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Chair

Mr. Dave MacKenzie

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

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• (1100)

[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): I call the meeting to order. This is meeting number three of the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs, and in accordance with the orders of the day, the determination of non-votable items pursuant to Standing Order 91.1(1).

We will begin with item one.

Mr. Alexandre Lavoie (Committee Researcher): Thank you.

The first is Bill C-586. This bill would amend the Canada Elections Act and the Parliament of Canada Act to regulate nomination contests in electoral districts and provide for the expulsion and the readmission of a caucus member and their election and removal of a caucus chair.

The bill does not concern questions outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is essentially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper as a government business item.

The Chair: Satisfied?

Some hon. members: Agreed.

The Chair: The consensus is that we move on.

Mr. Alexandre Lavoie: Motion M-496, respecting the comprehensive economic and trade agreement between Canada and the European Union calls on the government to reveal details related to the compensation to be paid to dairy producers and the cheese industry, provide for a longer implementation period for the agreement, put an end to the circumvention of tariff quotas and the misclassification of products at the border, impose the same production and processing requirements on domestic and imported products, and provide support for commercialization.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper.

Mr. Frank Valeriote (Guelph, Lib.): Good.

The consensus is that it's acceptable.

Mr. Alexandre Lavoie: Bill C-579 requires the Minister of Health, in consultation with the provincial minister responsible for health and representatives of municipalities, to establish a national strategy to reduce the effects of urban heat islands and table a report to Parliament on the implementation of this strategy.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons in the current session of Parliament. It does not concern a question that is currently on the order paper or notice paper.

The Chair: Okay. It looks as if it's acceptable.

Mr. Alexandre Lavoie: Bill C-587 amends the Criminal Code so that a person convicted of the abduction, sexual assault and murder of the same victim in respect of the same event or series of events is not eligible for parole until serving a sentence of between 25 and 40 years.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

• (1105)

The Chair: Mr. Valeriote.

Mr. Frank Valeriote: There have been a couple of successful challenges before the courts on minimum sentences. I'm not suggesting at all that there shouldn't be this kind of sentence in association with abduction, sexual assault, and murder—it's pretty abhorrent—but notwithstanding, when you are assessing its constitutionality, can you tell me what it is you do? Do you just rely on your own review of the bill? Is there not a process the government has to go through where its legal department attempts to determine whether, in fact, it is judgment proof?

Mr. Alexandre Lavoie: Since it's a private member's bill, it's only the library that does the analysis. I consult my colleagues, but the government is not involved. If it were a government bill, then the Department of Justice would have to review the constitutionality before.

Mr. Frank Valeriote: So for a private member's bill, you don't?

Mr. Alexandre Lavoie: I do that with my colleagues. What my colleagues who are specialists in criminal law tell me is that generally, minimum sentences have been accepted by the Supreme Court. In some particular cases, it's a case-by-case analysis which the Supreme Court does, and some have been rejected. But, in general, the court will accept these as a general principle, unless it's against the charter. That's why I considered that one as not clearly unconstitutional against the charter.

The Chair: Mr. Toone.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Yes, although I suspect that the law itself might not be challenged, certainly when it gets to sentencing, I would fully expect that there's going to be a court challenge if and when this bill is adopted. It's a terrible waste of resources, time, and suffering for the persons involved.

But we're talking about the four criteria at this committee. Under the four criteria of this committee, this bill passes muster. I'll be voting in favour of... I'll be voting against not—

The Chair: But in favour of moving it.

Voices: Oh, oh!

Mr. Philip Toone: However it works, whatever the wording is... I forget.

The Chair: That's fine. Thank you.

Mr. Frank Valeriote: So we're all in favour of it?

The Chair: For our consensus, yes.

A voice: Or against...

Mr. Alexandre Lavoie: Next, Bill C-585 amends the Federal-Provincial Fiscal Arrangements Act so that, to receive the Canada social transfer, a province must not impose a minimum period of residence on victims of human trafficking who receive temporary resident permits and certain other protected persons in order to receive social assistance.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

The Chair: I had previously asked the legal people whether or not it gets us into federal-provincial jurisdiction.

Mr. Alexandre Lavoie: Well, it concerns transfer payments, so the federal government has the right to spend some money and impose a condition to receive that money. That's the case with the Federal-Provincial Fiscal Arrangements Act. What the bill basically does is it amends that act that's already on the books.

