



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# Standing Committee on Justice and Human Rights

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JUST • NUMBER 045 • 2nd SESSION • 41st PARLIAMENT

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EVIDENCE

**Tuesday, October 7, 2014**

—  
**Chair**

**Mr. Mike Wallace**



## Standing Committee on Justice and Human Rights

Tuesday, October 7, 2014

• (1530)

[English]

**The Chair (Mr. Mike Wallace (Burlington, CPC)):** Good afternoon, everyone. This is the Standing Committee on Justice and Human Rights. This is meeting number 45, and we're in the Valour Building. For those who didn't know, the name changed over the summer.

For orders of the day, we want to start with committee business. We are starting the fourth report from the subcommittee that deals with the miscellaneous statute law amendment. We'll see how far we get.

Then on Thursday, the report says that the minister is appearing to start the discussion on Bill C-32.

Will somebody move that for me?

**An hon. member:** I move.

**The Chair:** So moved.

All those in favour of the fourth report?

(Motion agreed to)

**The Chair:** Pursuant to Standing Order 108(2), we are looking at a study of a proposal for a miscellaneous statute law amendment act. What has happened is the House has referred this report to us. We're going to have an overview from officials on the process, then we will have a discussion as a committee followed by questions and answers, and then discussion on how we're going to proceed.

Once we're done with this, it goes back to the House. There's actually a bill that gets developed. Is that correct? And this is also happening in the Senate.

With us, we have Monsieur Bélanger, Madame Ladouceur, and Madame Rondeau.

**Ms. Claudette Rondeau (Special Advisor and Legislative Counsel, Office of the Chief Legislative Counsel, Department of Justice):** It is "Rondeau". I'm a rare Franco-Albertan.

**The Chair:** Jean-Charles, are you leading the way?

[Translation]

**Mr. Jean-Charles Bélanger (Deputy Chief Legislative Counsel, Legislation Section, Department of Justice):** Yes, I can begin.

[English]

**The Chair:** The floor is yours.

[Translation]

**Mr. Jean-Charles Bélanger:** Thank you, Mr. Chair.

I would like to thank the committee members for having me.

I am pleased to participate in your study of the document titled Proposals for a Miscellaneous Statute Law Amendment Act, 2014.

This document was developed as part of the law amendment program and is the result of significant collaboration between the justice department and members of Parliament. It ensures that updates to the body of federal legislation comply with drafting standards that are applied to current federal laws.

To put the law amendment program into context, I would like to begin with a few comments about the history of the program, the criteria used within the program to determine whether a legislative proposal should be retained and the applicable legislative process. Then, I will provide a general overview of the document's structure and content.

The law amendment program was established in 1975, and it is designed to accelerate the adoption of minor amendments of a non-controversial nature—and you will hear me repeat that phrase—to be made to Canadian laws.

Former minister, Otto Lang, created this new process of making minor amendments to federal legislation. Even back then, the legislative agenda was very busy, making it difficult to make minor changes to or correct the occasional errors in our federal statutes.

Consequently, this program was created to make those changes without taking up too much time in either of the two Houses. Since the program was established, ten bills of this kind have been passed and we are working on the eleventh.

The legislation section of the Department of Justice, which we are a part of, is responsible for the program. This program is a means of correcting anomalies, inconsistencies, archaisms and errors that can sometimes find their way into federal statutes. More specifically, the program uses a bill to allow minor amendments of a non-controversial nature to be made to a number of federal statutes instead of having a specific bill for each amendment.

In certain cases, if the amendments are not made through this program, they may never be made because they are not significant enough to justify the use of the resources needed to draft a bill for that sole purpose.

•(1535)

[English]

The legislative process under the miscellaneous statute law amendment program is different from the usual legislative process. Basically, the procedure involves a pre-study of the proposals document by committees of both houses of Parliament before a bill is drafted and introduced. Any proposed amendment that a member of either committee objects to will not be included in the bill that will subsequently be drafted.

The criteria for including a proposed amendment in an initiative under this program are listed on the inside of the cover page of the proposals document. Specifically, the proposed amendments must not be controversial, must not involve the spending of public funds, must not prejudicially affect the rights of persons, and must not create a new offence nor subject a class of persons to an existing offence. The question of whether or not an amendment is controversial is really the main criterion of the program. When former Minister Lang introduced the program he spoke about this main criterion for assessing proposals, that is that they be non-controversial. He said that the determination of that criterion would not be difficult to establish and that a proposed amendment would be controversial as soon as one of the parties expressed opposition to it. This is the essence of the non-partisan process.

Honourable members of the committee, we can assure you that if there is any objection to a proposed amendment in the proposals document by a member of this committee, or of the committee of the Senate that will also be studying the document, that proposed amendment will immediately be withdrawn and will not form part of the bill that will subsequently be drafted.

After the committees of both houses have concluded their review and issued their reports, a bill based on the reports of the two committees and containing the proposed amendments unanimously approved by them will be drafted and introduced in Parliament. Such a bill is customarily read three times and passed without debate or subsequent consideration by committees, as the contents of the bill will have already been reviewed by committees of both houses.

I will now take a few minutes to briefly describe how the proposals document is organized and to summarize its content. A short description of the background of the program criteria and the legislative process of the program can be found on the inside of the cover page of the document. Next to it is the table of provisions, followed by the proposed amendments.

The document contains proposed amendments to 80 acts and the proposed amendments are organized in three parts. Part 1 contains the proposed amendments to several acts organized in alphabetical order according to the English title of the acts. Part 2 contains one clause that makes the same terminology change to several acts by means of a pinpoint amendment. Part 3 contains the coordinating amendments, amendments that serve to coordinate the effects of some of the proposed amendments in the proposals document with other existing legislative initiatives.

Following the proposed amendments is a section with the heading "Explanatory Notes". This section contains the explanatory notes and descriptive notes for each proposed amendment. The descriptive

notes provide short explanations of the reasons for the proposed amendment.

[Translation]

The proposed legislative amendments in the document can be grouped together according to theme. They correct grammatical, spelling and terminology errors. They also correct typographical errors, errors in references, the use of outdated terms, and discrepancies between the French and English versions.

Some of the proposals you will be looking at update the names of provinces and territories. For instance, several proposals update the name of the province of Newfoundland to Newfoundland and Labrador, following the 2001 constitutional amendment to that effect.

Other proposals correct the name of certain courts in federal acts to adapt them to organizational changes. In addition, certain proposed amendments ensure the use of non-sexist terms in the English version: for instance certain instances of "chairman" are replaced by the more neutral term "chairperson".

The document also contains proposals repealing certain legislative provisions that today are null and void, such as provisions dealing with veterans of the South African War of 1899-1902, also known as the "Boer War". Since there are no longer any beneficiaries for these provisions, they are null and void and can be repealed.

Finally, some of the proposed amendments were also the subject of comments from the Standing Committee on the Scrutiny of Regulations. Those amendments will in certain cases resolve issues raised by that committee.

•(1540)

[English]

Those are my introductory remarks. My colleagues Claudette Rondeau and Julie Ladouceur and I are available to answer your questions.

**The Chair:** Merci.

We have a few questions to get started.

Go ahead, Madame Boivin.

[Translation]

**Ms. Françoise Boivin (Gatineau, NDP):** Thank you, Mr. Chair.

This has taken some hard work. I'd like to start by asking you why it has taken 13 years to do this. When work began in the 1970s, they happened more frequently. I imagine that this type of delay has made it a much bigger job.

**Mr. Jean-Charles Bélanger:** To be honest, I was hoping someone would ask that. Thank you very much.

It has been a while, but I must point out that there need to be enough proposals to draft a document that is worth taking up the time of committees in both Houses. These are minor amendments, so it also depends on how much time parliamentarians can spend looking at the proposals.

**Ms. Françoise Boivin:** If I understand correctly, whether the provisions you have presented to us today are amended or not, there will not really be any impact.

**Mr. Jean-Charles Bélanger:** We are hoping that you will agree to amending them, but we have survived 13 years without these changes. Not all of them are that old; some are newer than others.

**Ms. Françoise Boivin:** That leads me to my next question: have any of these proposals already been studied as part of bills that have been introduced during this Parliament?

**Ms. Claudette Rondeau:** Are you wondering if they were studied within a bill?

**Ms. Françoise Boivin:** I want to know if any of the amendments you are suggesting have come from legislation that we have looked at during this Parliament, since 2011.

[English]

I know the answer. I'm just waiting for theirs.

[Translation]

**Mr. Jean-Charles Bélanger:** If I understand correctly, you want to know if these provisions were included in any bills that have been studied during the current session, namely the 2nd session of the 41st Parliament.

**Ms. Françoise Boivin:** We have looked at a number of omnibus bills. Take Bill C-10 for example, which covered justice issues. I remember that at certain times while we were studying the bill, there were requests for amendments because of errors that are very similar to the proposals that you are suggesting. However, we were told that it was beyond the scope of the bill, so we couldn't follow through.

I'm simply curious to know if some of those provisions have been included in the document we're looking at.

[English]

**Ms. Claudette Rondeau:** I think it's impossible to know whether someone tried to make some corrections in another bill and—

**Ms. Françoise Boivin:** Well, just answer me this. Are some of the proposals in this document from some of the bills that have been presented since 2011?

**Ms. Claudette Rondeau:** Not to my knowledge.

• (1545)

**Mr. Jean-Charles Bélanger:** Not to our knowledge, but we will double-check.

**Ms. Françoise Boivin:** Just to be sure.

I have another question.

[Translation]

Where did these proposals come from?

You mentioned the Standing Joint Committee for the Scrutiny of Regulations. When I was a newly elected MP, in 2011, I had the pleasure of being appointed vice-chair of that committee. We worked hard on regulations. This is a question of legislation. They do substantial work on their end.

You receive requests from the Standing Joint Committee for the Scrutiny of Regulations. I thought it was up to the minister to

suggest adjustments, based on the committee's recommendations. I'm trying to understand where these proposals come from.

