RCMP, and Shelley Rossignol, a senior analyst in the same branch, will you be making a presentation here on the bill?

Mr. Michael Cape (Director, Pension Services, Royal Canadian Mounted Police): Yes, I will.

The Chair: That's good.

May I ask the Department of Justice if the department will be making a presentation on the bill, or are you here as a resource?

Mr. Marc Wyczynski (Counsel, Royal Canadian Mounted Police; Department of Justice): Yes.

The Chair: Thank you.

I know that Monsieur Delisle will be making a presentation on the bill.

First we'll go to the Royal Canadian Mounted Police for their presentation. Welcome.

Mr. Michael Cape: Thank you, Mr. Chairman.

I appreciate the opportunity to appear before you to assist with the committee's examination of Bill C-18. With me today is Ms. Shelley Rossignol. She's the senior analyst with the RCMP pension services group and has invested a great deal of time and effort in the bill over the past year. Also here is Mr. Marc Wyczynski, who is the counsel from the DOJ who has provided legal counsel throughout the development of Bill C-18.

Bill C-18 proposes several technical amendments to the RCMP Superannuation Act. It would improve pension portability and ultimately bring the act in line with the federal public service pension plan, as well as other public and private sector plans across Canada.

The bill would deliver three primary benefits. First, it would allow for the expansion of existing provisions regarding election for prior service. That means regular civilian members of the force could purchase pension credits from other public and private sector pension plans across Canada. Second, it would allow the RCMP to enter into pension transfer agreements with other pension plans. This would permit the transfer of pension credits into and out of the RCMP pension plan. Third, it would clarify and improve some administrative and eligibility aspects of the existing act; two examples are those related to part-time employment and the cost of elections for prior service with a police force that was taken over by the RCMP.

In a nutshell, Bill C-18 is about fairness and flexibility. It will put each member of the RCMP on equal footing in terms of pension portability. That is not the case under the current rules.

[Translation]

Today, the almost 24,000 members of the RCMP whose pensions are governed by the RCMP Superannuation Act don't have the same pension choices as 6,300 of their colleagues, whose pensions fall under the Public Service Superannuation Act. Yet they all serve the public.

For example, someone who goes to work for the RCMP as a public servant under the Public Service Superannuation Act can bring their pension with them from other federal departments and levels of government—even from some private-sector employers. And they may be able to leave with their pensions if they explore other federal or public-sector opportunities.

•(1110)

[English]

Regular and civilian member employees do not enjoy the same level of pension portability. Bill C-18 proposes to address this discrepancy by providing those RCMP employees with the same pension options currently available to federal public servants, as well as to members of many provincial and municipal police forces.

Expanded pension portability may, in some cases, increase the value of future pension benefits for regular and civilian members. It might also help them qualify for survivor benefits for their spouses or partners and improve the value of that benefit—again, in some cases.

The proposed amendments will also help eligible members qualify for retirement at an earlier age, if they so choose, after a career of helping to protect the safety and security of Canadians.

Another positive aspect to the amendments proposed by Bill C-18 is that the enhanced portability provisions may help to strengthen the RCMP's current recruiting efforts. This issue is top of mind for the force at this time, as it strives for a net increase of 1,000 regular and civilian members by 2013.

Enhanced pension portability has the potential to make the RCMP a more attractive career choice for Canadians working in other fields or even for members of other police forces. In this way, enhanced pension portability supports many of the existing initiatives already under way to help the RCMP recruit more officers.

Mr. Chairman, in the time I have remaining, allow me to address a few of the concerns that arose during second reading of the bill in the House.

A few of the members expressed concern that the six-month training period for the RCMP officers is not recognized as pensionable. This was viewed as a possible anomaly because recruit training in some other police forces is pensionable and would be recognized under the RCMP pension plan in the case of a transfer.

The difference with the RCMP is that cadets at the RCMP training academy in Regina are not hired as employees until they graduate from the training program. Registered pension plans like the RCMP pension plan are subject to strict requirements of the Income Tax Act. The tax provisions make eligibility for coverage under a registered pension plan dependent upon employment. So since cadets are not employees, they cannot qualify for pension entitlement under the RCMP pension plan.

Another question asked during second reading was whether Bill C-18 would assist in the recruitment of aboriginal people or members of Indian band police. Bill C-18 would allow pensionable service under another Canadian pension plan registered under the Income Tax Act to be recognized under the RCMP plan, so as long as the potential recruit was a member of a registered pension plan, employment with the RCMP could become more attractive once pension portability is in place.

Finally, a concern was raised over potential costs associated with Bill C-18. The estimated program costs for this initiative are \$1.1 million. Elections for prior service with the public service, the Canadian Forces, and the House of Commons or the Senate already exist. Consequently, many administrative tools are already in place for the expanded elective service provisions.

The costs associated with the changes would be covered by existing RCMP reference levels and the RCMP pension plan. No additional financial resources are required. And, under the future regulatory amendments, the actuarial cost of purchasing prior service is borne entirely by the plan member. In the case of a pension plan transfer agreement, pension funds are transferred directly from the former pension plan to the new plan.

I thank you for having invited me to appear before you. We would be pleased to take your questions.

The Chair: Thank you, Mr. Cape.

We'll now turn to Mr. Gaétan Delisle, who, after contacting the committee, requested to be a witness on this bill.

Welcome, Monsieur Delisle. Could I ask you to identify and just rough out your own identification and that of the group you're representing here today?

S/Sgt Gaétan Delisle (President, Quebec Mounted Police Members' Association): Thank you, Mr. Chairman and members of the committee.

I am currently a staff sergeant with the Royal Canadian Mounted Police. I also hold the position of divisional staff relations representative, commonly known as the SRR. For the last 33 years, I've been re-elected as the SRR in Montreal, representing C Division. Right now, I am also the president of the Association des membres de la police montée du Québec.

I am here on behalf of the three associations, as you can see from our correspondence that is being circulated. We have three different independent associations in the RCMP right now. As you know, a decision was rendered on April 6 that rendered the present system, SRR, unconstitutional, although that situation was waived for an 18-month period by the judge in place.

Having said that, and having the opportunity to be here, let me touch on the points we would like to issue first.

Although we applaud the position taken by Mr. Cape regarding the actual body of all police officers coming into the RCMP who will be entitled to buy back time, let me put you in touch with a situation where we think this is very inconsistent with good practice towards our members.

•(1115)

[*Translation*]

Having seen the situation in Ontario and Winnipeg, I can tell you that police officers who enter those services as cadets are automatically employed in this police service. Under this bill, the time that these people have spent in their respective police services as cadets—and that period corresponds to six months—will be recognized, but as just mentioned, the period of service before they earn the rank of constable in the RCMP will not be recognized in the case of our own cadets.

We consider this reasoning inconsistent. The other members who are behind me and who are active have all been at the Depot and have all been able to calculate their time as members of the RCMP. As our document indicates, it was only as a result of an administrative decision in 1993-1994 that all other cadets ceased to be able to be appointed employees. This is illogical in our view. Among the people from other parts of Canada,

[English]

particularly in the western provinces, the majority of our members right now.... We have over 10,000 members who graduated from depot since that new rule, so that means those 10,000 members will not be allowed to recognize those six months as having been served. As we said in our presentation, it's going to be a no-cost move, and all we're asking you to do is to include these people. As it said in the government paper, they're willing to make all those changes in about two or three years. So we are saying that will be ample time to prepare all the documentation to make them available. It doesn't mean it has to be done today, but at least a positive way for this government, this body here, will be on behalf of our 10,000 members and more, who need that to be recognized.

They are regular members of the RCMP. They have served Canada in their function, and therefore we are submitting on their behalf that it's going to be a discriminatory practice against them if we allow those same other members from the other police departments that count their time as cadets.

I said at the outset I have checked with Ontario, I have checked with Winnipeg. I have not checked with all the other major police departments where the people are. I understand some cadets in Montreal are also paid while they are a cadet, but not all of them. But I would suspect there are other large police departments—for example, Calgary, Edmonton or Vancouver—that have cadet training that will be able to buy that back. I am saying, yes, it's fair for those people to do it, and yes, it's fair to recognize our own cadets. Right now, 10,000 of them are giving their services to Canadians, and to recognize that has to be a positive move. I'm saying if it's only an issue regarding the Income Tax Act, that can be done within the next two or three years. You have the ability right now to include them as such, and I say on their behalf that should be a fair representation to do so.

The other issue is for our civilian population. Civilian members right now are not being recognized with the same type of pension entitlement that regular members of the RCMP are entitled to. As we have stipulated in our presentation, these people are under the same code of conduct. They're under the same work schedule. They can be rotational and they could be ordered transferred in their own functions. So we are speaking on their behalf, saying these people have to be recognized.

• (1120)

[Translation]

There are also those who are directly related to our presentation. However, I prefer to allow you time to ask questions. I am at your disposal. I hope you will take care of our cadets. Don't forget there are 10,000 of them if all.

Thank you.

[English]

The Chair: Thank you.

I think you've described very well some issues related, arguably, to the unique nature of the Royal Canadian Mounted Police in Canada, and I certainly recognize those anomalies. You've

articulated them well. However, today we're dealing with a very precise focus on a pension bill.

