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# **Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs**

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**EVIDENCE**

**Thursday, October 24, 2013**

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**Chair**

**Mr. Dave MacKenzie**



## Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs

Thursday, October 24, 2013

• (1130)

[English]

**The Chair (Mr. Dave MacKenzie (Oxford, CPC)):** I'd like to call to order the meeting of the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs.

We are half an hour behind time to start with, but I don't think we have a great deal on our schedule.

Just for the benefit of new members, and maybe everybody is new, we do not debate the merit of these bills but only the votability. The analyst will give us his opinion on the votability. You don't have to accept his opinion, but for the most part we're probably in good hands to do that, so without further ado, we'll proceed.

**Mr. Michel Bédard (Committee Researcher):** Thank you, sir.

**The Chair:** There is one other thing. Typically we have not voted on these in the committee. We do things by consensus, so they move fairly quickly.

**Mr. Michel Bédard:** Thank you, sir.

I will go through the chart which I believe was distributed earlier this week. There were two items that were discharged from the order paper and no longer appear on the list that was distributed. I will identify them when we get to them.

The first bill is Bill C-481. This bill would amend the Federal Sustainable Development Act to require the Minister of Justice to examine bills and propose regulations to ensure they are consistent with the Federal Sustainable Development Act.

This bill does not concern questions outside federal jurisdiction. It is not clearly against the Constitution. It is not substantially similar to another private member's bill already voted on in the current session or already on the order paper, and it is not similar to a government bill already on the order paper.

**The Chair:** Are there any questions?

Thank you.

**Mr. Michel Bédard:** Next is Bill C-525, which would amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, and the Public Service Labour Relations Act to require that the certification and decertification of the bargaining unit be achieved by secret ballot.

This bill does not concern questions outside federal jurisdiction. It does not appear to clearly violate the Constitution. It is not substantially similar to another private member's bill already on the order paper, and it is not similar to a government bill currently on the order paper.

**The Chair:** Are there any questions?

**Mr. Frank Valeriote (Guelph, Lib.):** Just to be clear, when you say the Constitution, do you mean the Canadian Charter of Rights and Freedoms as well?

**Mr. Michel Bédard:** I mean that as well. It is including that. The actual criteria that I—

**Mr. Frank Valeriote:** I thought about that when I was reading this.

**Mr. Michel Bédard:** Number two under the criteria reads as follows:

Bills and motions must not clearly violate the Constitution Acts, 1867 to 1982, including the Canadian Charter of Rights and Freedoms.

That includes all of the written Constitution.

**The Chair:** Thank you.

**Mr. Michel Bédard:** The next item, Bill C-501, would designate the third Saturday of September of each year as National Hunting, Trapping and Fishing Heritage Day.

This bill does not concern questions outside federal jurisdiction. It does not clearly violate the Constitution. There is no other private member's bill similar to it on the order paper, and there is no other government bill similar to it on the order paper.

**The Chair:** Are there any questions? Is everyone happy?

Thank you.

**Mr. Michel Bédard:** Bill C-201 would amend the Income Tax Act to provide for a new deduction for travel and accommodation expenses for employees who are employed at a construction site in order to keep their job.

This bill does not concern questions outside federal jurisdiction. It does not appear to clearly violate the Constitution. There is no other private member's bill similar to it on the order paper, and there is no government bill similar to it on the order paper.

**The Chair:** Is everyone satisfied with that?

Thank you.

**Mr. Michel Bédard:** The next bill is Bill C-518, which would amend the Members of Parliament Retiring Allowances Act to provide for the payment of a withdrawal allowance in lieu of their retiring allowance or compensation allowance in certain circumstances, such as when the member is convicted of a punishable offence which was prosecuted by indictment.

This bill does not concern questions outside of federal jurisdiction. It does not appear to clearly violate the Constitution. There is no similar private member's bill on the order paper, and there is no government bill similar to it on the order paper.

• (1135)

**The Chair:** Yes.

**Mr. Frank Valeriote:** Just for clarification, I understood that matters that might require the expenditure of money require royal recommendation. Again, I'm new to the committee and I have to ask this question. I would have expected that anything that has to do with expenditure of money might be tagged at this committee and alerted, and then we would say, "Sorry".

I know there are criteria. I've read the criteria. I'm just curious. At what point then would it be reviewed to determine that it's compliant with what I've just said?

**The Chair:** We'll let the analyst give you that.

**Mr. Michel Bédard:** If you look at the Constitution Act, 1867, sections 53 and 54, there is some prohibition with respect to money bills and taxation bills. For these bills to be introduced first in the House of Commons, these bills would then require royal recommendation. If you look at Standing Order 79, you will find this requirement respecting royal recommendation.

On a private member's bill, private members are not prohibited from introducing such bills. It's just that during the process, bills that require the spending of money will need royal recommendation.

It is very rare that such bills receive royal recommendation, but it could happen. It's just that the Speaker won't put the question at third reading.

**Mr. Frank Valeriote:** Does that process follow this one?

**Mr. Michel Bédard:** Yes. It's up to the Speaker.

**The Chair:** We usually deal with the votability; the Speaker will make the next ruling.

**Mr. Michel Bédard:** That's right. When there is a point of order raised, the Speaker rules and that's how this mechanism is triggered.