**Mr. Jean-Charles Bélanger:** The proposals comes from a number of departments, which are responsible for enforcing federal statutes. Over time, departments notice there are corrections that need to be made. The legislation section is often called upon to amend laws, as per our mandate, so when we see things, we make note of the amendments that would be advisable. At least one of these proposals, the one about the marine park, is a recommendation from the Standing Joint Committee for the Scrutiny of Regulations.

**Ms. Claudette Rondeau:** Yes, I could find them, but they were not sent directly to us.

**Mr. Jean-Charles Bélanger:** Exactly. The correspondence is addressed to the minister, and they are sent to us internally, via the department.

**Ms. Françoise Boivin:** So, this is all that you do. Your job is to verify these laws.

**Mr. Jean-Charles Bélanger:** You mean the law amendment acts?

**Ms. Françoise Boivin:** Yes, all of these amendment laws.

**Mr. Jean-Charles Bélanger:** That is some of what we do. We at the justice department are responsible for the program.

**Ms. Françoise Boivin:** I would like to ask a final question.

Because I am studious, I read the document. I noticed that there are a lot of corrections to be made to the French versions.

How would you explain that?

As a francophone, that bothers me.

Does that mean that the necessary effort is not being put into analyzing legislation to ensure that the two texts are watertight and say the same thing?

**Mr. Jean-Charles Bélanger:** First of all, I can tell you that we're not happy about that either. That said, there are changes to be made to the English versions as well. The process of co-drafting is still the best way to ensure linguistic equivalence; however, inconsistencies can still creep in at times during the process.

The French drafting process is quite rigorous. However, upon closer examination, it can sometimes happen that we realize that the French wording of certain provisions could be improved.

I think we can all agree that legislative texts require a high quality of language, in both English and French. Therefore, when we realize that we can improve the wording in French, we use this process to submit our requests to you.

**Ms. Françoise Boivin:** Thank you.

**Mr. Jean-Charles Bélanger:** Thank you.

[English]

**The Chair:** Monsieur Goguen, did you have a question?

[Translation]

**Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC):** I have just one question.

Thank you for your presentation. This is certainly a painstaking task.

You have looked closely at all of the proposed amendments, correct?

**Mr. Jean-Charles Bélanger:** We worked on them together.

**Mr. Robert Goguen:** I will put this question to all of you, then.

In your opinion, do the proposed amendments meet all of the criteria, namely that they must not be controversial, must not involve the spending of public funds, must not prejudicially affect the rights of persons and must not create a new offence, nor subject a class of persons to an existing offence?

In your opinion, do each of these amendments meet the criteria?

**Mr. Jean-Charles Bélanger:** Thank you.

Yes, these proposals have been included in the document submitted to you because each of them has been rigorously analyzed and we concluded that they were worth proposing to you. That said, we are fully aware that the term “non-controversial” can be somewhat subjective. That is why I underscored the fact that if you do not agree, you are entitled, as committee members, to ask that proposals be rejected.

**Mr. Robert Goguen:** Thank you, sir.

[English]

**The Chair:** Mr. Dechert.

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for being here.

Mr. Bélanger, I understand the Senate justice committee has also reviewed these proposals. Can you describe to us if they raised any concerns about any of the provisions that we have before us, or sought any clarifications from you?

I have a copy of a letter from Senator Runciman dated September 23, and he indicated that the Senate committee on legal and constitutional affairs reviewed it on May 15 of this year. They've asked for some clarification.

I just wonder if you've had an opportunity to respond to those yet. Maybe you could describe them to us.

• (1550)

**Mr. Jean-Charles Bélanger:** We are in the process of completing our reply to the various questions, and we are set to attend a meeting of the committee tomorrow to provide them with our various answers. In some instances we referred to particular departments that are responsible for the application of the various laws, but we will have answers for all of these questions.

**Mr. Bob Dechert:** In your view, do any of the concerns raised by the Senate committee violate any of the four basic criteria that you outlined for us in your opening remarks?

**Mr. Jean-Charles Bélanger:** We will have answers to reassure them at least of the soundness of our initial conclusion. That being said, it will be that committee's right, of course, to decide if they nevertheless want to withdraw any of the proposals.

**Mr. Bob Dechert:** At this point in time though you're not aware that they are going to object to any of the provisions.

**Mr. Jean-Charles Bélanger:** No, we are not.

**Mr. Bob Dechert:** I understand also from analysis done by the Library of Parliament that the standing committee on scrutiny of regulations has proposed some of these amendments.

**Ms. Claudette Rondeau:** Not directly to us, but they had raised issues and they communicated with the departments. In those cases, the departments were in agreement that the amendments should be made and forwarded them to us and asked if this would be appropriate for this vehicle. So, yes, in some cases, some of the amendments addressed concerns of the—

**Mr. Bob Dechert:** They just made a general suggestion, but they didn't suggest the actual wording.

**Ms. Claudette Rondeau:** The actual wording—I've seen some of the correspondence and sometimes they suggest wording. We don't always follow exactly what's suggested, but either they will make suggestions to fix it or they suggest wording.

**Mr. Bob Dechert:** Would it be possible for you to advise us as to which of these proposed amendments were suggested in some way by the committee on scrutiny of regulations? I'm just trying to save us time. If our colleagues on the committee on scrutiny of regulations have already, in a bipartisan way, suggested changes, then that probably is good enough for us and we can move on to the ones that they didn't study.

**Ms. Claudette Rondeau:** Yes, I can. I'm kind of thrilled with this question because in the cases where, to our knowledge, the recommendation came from the standing joint committee, we did mention it in the descriptive notes, and I can always provide a list of the—

**Mr. Bob Dechert:** They are here in the explanatory notes.

**Ms. Claudette Rondeau:** Yes, it will be in here, and I can always provide a list of which clauses as well.

**Mr. Bob Dechert:** Can you tell us just generally what percentage or how many of them have gone through the scrutiny of regulations committee?

**Ms. Claudette Rondeau:** I'll have to check and get back to you.

**Mr. Bob Dechert:** All right.

**The Chair:** Is there anything else? There are questioners—

**Mr. Bob Dechert:** I have specific questions about some of the changes, but I'll let the other members of the committee ask questions.

**The Chair:** Okay.

Mr. Casey.

**Mr. Sean Casey (Charlottetown, Lib.):** Thank you, Mr. Chair.

First of all, for whoever did the detailed work involved in this, my compliments and respect. To repeat what Mr. Goguen said, it's clearly something that requires a great deal of detail and patience. If it's you, well done, and if it's those who work under you, please pass along our regards.

I have two specific questions. The first one relates to something that you said in your statement, and I just want to make sure that I understood it.

[*Translation*]

From what I understand, there are no more beneficiaries of the South African War.

[*English*]

But I read in here the explanatory notes reference the fact that there are no longer veterans.

I just want to be real clear. Having served on the veterans committee, I am aware that there are benefits paid to survivors of veterans, that when we eliminate the reference to the South African veterans, we are not going to get into any problem with the survivors of... I understood that to be what you said in French when you said, "il n'y a plus de bénéficiaires", which would be different than—

● (1555)

[*Translation*]

**Mr. Jean-Charles Bélanger:** You mean beneficiaries for the provisions. That is what we were told by Veterans Affairs.

[*English*]

**Ms. Claudette Rondeau:** We received confirmation from the Department of Veterans Affairs that there are no more beneficiaries of the benefits targeted by these before we included it.

**Mr. Sean Casey:** So, it's further down?

**Ms. Claudette Rondeau:** Yes.

**Mr. Sean Casey:** The only other question I had was with respect to the grain board, section 2.

My question relates to the fiscal year of the grain board. Actually, this is in part an answer to Madam Boivin's question because this arises out of the Budget Implementation Act of 2012.

My question is, can we be certain that we are not eliminating the grain transportation agency administrator before the end of their last fiscal year?

**Ms. Claudette Rondeau:** My understanding is that it no longer exists. The act under which it was established was repealed by the Budget Implementation Act, 1995.

**Mr. Sean Casey:** Oh, 1995. Thank you.

**Ms. Claudette Rondeau:** The exact reference is in the notes.

**Mr. Sean Casey:** I thought I saw 12.

**Ms. Claudette Rondeau:** I found the information for which clauses address issues raised by the standing joint committee. There are 12 of them. I can read them off if you want.

**Mr. Bob Dechert:** If you can supply the list to the clerk that would be fine.

**Ms. Claudette Rondeau:** Yes. I can do that.

**The Chair:** Madame Boivin.

[*Translation*]

**Ms. Françoise Boivin:** I'd like to come back to the 12 proposals in question. Are those all of the provisions that you received from the regulation committee? Were all of the committee's recommendations and suggestions included in the document, or were certain ones left out? If that is the case, I'm curious to know why they were not included.

I want to come back to the question I asked earlier. When departments ask you to make a correction to a statute, do they provide an explanation? What does the process actually look like? How does the analysis work?

**Ms. Claudette Rondeau:** The joint committee held a meeting shortly after we met with the Senate committee. The members said that some of the changes they requested had been included, but not all of them. Not all of their recommendations were included. Any that were not included were left out because we felt they did not meet the program's criteria. It is up to the department to find another process for addressing the committee's concerns.

**Mr. Jean-Charles Bélanger:** We treat each of the amendments we receive with the same care, whether they come from the committee or from the various departments. Each one is studied closely. If there is any doubt, we leave it out. If there is even the slightest possibility that the amendments could be controversial, require spending public funds, create a new offence, subject a class of persons to an existing offence or affect the rights of persons, we do not include them. In such cases, we share our conclusion with the various departments that suggested the amendment and recommend that they find another way to make the amendment, if absolutely necessary.

**Ms. Françoise Boivin:** I see.

[*English*]

**The Chair:** Madame Pécelet.

[*Translation*]

**Ms. Ève Pécelet (La Pointe-de-l'Île, NDP):** Thank you, Mr. Chair.

Many of these amendments address differences between the French and English versions. Some examples come to mind, but I don't want to get into the details right now.

I'd simply like to know at what point you are made aware of the differences between two versions. Is it in the wake of a ruling or an interpretation by the courts? Is it because the differences have caused a problem?