Also, colleagues, each of you will have received correspondence from the Royal Canadian Mounted Police staff relations representatives dated May 4, 2009. I have the letter here. It simply clarifies the position of that group. It's signed by Brian Roach and Bob Meredith. It clarifies the position of that official SRR grouping.

Would someone move that this letter be made part of the record of the hearings?

Mr. Chris Warkentin (Peace River, CPC): I so move.

The Chair: Agreed? Thank you.

We'll now go to questioning. Colleagues, you will recall it was our general objective here to finish up the clause-by-clause examination today. We'll see how far we get. We may have to....

Madame Bourgeois.

[Translation]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Chairman, when we spoke last week, I didn't hear that we were going to do the clause-by-clause consideration of the bill. Some of my colleagues and I understood that we would be doing exploratory work, in view of Mr. Martin's remarks that this bill requires more than two hours of work. Consequently, my purpose today is to understand this bill, not to do the clause-by-clause consideration.

[English]

The Chair: Well, that may be true, Madame Bourgeois, but that's how I phrased it. I'm in the hands of members.

We'll go to questioning and I'll simply say that I'm going to be fairly religious about relevance here relating to the pension bill.

First, Mr. McTeague.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Thank you, Chair.

Yes, I received this letter of May 4 from the SRR, and I'm pleased to point out that they've demonstrated that there has been a challenge to the SRR divisional representation system under the MacDonnell decision a month ago that their association is in fact unconstitutional. But of course that will make its way through the courts.

I want to ask a question of our colleagues who have come forward. I've just received, Mr. Cape, your speaking notes. I'm sorry I wasn't able to follow every word you said. I'm sure it was harder on translation to go through this.

Mr. Cape, and perhaps this is to Ms. Rossignol as well, in helping the government to prepare for this legislation, what options did the RCMP consider to make the cadets' time in depot pensionable? Were any amendments to the Income Tax Act thought of prior to this, given this very glaring omission in which you're possibly and potentially having people coming into the RCMP absorbed through local service or local outlets who may in fact have much better pensions than those existing in the RCMP? I guess we're concerned about the spectre of unfairness, and perhaps we have a different take, Mr. Cape, on your position of this being able to help recruiting efforts. I can't see this as being anything more than unfair. So from an income tax point of view, were any amendments considered prior to the tabling of the legislation?

• (1125)

Mr. Michael Cape: I'll let Ms. Rossignol provide details, but the basic issue is that they're not employees of the organization. Therefore, they can't earn pension credits if they're not employees, because they're really in development. The moneys they're receiving while they're at depot today are not salary dollars; they're allowance dollars for their costs.

Hon. Dan McTeague: I understand that. I'm only saying that you're giving to one group of future RCMP members, who happen to be police from a local service that is absorbed and no longer exists, the potential and the prospect of having a far greater pension than those available to current rank-and-file members. Do you not see that it's a bit of a contradiction?

Mr. Michael Cape: Yes, and I think what I can say on behalf of the RCMP is that it has been identified, and, as Monsieur Delisle identified, it's a concern for a lot of members in terms of the situation.

What we've done is identify it on a list of issues we have to bring to our pension advisory committee to get a recommendation as to how to proceed or not proceed, because that's the group that reports.

Hon. Dan McTeague: Chair, that's my question.

Ms. Rossignol, you could answer that. Before moving full steam ahead on this, I appreciate the SRR not wanting to have Mr. Delisle here, but he raises a very valid point on equity, particularly when it relates to labour law. I think you can appreciate the fact that we may have put the cart before the horse.

I'm asking whether the Department of Justice and the RCMP took into consideration the necessary amendments to the Income Tax Act prior to proceeding with Bill C-18.

Mrs. Shelley Rossignol (Senior Analyst, Pension Policy, Royal Canadian Mounted Police): First of all, it's more of an employment issue than a pension issue. Not hiring cadets as employees of the RCMP until they graduate was an RCMP decision taken in 1994. If the RCMP senior management decides to hire them as employees from the time they enter the training academy, then they're automatically covered under the pension plan because the pension plan applies to members of the RCMP.

In the absence of that kind of decision, we consulted with CRA on the income tax provisions and asked, for our members today who are not hired as employees, whether we could consider adding a provision to this bill to allow them to purchase it as a prior service event. It was very clear that one of the basic premises of the tax

legislation for registered pension plans is that in order to have the service recognized as pensionable, the person must have been an employee. They don't have that employee status, so we're unable to even add it as a prior service event.

Hon. Dan McTeague: I guess it's falling into a much bigger question. I'm going to try to remain focused on this.

Monsieur Delisle, you had made some other recommendations here regarding the inequality of civilian members of the RCMP. Do you want to elaborate on that and on why this bill falls short in its ability to address yet another anomaly that, unlike what perhaps Mr. Cape said, will help in recruiting efforts? When you're treated as a different or separate class for whatever reason that may have existed before, how helpful is this in terms of recruiting? What does this do for morale in the RCMP?

S/Sgt Gaétan Delisle: You asked two questions. First of all, regarding the civilian and regular members, civilian pensions are roughly equivalent to those for the public service. My understanding is that although they are still contributors under the RCMP SA, their entitlements are similar to those of public service employees. That's the reason I made the point at the outset. To us, it's not proper. It's not correct. These people, although they're in a different category of employees under the RCMP, are still members of the RCMP, currently under the same code of conduct, currently under the same administration manual, guidance, or anything we have to do as regular members.

They are subject to shift schedules. They are subject to ordered transfer. Therefore, to us, that population, which represents approximately 2,000 people—and I'm saying approximately, because it fluctuates—those civilian members are and should be recognized as being the same for the purposes of pension benefits under the RCMP SA, particularly because they are contributors to it. Why have a different way of calculating their benefits when in all fairness they're subject to the same RCMP Act?

• (1130)

[*Translation*]

The other aspect you spoke about, and which is very important to me, is how we must behave in representing our members. The speakers who preceded me suggested that the act doesn't permit that. However, if you carefully read the documents that were distributed to all committee members, you'll see that a number of practices, which were previously used by the RCMP, had not been consented to either. However, to be fair and equitable toward members, we proceeded with some calculations and buy-backs all the same. I accept that from the outset. That's a very good initiative on the RCMP's part.

However, while it was possible, in some cases, to do those calculations, which were not entirely consistent with the procedure, I humbly submit to you that you have the opportunity to do it in the same kind of environment, not only for a few, but for more than 10,000 cadets who are currently employed by the RCMP. They were all trained without pay or without allowances. They have therefore suffered twofold, if you compare them with the 8,000 current cadets, of whom I am one and whose division or representatives are here, who were paid during training.

To make it fair and equitable for those people, they must be recognized, even if it means subsequently making changes to accommodate them. Today you're going to make changes to adjust to actions that were not entirely regular, but that were valid for certain members. Those pension calculations were done with good intentions.

I claim that you can do the same thing for at least 10,000 of those people who are serving Canadians from day to day. That's my position.

The Chair: Thank you, Mr. Delisle.

Mr. Ménard, you have eight minutes.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Chairman.

Mr. Delisle, if I correctly understand your submission concerning this bill, which is nevertheless relatively short since it contains only 17 clauses, you essentially agree on its provisions, except regarding two subjects: recognition of RCMP cadets' time in eventually calculating their pensions and the issue of civilians who contribute to the RCMP pension fund but whose benefits are paid as though they were members of the public service.

S/Sgt Gaétan Delisle: You've clearly stated two of the four principles we've submitted, but there are four.

Mr. Serge Ménard: With the exception of two other points that I'm going to come back to, I understand that you agree on the bill as a whole.

S/Sgt Gaétan Delisle: If you include our demands, naturally.

Mr. Serge Ménard: That's correct.

What are the other two points that you would like to see included?

S/Sgt Gaétan Delisle: First of all, there is what directly relates to the decision by Justice McDonnell, who held that the current system, under which the only official representatives of RCMP members are the divisional operations representatives, is unconstitutional. You'll note section 25.1 of the RCMP Superannuation Act, which Mr. Cape spoke about earlier, states that there is an advisory committee. Under paragraph 25.1(2)(b), three divisional representatives sit on that committee. We're saying that these points should have been discussed at length, and I go back to the question that Mr. McTeague asked Mr. Cape: how can they be accommodated and how will we proceed to do that?

If I correctly understood his explanation, that hasn't been done. One of our recommendations, since we belong to the only three independent associations representing members across Canada, is that you officially amend this portion to ensure that these points surface in the advisory committee. In future at least, we won't be coming here to demand things because we haven't had access to certain documents.

• (1135)

Mr. Serge Ménard: What clause should we correct in Bill C-18 to acknowledge the point you've just raised?

S/Sgt Gaétan Delisle: Clauses that are mandatory with respect to everything, the dispute, the point, the changes that have been submitted. They could be amended to make the act easier.

Mr. Serge Ménard: Is it clause 4, 5 or 17, or should we add a new clause?

S/Sgt Gaétan Delisle: I have to admit I haven't taken a close look at that, but I will and I will be able to tell you where it should be placed. In our view, it will be part of the clause that concerns the administration.

Mr. Serge Ménard: All right.

What's the fourth point?

S/Sgt Gaétan Delisle: It's the same thing. One of the points of enormous concern to us concerns the right of RCMP senior officers to receive performance bonuses. As they are developed, these bonuses are considered in calculating pension, which is totally unacceptable to us.