**The Chair:** Is everybody satisfied?

Thank you.

**Mr. Michel Bédard:** The next item is Bill C-513. This bill would enact the retirement income bill of rights. It's a very long bill and I won't get into the details of it, but for example, it requires the Minister of Justice to examine proposed bills and proposed regulations to make sure they are consistent with some principles.

This bill does not concern questions outside of federal jurisdiction. It does not clearly violate the Constitution. It is not similar to another bill already on the order paper, and it's not similar to another government bill currently on the order paper.

**The Chair:** That is votable?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

**Mr. Michel Bédard:** The next item is Motion M-448. It calls upon the government to commit to honouring the Afghan veterans through a permanent memorial on a new site in the national capital region. It's a motion, not a bill.

It does not concern questions outside of federal jurisdiction. It does not appear to clearly violate the Constitution. There is no similar motion currently on the order paper, and there is no similar motion from the government on the order paper.

**The Chair:** Are you satisfied that it's votable?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

**Mr. Michel Bédard:** I don't know if you're using the chart or the list, but Bill C-517 was discharged yesterday, so the next item is Bill C-523.

This bill would enact the mandatory disclosure of drug shortages act, so the manufacturer or importer of drugs would have to disclose any shortage in the future.

This bill does not concern questions outside of federal jurisdiction. It does not appear to be against the Constitution. There is no similar private member's bill on the order paper, and there is no similar government bill on the order paper.

**The Chair:** Is everyone satisfied that it's votable?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

**Mr. Michel Bédard:** The next item, Bill C-511, was also discharged.

• (1140)

[*Translation*]

The next item is motion M-441.

Motion M-441 asks that the government examine the Vessel Operation Restriction Regulations. These are federal regulations.

The motion does not deal with issues that are outside federal jurisdiction, does not clearly breach the Constitution, does not bear on issues already raised in a private member's motion, and does not deal with matters already brought forward in a government motion.

[*English*]

**The Chair:** Is everybody satisfied?

Thank you.

[Translation]

**Mr. Michel Bédard:** The next bill is Bill C-526, Cracking Down on Organized Crime and Terrorism Act. It would amend sentencing in the Criminal Code. It would make amendments to Criminal Code provisions on sentencing.

The bill does not bear on issues that are not matters of federal jurisdiction, and does not on the face of it breach the Constitution. It is not similar to any private member's bill on the order paper and is not similar to any government bill on the order paper.

[English]

**The Chair:** Is everyone satisfied?

[Translation]

**Mr. Michel Bédard:** The next bill is Bill C-504, An Act to amend the Canada Labour Code (volunteer firefighters). It would amend the Canada Labour Code so as to prohibit reprisals against volunteer firefighters who have to leave their workplace. This would of course apply to workplaces under federal jurisdiction. The bill does not bear on matters that are not of federal jurisdiction, does not clearly breach the Canadian Constitution, and no similar private member's bill is presently on the order paper. Moreover, no comparable government bill is currently on the order paper.

[English]

**The Chair:** Thank you.

[Translation]

**Mr. Michel Bédard:** The next bill, Bill C-520, An Act Supporting Non-Partisan Agents of Parliament, would require that agents of Parliament and their employees make certain declarations during the hiring process and while they work for Parliament. The bill may be too broad because all of the employees would be obliged to make declarations no matter what their position. The criterion is to determine whether this clearly breaches the Constitution.

We are at the beginning of the legislative process. The committee entrusted with studying this bill could eventually examine that. The bill involves matters of federal jurisdiction, does not seem to clearly breach the Constitution, and there is no similar private member's bill currently on the order paper. Moreover, there is no comparable government bill currently on the order paper.

[English]

**The Chair:** I think what he's saying is that the merits of the bill will be debated in committee.

Is everyone satisfied?

The next one is most important.

**Mr. Michel Bédard:** It's very important indeed, sir.

**The Chair:** It is because you're going to vote on it.

**Mr. Michel Bédard:** It doesn't meet any of the criteria.

[Translation]

These are proposed amendments to the Corrections and Conditional Release Act, aimed at restricting the power of institutional heads to authorize accompanied temporary absences for offenders convicted of first or second degree murder.

[English]

It would no longer be the director but the board that would be authorized to give that permission.

This bill does not concern questions outside of federal jurisdiction. It does not appear to clearly violate the constitution. There is no similar bill currently on the order paper on this subject, and there is no government bill currently on the order paper on this subject.

**The Chair:** It's votable.

Thank you. That ends our discussion on these bills.

Now I need two motions adopted. The first is "That the subcommittee present a report listing the items which it has determined should not be designated non-votable and recommending that they be considered by the House."

(Motion agreed to)

**The Chair:** The next one is, "That the chair report the subcommittee findings to the Standing Committee on Procedure and House Affairs as soon as possible."

(Motion agreed to)

**The Chair:** The chair of the PROC committee is sitting here so I guess we have almost reported it.

Thank you.

The meeting is adjourned.





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