● (1600)

**Mr. Jean-Charles Bélanger:** I want to start by saying that these discrepancies were not detected when the bills were being written. Otherwise, they would have been avoided.

As for how we are made aware of them, it is part of a process: statutes are constantly being examined to see if they are still up to date or if they need to be modified. Perhaps the government wants to move ahead with other legislation. We are always looking at the existing statutes. During that process, there are times when we, or the departments responsible for enforcing the legislation, notice errors.

You asked if these discrepancies are pointed out to us following court rulings. I need to be careful here. If this were the result of a legal decision, or part of one, it is reasonable to think that it could spark some debate. In such cases, it would not meet the criteria of being non-controversial.

Basically, these proposals are the result of re-reading statutes, as written by the federal public service. The nature of our work is such that we are constantly studying statutes.

[English]

**The Chair:** Mr. Toone

**Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP):** Thank you.

[Translation]

I, too, would like to thank you. The work is quite detailed, and it's not necessarily easy.

You verify legislation, but do you also cover the schedules and the oaths that are included in the legislation, or only the legislative text?

**Mr. Jean-Charles Bélanger:** In our work, we must look at everything that is part of the text of the statute.

**Mr. Philip Toone:** I would like to continue in the same vein as my colleagues. I'm trying to understand the process by which you determine that the French and English versions do not line up. We have often noticed that the translations seem to have been done quickly.

Those who remember the referendum question in the 1980s know how much controversy a single comma can create. There are also texts that we have discussed in committee or in the House of Commons that have been poorly translated or that have grammatical errors.

Do you look over debates in the House and in committees? Who checks those? I would like to know more about how you detect and take note of inconsistencies and reject shoddy translations.

**Mr. Jean-Charles Bélanger:** If I may, I would like to clarify and say that we avoid talking about translation when it comes to federal statutes. They are co-drafted simultaneously in English and French.

**Mr. Philip Toone:** If you say so.

**Mr. Jean-Charles Bélanger:** Yes. They are co-drafted by legislative drafters. They work together in an environment that involves various processes, including revisions, printing of bills and so on. The quality of federal statutes is very tightly controlled, in both English and French. We work with revisers and jurilinguists.

Despite the control mechanisms in place and all of the care that goes into drafting legislation, errors can creep in and need to be addressed. To be honest, if these are the only ones we have found in 13 years, we're not doing too badly.

As I mentioned earlier, it can sometimes happen that we realize after the fact that a provision could have been better written. In that case, it's not really a question of discrepancy. For example, in one of the provisions, a conjunctive phrase is repeated, which is not necessarily a good thing in French. We're taking advantage of this process to make these kinds of improvements or corrections.

That is an overview of the way statutes are written, in English and French. The writing is done very carefully. You asked if we review what happens in the House and I can tell you that our colleagues who are responsible for instructing us on writing bills pay close attention to the work being done in the House. Everything we need to know, as the people responsible for writing statutes, is communicated to us.

● (1605)

**Mr. Philip Toone:** The next time this process takes place, I hope it won't take 14 years.

**Mr. Jean-Charles Bélanger:** We hope so, too.

**Mr. Philip Toone:** I would like to point out a discrepancy.

In the Parliament of Canada Act, in the oath taken by members of the Board of Internal Economy, there is an element that covers the board's in-camera meetings. I would like to quote the French version of the passage in question: "ni de lui permettre [...] l'accès aux documents". It is because of that element that the board's meetings are usually kept secret. The word "lui" is not defined in the French version. Who does it refer to? That word should be clearly defined because without that clarity, the sentence losing its meaning. French is both a science and an art.

I know that this is a cumbersome process that requires attention to detail and there may be omissions. I would like it if legislators who notice issues in a statute—imprecise sentences and so on—were able to share them with your group. I'm not talking about translation. How can we go about sharing such issues with your group?

**Mr. Jean-Charles Bélanger:** Legislators should do what the standing joint committee does, which is notify the Minister of Justice. At that point, the message will be forwarded to us and we will duly note it.

Unfortunately I do not have the text you referred to in front of me, but we did take note of it. We will have a closer look at it to determine whether it could be improved. In fact, it would be an interesting element to consider for a future exercise.

[English]

**The Chair:** Mr. Dechert.

**Mr. Bob Dechert:** We discussed a moment ago that some of the amendments here were suggested by the Standing Joint Committee on Scrutiny of Regulations. I understand that various departments and agencies of the government have made suggestions to you over the years with respect to the statutes that they are involved in enforcing. Can you tell us how that process works? They suggest that some change is necessary. How do you review it and how do you respond to them? Have they seen and signed off on the changes that we're looking at today in terms of anything that originated from a department or agency?

**Ms. Claudette Rondeau:** I can take answer and then you can add if you feel there's something missing.



In some cases, in a drafting session maybe something will be noticed, and there's no authority to include that correction in the bill they're working on, so they might think it looks like it may be a candidate for the miscellaneous statute law amendment program. They communicate to the group responsible, and then that group will look at the proposed amendment and will have to get in touch with the department that's responsible. That's one way.

Sometimes it's found internally within the legislative services branch; sometimes it comes from different departments. It's possible that someone from the outside wrote in to signal an error they found in legislation and that message gets transmitted to the legislative services branch.

In terms of whether there was sign-off on these, yes, there was.

**Mr. Bob Dechert:** Okay, so if there was a suggestion that was made by a department, your office drafted some proposal, they looked at it and they approved, and now it's in the bill that we're looking at. Is that correct?

• (1610)

**Mr. Jean-Charles Bélanger:** Before that we would, of course, proceed to the examination to see if it meets the criteria.

**Mr. Bob Dechert:** Of course, yes.

**Mr. Jean-Charles Bélanger:** And then, yes, whatever we would write, we would submit to them and ask for their sign-off on this.

**Mr. Bob Dechert:** Are there any that went through the process that you didn't accept?

**Mr. Jean-Charles Bélanger:** Oh, yes.

**Mr. Bob Dechert:** Okay. Do you know if any of the wording that we're dealing with today has been commented on in any court proceeding or any litigation over the years, or has been the subject of any judicial interpretation?

**Mr. Jean-Charles Bélanger:** Not to our knowledge, no.

**Mr. Bob Dechert:** Okay.

I guess I only have one other point, Mr. Chair, and that is, could you please provide the clerk of our committee with any responses that you make to the Senate committee's requests for clarification? Perhaps, Mr. Chair, we can also file Senator Runciman's letter with the clerk so that we'll have all that on our records as well.

**The Chair:** As long as it's in both languages.

**Mr. Bob Dechert:** The copy that I have is not but I'm sure there's another one.

**The Chair:** The letter is from the chair of the justice committee at the Senate. They have done a preliminary review and had some questions, I believe, of certain sections that they put it into writing and the officials are responding in writing and meeting with them tomorrow, I believe. Is that correct?

**Mr. Bob Dechert:** They've raised 10 questions....

**The Chair:** —back in May from the Senate.

**Ms. Françoise Boivin:** What might be practical though...because I hate redoing or doing the same thing and then realizing that we might be on the same issues right now. I do have a few issues. I think we should get this before....

**The Chair:** That's what he's doing. There's no requirement for us to do anything today so....

**Ms. Françoise Boivin:** No, no, no I'm sorry. I was still thinking and I stopped talking which is very rare for me.

**The Chair:** Rare.... Let me write that down.

**Ms. Françoise Boivin:** I surprised myself. But I would love to read it.

**Mr. Bob Dechert:** Submit the letter and everybody will see it and everybody will see their responses and then we'll have knowledge of what they did.

**Ms. Françoise Boivin:** Exactly.

**Mr. Bob Dechert:** We can agree or disagree with it but we can move on from there.

**The Chair:** Okay.

Are there any other questions for our officials?

**Ms. Françoise Boivin:** Yes, but they're more precise, on the sections.

**The Chair:** Those were the general questions. My view—and you can tell me if I'm wrong—is that we would just go to Part 1 and go one by one. If there are any comments or questions we would go through them. If there aren't, we would move on to the next one. We would keep going and see how much we can get done by 5:30. Is that a fair assessment of how we should do things?

**Ms. Françoise Boivin:** That sounds good; just bear with us. Don't go too fast. By the way, great work from the Library of Parliament once again.

**The Chair:** I won't rush.

**Ms. Françoise Boivin:** Excellent.

**The Chair:** We don't have to deal with the short title.

In Part 1, the Access to Information Act is clause 2 in this. Does anybody have any comments on clause 2? I see none.

On the Aeronautics Act, are there any comments on that?

The Bank Act? No.

The Bankruptcy and Solvency Act?

**Ms. Françoise Boivin:** Can you go clause by clause? You say the title like—

[*Translation*]

The Bankruptcy and Insolvency Act, clauses 6 and 7.

[*English*]

**The Chair:** Oh, you want to see....

**Ms. Françoise Boivin:** I might not have anything with 6 or 7, but I might have questions on 8.

**The Chair:** I'll do the numbers from the text.

Okay, so clause 3, we're done, right?

**Ms. Françoise Boivin:** We're at clause 6.

**The Chair:** We're all the way at clause 6, the Bankruptcy and Insolvency Act.

Clauses 7, 8, 9?

You have a question on clause 8.

**Ms. Françoise Boivin:** Actually I'm going to quote from our Library of Parliament—

[*Translation*]

I will do so because it is excellent. I put a question mark beside this as well.

This is my question. Clause 8 “proposes to amend section 73(4) of the Bankruptcy and Insolvency Act in order to “correct terminological errors” in both the French- and English-language versions”. The English excerpt reads as follows:

[*English*]

[...] the costs of distress or, in the Province of Quebec, the costs of seizure are a security on the property [...]

[*Translation*]

It is replaced by the following:

[*English*]

[...] the payment of the costs of distress or, in the Province of Quebec, the costs of seizure, is secured by a security on the property [...]

[*Translation*]

The French version states “les frais de saisie constituent une sûreté de premier rang”. It is replaced by “le paiement des frais de saisie est garanti par une sûreté de premier rang”.