I'll give you an example. As soon as Mr. Marcotte was informed that I would be appearing before the committee, I received a call from an RCMP superintendent, Mr. Moreau, who works for Mr. Cape. That superintendent asked me the points I wanted to discuss. He even admitted to me that he is occupying an acting position and expects to receive an 8% bonus, which will be considered in calculating his pension. He has only five years left to work before retiring.

We honestly submit to you that, as taxpayers, this plan is not very viable. We're talking about bonuses of \$10,000 a year, but we know they can be in the order of \$20,000.

If these people pay only a small portion of their contributions, you'll understand that this method greatly affects us, particularly in view of the current economic situation.

We suggest that you delete the provision of the act on pensions providing for the inclusion of bonuses in the calculation of pensions. It's possible to do that. Mr. Lewis, one of our former colleagues, published a book in which he admits that, despite the fact that senior officers have acted in a somewhat unworthy manner, they were entitled to bonuses. However, those bonuses increase pensions, and that has to stop. You'll remember the discussion that arose in the Government Operations Committee when Mr. Zaccardelli and Ms. George testified.

Mr. Serge Ménard: The legal advisor can answer my question more clearly.

Are the bonuses that officers receive taken into consideration to increase their pensions? If that is the case, are they asked to make a contribution proportionate to the bonuses they receive?

• (1140)

Mr. Marc Wyczynski: Given the nature of that question, it would be more appropriate for Mr. Cape to answer it.

It's not necessarily up to me to judge the questions raised, but I can say that the main objective of this bill concerns pension portability, the transfer of pensions from one organization to another.

The questions concerning cadets come under the heading of employment. The bill concerns pension portability. If we look at the cadet issue, we have to rely... It's a statutory matter. The act, as drafted, applies solely to RCMP members. A cadet is therefore not concerned by it. There may be other practical ways of resolving the issue. In my opinion, this bill does not concern the question whether we can apply or extend the application of the act to cadets. I could talk about other matters in detail, but I note that, in the context of the bill and the studies that we have done, we are simply required to transfer pensions. The questions raised are good, but they are—

Mr. Serge Ménard: I understand. You don't have to repeat it to me three times.

Can you answer my question?

The Chair: Thank you.

Mr. Warkentin, you have eight minutes.

[*English*]

Mr. Chris Warkentin: Thank you, Mr. Chair. I appreciate the time.

Thanks to each one of you for coming this morning. We appreciate your testimony to us on this important bill.

Mr. Delisle, I wanted to start out with you. I understand that you represent a large number of RCMP members from the province of Quebec. Is that correct?

S/Sgt Gaétan Delisle: That's part of my portion, yes.

Mr. Chris Warkentin: You're here in that official capacity, as representative for what number of...?

S/Sgt Gaétan Delisle: Well, as I stated, I also represent the other two associations, which are in Ontario and B.C.

Mr. Chris Warkentin: Could you just help me understand exactly who you're representing today? I understand that you speak on issues that pertain to a number of RCMP members. Specifically, who has sent you here today to represent their interests? I know there are staff relation representatives who have the obligation or the responsibility to speak on behalf of RCMP members and who, even today, notwithstanding the Supreme Court ruling, have the responsibility to speak on behalf of members.

I'm wondering who specifically you're speaking on behalf of this morning.

S/Sgt Gaétan Delisle: Just for the record, I think I'll restate what I said at the outset. I'm also a staff relations representative. I'm an elected member. I've been the most senior elected SRR, and as such right now, I'm the—

Mr. Chris Warkentin: For the province?

S/Sgt Gaétan Delisle: For the province of Quebec, for C Division.

Mr. Chris Warkentin: Okay, so you're representing every member of C Division today.

S/Sgt Gaétan Delisle: I am also representing members of our association.

Mr. Chris Warkentin: Okay. I'm just not familiar with your association. Could you give me a little bit of insight, please?

S/Sgt Gaétan Delisle: The association is a non-profit organization that was formed in order to have the right to negotiate collectively with the employer.

Mr. Chris Warkentin: This is made up of members of the RCMP from across Canada?

S/Sgt Gaétan Delisle: Solely members of the RCMP. And as I explained, we have regular members, civilian members, and we also represent some retirees.

Mr. Chris Warkentin: How many regular members would be part of your association?

S/Sgt Gaétan Delisle: I said that in the presentation. You don't have to take my word, but it's written in there. Right now we have close to 1,500 or 1,600 regular members. I must admit to you, though, that since the decision our number is growing, because now it's no longer an impediment to be—

Mr. Chris Warkentin: These are paid-up members; they've paid membership fees.

S/Sgt Gaétan Delisle: —identified as a member of the association. Before, it was prohibited. Now, because of the decision, it's no longer prohibited.

Mr. Chris Warkentin: I appreciate that. Thank you very much; that's helpful.

Today we're here to discuss a specific piece of legislation. I know you've identified four concerns. Thus far I'm failing to understand exactly how each of those four pertain to the legislation we have before us today. I think you have some valid concerns, some concerns that relate to numbers of people you represent, and maybe people you don't represent as well, but I've failed thus far to see how the concerns you have identified pertain specifically to the legislation we're investigating. We're really limited in our capacity as a committee to involve ourselves in some of these other issues, because they don't pertain.... I'm failing to see the connection between this legislation we have before us and the issues you've brought to our attention.

Specifically, under each of the four points, what amendments do you think would be necessary for the legislation to address your specific concerns? That's all we can address today. We don't have the capacity to go beyond the parameters of this legislation. We can't rewrite the legislation to address concerns that are outside of the legislative scope we've been presented with.

I hear that you have concerns, and I think all of us around the table can have some sympathy for your concerns, but we're very limited in terms of what we are able to do within the scope of this particular legislative bill we've been given.

• (1145)

S/Sgt Gaétan Delisle: Thank you.

I'll answer you directly, referring to our paper that you have. As you said, it's very limited. Also, to answer Monsieur Ménard, one of the recommendations addresses exactly what is contained in Bill C-18, which is changes to the definition.

Mr. Chris Warkentin: Specifically on the legislation, perhaps you can comment on it specifically.

S/Sgt Gaétan Delisle: Yes. I pay particular attention to proposed section 31.1, and I'll take it step by step. Recommendation one on that section is already under scrutiny for your review. We understand it's a new one, and all we're asking you is to add some portion to section 31.1 as it's written, or in laymen's language what... I hope you realize that we worked on that with our knowledge only, not having access to the Ministry of Justice people. As you can see, there will only be an amendment to proposed section 31.1.

Mr. Chris Warkentin: What would you have us add to section 31.1?

S/Sgt Gaétan Delisle: That's exactly what we wrote in it: "apply also to RCMP members in respect of service spent as cadets".

Mr. Chris Warkentin: I think that was already addressed earlier this morning. We are actually not able to include that because Canada Revenue Agency does not allow for that provision.

S/Sgt Gaétan Delisle: Did you understand what I said earlier, though? Because there are some changes that took place years ago that now are being addressed by the bill. They were also made in that. To us, it seems that now is the time to do it and give them two or three years to rectify it.

Mr. Chris Warkentin: I wonder if Mr. Cape might be able to bring some clarity to this issue, because I'm not sure it's something we can do within this legislation. I think it's outside our parameters.

Mr. Michael Cape: Yes, we're back to the issue in terms of who is an employee. Only employees can contribute to the pension plan, and cadets are not in that situation.

The issue of how we could address that I don't think is through this legislation. It would be through other means. I think Monsieur Delisle raised some points that we should perhaps bring forward to our organization and have them looked at. But from our perspective, as the director of pension services, I can't say we should do something in terms of changing the classification of employment or employees as far as cadets are concerned.

The other issue, in terms of a no-cost issue, is if you're granting people a six months credit in terms of pensionable time when they're not contributing, there are costs associated with that.

Mr. Chris Warkentin: Right. I guess that's the argument that's being made.

My submission is not that we don't think this is a valuable contribution to the larger picture, but we are not able through this legislative process to do what you're asking.

Mr. Michael Cape: Shelley, maybe you might add to the issue in terms of disability.

Mrs. Shelley Rossignol: To clarify for you specifically, the new section 31.1 of the bill only relates to disability payments under the pension act. So adding a reference there to cadets, if we could, wouldn't solve the problem. It's only clarifying who's eligible for very specific disability benefits.

Mr. Chris Warkentin: So that wouldn't do anything in terms of the pension benefits or—

Mrs. Shelley Rossignol: Covering them under the pension, no.

• (1150)

Mr. Michael Cape: As a sort of background in terms of Monsieur Ménard's question related to the CMs versus RMs, the issue of a regular member... A regular member is a police officer, and the Income Tax Act has provisions to allow for pensionable time—it's 24 years plus a day, I believe—and the contributions are based on that. The CM component, civilian members, is based on 35 years, because the majority of civilian members are doing essentially public service type work, even though they're contributing into the RCMP.

The other issue that might come from that, and it's really outside the scope again, is the issue of what would be the impact on the public service employees who are working for the RCMP.

The Chair: Thank you.

Mr. Harris, for eight minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you very much.

Mr. Delisle, may I clarify one or two things? Mr. Warkentin was concerned about your organization. First of all, I want to congratulate you and your group for carrying on the debate over the years regarding independent unionization. I think it has been a long time.