I would just like you to explain to us why the change is necessary and how it would affect the operation of the Bankruptcy and Insolvency Act.

Moreover, this speaks to a question Mr. Dechert asked you. Even though you are not necessarily aware of any cases, is it because you checked how it was interpreted in the jurisprudence? Have any problems been identified in that regard? If not, is it because checking the jurisprudence is not part of your mandate and we do not have an assurance that there has not been debate in that regard? In closing, the very intelligent question that one may well ask is as follows: Is this the most logical and least disruptive way to address these errors?

• (1615)

**Mr. Jean-Charles Bélanger:** That was one of the questions raised by the Senate committee and we have an answer. We were not informed that there had been a problem with enforcement of the law because of it. You can rest assured on that point.

However, it really is about being precise when expressing the rule. The current text reads as follows: “...on production of a copy of the bankruptcy order or the assignment...the costs of seizure are a security...ranking ahead of any other security...”

The costs of seizure are not a security. A security is a legal tool used to guarantee something. The correct way to express the rule would therefore be “...the payment of the cost of seizure is secured by a security”. The present wording of the rule is colloquial. In our opinion, this is the type of proposal that belongs in this kind of exercise.

In fact, short of waiting for a complete revision, for example, of the Bankruptcy and Insolvency Act—when we could try to suggest this correction—there is no other way to do it. That is why we use this exercise to try to reformulate the rule to be enforced with a high degree of precision of language. The costs are not the security; it is the payment that can be secured by a security. That is the correct way to express it.

**Ms. Françoise Boivin:** When I practised law, I did not often have cases involving the Bankruptcy and Insolvency Act. However, I know that all these issues surrounding security, especially ranking, are at the heart of the legislation and the debates. Before giving you a blank cheque to proceed with the amendment, I would really want there to be at least a cursory review to ensure, in terms of the jurisprudence, that this did not give rise to certain problems of interpretation at the time.

However, if that were the case, perhaps they all came to the same conclusion and that resulted in the proposed amendment. I think that would make sense.

Could such an amendment make a difference? In case of doubt, would a judge have ruled one way rather than another? I have no way of knowing that. In fact, I was rather concerned when I read the provision because it seemed to touch on the controversial. It seemed to me that the explanation accompanying the proposed text was somewhat lacking, even cursory. I don't know what Senator Runciman's letter says, but it might be worthwhile taking a closer look in order to determine whether there was debate, whether this question has been asked already, and whether it has always been interpreted this way.

I think it would be more prudent for us to arrive at this conclusion.

[*English*]

**The Chair:** Do you want to try to answer that at all?

[*Translation*]

**Mr. Jean-Charles Bélanger:** Yes.

Since the question was asked by the Senate—we are actually preparing a response—we have already carried out an initial consultation with our colleagues at the department concerned and we were assured that there had not been any problems. We will check with them again and, as this is part of the reply that we will be providing to the Senate, you will also be entitled to it given that you requested it.

• (1620)

**Ms. Françoise Boivin:** It is not that I do not have confidence in the department. I don't want you to think that. However, it might perhaps be worthwhile doing even a quick analysis of the jurisprudence. I was going to Google it while listening to you, but I wanted to focus on your answer. By clicking on the section of the Bankruptcy and Insolvency Act, we can see it pretty quickly. However, it might be helpful to obtain that information before the next meeting..

**The Chair:** Thank you.

**Mr. Jean-Charles Bélanger:** I would like to add something. My colleague pointed out that we consulted the legislative services unit of the department concerned. We will check that again.

[English]

**The Chair:** Okay. So with the Senate report and asking the library to look at it we'll have it covered the next time.

We're on to clause 9 under the Bankruptcy and Insolvency Act. Is there anything on clause 9?

Clause 10?

Then we're off to the Canada Agricultural Products Act. Is there anything on clause 11?

Then we're off to the Canada Business Corporations Act. Is there anything on clause 12?

Okay. On to our Canada Corporations Act, clause 13. There's nothing.

The Canada Evidence Act, clause 14.

Madame Boivin.

[Translation]

**Ms. Françoise Boivin:** I would like you to clarify something. The following explanation is found under the section on the "Canada Evidence Act"

This amendment would correct a grammatical error in the French version. The feminine pronoun "elle" must be changed to the masculine pronoun "il" because it replaces "juge" (a word that is masculine).

Never mind. That is clear.

[English]

**The Chair:** The only change is in French.

Thank you very much.

We're off to the Canada Labour Code. Is there anything on clause 15?

The Canada Marine Act, clause 16?

The Canada Marine Act, clause 17?

We're off to the Canada National Parks Act, clause 18. Is there anything?

Clause 19? Clause 20? Clause 21? Clause 22?

The next act is the Canada Not-for-profit Corporations Act. Clause 23.

The Canada Shipping Act, 2001. It's clause 24.

[Translation]

**Ms. Françoise Boivin:** I would like to ask the question posed by our analysts concerning this proposal.

The change proposed by clause 24 of the document deals with the English-language version of section 99 of the Canada Shipping Act, which sets out circumstances in which the Minister of Transport may adjudicate a dispute between an authorized representative and a crew member.

In the English-language version, the conjunction "and" is found between the parties, which leads us to believe that the request must be presented by both parties. In the French-language version, the conjunction "ou" is used, indicating that either party can request an adjudication. Clause 24 replaces the word "and" with "or" in the English-language version to make it consistent with the French-language version.

How can we be certain that this was the legislator's intent? Are there no other way to make such changes than to go through this committee? These are two completely different concepts.

**Mr. Jean-Charles Bélanger:** You have a great deal of insight. That was another question posed by the Senate committee.

**Ms. Françoise Boivin:** Our analysts are much more insightful than we are.

**Mr. Jean-Charles Bélanger:** We are currently consulting Transport Canada in order to obtain an even more precise answer. I would ask you to bear with us in that regard.

• (1625)

**Ms. Françoise Boivin:** That is fine. I was wondering about that, but my thoughts were not as clear as your text. I am pleased to see that we have identified the same issues.

That is fine as long as I get an answer.

[English]

We can suspend those that we're waiting for answers on.

**The Chair:** Clause 25, still under the Canada Shipping Act. Any questions?

Clause 26? Clause 27? Clause 28?

**Ms. Ève Pécelet:** Yes. It stirs my desire to learn more, maybe.

[Translation]

In clause 27, the proposal refers to a vessel. Is "bâtiment" the correct French translation? I am just wondering what the difference is between a "foreign vessel" and a "bâtiment étranger". If I recall correctly, "bâtiment" is defined as an asset that does not move, one that is immovable.

**Mr. Jean-Charles Bélanger:** I have seen this term in legislation.

I would like to check the definitions at the beginning of the Canada Shipping Act, 2001. I will take note of your question because it is an interesting terminology question. I would also like to consult our jurilinguists who work with us and who are language experts. Yes, the term "bâtiment" is there.

**Ms. Claudette Rondeau:** Are you asking why the term "bâtiment" is used?

**Ms. Ève Pécelet:** There may be different definitions, but according to the usual one, the French term "bâtiment" is an immovable asset. The English term "vessel", depending on the definition provided by different departments on the Internet, is translated as "vaisseau" in French. Compared to "bâtiment", a vessel is probably a moveable asset, but perhaps I am mistaken. Perhaps the definition is different.

**Mr. Jean-Charles Bélanger:** We are consulting our jurilinguists right now and we could perhaps give you an answer shortly.

**Ms. Ève Pécelet:** That's great.

We can continue.

**Mr. Jean-Charles Bélanger:** Please do.

[English]

**The Chair:** Okay, that's good.

We went back to clause 27. We are at clauses 28 and 29. Is there anything on clause 29?

**Ms. Françoise Boivin:** On 29, I read it and I'm not sure I understand what it says.

[Translation]

It states “de cette loi”. Will this proposal simply insert the title of the act? Is that what is being proposed?

**Ms. Claudette Rondeau:** The amendment corrects the French version so that it refers to the correct act, the one mentioned in the opening words. The existing text reads as follows:

Les bâtiments, à l'exception des embarcations de plaisance, qui sont inscrits sous le régime de l'article 108 de la Loi sur la marine marchande du Canada, chapitre S-9...à l'entrée en vigueur de la partie 2 sont réputés être inscrits dans la partie du registre...

b) soit, dans le cas d'un bâtiment...en vertu de la présente loi,...

And that act is...

**Mr. Jean-Charles Bélanger:** It is the amending act.

[English]

**Ms. Claudette Rondeau:** The proposed amendment corrects the French version to refer to the correct act, the act that is mentioned in the opening words.

[Translation]

**Ms. Françoise Boivin:** That is because we are referring to the Canada Shipping Act, 2001, but it is referring to the act on watercraft or something like that. It says “la présente loi”, but that is really a mistake. It does not refer to the correct act. It is not this act, but the one governing watercraft. Is that right?

**Ms. Claudette Rondeau:** Yes. It should not state “de la présente loi”, but “la loi visée dans les...”

**Ms. Françoise Boivin:** ...which is mentioned in the previous paragraph.

All right, the more often I read it, the more I was confused. It is clear now.

[English]

**The Chair:** Okay?

**Ms. Claudette Rondeau:** Yes.

•(1630)

**The Chair:** Okay, our grammar lesson is over with.

Okay, let's keep going here. We're on to the Canada Transportation Act, clause 30.

Clauses 31, 32, 33, 34, anything? No?

Okay, the next one that I have, unless you want me to slow down a little bit here, is the Canadian Security Intelligence Service Act, and it's clause 35. Is there anything on 35?

The next one is the Chemical Weapons Convention Implementation Act, clause 36.

**Ms. Françoise Boivin:** On this one I had two question marks and we've got a great question from our analyst.

**The Chair:** Don't be working so hard next time.

[Translation]

**Ms. Françoise Boivin:** The fact that our analysts are flagging the same things gives me confidence.

Clause 36 proposes to amend section 11 of the Chemical Weapons Convention Implementation Act by replacing the term “possesses” with “processes” in both language versions. This section pertains to a list of actions that prompt a requirement to provide information and keep certain records. While the explanatory notes provide some information with regard to how the use of “processes” would be consistent with international agreements and an internal cross-reference in the act, it is not entirely clear that the inclusion of the word “possesses” was an error.

Could you perhaps tell us why this change is necessary and how it would affect the operation of the Chemical Weapons Convention Implementation Act? I would like to know if the use of the word “possesses” was an error. If so and if both the English- and French-language versions were meant to be drafted concurrently, how would such an error be made in both versions? Last of all, I would like to know who pointed out this error. I am very curious to see where the request for correction came from.

**Mr. Jean-Charles Bélanger:** We will check the source. My first instinct would be to say that it came from the Department of Foreign Affairs, Trade and Development. However, we will check that. We are about to provide the Senate committee with a fairly complete answer to this question.

In the meantime, I can tell you that the text as it is written here does not reflect the provision of the convention that it is supposed to enact. In English, the term is “process” rather than “possess”. Representatives of the sponsoring department will be coming with us tomorrow to explain this to the Senate committee.

We were unable to determine how the error was introduced, why “possess” was substituted for “process” and why the French version seems to be closer to the English version than the text of the convention. We might assume that, when co-drafting the bill, the legislative drafters were more concerned with mirroring their texts than verifying the provision of the convention that they were supposed to enact with the help of their project officer. No matter, we really are speculating here.

When the request was made, we were assured that the concept to be expressed here was not possession, which is rendered by the term “possess”, but rather the idea of processing, which is rendered by the term “process”.

**Ms. Françoise Boivin:** Out of curiosity, what year is that act from?

**Mr. Jean-Charles Bélanger:** It was from 1995.

**Ms. Françoise Boivin:** This means that we've had an incorrect version since 1995.

Yes? Okay.

[English]

**The Chair:** Anything else on clause 36?

Seeing none, we're off to the Coasting Trade Act. Does anybody have anything on clause 37?

The Companies' Creditors Arrangement Act. Anybody on clause 38?

We're off to the Competition Act, clause 39.

Clause 40. Madame Boivin.

[Translation]

**Ms. Françoise Boivin:** Clause 40 would add a missing cross-reference to sections 104(1), 106.1 and 124.2(3) of the Competition Act.

Could you explain why these changes are necessary and how they would affect the operation of the Competition Act?

•(1635)

[English]

**Ms. Claudette Rondeau:** For this provision, we would prefer to ask a representative of the department to come in and explain it to you. I think they'll be in the best position to give you a full answer.

**Ms. Françoise Boivin:** You'll take note of the exact question and get an answer to that, so we'll suspend that one.

**The Chair:** When you say “come in”, are they going to provide that in writing or do you want them to come to the next committee meeting that we deal with this?

**Mr. Jean-Charles Bélanger:** Whatever you prefer.

**The Chair:** What would you prefer, Madame Boivin?

[Translation]

**Ms. Françoise Boivin:** I don't want to bring someone in just for the sake of bringing them in. However, if these people feel comfortable answering your questions and feel that it would be better to testify because these questions could lead to others, I'll let you decide. I would be fine with a written answer, and if I'm not satisfied with it, I would follow up as necessary.

[English]

**The Chair:** Which clause was that?

**Ms. Françoise Boivin:** It was 40.

**An hon. member:** Will it be written? Is that what she's—

**The Chair:** That's what she's asking for, yes.

All right, on clause 41, is there anything? On clause 42?

The next item is the Consumer Packaging and Labelling Act, clause 43.

[Translation]

**Ms. Françoise Boivin:** I don't have an objection to clause 43, but I would ask you to explain it. I may have been a bit tired when I was reading it. It can be so complex, especially when we're talking about labelling. I want to make sure that it's not in any way controversial and that it's not bringing in new concepts.

**Mr. Jean-Charles Bélanger:** It's not a new concept. We want to use the term that is defined in the French version of the act, which is “produit préemballé”. That's what should appear here.

**Ms. Claudette Rondeau:** Section 7 has to do with the French term “produit préemballé”.

**Ms. Françoise Boivin:** It's just to bring it in line with the English version.

**Ms. Claudette Rondeau:** It was used correctly in English.

**Mr. Jean-Charles Bélanger:** The correct term was used in the English version, so we want to do the same with the French version.

**Ms. Françoise Boivin:** That's good.

[English]

**The Chair:** Okay, the Cooperative Credit Associations Act, clause 44.

The Criminal Code—I can't believe there are mistakes in the Criminal Code—45. Nothing.

Is there anything on clauses 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56?

On clauses 57, 58, 59, 60?

Madame Boivin, do you have a question on clause 60?

**Ms. Françoise Boivin:** Absolutely none. I looked at the whole section in the Criminal Code and I was thinking now I'll understand all the words.

**The Chair:** *Monsieur.*

[Translation]

**Mr. Jean-Charles Bélanger:** I'd like to clarify something. It's not so much an error in the Criminal Code as it is an update as a result of the reconstitution of the courts or a change in the provinces' names. That's mostly what it is.

**Ms. Claudette Rondeau:** For example, it's a matter of changing “Newfoundland” to “Newfoundland and Labrador”, or updating the name of the courts.

[English]

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

The Customs Act, clause 61?

Clause 62? Clause 63?

On clause 64, we're off to the Customs Tariff.

Anything on clauses 65, 66, 67, 68?

•(1640)

[Translation]

**Ms. Françoise Boivin:** Clauses 68 to 75 raise a question. The purpose is to amend the Customs Tariff in order to address a range of errors in the French-language version, many of which appear to pertain to technical matters that might not be easily understood by those not familiar with this legislation. It would be good to explain why these changes are necessary and how they would affect the operation of the Customs Tariff.

Why are there so many errors in the French-language version? They jump off the page.

[English]

**The Chair:** There do seem to be a lot of errors.

[Translation]

**Mr. Jean-Charles Bélanger:** We recognize that there are a number of important corrections to make here. We'd like to consult our colleagues at the Department of Finance in order to give you an accurate, detailed answer to this question.

**Ms. Françoise Boivin:** Okay.

**Ms. Claudette Rondeau:** I'd like to add that the Standing Joint Committee for the Scrutiny of Regulations requested some of these amendments.

**Ms. Françoise Boivin:** In any event, we thank them. I know how difficult this job is. I thank the staff at the Department of Justice. You have to be very dedicated to do that job. I want to point that out because I know it's important.

I was once the co-chair of the Standing Joint Committee for the Scrutiny of Regulations with Mr. Runciman, and I sometimes felt as though some members didn't understand the importance of the work that committee does. It seems rather dry. Not everyone is cut out for this job, and we sometimes feel like lay people.

People in your department do some excellent work. They pay a great deal of attention to what they do. Yesterday we were wondering how all this could have gone on for so many years. Tariffs are nothing new.

Thank you. We'll await your answers.

**Mr. Jean-Charles Bélanger:** Thank you very much for the compliment. We'll pass it along to the people concerned.

[English]

**Mr. Bob Dechert:** We're trying to eliminate all the customs tariffs so you don't have to worry about them.

**The Chair:** Okay.

Based on that, you're getting back to us on everything from clauses 68 to 75. Let's move on then, if that's okay with everyone.

The next one is the Defence Production Act, which is clause 76 in this grouping. The Department of Veteran Affairs Act is clause 77.

[Translation]

**Ms. Françoise Boivin:** One of the changes proposed in clause 77 is to amend sections 5(g.5) and 5(g.6) of the Department of Veterans Affairs Act, which establish the regulations that the governor in council may make.

In the English-language version of these sections, the governor in council may make regulations to authorize the Minister of Veterans Affairs to establish standards or enter into agreements regarding grave markers, funeral services or related forms of assistance.

In the French-language version, the minister is not mentioned in these subsections, thereby implying that it is the governor in council who must make these regulations. The amendments make the French-language version consistent with the English-language

version, thereby authorizing the governor in council to authorize the minister to make these regulations.

How can we be sure that that was the case? The same question has come up here. Was it the legislative intent for the governor in council to have this power instead of the minister? What different implications would there be for the administration of the act if the governor in council or the Minister of Veterans Affairs were to make the regulations referenced in clause 77? This amendment seems to have more to do with the substance of the act, if I may say so.

**Mr. Jean-Charles Bélanger:** Based on how the provision is written in French, if the goal was to enable the governor in council to set the standards himself, it would have been drafted in a much more direct way. The word "*l'autorisant*" wouldn't have been used. The governor in council doesn't authorize himself. It was necessary to bring in another person—the minister—as in the English-language version.

The correction here would simply re-establish the power at the same level, meaning that the governor in council authorizes the minister to establish the regulations in question.

• (1645)

**Ms. Claudette Rondeau:** That makes sense. The error occurred when the lead-in of the provision was amended, which previously mentioned the minister. The lead-in was amended, but not the subsequent paragraphs.

In the French-language version, the word "*ministre*" is not repeated. Instead, the pronoun is used. Sections 5(g.5) and 5(g.6) use "*l'*" and "*lui*". Before, that made sense, since those pronouns referred to the minister, but when the lead-in was changed to refer only to the governor in council, the legislators forgot to make that change.

In English there was no problem since that version repeats the word "minister", and the pronoun is not often used, or at least used less than in French. If it was truly a matter of the governor in council, the legislator would have changed the English-language provision. As my colleague said, the way in which the provision is written makes no sense.

**Mr. Jean-Charles Bélanger:** The pronoun's antecedent was removed. Unfortunately, the legislators forgot to reflect that change in the subsequent paragraphs. That's what we are trying to fix here.

**Ms. Françoise Boivin:** Your analysis of the intended meaning led you to conclude that the text should indicate that the governor in council can authorize the minister. You have no doubt that this was the intended meaning.

**Mr. Jean-Charles Bélanger:** That's correct.

**Ms. Françoise Boivin:** Okay.

[English]

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

The next one is the Divorce Act, which I haven't told my wife about. Clause 78.

Nothing?

[Translation]

**Mr. Jean-Charles Bélanger:** We have an answer to pass along about the “vessel” and “bâtiment” point. My colleague Julie Ladouceur will share it.