First of all, has the decision that recently came down from the Ontario court been appealed, or does that stand?

S/Sgt Gaétan Delisle: My understanding is that today is the last day—

The Chair: Excuse me.

Mr. Harris, these are very interesting factual issues, but they don't have a great deal to do with the bill that's before us. This one time, I'm going to let Mr. Delisle answer your question, but I want to keep focused on the bill here.

Mr. Jack Harris: That's a very good ruling, perhaps, but we've heard from Mr. Warkentin about how many members they had and who he was representing and who they were and all of that, and this seems to be totally in line with that. We have an individual here who has talked about who he represents and about the SRC system having been ruled unconstitutional. I think it's important that we hear at least what the status is, because he's made some suggestions. Whether we can actually take all the suggestions is a question for the committee, but certainly the status of his organization and what we're talking about is relevant to our proceedings.

The Chair: Okay, I see.

He's answered those questions, and if you have further questions in relation to the people he represents here today, they would be quite legitimate.

Mr. Jack Harris: He hasn't yet.

The Chair: Following normal rules of relevance, we don't cross-examine on a matter that is collateral to the main issue just because he answers a question. The first question is okay, but going out on a tangent beyond that I would find to be not relevant.

However, you've obviously congratulated me for the first part of my ruling on this, so I'm going to let Mr. Delisle answer the question, and we'll proceed from there.

S/Sgt Gaétan Delisle: My understanding is that today might be the last date for the appeal period. As to whether or not it's being done, maybe the justice department can answer.

Mr. Jack Harris: Would you be able to answer that?

S/Sgt Gaétan Delisle: No, I'm not able to answer it. I'm not aware.

Mr. Jack Harris: As it stands, then, the court ruling indicated.... I don't know whether what you suggested was exactly correct; I think they said that the regulation that gave exclusive right to representation to the SSRs was unconstitutional, but that the government was given 18 months to change it. I think this may reflect on your proposal to change the representation side of it.

There is a technical question as to whether, in the process here, while we're examining this amendment, the committee can actually amend other sections of the act. I think we would have to leave that to the technical side. If we have a bill before us, I don't think we have free rein to propose amendments to other sections of the act, but maybe our technical people can help us on that. I understand the point that if representation on an advisory committee has been given to a group that has been declared by the Ontario court, at least, to be non-representative in a constitutional way, we may have to take that up, but I don't know that we can take it up here.

Can I ask the question—I've heard some answer to it in terms of the cadets—whether it is your concern, Mr. Delisle, that there may be an anomaly between current members and future members concerning cadet training? That seemed to me to be one aspect of it. Is there a possibility of a problem—and perhaps others can help us—that individuals who now may work or previously have worked for a municipal police force or a provincial police force face anomalies involving their training components, as to whether their training is considered as pensionable service? Is that a problem as well, or a possible problem?

• (1155)

S/Sgt Gaétan Delisle: That is for us one of the major issues we bring forward, that for having spent time in other police functions, you could very well count the six months passed in cadet training and those functions as pensionable. As of now, our cadets themselves are prevented from doing that.

Another issue that I think could be addressed also comes from the understanding of the changes. There are changes in Bill C-18 right now regarding the definitions and interpretation. To me, the definition and interpretation clause gives you the authority to change anything among the definitions and the interpretation.

Mr. Jack Harris: That authority is being given to whom?

S/Sgt Gaétan Delisle: Because the definitions and interpretation are being looked at by this committee, my understanding is that the whole aspect of definition and interpretation can therefore be subject to certain discussion.

Mr. Chris Warkentin: On a point of order, Mr. Chair, it would be helpful, I think, for all committee members to get clarification on that particular point, because my understanding is that we as a committee have not been given that authority. I think we're going down a rabbit trail, and if we don't get clarification on it at this point, we may have a difficult time as we proceed.

The Chair: Thank you.

I don't want to put words in his mouth, but I think what Monsieur Delisle is describing is his view of the committee's mandate to make amendments that are within the scope of the bill.

It's a matter of decision-making by the committee—and as the Speaker recently pointed out, sometimes by the Speaker—as to whether or not a particular matter is within the scope of the bill. Beauty is in the eye of the beholder at this point. I'll just leave that. There are no questions put at this point that need a decision.

Mr. Harris.

Mr. Jack Harris: Yes, I wonder—

The Chair: Excuse me. Mr. McTeague has a point of order.

Hon. Dan McTeague: Yes, Mr. Chairman. I just want to make it abundantly clear that in regard to the direction of the committee, the committee is free as a part of Parliament. We don't take directions from Parliament; we are parliamentarians.

I know you appreciate that, Mr. Warkentin, but I also believe that a good amount of this superannuation act has been opened up, and as a result we are doing our due diligence. I'm just hopeful that we're not—

The Chair: All right. Mr. McTeague, you're prejudging what will happen here a little bit, but that's fine. Your comments are fair enough.

Hon. Dan McTeague: So are you, Chair. Thank you.

The Chair: Mr. Harris.

Mr. Jack Harris: Thank you.

Mr. Cape, would you care to deal with that particular point? Is there any provision for that, or has any study been done to see whether the other pension plans that would be contemplated as part of the possibility of having agreements with.... Has it been contemplated that some of these other plans might include significant periods of training that would be excluded because of the nature of RCMP training?

Mr. Michael Cape: I'll let Ms. Rossignol answer that.

Mrs. Shelley Rossignol: We have looked into the training period with the other police plans. If they were hired as employees of that force, then it's a tax compliance issue. In order to recognize prior service as pensionable, the member has to have been an employee; so if they were, they could be eligible. If it's like our program, where they're not hired as employees, they're not eligible.

We have done some research with our eight comparator forces, the police forces the RCMP compares itself against in terms of total compensation. The Vancouver Police Department, and Edmonton, Winnipeg, Toronto, and the OPP, we have discovered, do provide a salary to recruits. The others do not.

To go a little bit further, when you were asking if there is a provision in this bill that could deal with our own cadets, on page 2 of the bill we are amending the definition of "service in the Force" just for housekeeping and to refer to this "act" instead of this "part", because of a change that was made to the definition.

I can point out that all members of the force are covered under the pension plan as long as they're working a minimum of 12 hours. This is where it goes back to being an employment issue. If those cadets, as in the past prior to 1994, were hired as members of the force, they were employees, and they're automatically in under the pension plan. It's not something we deal with in this bill. It's an employment issue. So if they're hired as members, they're in.

Can we have them buy their own RCMP cadet time as pensionable? No. We've consulted with CRA. There's a very strict requirement that as a registered pension plan we have to meet.

• (1200)

Mr. Jack Harris: You do see the anomaly, though. If you're employed by the Vancouver police force and you do six or ten months of training, because you're salaried you're then an employee. Is that the case?

Mrs. Shelley Rossignol: It's more than just salary, because the cadets are paid a recruitment allowance now. So even though they're paid an allowance, it's like they're a student at school; they don't have that employment status under the RCMP Act.

Mr. Michael Cape: There's just one comment I would make. Again, it goes back to that basic issue. It's not a pension question. It's really an RCMP organizational question, so it's outside the scope that we can even appropriately comment on.

Organizationally, does it make sense or not? That's not for us to decide. We just administer the pension act. Based on direction received from parliamentarians, our minister, etc., and our members' input, we act accordingly. Whether it's right or wrong, it's not for us to make that kind of value judgment.

Mr. Jack Harris: But you're the technical people. How do we fix this to make it fair?

Mr. Michael Cape: It's a question of whether they're employees. If they are, they're in.

Mrs. Shelley Rossignol: It's outside of the pension plan.

Mr. Jack Harris: How does it make it fair to existing RCMP members if you're saying they're going to do the partnership agreement that's provided for here? They can enter into agreements, which is a good thing, but they're going to be entering into an agreement with, say, the Vancouver police force, and that agreement is going to allow Vancouver to move their pensionable service to the RCMP. That will take in the training period even though existing members can't. Can that be fixed?

Mr. Michael Cape: There is a possibility. The act is going to evolve over a period of time. We're going to constantly improve it, update it, amend it, and make it better, based on what direction we receive and what our members feel they require. The issue in terms of how we can fix this today wouldn't be an easy question for me to answer because we haven't done the research in terms of cost. What would be the impact of grandfathering? How far back would you grandfather? Would you pay their contribution as well as the government contribution? Where would the money come from and what would be the source of funds? All those are questions we truly couldn't answer. It's a very big question.

I go back to the issue of the portability as we have it right now on the table. It allows us to at least move forward. If the committee

wanted us to explore opportunities in terms of impacts and what this would mean, that's something we could perhaps follow up on as we move forward. Today, it would be hard to come up with a magical clause that would allow this to happen without being able to say to a member of Parliament how much it would cost if they agreed with this.

The Chair: Thank you.

I have allowed extra time, of course, because of the points of order.

Mr. McTeague, for five minutes.

Hon. Dan McTeague: Mr. Cape, I'll pick up where you left off there.

I think members of Parliament want to make sure that there's some semblance of fairness and equity in how this is approached. Specific to the question of the benefits being seen as equal in this new absorption, I'm concerned that the legislation was opened up without due consideration. In terms of the concerns that have been raised by Mr. Delisle, were you familiar with them prior to the work on this bill?