[English]

**The Chair:** That was way back on the vessels, which was in the Canada Shipping Act, right?

Go ahead with your answer, Madame.

[Translation]

**Ms. Julie Ladouceur (Legislative Counsel, Legislation Section, Department of Justice):** I spoke to the jurilinguist at the office. The word “bâtiment” is defined in section 2 of the act. It's the equivalent of “vessel” in English. The definition is as follows:

“vessel” means a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion, and includes such a vessel that is under construction. It does not include a floating object of a prescribed class.

The jurilinguist also mentioned that the terms “bâtiment”, “navire” and “vessel” are all terms that have been standardized in this field by the naval standardization committee. Other acts also use the same terms.

**The Chair:** Thank you.

[English]

Next is the Economic Development Agency of Canada for the Regions of Quebec Act, clause 79.

We added the word “Quebec”. For communities in Quebec, that makes sense for that division, for them to do it in Quebec.

The Electoral Boundaries Readjustment Act, clause 80. Anything? Clause 81? Clause 82?

Electricity and Gas Inspection Act, clause 83.

The Explosives Act, clause 84.

**Mr. David Wilks (Kootenay—Columbia, CPC):** You're doing a bang-up job.

**The Chair:** Very good.

The Farm Products Agencies Act, clause 85.

Clauses 86, 87, 88?

[Translation]

**Ms. Françoise Boivin:** I have a question about clause 88. I know that this comes up in a few places. It states that paragraph 17(2)(a) of the English version of the act before subparagraph (i) is replaced by the following. The replacement follows.

The explanation in clause 88 states: “This amendment would modernize the language in the English version to conform to current drafting standards, including standards of gender neutrality”. When I read the English version, I still have a hard time seeing an issue with gender neutrality, because words in this language aren't classified as feminine or masculine. Perhaps you could explain that.

• (1650)

[English]

**Ms. Claudette Rondeau:** What is going on in that provision is the proposed amendment replaces “he” with “the Governor in Council”, so that a gender-neutral word is used. As for modernization, it replaces “pursuant to” with “under” for plain language drafting.

**Ms. Françoise Boivin:** Perfect.

**The Chair:** Anything else on clause 88?

Clauses 89, 90, 91, 92, 93, 94?

Our next act is the Financial Administration Act, clause 95.

Clauses 96, 97, 98?

The Fisheries Act, clause 99.

The Gender Equity in Indian Registration Act, clause 100.

Madame Boivin.

[Translation]

**Ms. Françoise Boivin:** I have a question. Since we're talking about a relatively recent bill, could you explain how this error happened? Furthermore, what is the purpose of clause 100?

**Ms. Claudette Rondeau:** The proposed change would correct a cross-reference. Clause 9 of Bill C-3 was deleted at report stage, but the corresponding amendment was not made to clause 4. Then, clause 9 was reinstated at report stage.

Or rather, when clause 9 was deleted, the corresponding amendment was made to clause 4. At report stage, clause 9 was reinstated, but the correction was not made to clause 4. That's the reason for the error.

[English]

**The Chair:** Our next bill is the Government Employees Compensation Act, and yes, we do pay our employees, clause 101.

The Health of Animals Act, clauses 102, 103, 104, 105, 106, 107, 108, 109.

The Immigration and Refugee Protection Act. Do you have a question on clause 110?

Madame Boivin.

[Translation]

**Ms. Françoise Boivin:** Clause 110 amends section 16(3) of the Immigration and Refugee Protection Act to make the English-language version more consistent with the French. The current English-language section establishes that an officer may require or obtain from a permanent resident or a foreign national who is arrested, detained or subject to a removal order, any evidence—photographic, fingerprint or otherwise—that may be used to establish their identity or compliance with this act.

The English-language version states:

[English]

(3) An officer may require or obtain from a permanent resident or a foreign national who is arrested, detained or subject to a removal order, any evidence — photographic, fingerprint or otherwise—that may be used to establish their identity or compliance with this Act.

[Translation]

The French-language version contains another possibility, namely, that such evidence may also be obtained from a permanent resident or foreign national who is “subject to an examination” (*“fait l’objet... d’un contrôle”*).

What evidence is there that the legislative intent was to permit an officer to obtain such evidence from a permanent resident or a foreign national who was subject to an examination?

What would the effect of changing the French-language version to match the English be for the administration of the act?

Has this created any problems? How long has this been in the act?  
• (1655)

**Mr. Jean-Charles Bélanger:** That is a very specific question that requires an equally specific answer. Our colleagues at the sponsoring department received that question in Senate committee, and they were to provide an answer. We would be happy to pass along the answer, which we should be getting very soon.

[English]

**The Chair:** That was clause 110.

Clause 111?

Clause 112?

Madame Boivin.

[Translation]

**Ms. Françoise Boivin:** Clause 111 amends section 37(1) of the Immigration and Refugee Protection Act and the list of grounds of organized criminality that would make a permanent resident or a foreign national inadmissible to enter Canada. The English-language version of subsection (b) currently includes:

[English]

b) engaging, in the context of transnational crime, in activities such as people smuggling, trafficking in persons or money laundering.

[Translation]

In the French-language version, the last item is “*le recyclage des produits de la criminalité*”, a term which may be translated as “money laundering” or “the laundering of the proceeds of crime”. Clause 111 changes the last item in English to read: “or laundering of money or other proceeds of crime”.

Could you provide an explanation of why this change is necessary and how it would affect the operation of the Immigration and Refugee Protection Act?

Would this amendment change the meaning of the English-language version by expanding the scope of what is covered by section 37(1)(b)?

Does the French-language version need to be amended to reference the laundering of money as well as the proceeds of crime, or does the language already cover these two concepts?

**Mr. Jean-Charles Bélanger:** Once again, since the question was asked by the Senate committee and it required an answer from the people responsible for enforcing these acts, we submitted a request to these individuals. We should be receiving their answer to this question shortly, and we’d be happy to pass it along to the committee.

**Ms. Françoise Boivin:** That’s good, thank you.

[English]

**The Chair:** Thank you.

Clauses 112, 113, 114?

The floor is yours.

[Translation]

**Ms. Françoise Boivin:** Clause 114 concerns subsection 77(1) of the Immigration and Refugee Protection Act, where the English-language version establishes that when the Minister of Justice and the Minister of Citizenship and Immigration sign a certificate stating that a permanent resident or foreign national is inadmissible on grounds of security, violating human or international rights, serious criminality or organized criminality, this certificate shall be referred to the Federal Court.

The French-language version of this provision does not state that the ministers must sign the certificate. Therefore this clause seeks to make the French-language version consistent with the English one. Is this change significant? What would be the effect of not requiring the ministers to sign the certificate, as currently indicated in the French-language version of the act? The explanatory notes state that there is also a grammatical error in the French version. What is that error?

**Mr. Jean-Charles Bélanger:** In reference to the question about the intent behind the change, once again, the minister responsible for the act will provide us with a detailed response that we will pass on to you.

I referred earlier to the grammatical error. We are trying to avoid repeating “qu”. Since there is just one clause, it is preferable not to repeat it. We would therefore like to delete the second occurrence and keep only the first one.

[English]

**The Chair:** Okay, so more response from...because they basically have the same question as the Senate, so they are doing it once

Clause 115.

[Translation]

**Ms. Françoise Boivin:** Clause 115 amends the French-language version of paragraph 92(1)(c) of the Immigration and Refugee Protection Act to make it consistent with the English-language version by replacing “une autre autorité” with “un autre gouvernement ou organisme public”. Why is this amendment necessary? I imagine that you are going to pass on all the answers to these questions to us.

**Mr. Jean-Charles Bélanger:** We will be sure to do so, madame.



**Ms. Françoise Boivin:** Excellent. I am starting to understand the system.

**Ms. Ève Pécelet:** I would like to know whether the definition of “gouvernement” and “autorité” will apply when the terms change. Is that set out in the French version?

**Mr. Jean-Charles Bélanger:** That is part of the question we asked our colleagues.

**Ms. Ève Pécelet:** Okay.

**Mr. Jean-Charles Bélanger:** Thank you.

[English]

**The Chair:** We're on clauses 116, 117, 118, and 119. We're getting a detailed response to the issues within that act based on what the Senate has already asked for, and I'm assuming they got the questions from the Library of Parliament also.

**Ms. Françoise Boivin:** When did they get it?

**The Chair:** They've had it for a while.

Indian Act. Is there anything on clause 120? No? Okay.

Insurance Companies Act, clauses 121, 122, and 123.

The next one is the International Bridges and Tunnels Act, clauses 124 and 125.

The Interpretation Act is clause 126.

If no one has any comments on that one, the next one is the Judges Act, with clauses 127, 128, 129, and 130. Nothing?

Legislative Instruments Re-enactment Act. We're not over-legislated at all. Is there anything on clause 131?

The Library and Archives of Canada Act, clause 132.

The Meat Inspection Act, clause 133.

The Merchant Seamen Compensation Act, clauses 134 and 135.

The National Defence Act, clause 136. Questions?

● (1700)

[Translation]

**Ms. Françoise Boivin:** Clause 136 amends paragraph 250.42(c) of the National Defence Act, which provides reasons why a hearing might be held in private, including where information may be released that affects a person's “privacy or security interest”.

The change corrects the French-language version by replacing “ressources pécuniaires” with “la sécurité d'une personne”. While the original French-language version appears to simply be a mistranslation, can you explain why this change is necessary and how it would affect the operation of the National Defence Act?

**Mr. Jean-Charles Bélanger:** Once again—and I believe you raised this yourself—we were told that the English version was the correct one.

As for the effects on the rest of the act, I would ask you once again to be patient. This is a new question that we will ask our colleagues at National Defence so that we can get a specific answer.

**Ms. Françoise Boivin:** You can see that this is worth the effort. This is a new question. The Senate did not think of it. I congratulate our analysts.

[English]

**The Chair:** I'd like to thank them also.

The Newfoundland Additional Financial Assistance Act, clause 137. Anybody on that? No.

The Nuclear Safety and Control Act, clause 138.

The Oceans Act, clause 139.

The Patent Act, clause 140.

Madame.

[Translation]

**Ms. Françoise Boivin:** Clause 140 amends the French-language version of subsection 73(3) of the Patent Act, which pertains to the conditions that must be met for the reinstatement of a particular patent application that had been deemed to be abandoned. In the French-language version, it states that the application may be—“peut être”—reinstated if the conditions are met; by contrast, the English-language version states that it “shall be” reinstated. Those are two very different concepts. This amendment makes the French-language version consistent with the English by using mandatory rather than permissive language.

How do we know the legislative intent was to include the mandatory language in the English-language version, rather than the permissive French-language version? Why not do the opposite for people?

[English]

**Ms. Claudette Rondeau:** To answer this question, we were told that the correct version was the English version and that the French would have to be modified. This is one of the provisions that addresses an issue raised by the Standing Joint Committee for the Scrutiny of Regulations.

To answer your question about the impact that it has on the rest of the act, we would have to refer that question to the department responsible for that act, and we can get back to you. At this stage we can tell you that what was communicated to us was that the English version was really the one that reflected the intent.

● (1705)

**Ms. Françoise Boivin:** So it is suspended.

**The Chair:** I'm trying to keep track myself of which ones we need to get responses on.

We are now to the Pension Act, clauses 141 and 142.

The Physical Activity and Sport Act, clause 143.

The Plant Protection Act, clause 144.

**Ms. Ève Pécelet:** I would like to go back to something, please.

[*Translation*]

I would like to get back to clause 141.

The French-language version preceding the amendments reads as follows:

Le ministre peut ordonner le versement, au survivant d'un membre décédé des forces, de la pension à laquelle il aurait droit au titre des paragraphes (2), (2.1), (3) ou (3.01) mais qui fait l'objet d'une suspension au moment du décès.

The intention is to replace this subsection with the following:

Le ministre peut ordonner le versement, au survivant d'un membre décédé des forces dont la pension faisait l'objet d'une suspension au moment du décès, [here the end of the sentence has been moved to the beginning] de la pension à laquelle le survivant aurait droit au titre des paragraphes...si la pension n'avait pas fait l'objet de la suspension.

I am wondering whether we are adding a new condition here. If the pension had been suspended, even if it was suspended at the time of the member's death, how would the person not get it? Or, alternatively, how would the person get it?

I honestly do not understand this subsection. If I were taking a law class, this is the sort of thing that would make me look at my professor as if he was not making any sense. If the pension had not been suspended, then what exactly was suspended, if not the pension?

**Ms. Françoise Boivin:** In fact, you are saying that this is contradictory and impossible.

**Ms. Ève Pécelet:** Precisely. I do not understand.

**Mr. Jean-Charles Bélanger:** There is some ambiguity in the existing provision that we are trying to clarify. I will reread it:

Le ministre peut ordonner le versement, au survivant d'un membre décédé des forces, de la pension à laquelle il aurait droit au titre des paragraphes...mais qui fait l'objet d'une suspension au moment du décès.

The following is the improved version:

Le ministre peut ordonner le versement, au survivant d'un membre décédé des forces dont la pension faisait l'objet d'une suspension au moment du décès...de la pension à laquelle le survivant aurait droit...

**Ms. Ève Pécelet:** That is correct.

**Mr. Jean-Charles Bélanger:** The purpose of that amendment is to clearly identify the intended subjects here.

**Ms. Françoise Boivin:** However, the phrase “si la pension n'avait pas fait l'objet [...]” is added at the end.

[*English*]

**Ms. Ève Pécelet:** I will just explain for my English colleagues. When you read it in English, you don't see an ambiguity?

**The Chair:** Not in his explanations. Do you?

**Ms. Ève Pécelet:** Like:

the Minister may direct that the survivor be awarded the pension to which the survivor would be entitled under subsection (2), (2.1), (3) or (3.01) if the pension had not been suspended.

But we start the sentence by saying:

Where the payment of the pension of a member of the forces was suspended at the time of the member's death.

**The Chair:** I see what you're saying.

**Ms. Ève Pécelet:** Maybe I'm just crazy.

**Ms. Françoise Boivin:** It starts by saying “The pension was suspended”—

**The Chair:** Then “at the time of the death”.

**Ms. Françoise Boivin:** He can do it as long as it has not been suspended. It makes no sense.

**The Chair:** Yes, I understand what you're saying.

Madam Ladouceur.

[*Translation*]

**Ms. Julie Ladouceur:** There are just a lot of people in this provision: there is the survivor and the deceased member. The amendment states that if a member who died was no longer receiving their pension because he or she was suspended for the reasons mentioned, the minister may decide that, even if the pension of the deceased member had been suspended, the survivor would be entitled to receive it, because the minister thinks that the survivor should not pay for the deceased member's actions.

That is what the amendment is saying. I admit that it is not very clear.

• (1710)

**Ms. Ève Pécelet:** The French version is not as clear as the English version.

**Ms. Julie Ladouceur:** I agree that it is not very clear, but that is probably the least—

[*English*]

disruptive.

**The Chair:** Effectively, the minister can override the individual. If the individual were suspended at the time and dies, he or she, as minister, can override that and give the pension to the surviving individual.

**Ms. Julie Ladouceur:** That's my understanding, yes.

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

**Ms. Ève Pécelet:** It's not clear. It could be interpreted in both ways. If I were a lawyer and I would like governments—

**The Chair:** You are a lawyer.

**Ms. Ève Pécelet:** No, I didn't pass the bar. I didn't get called to the bar. It's not the same. I didn't fail anything, I just didn't do the exam.

**The Chair:** You didn't have time.

[*Translation*]

**Ms. Françoise Boivin:** I want to make sure I understand what you are saying.

I will read the text in English.

[*English*]

Where the payment of the pension of a member of the forces was suspended at the time of the member's death, the Minister may direct that the survivor be awarded the pension to which the survivor would be entitled under subsection (2), (2.1), (3) or (3.01) if the pension had not been suspended.

[*Translation*]

I think that what we really want to say is:

[English]

“as if the pension had not been suspended”.

[Translation]

**Ms. Julie Ladouceur:** Yes, that is quite right: as if the pension had never been suspended.

[English]

**Ms. Françoise Boivin:** I think maybe it should be rephrased, because the way it is written is really not clear in English or in French.

[Translation]

**Ms. Julie Ladouceur:** I agree. The problem is that the wording of the amendment cannot be changed at this stage. The amendment has to be accepted—

**Ms. Françoise Boivin:** —or simply rejected. Okay.

[English]

**The Chair:** Is there anything else?

Thank you for taking us back to the Pension Act.

Yes.

**Mr. Bob Dechert:** Mr. Chair, is that an objection?

**The Chair:** What's going to happen, Mr. Dechert—

**A voice:** And we take out clause 141.

**The Chair:** —we're on clause 144, and I'm hoping that we get to 176 or whatever the number is.

We will to have another meeting on this. At that meeting, we'll do the objections or non-objections. I've already picked a date. We'll get it done. We have to get the report back from the Senate. We're not going to get it done today. There is no way, in 20 minutes, we're going to get through all these plus then going back and forth. They have information that we are requesting. Let's not kid ourselves; we're going to be back here.

I've picked the first day back after not this break but the next break, so we'll see what happens.

Okay, we're at the Plant Protection Act, clause 144. Is there anything?

**Mr. Robert Goguen:** We don't have anything to say. You just picked a—

**The Chair:** I was going to make a suggestion, a strongly worded suggestion.

**Mr. Robert Goguen:** Okay, that's better.

**Mr. Bob Dechert:** That's better in the military sense.

**The Chair:** It is the call of the chair, is it not? I can't remember.

Yes, that's right.

**Ms. Françoise Boivin:** Don't we have to re-elect him or something?

**The Chair:** No, not yet because you are sitting on the fence on the other side.

**Mr. Bob Dechert:** The re-election day is coming.

**An hon. member:** You'd better start campaigning.

**Ms. Ève Pécelet:** You'd better be nice to your electors.

**Ms. Françoise Boivin:** The question is not that we object at nothing; it's that you're going to come up—

**The Chair:** I've been very nice to you today.

**Ms. Françoise Boivin:** You have.

**The Chair:** Is there anybody on clause 145, clause 146, clause 147, clause 148?

On the Privacy Act, clause 149?

The Proceeds of Crime (Money Laundering) and Terrorist Financing Act, clause 150? No?

The Public Sector Compensation Act, clause 151?

The Railway Safety Act, clause 152?

The Saguenay-St. Lawrence Marine Park Act, clause 153?

[Translation]

**Ms. Françoise Boivin:** With regard to clause 153, I am tempted to let my friend Philip Toone put the question, but I see that he insists I take the floor.

Clause 153 amends section 17(*q*) of the Saguenay-St. Lawrence Marine Park Act, which establishes in the English-language version that the Governor in Council may make regulations with respect to the following:

[English]

“any other matters that are necessary for carrying out the purposes of this act”.

[Translation]

In the French-language version, the words “qu'il juge” have been included, which could be interpreted as meaning that the Governor in Council may make the regulations that he or she considers necessary, rather than being required to apply a more objective test. The amendment will remove the words “qu'il juge” in the French-language version.

In your view, does the French-language version imply a subjective element as to what regulations may be necessary? If so, what implications would a subjective element have on how the act is administered?

Why is the English-language version not being corrected to be consistent with the French-language version?

Lastly, how can we be sure that this proposal does indeed reflect the legislative intent?

●(1715)

**Mr. Jean-Charles Bélanger:** This is another issue that was raised by the Standing Joint Committee for the Scrutiny of Regulations.

Indeed, the French-language version seems to be adding a subjective element that does not appear in the English-language version. When we made this proposal, we were told that the English version was the one that actually reflected the intent of the provision.

**Ms. Françoise Boivin:** Will this have any impact? I gather that you will come back to us with a more detailed answer, right?