Mr. Michael Cape: Not specifically from Mr. Delisle, but the SRRs have identified this as an issue that we want to work on down the road. Just for background, in terms of the members' view, the portability question has been hanging over their heads—and Mr. Delisle can probably confirm this—for years. They just want to get this moving and get this part at least addressed and then we'll talk about what happens next.

Hon. Dan McTeague: The way legislation works is, unless the government really moves—as someone who's passed probably more private members' bills than any other MP—I can say with some certainty that it is at a snail's pace. It's unlikely that those kinds of issues will be addressed. It's not that I don't trust the system; it's that I know they're all conflicting issues.

While we have this open, there's a golden opportunity to try to redress a wrong. My concern here and I guess my question to you is the following. When we consider the drafting of this legislation, knowing that these could be potential problems, how likely is it that you're going to be able to go back to the drawing board to make this right in terms of addressing the issue of civilian parity? It seems to me, Mr. Cape, that we have civilians treated exactly the same on every single police service in Canada, except for the RCMP. We're opening ourselves up not just to the prospect of unfairness, but potentially to a lawsuit. As parliamentarians we want to be responsible that we can accomplish more with this legislation.

• (1205)

Mr. Michael Cape: I couldn't respond in terms of the other police forces, although I would be surprised, if you're a civilian member on a police force, that you would be receiving benefits as a police officer. The income tax, I would think, would prevent that from happening. Regardless, the issue is that we have an ongoing, good relationship with our SRRs and our membership. There are issues that are on the table that we're addressing, such as portability. There are other issues that we haven't been able to close at this point in time. The only thing I can say is that this is part of an ongoing evolution.

The other point I would make in terms of the basic issue of how we fix this is that we're getting into changing perhaps the RCMP Act, not the RCMPSPA.

Hon. Dan McTeague: I appreciate that, Mr. Cape. I'm looking consistently at examples of study after study that demonstrate that there's significant decline in morale among rank-and-file RCMP. That's not just with respect to bonus and merit, which Mr. Delisle has talked about. More importantly, it's how would it be to jump into a police cruiser and the person beside me has been absorbed as an RCMP member from, say, the Vancouver police service, and he or she is treated or paid differently than I am by virtue of the fact that we were unable to get this pension right at the outset, as far as the time in which they were in depot.

I'm asking a very specific question to you, Madam Rossignol, and others. Is it possible at this stage, at this juncture, as suggested by Mr. Delisle—I know you responded to Mr. Warkentin on this—to buy back or provide a provision, or at least an estimate of the cost, to allow RCMP officers to buy back that six months of their pension?

Mr. Michael Cape: I'll ask Marc and Shelley to comment on this, but as a basic starting point, you can't buy back pensionable time if you weren't an employee.

Mrs. Shelley Rossignol: We consulted with CCRA to find out if that was possible, and it would not be in compliance with the tax rule for registered pension plans, where you must be an employee to have the time recognized as pensionable.

Hon. Dan McTeague: Is there a possibility that regulation could be amended to accommodate that?

Mrs. Shelley Rossignol: We would have to consult with the Department of Finance, but that was presented when we were doing the consultation. It's a basic premise for a registered pension plan. You can't provide a pension to someone who didn't have employee status with either a previous employer or their own employer.

Hon. Dan McTeague: But the basic premise of fairness in labour relations trumps all of that. I'm wondering why these things were not taken into consideration between departments before this bill was rushed through. I appreciate that you could not have done it at the time, but I am concerned about the prospect of the inequality of two-tiered policing within the RCMP.

This stands out like a sore thumb. This is not a question to you, but I'm wondering what steps all of us here need to take to make sure this thing is righted.

Mr. Cape, I don't believe for a moment we're going to be looking at this any time soon, once this bill is passed.

Perhaps I'll go to the specific question of eligibility for pensions.

The Chair: We've hit the five-minute mark.

Hon. Dan McTeague: I appreciate your diligence. Thank you, Chair.

The Chair: Madame Bourgeois is next, for five minutes.

[*Translation*]

Ms. Diane Bourgeois: Thank you, Mr. Chairman.

Good morning, ladies and gentlemen.

This is the first time I have considered Bill C-18. On the one hand, I have never heard about it previously. On the other, at this stage, I'm lacking a lot of information on how the RCMP's organizational structure works. I would also have liked to be able to consult the information that Mr. Delisle brought us. I read the documents, but I didn't expect it to be so complicated at this stage. Our research attaché has done a very good job and there aren't any questions. We see that we're lacking an enormous amount of knowledge at the outset to be able to conduct an in-depth study of the matter before us today.

I have a weird feeling about what you're explaining to us. The situation is a bit particular. Since I've been sitting on this committee and even before that, members have always been seeking justice. Mr. Cape, it's as though we were hanging onto all our power and too bad for our neighbour. That irritates me. As a member of the committee, that's not what I'm looking for and I get the impression the same is true for my colleagues.

If I understood correctly, the cadets of the Royal Canadian Mounted Police aren't paid because they aren't considered employees. The cadets you select aren't necessarily hired. However, in all other police services in the country, from the moment cadets have gone through the administrative workings and have met requirements respecting qualifications, they start being paid. This embarrasses me. How is it that the RCMP has made that decision? It's historical, I agree, but I would have liked to know why. What do the cadets do in the RCMP? Do they carry out operations similar to those conducted in other police services?

Today, it's all well and good to tell me that these are just technicalities, that this is just to transfer pension funds; the fact remains that 10,000 people say they are stuck at a stop light. Something's not working. If you had said there were 100 or 200 persons, I would have thought they were rebels, but 10,000 people, these are no longer rebels.

Mr. Cape, do you understand that I'm not ready to take what you're telling me at face value, despite the fact that I don't question your knowledge or that of Ms. Rossignol? I would like this committee to be able to give us more information so that we can make a decision that is informed and fair for everyone. Ten thousand people—that's bizarre.

• (1210)

[*English*]

Mr. Michael Cape: I have a quick response.

[*Translation*]

Ms. Diane Bourgeois: Go ahead.

[*English*]

The Chair: That was a very wonderful question with lots of parts to it, so a lot of it you won't be able to answer, but go ahead and see if you can provide an answer.

Mr. Michael Cape: I really can't comment on the actual numbers of how many are involved. The only thing I can comment on is that when it comes to the portability issue, I know members have been impacted in the past by this legislation not being in place, and the meter's running on them today in terms of it not being in place. So it's a concern that we address the 18,000-plus members we have today.

In terms of the concern you have, which is understandable, I appreciate what you're saying about the possible 10,000 members who are impacted by our not addressing this issue today. But if we address it in an incomplete fashion, or without doing the proper research, or without involving and engaging our members and former members in this, it could be a negative situation. We want to make sure that we look at this down the road.

Again, our mandate was to look at the portability question today, what we could do in terms of moving this forward and addressing the immediate concerns of our members. We have SRRs we've worked with who have provided really meaningful input, and Monsieur Delisle is one of those. They provide input to our organization, and we try to move the pension agenda forward.

Have we addressed all the issues related to pension and portability? No, we haven't, but we're moving forward. The only thing I could say is that your concerns are noted. Again, as we move forward, hopefully we can address those other questions.

[*Translation*]

The Chair: Thank you.

[*English*]

Joy Smith, for five minutes.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Thank you very much.

My son is a police officer, and I talk to lots of RCMP. What they tell me they want from Bill C-18 is pension portability. We're looking for more RCMP officers. We want to be able to retain police officers, but we also want to attract experienced police officers from other police forces. There's a real stopgap when pensions can't be transferred over.

I'll give you an example. Clearly, if you came from another profession and you wanted to change to another type of work in the same profession, if any other community... I think this bill is very fair, because it acknowledges the expertise of police officers who have been brave enough to apply for the RCMP. The RCMP put their lives on the line every single day. They're in the forefront every single day.

That being said, they're looking to this committee to pass Bill C-18 very quickly so we can get more police officers on the streets, and they won't be penalized because they've entered the RCMP. It's plain and simple. The RCMP frustration is when they look at the Hansard and look at the remarks, they wonder, "Isn't this pretty straightforward? We just want to be able to get our pensions going so we can enter the RCMP and continue our careers."

Does someone want to comment on what I'm saying about that? I'm interested in hearing from Mr. Cape. You said you work with the SRRs.

•(1215)

Mr. Michael Cape: The concern that you raised before about the members is a valid point. When you're the director of pension services—and you have to remember the RCMP is a very close group—there's no hesitation for someone who's out in a detachment in northern Alberta in picking up the phone and calling me, saying, "What are you doing for me on the pension issue? I'm retiring next year, and this portability question hasn't been addressed yet. How is this going to impact my pension?"

Well, it's going to impact your pension negatively. You joined the force and weren't able to move your moneys over from your other pension; therefore, it's going to impact what you get when you leave.

Mrs. Joy Smith: So RCMP, would you not agree, can figure this out? Or police officers can figure this out? Would you not agree it would be a detriment to signing up for the RCMP?

Mr. Michael Cape: It would definitely be.

I should also mention that Mr. Delisle is the representative on our pension advisory committee and other pension issue groups that we have in terms of the RCMP pension plan. He communicates with the membership and the other SRRs across the country, and other SRRs communicate with their membership to identify what the burning issue is for them. The burning issue they identified was the portability question.

Mrs. Joy Smith: Exactly.

Mr. Michael Cape: We have an older force. A lot of them are retiring. Number one, we need to replace them, which gets into the issue of safety and security. But second, it gets into the issue of their being penalized because this portability bill isn't in place, because they can't transfer their money over. They're going to be penalized financially.

Mrs. Joy Smith: Exactly.

Can someone maybe comment on the safety of our communities, particularly in our remote areas? When they go to northern Canada and are stationed at some of those northern postings, there's a big sacrifice made by the RCMP. Often their families are up there; they're cut off from different kinds of advantages they might have in other communities.

I hear from a lot of RCMP officers in the north that they went into the RCMP because they believed it was a flagship of Canada and that they could be of service to our country. They protect very well the communities that other people wouldn't even go into.

So can you comment on the safety of all Canadians when we don't have enough RCMP or police officers wanting to go into the RCMP? I say this because they do look at their families, and they do look at their future, and the pension portability is a big part of that.

S/Sgt Gaétan Delisle: In the same vein as you, if you realize that we have over 10,000 members right now who have gone through new cadet training, you will realize that all 10,000 are in the position you're talking about. That's what we're talking about; we want to represent them.

Also, regarding the example of one member retiring next year who would like to have pension portability, that person has twenty years of service. Twenty years ago there was no talk about pension portability whatsoever. They are not the people we're looking at right now. What we're looking at is taking care of the people who are taking care of Canadians everywhere.

Every year we have 1,200 of them who go through training. So next year there will have been 11,000 who have gone through new cadet training, and there will be 12,000 the year after that. If you look at the numbers from 1993, when they were first hired, you will see that they'll be able to retire in five years, or four and a half years. A person who is working beside us will be able to count on getting six months more of a pension than ours. That's what we're talking about: unfairness.

• (1220)

Mrs. Joy Smith: Can I just ask Shelley and Marc about—

The Chair: No, you cannot. Thank you. We're at six minutes.

I want to go to Mr. McTeague for five minutes, but before I recognize him, I would just like to remind members that the statutory amendment sent here and the bill being amended by Parliament deals with the RCMP Superannuation Act, not the RCMP Act. So our focus is on the superannuation provisions, and not the RCMP Act itself.

Mr. McTeague for five minutes, please.

Hon. Dan McTeague: Mr. Cape, how difficult is it for you to achieve your goal of helping the recruiting efforts when you are possibly presented with the spectre of two classes of officers?

Mr. Michael Cape: From my perspective, we are talking about a situation where we're trying to do more for our members. The issue of these anomalies is created by the fact that they can't count their time at depot, while the others can count their time spent training. I'd have to look at the issue in terms of whether they all are receiving six months training. Are some using brief periods of training in their own police force plus depot training with us?

I can't answer your question in terms of what the impacts are because I haven't done the research on that.

Hon. Dan McTeague: Mr. Cape, maybe I could ask you this, and maybe even Mr. Delisle can answer this question.

Let's say I want to join a local police service, so I train at Aylmer, for example. If I want to join the RCMP, I'm in Saskatchewan. If the amount of the money I would receive would not be pensionable with RCMP, as I understand it, but would be for those going to Aylmer, as an example, is there a difference in the pay schedule compensating for that lack of a pension or the use of that time, which could otherwise be considered as part of the pension?

Mr. Michael Cape: I'm not really situated to respond to that, because that's a real compensation issue in terms of the overall compensation package.

The only thing I can say is that when we look at compensation in the RCMP, there's a comparative group of eight police forces that we look at for all aspects of their benefits, in terms of pay, benefits, pension, etc. All of that is considered when we look at the pay and benefits for the RCMP.

[Translation]

S/Sgt Gaétan Delisle: I believe that one point has not yet been developed. Most police officers and other police services who join the ranks of the RCMP don't go to the academy.

[English]

They don't have to go back to Regina for six months. They don't. They're taken at par. They don't go back and retrain in the police academy as being non-cadets.

That's not what we're talking about here. These people are the ones who are being right now compared in Bill C-18. Our membership has to go directly through training for those six months.

To me, I do believe, with all due respect, Monsieur Lee, that when we're talking about not an amendment to the RCMP Act, if you look at the definition of *membre de la Gendarmerie*, which is in Bill C-18, that's what we're addressing here.

Anyway, it's just so that you comprehend that if you have police from another police force who already have some police service, then those people are taken at par.

Hon. Dan McTeague: Mr. Delisle, let me ask you this question. You seem to have raised a very important issue with respect to equity and fairness as it relates to that six-month period. Has the SRR ever raised that issue—publicly, privately, anywhere?

• (1225)

S/Sgt Gaétan Delisle: I haven't seen the letter that was circulated. I wish I could look at it.

You have to realize that because I'm a member who goes along with the thinking that we should have collective bargaining, I've been chastised by the division representative. Technically I'm not part of their caucus. I'm still allowed to be a division representative in C Division, but I'm no longer to participate in their caucus. So whatever they do, unfortunately I'm not privy to that.

I know that they have stressed for years the pension portability, but at the same time, we have stressed for years the time that should be recognized for our cadets. Technically, it doesn't make sense—I know I'm repeating myself here—that almost 8,000 members went through training and were paid during training. Then, all of a sudden, you get 10,000 more members, and 11,000 the next year, who are not subject to the same situation.

Hon. Dan McTeague: I asked the question, Mr. Delisle, because I don't see that concern raised in what is obviously a letter in reference to you and the great work you're doing. But either they believe it's not an issue or you believe it's an important issue.

I happen to side with you on this, but I have to side only because I tend to believe there's a glaring omission here. With this legislation, if it's to be open, we have to find a way to make sure that we cover that problem.

In order to do that, though, you're suggesting four recommendations. Could you live with just one, or perhaps two—the issue of parity on civilians and the issue of ensuring that there is consistency between RCMP, even if it has to be retroactive?

S/Sgt Gaétan Delisle: You have to realize that when I came here, I put it in your hands. I know it can be done. That's what I've seen in the past. I hope that something will be done about it.

Those issues are real. If you're saying that they're not real, I beg you...because I go through all the detachments where we're at. Right now about 40% to 50% of our membership consists of the people who went through training. When you raise the issue, you can see that it's a very serious issue for these people.

The Chair: Thank you.

Mr. Warkentin, followed by Mr. Ménard.

Mr. Chris Warkentin: Looking at the legislation that we have before us, I'm still uncertain as to how we might be able to address the concerns without expanding the scope of the legislation that we have before us.

I'm wondering, Mr. Cape, if you have any suggestions as to how we might as a committee, at this point in time, after it has been passed by the House...

I recognize that we have the ability to make changes. We certainly have the ability as a committee to report, and to investigate all types of things. But in terms of the legislation we have before us, we're limited to the scope of what we were presented with.

I know that there was the portability issue that this legislation was seeking to address, and I now see—

Mr. Michael Cape: The only comment I would offer is that it goes back to the issue in terms of the scope. Again, you're getting into the RCMP Act and away from the RCMPSA. If you want to recommend that they're considered as employees, well, this act isn't going to allow you to do that. That's a different act. So I can't address that question.

If you're asking whether we should be looking at the issue in terms of impact on members, and looking down the road at perhaps a more collective view of the organization, then yes, we could do that. But the point that I would also make is that the SRRs have identified a variety of issues that go beyond what we have here. This is a burning issue that's been dragging on for a number of years. We're trying to move forward on it. But there are other issues that aren't identified here and that we have to address in the future.

I assure you that the SRRs, or the individual members, will be tracking what we do and how we perform, and will consistently remind us of things that still have to be done and that we'll have to look at in the future.

Again, the core issue is that it's the RCMP Act. So in terms of a lot of these questions, if they were employees, they would get the pension.

Mr. Chris Warkentin: I don't think we've come to a resolution on how we might mesh all of what's being discussed, but I would suggest that we proceed to clause-by-clause with Bill C-18. We ought to address what we can within the current legislation. Then we could take some time as a committee to investigate other ways to propose legislative changes in other capacities, or to other bills. I know that RCMP members across the country desperately want this bill to pass, because it has real-life ramifications for thousands of members. I'm not certain that by getting bogged down, or returning

an empty bill to the House, we serve the interests of those RCMP officers.

• (1230)

Hon. Dan McTeague: Was that a question?

Mr. Chris Warkentin: That was just a statement.

I think we have been satisfied that the RCMP and the Department of Justice officials have put together a bill covering the issues that needed to be addressed in this legislation. I think now we're investigating things that fall outside the scope of the legislation.

The Chair: You've raised an interesting prospect. Could the committee's report address issues that are indirectly related to the bill but not part of it, and report to the House on the matter? I can't say yes or no, because I haven't thought it through.

The Royal Canadian Mounted Police are not directly part of this committee's mandate. The public safety committee would be the correct committee, as I understand it. But we can always try to be creative in our work, within the rules of Parliament. So perhaps that option is there for us.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Thank you, Mr. Chairman.

Perhaps there is one simple matter that we could resolve, if we can't resolve the others, and that's the question of the representation of men on the committee that will manage the pension fund. Here we have a specific proposal that would naturally fall between clauses 6 and 7 of the bill. The idea would be to amend paragraph 25.1(2)(b) of the Royal Canadian Mounted Police Superannuation Act. The provision would read as follows:

(b) three persons appointed from among persons required to contribute to the Superannuation Account [...] who are nominated by the Canadian Mounted Police Members Association.