**Mr. Jean-Charles Bélanger:** Regarding the legislative impact, you will understand that we would feel more comfortable if we consulted our colleagues in the department that sponsored the proposal.

**Ms. Françoise Boivin:** I can see the value in not placing subjectivity in the hands of a minister or the Governor in Council. However, I want to make sure that this will have no impact on past decisions. It is important to be consistent.

**Mr. Jean-Charles Bélanger:** We should also check on how the other provisions of the act have been drafted, to see whether this subjective element exists elsewhere

**Ms. Françoise Boivin:** Precisely.

**Mr. Jean-Charles Bélanger:** If not, then—

[English]

**The Chair:** Merci.

The Seized Property Management Act, clause 154.

The Species at Risk Act, clause 155.

The Tobacco Act, clause 156.

Do you have a question?

[Translation]

**Ms. Françoise Boivin:** Clause 156 seeks to add a missing cross-reference to section 42.1(3) of the French-language version of the Tobacco Act.

Please explain why this change is necessary and how it would affect the operation of the Tobacco Act.

[English]

**Ms. Claudette Rondeau:** Again, with the provision we were told by the client department that the correct version is the English version. It corrects a discrepancy between the two language versions, and it's also consistent with subsection 42.1(1) of the act that also makes reference to.... I don't have it in front of me, but I believe it makes reference to those same provisions.

We can verify that and get back to you.

**Ms. Françoise Boivin:** Maybe ask them precisely what impact this will have on the application of the law, if any.

**The Chair:** Is clause 157 okay, then? Good.

We're off to the Transportation of Dangerous Goods Act, 1992. Clause 158?

The Trust and Loan Companies Act. Clause 159?

The Veterans Review and Appeal Board Act. Clause 160? Clause 161?

The Visiting Forces Act. Clause 162?

Clauses 163, 164, 165, 166, 167, 168?

Then we're at the War Veterans Allowance Act. Clause 169?

[Translation]

**Ms. Françoise Boivin:** Could you explain what is involved in the “repealing”? I know it is a repeal but could you explain it to us, please?

[English]

That's the thing that Mr. Casey was talking about at the beginning.

**The Chair:** All right, the Winding-up and Restructuring Act.

Clause 171? Clause 172? Clause 173? Anything on those?

Madame Boivin on clause 173.

● (1720)

[Translation]

**Ms. Françoise Boivin:** This amendment would correct errors in the French version, making it consistent with the English version, as follows:

The term “insuffisant” is not logical in this context and should be replaced with “suffisant”. [It is not “insuffisant”, but rather “suffisant”!] Further, the term “alors que” is incorrect and should be replaced with “auquel cas”. “Alors que” does not create a link to the situation previously described while “auquel cas” (in English, “in that case”) does so.

I understand that the term “insuffisant” is being replaced with “suffisant”.

This is a big step. It seems to me that these two terms are completely different. Can you explain why? There may be a very logical reason.

[English]

**Ms. Claudette Rondeau:** I have an answer all written out for that one.

The word “*insuffisant*” is not logical in this context and should be replaced with “*suffisant*”. When you read the provision, it seems clear that the provision is addressing two scenarios: a first scenario in which the assets are not sufficient to pay all the claimants and a second scenario in which the assets are sufficient to pay all the claimants. The error arises in the French version when it describes the second scenario as “*à moins que l'actif ne soit insuffisant pour désintéresser intégralement tous les réclamants*”.

In English, this would correspond to, “unless the assets are not sufficient to pay all claimants”, which is the exact opposite of what is intended.

Then the words “*alors que*” are incorrect and should be replaced with “*auquel cas*” because “*alors que*” does not create a link to the situation that we previously described, whereas “*auquel cas*” does.

**Ms. Françoise Boivin:** Your explanation is perfect, it makes sense. My only question now is, did it create problems, because there is a big difference between “insufficient” versus “sufficient”, or they acted like it was not written and just thought we were all stupid legislators?

**Ms. Claudette Rondeau:** We can contact the legal services and confirm whether there are any problems. I don't want to commit myself to saying that there were not any, because when you read it, it's clearly not logical. I don't know if it's ever been considered by a court or not, but they have the power to interpret provisions in a way that makes the most sense.

**Ms. Françoise Boivin:** How long has that section been written that way?

**Ms. Claudette Rondeau:** How long? I would have to look it up.  
[*Translation*]

**Ms. Julie Ladouceur:** The historical note, that is, the note on the margin beside the amendment, indicates that the last change was made in 1996. That was then in 1996 or earlier.

**Ms. Françoise Boivin:** I commend the person who noticed it.  
[*English*]

**The Chair:** We're off to Part 2, terminology.

We're basically replacing Newfoundland with Newfoundland and Labrador. Does anybody have a problem with that?

Part 3 covers the coordinating amendments.

Are there any questions on clauses 175, 176, 177?

**Ms. Françoise Boivin:** I'll conclude on this one because I had two questions. Is Bill C-31 in this actual legislation?  
[*Translation*]

We arrived in 2011, if I'm not mistaken. Here we are talking about the 2nd session of the 41st Parliament—

**Ms. Julie Ladouceur:** This is about a bill tabled last winter, an act to implement certain provisions of the budget.

**Ms. Françoise Boivin:** Okay.

Perhaps you can explain it to me then. I don't think we saw Bill C-31. This reads as follows: "Clauses 175 to 177 of these Proposals contain coordinating amendments whose purpose is to reconcile the effects of two amendments relating to the same provision."

This affects us, and, furthermore, I would like us to appear competent as legislators. When it comes to those who came before us, that's obviously another story.

**Ms. Claudette Rondeau:** When Bill C-31 was introduced, it had the effect of changing the provision that we are changing now. Unfortunately, no one noticed this error. However, the coordinating amendment ensures that the error will be corrected. If the amendment in Bill C-31 comes into force first, the coordinating amendment will effectively correct the error. You cannot undo—

• (1725)

**Ms. Françoise Boivin:** What you are saying is that it has not been passed yet. In that case, why is the change not being made to the bill? Why is it necessary to go through us and our procedures?

**Ms. Claudette Rondeau:** Okay, I see.

**Ms. Julie Ladouceur:** Since Bill C-31 received royal assent, it can no longer be amended through a motion or any other such process.

Bill C-31 amended the same provision, making ??a change, and we are making another change. When royal assent is granted and enters into force, this provision of Bill C-31, which is now, I believe, chapter 20 of the Statutes of Canada, 2014, will amend the earlier provision. But when the time comes for us to intervene, we will not have the amendment made to Bill C-31.

In other words, when we do intervene, we will undo what Bill C-31 has done. What we are trying to do with clause 177 is to tell those people that they have already made a change and that we have made another one. To ensure that there is no conflict, they are being asked to do what is indicated here, that is, to combine these two changes, once both of these provisions come into force. That is all this means.

**Ms. Françoise Boivin:** I would like to have a more complete understanding of the situation.

What precisely is the error?

**Ms. Julie Ladouceur:** It is the name of the organization.

**Ms. Claudette Rondeau:** Yes, that says—

**Ms. Julie Ladouceur:** Our clause 96 amends the Financial Administration Act. This provision deals with the French-language name of the Canada Mortgage and Housing Corporation, or Société canadienne d'hypothèques et de logement.

**Ms. Claudette Rondeau:** The error was in the name.

[*English*]

**The Chair:** Do you have it or do you want to just provide it to us in writing?

**Ms. Claudette Rondeau:** No, we have it. The correct name in French of the corporation is "Loi sur la Corporation commerciale canadienne". The way it was written in error was "Loi sur la Corporation canadienne commerciale".

[*Translation*]

**Ms. Julie Ladouceur:** The "Loi sur la Corporation commerciale canadienne" was written in error as the "Loi sur la Corporation canadienne commerciale". The error was just that the terms "canadienne" and "commerciale" had been transposed.

**Ms. Françoise Boivin:** Alright. That was just a small detail.

[*English*]

**The Chair:** All right. That is the end of the clauses in all three parts. We have about a minute left, so here's my suggestion.

We are getting feedback from the Senate, the same report. We've had some questions here today that you've generously offered to respond to.

We will be hearing from the minister on Thursday. We will be starting the discussion and the review of the Victims Bill of Rights. I'll have a suggestion when we come on Thursday and after we hear from the minister about witnesses and number of meetings.

Here is a suggestion based on what we've received thus far. The next section after the break week will give us six meetings, and based on the number of witnesses provided thus far, that should be plenty of time to deal with that particular item.

We will spend maybe all six meetings on that particular item, and then when we get back, after that next break, the November 11 break, my suggestion is that it may be time for us to take that very first meeting to bring this back to the table. We will have answers by then. We will be able to deal with what stays and what goes so we can move this on and they can do their work.

That is my suggestion at this point. Are there any questions?

Yes, Madame Boivin.

**Ms. Françoise Boivin:** How many witnesses do we have to date?

**The Chair:** To date? Fourteen. There's a lot of overlap.

**Ms. Françoise Boivin:** Overlap? I thought I had 16, but that's all right.

**The Chair:** Well, okay, 16. Maybe I miscounted by two but you have overlap with our Liberal friends.

We're waiting on some more from the Conservative side. So my guess at this point—and we're going to wait and see—is we may be able to do panels of four or five, and be done in four or five meetings.

**Ms. Françoise Boivin:** For two hours.

**The Chair:** Yes. Four to five meetings, and then maybe a meeting or two for clause-by-clause.

I'll have a better plan for you come the time.

● (1730)

**Ms. Françoise Boivin:** But you're flexible if we see that—

**The Chair:** I am very flexible.

**Ms. Françoise Boivin:** I don't want to see myself saying “We're not hearing you” to a group we might not have thought of who contacts either side.

**The Chair:** My suggestion is that if you have any other ideas before Thursday, it would be great. Then as we are doing the study, if there is a need to hear from other people, there will be a committee decision about that.

**Ms. Françoise Boivin:** Excellent.

**An hon. member:** When we will get a new chair?

**The Chair:** The next chair will be set when the NDP concurs in the item. Otherwise, you're stuck with me.

This meeting is adjourned.

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