Things move forward slowly at the RCMP. I won't tell you about the jokes we defence lawyers made about the RCMP, who were on horses while others were in cars. Whatever the case may be, everything takes a long time at the RCMP, including this.

Ten years ago—so this goes back to the last millennium—the Supreme Court recognized that RCMP officers were entitled to their own professional organization and to choose it. Given their organization's particular role, however, police officers must not belong to an organization of public service employees. They've just received a trial judgment from the Superior Court of Ontario. The case has not yet been appealed, and the appeal deadline expires today. So the provisions should apply tomorrow. The Canadian Mounted Police Members Association, which corresponds to what the Supreme Court decided at the end of the last millennium, will therefore be present. I think everyone will agree that the employee representatives must sit on the committee that manages the retirement fund of the Royal Canadian Mounted Police. We could at least agree on that. As for the other provisions, that will take some time. If this decision is not appealed, I wonder whether you'll have an objection, Mr. Cape, to us adding this amendment to paragraph 25.1(2)(b) of the act next Thursday.

I'm going to take this opportunity to ask Mr. Delisle a question.

I thought that cadets weren't paid while training, for six months. Then my colleague and I understood that you were saying the contrary, that is to say that they were paid. Are they or are they not paid? I'm not an expert in labour law, even though I work in an office that worked in that field. I was a criminal lawyer. It seems to me you get a pension when you've contributed to a pension fund. Otherwise, you don't get one. That's why I understood that, if the cadets weren't paid, they weren't contributing to the fund. Could you clarify that point?

• (1235)

S/Sgt Gaétan Delisle: The cadets have had various options since 1993. They've received an allowance for at least two years. We're talking about a living allowance, but we're playing with words. In any case, we try to attract the largest possible number of people to Regina. I think it's a kind of salary, and I'm going to explain to you why.

The money paid to cadets as an allowance was proposed by the government in 2006 so that the RCMP would staff 625 new federal positions in Canada. However, those 625 new positions are still not filled. That money winds up in the pockets of our cadets through the RCMP.

[English]

The Chair: Merci, Monsieur Delisle.

I'll go to Mr. Harris, for five minutes.

Mr. Jack Harris: Thank you.

I'd like to clarify something, Mr. Delisle. The portability provisions in this legislation apply equally to people who are not in the RCMP now, but perhaps would be in the future, even the near future. If the transfer agreements are put into place, which I assume was part of the process, it would also apply to RCMP members who might like to join the Vancouver police force or some other force. So the portability cuts both ways, both for your current members and for your potential future members.

I know you've been focused on the difficulties that you see in the legislation, but I'm not wrong in assuming that you are in favour of portability, in general, and that you would support the principles of this act, that we should have greater portability.

S/Sgt Gaétan Delisle: We have said publicly that we are wholeheartedly for it, but at the same time, look at the portability on both sides. You've just touched on another issue. Our members won't be able to bring those six months over.

Mr. Jack Harris: So in front of our committee you're focusing on two or three problems that you would like to see fixed.

S/Sgt Gaétan Delisle: That's correct.

Mr. Jack Harris: The issue of representation is not resolved at this point, and if you want to rule me out of order you can, but I think it's important.

The SRRs have been involved in this process, and whatever ruling was made, whether or not it is appealed, is suspended for 18 months. So the SRRs are still the official group. If that should change, because the legislation doesn't put your organization in charge either, and there is another organization, whether it's yours or some other that represents the RCMP members, it's probably that organization

that would play a role in an advisory capacity. It may come back before legislation anyway and in a while.

I guess this is a question our committee will have to grapple with, but I am interested in your opinion. There seem to be some serious technical problems with what we're dealing with here. Mr. Cape hasn't been able to answer them because he doesn't have the facts and they don't have the research done. I'm not saying whether they should or they shouldn't have; perhaps they should have.

If this legislation has to be reviewed potentially within a year or two anyway, and as Mr. Cape says, it's an ongoing process, would it be wrong for this committee to accept the legislation and ask that there be further work done on this aspect and maybe it could be changed in a year or two?

S/Sgt Gaétan Delisle: I think you have the opportunity to do both, frankly, the reason being that you have the ability to amend the portion of the pension, the RCMPSPA, because it's before you here. All we are requesting is that you do that under the RCMPSPA, which means that the service in the force.... As you can see, Bill C-18 makes reference to the RCMP, that service in the force, *service dans la gendarmerie*. All the commissioner has to say, in his own mind, in the definition of "member of the Force", under the RCMP Act, is that those people include also the six months....

All I'm saying to you is, don't lose the opportunity to include it now. And if they are serious, as Mr. Cape is saying, they will do it within a matter of time. Therefore, your work will have been done already. That's not an issue to me. What we are saying is that you will be able to fix at least something in the RCMP pension, a cap, which, according to my reading, will never be put into effect for two or three years. So a person who is retiring will not see that day. We're not complaining about these people, but at least you'll have the 10,000 people who will think about the service you've done, about starting the process. That's what we're asking you for, to start the process regarding the RCMP Superannuation Act, because it won't change the RCMP Act. By having the definition of those cadets in there, that will start the process of having the RCMP do what Mr. Cape is trying to say. They move ahead and do it.

Again, I submit to you that service in the force, which is under the RCMP Act, will come under that heading.

• (1240)

The Chair: Thank you, Mr. Delisle.

Mr. McTeague, for five minutes.

Hon. Dan McTeague: Thank you.

[Translation]

Mr. Delisle, do you think this bill now makes it possible to make these changes, or do you intend to conduct the study for two or three years?

S/Sgt Gaétan Delisle: We humbly submit to you that we believe you have the power to do that right now. This bill is directly related to a very specific act, which states: "service in the Force". So the act can give you this opportunity to do it. So for us it's feasible.

Hon. Dan McTeague: Based on Ms. Rossignol's comments, we understand that it's just for matters concerning persons with disabilities or insurance. I think she said, in English:

[English]

“disability pension”. Proposed section 31.1, the section you're looking to amend, only deals with matters of disability.

Perhaps, Ms. Rossignol, you could clarify that again. I thought I heard you say that earlier.

Mrs. Shelley Rossignol: Yes, that was mentioned earlier when Mr. Warkentin asked if proposed section 31.1 could be a place to include the cadet time. What I understand is being mentioned right now is on page 2 of the bill, the definition of “service in the Force”. What that does is extend the definition of “service in the Force” beyond our regular members hired under the RCMP Act. It's saying that it includes periods of prior service. It works in conjunction with the definition directly above it, with “member of the Force”. That's why cadets are not covered under the pension plan, because the employment policy under the RCMP Act is that they're not hired as members of the force. If that policy were ever changed in the future, if the RCMP decided to hire the cadets as members of the force, there is no change to the pension plan; it's in there.

When you were mentioning adding it to the definition of “service in the Force”, that's where I mentioned that we consulted with CCRA. These are extending it beyond current service. It's the periods of election, and under the tax provisions we can't, when they're not employees.

Hon. Dan McTeague: Perhaps it might be wise for us to bring in CCRA to talk about that as well. We have an open book here. I don't want to use the term *tabula rasa*, but there are opportunities for us to include some of the concerns Mr. Delisle has raised, though perhaps not in that section.

Mr. Delisle, are you aware of this, the point raised by Madam Rossignol?

S/Sgt Gaétan Delisle: My point, though, would be in the form of a question. Where is the authority for other police departments that have their cadets' service recognized under that act? Under what specific area is that done?

• (1245)

Mrs. Shelley Rossignol: I don't have the reference with me, but it's where it defines eligible service. It's around section 8500 of the income tax regulations, where it defines what “eligible service” is for a pension plan. It must be a period during which the person was actually an employee, that they had employee status. So under those other pension plans, if they were employees, that's how they're in. And it had to also have been pensionable over there. They had to have paid pension contributions.

S/Sgt Gaétan Delisle: My question was aimed more at in what portion of Bill C-18 do you accept the portability of these organizations?

Mrs. Shelley Rossignol: Under the definition of “service in the Force”, that's where it explains that prior service as a police officer counts as service in the force for purposes of determining eligibility for a benefit. The main provision for electing in the first place, the authority to elect, when it's registered pension plan service coming in under an election, it's the reference in (c) of “service in the Force” to item 6(b)(ii)(L) of the RCMPSPA.

And if it's under a pension transfer agreement, it's the reference that you see in proposed paragraph (b) of the definition of “service in the Force”, which is under subsection 24.1(9) of the Act.

Hon. Dan McTeague: The superannuation act or the Income Tax Act. Yes, thank you.

Mrs. Shelley Rossignol: The RCMP Superannuation Act.

S/Sgt Gaétan Delisle: My point would be that you could include it in there as a definition.

Hon. Dan McTeague: I think the issue for us right now is that in the rush to respond to the issue of pension portability, we may be unwittingly creating another inequality. That's something the committee is going to have to look at, whether it likes it or not, certainly from my perspective. This bill could or should be a slam dunk, if not.

I'll come back in the next round for further questions if I'm given that opportunity. I think I'm out of time.

The Chair: There is no further round.

Hon. Dan McTeague: Fine.

The Chair: No other member has indicated a desire to—

Hon. Dan McTeague: Then I certainly have more questions.

The Chair: All right. Mr. McTeague.

Hon. Dan McTeague: Mr. Delisle, in your experience, this issue is not new. It has been around for some time, certainly since 1993. Do you know of any committee of Parliament that has looked at the question of portability in the context of fairness among rank-and-file members?

S/Sgt Gaétan Delisle: I don't believe so. I was amazed to see that there were changes made to those pensions. I don't know how many years ago this occurred, maybe four or five. I'm amazed now to find out that there were some changes and that those issues were there then. Those issues would have been able to accommodate the person who is retiring next year.

Hon. Dan McTeague: Madame Rossignol, your contention is that you've met with CRA, and they say you cannot proceed to accommodate this transfer of pension or buyback without changes to the regulations or the act.

Mrs. Shelley Rossignol: It's an income tax regulation.

Hon. Dan McTeague: I have no further questions.

The Chair: Seeing no further deliberations on this, we can move to clause-by-clause. We're prepared to do so. The orders of the day do that.

Would committee members like our researcher to package the issues that have been raised today? The idea would be to adopt a report—if it is in order to report to the House—on the questions of employment standards and employment benefits raised by Monsieur Delisle. If members agree, we could ask the researcher to do this. We could consider reporting the matter to the House, perhaps under our standing order mandate. In any case, we'll try to figure out a way to do it.

•(1250)

[*Translation*]

Ms. Diane Bourgeois: With your permission, Mr. Chairman, I would like to make a request.

[*English*]

The Chair: First, can we get an answer to what I asked? Do we want to ask our researcher—and I think she'd be quite capable in doing it—to bundle it? I hate to use the word “bundling” in this committee. Let's say she could collate and outline the issues that have been raised here today.

Okay? That's a yes.

Now, Madame Bourgeois, you have a point.

[*Translation*]

Ms. Diane Bourgeois: Yes. Thank you, Mr. Chairman.

I would like our researchers to gather this information, but I also see that the bill will have an enormous impact in other respects. I believe lawyers could guide the decisions that we will have to make. As I said earlier, the situation of those 10,000 persons makes me uncomfortable. I would really like us to be fair. It would be good for us to get some opinions, perhaps legal opinions, on the impact of the bill.

Another matter leaves me feeling uncomfortable. I would like to know, in the event we pass the bill as it stands, whether the groups that Mr. Delisle represents will be able to be heard elsewhere or at another time, so that certain aspects are amended, such as those that have an impact on the RCMP Act. In my opinion, we don't have any answers to that. From that perspective, I would very much appreciate us waiting to have more information before we proceed with the clause-by-clause consideration of the bill.

Thank you, Mr. Chairman.

[*English*]

The Chair: I think the most prudent course here is to go to clause-by-clause consideration. I did want to articulate on behalf of members the sensitivity of a number of members to these internal RCMP issues. I think we can probably creatively find a way to flag them, articulate them, and place them somewhere where they can be properly dealt with for future legislation or regulatory change. It's tough sitting in this committee to move it out beyond that.

We have a bill from the House. I think we should proceed to that. I'm going to move to that and ask members to now prepare for clause-by-clause.

Mr. McTeague.

Hon. Dan McTeague: Mr. Chair, I agree with Madame Bourgeois. I have to tell you this committee was assigned the responsibility and delegated the authority to study this bill and possibly make consequential amendments therein. I appreciate the concern you have about the rush to get this through, the importance, and the awkwardness of this committee dealing with this.

The Chair: Mr. McTeague, there's no rush.

Hon. Dan McTeague: Thank you for that clarification.

I am extremely concerned that an important and significant omission may have been cemented into place for some time to come. I certainly don't want a situation where two wrongs make a right. I'm hoping we can spend a little more time with the income tax with CRA, look at the information they have, possibly allow our researchers to come up with a simple solution, if such can be had, and recommend it to Parliament.

Chair, I think you'll appreciate in your many years here, and mine almost as many, a lot of good intentions are lost on this day. Unfortunately, it will create an inequality that will be long-lasting and probably won't be repaired any time soon.

The Chair: Thank you.

I'm now going to move to clause-by-clause.

Shall clause 1 carry?

[*Translation*]

Ms. Diane Bourgeois: No, Mr. Chairman.

[*English*]

The Chair: I've already embarked on it. You may make a motion to amend clause 1.

Shall clause 1 carry?

[*Translation*]

Ms. Diane Bourgeois: Mr. Chairman, may I introduce a motion? I would simply like us to wait until the next committee meeting to do the clause-by-clause consideration of the bill. I move that right now.

•(1255)

Mr. Serge Ménard: I second that motion.

[*English*]

The Chair: We're already on clause 1.

[*Translation*]

Mr. Serge Ménard: I'm sorry, Mr. Chairman, but Ms. Bourgeois had her hand raised for a number of minutes when you said you wanted to begin the clause-by-clause consideration. She wanted to introduce a motion.

[*English*]

The Chair: It's clear that I'm not going to be able to drive this bus today for whatever reasons are out there.

In the absence of concerted focus and leadership on this particular issue, we're going to adjourn our meeting. That may please some of you, but it may not please others. I don't propose to do anything that's going to waste members' time, but we're going to have to come back on this again. I'm sure all of you have your reasons, but I'm not going sit here in the middle of a pissing match over an adjournment. I need some clarity.

I'm willing to hear from the opposition. I'm willing to hear from the government. We only have two or three minutes left. The best procedure is simply to adjourn. Our next meeting will be on clause-by-clause of this particular bill.

If there isn't a point of order, I'm happy to adjourn.

Mr. Rob Anders (Calgary West, CPC): Mr. Chair, I did not hear a challenge of the chair. I accept the chair's ruling that we were in the first vote of the clause-by-clause on clause 1. I don't sense a challenge of the chair. I believe there are enough votes here to sustain it if there were a challenge of the chair.

I say we accept a vote on clause 1 and resume voting on clause 2 next time.

The Chair: I suppose we could deal with clause 1 and then come back another time and do the rest of the bill. That move might be seen by some as pyrrhic rather than substantive. I appreciate the point you make.

Yes, just a quick comment. We're running out of time.

[*Translation*]

Mr. Serge Ménard: We've been talking for 10 minutes to determine whether we're going to request an opinion from the research service. We think we need that opinion. So are we requesting it?

[*English*]

The Chair: Monsieur Ménard, we had already agreed that research would develop a document for this purpose. At least, I determined that to be the conclusion of members. So that's moving ahead.

Are there any other quick points before we adjourn?

Mr. Harris.

Mr. Jack Harris: My sense, from Mr. McTeague at least, is that implied a postponement of clause-by-clause discussion, and you moved into it before people had a chance to even absorb that fact.

Now, that's not a challenge to the chair; it's a statement of what I saw transpire in the last five minutes.

The Chair: Ms. Hall Findlay.

Ms. Martha Hall Findlay (Willowdale, Lib.): I'm not prepared to adjourn yet either, because I had suggested earlier to the chair that I was prepared to ask for consent to move another motion, and I asked for some time before the committee ended. We are now at one minute to one, so I would like to make that request to the chair. I did actually want to ask for consent to move a separate motion, but I recognize that time has not been allotted today.

Can the chair confirm whether or not I will be allowed to ask for consent to move this separate motion?

The Chair: Once the member has given notice, the member is free to raise that, really, at any reasonable subsequent time. So at the next meeting you would be quite in order to move the matter for which you've given notice.

Ms. Martha Hall Findlay: My point was that I was able to ask for consent to move the motion today.

The Chair: You could ask, yes.

Ms. Martha Hall Findlay: Do I understand that the chair is saying no to that now?

The Chair: No, no. You're always at liberty to ask consent of members to move a motion of that nature, and you could do it now. It's just that we are running out of time.

Ms. Martha Hall Findlay: My only hesitation is that I don't think we've finished with this particular question of adjournment. I had wanted to raise this particular question before you formally adjourned the committee.

The Chair: Yes.

Ms. Martha Hall Findlay: So if you would prefer to finish with this issue, then....

• (1300)

The Chair: This issue isn't going to finish.

Ms. Martha Hall Findlay: Well, Mr. Chair, it is one o'clock.

The Chair: If there aren't any other important points here that have to be made, we will adjourn.

Mr. Clerk, is that viable, that the next meeting be on clause-by-clause? Who are we pre-empting at the next meeting?

We would be pre-empting the integrity commissioner and her estimates, but I don't think we have a choice at this point. So if that's all right with members, we'll come back to this matter on Thursday morning. We'll do clause-by-clause and any other related issues, and we'll postpone the integrity commissioner.

Ms. Hall Findlay has a motion she wants to put.

Ms. Martha Hall Findlay: At this point, in consideration to all my committee colleagues, given that it's now past one o'clock, I will refrain from asking for consent to move this now. I will file it with the clerk for the 48-hour notice until next week. But I will point out that I had requested some time before the end of committee so that I could move this. Again, I will stress that out of consideration for my committee colleagues I will not do that right now. I will file it officially.

The Chair: Okay, that's fine. I hope you bring it up at the next meeting.

As there is no further business, we can adjourn.

The meeting is adjourned.

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