Mr. Frank Valeriote: We're not asked to opine on the appropriateness of it or—

The Chair: No.

Mr. Frank Valeriote: —anything like that, or even on doing it without consulting the provinces. It's up to the feds to determine whether they feel like it or not, but they do have a right to amend their own legislation.

The Chair: I was just looking at whether it was outside of federal jurisdiction to impose that.

Mr. Frank Valeriote: Yes, I don't think it is. I think we're good.

The Chair: Right.

Mr. Alexandre Lavoie: Since it's a condition to the spending of money, it's not outside the federal jurisdiction.

• (1110)

The Chair: Okay.

Mr. Alexandre Lavoie: Next, Bill C-584 creates the office of the ombudsman and gives it responsibility for developing guidelines on the best practices for extractive activities of Canadian corporations in developing countries, requires these corporations to report their extractive activities to the office of the ombudsman, and requires the ombudsman to table an annual report on this act before each House of Parliament.

Certain provisions of the bill may concern questions that are outside federal jurisdiction, as they seek to apply to provincially incorporated corporations. However, this could be addressed, if needed, during the committee study of the bill without changing the object of the bill. For that reason, it's not clearly outside federal jurisdiction.

The bill does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as ones already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

Mr. Philip Toone: Just for clarification, when these bills are drafted, presumably the individual members of Parliament are receiving guidance from House legal counsel.

Mr. Alexandre Lavoie: They may.

Ms. Dara Lithwick (Analyst, Library of Parliament): On drafting, but not necessarily on subject matter expertise. They generally come to the library on the greater international or other concerns....

Mr. Philip Toone: When they table this, they can accept or reject the recommendations of House legal counsel, and essentially that's what this committee is for. It's a kind of final filter before it goes back to the House.

Mr. Alexandre Lavoie: That's right.

Mr. Philip Toone: Okay. I just wanted clarification on the process.

The Chair: This committee doesn't look at anything, in my understanding, about whether or not these items would require a royal recommendation to spend money or....

Mr. Alexandre Lavoie: No, that is dealt with by the Speaker.

The Chair: Yes.

Mr. Alexandre Lavoie: Next, Bill C-590 amends the Criminal Code to establish more severe penalties for an offender operating a motor vehicle with a blood alcohol content greater than 160 milligrams of alcohol per 100 millilitres of blood and imposes minimum penalties on offenders convicted for impaired driving causing bodily harm or death.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

The Chair: Thank you.

Mr. Alexandre Lavoie: Bill C-583 amends the Criminal Code so that fetal alcohol spectrum disorder is considered as a mitigating factor in sentencing an accused suffering from this disorder.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

The Chair: Thank you.

Mr. Alexandre Lavoie: Motion M-504 instructs the Standing Committee on the Status of Women to undertake a study on the best practices in education and social programs in Canada that prevent violence against women and report its findings to the House of Commons within one year of the study's initiation.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

The Chair: Thank you.

Mr. Alexandre Lavoie: Bill C-591 amends the Canada Pension Plan and the Old Age Security Act to prohibit the payment of a pension benefit or allowance to an individual who has been convicted of first or second degree murder of the contributor or pensioner.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

•(1115)

The Chair: Okay.

Mr. Frank Valeriote: Sorry. I may be out of order. I don't have a lot of sympathy for people who are convicted of certain crimes, but would there not be a constitutional challenge to this? It's like saying, "Sorry, Frank, you've been convicted of something so your RRSP is gone. It's all gone. We're taking it all away from you." I would be challenging this constitutionally. I can't imagine that you haven't looked at that issue.

Ms. Dara Lithwick: It would be subject to a charter challenge for some element of discrimination or something like that.

Mr. Frank Valeriote: They have paid into it.

Ms. Dara Lithwick: Exactly, and saying, "If I've paid into something, what right is there based on my status that I should not get it back", or something like that.

Mr. Frank Valeriote: And their families rely on it. I would be a family member who would challenge it: so my husband or my wife did something wrong and I'm now disqualified from having access to the money that he might owe me through spousal or child support?

There are so many constitutional angles here. I'm sorry, I don't get this one.

The Chair: With all due respect, I think the intent of the bill is if you murder your wife, then you don't get the pension benefits.

Ms. Dara Lithwick: I think the challenge might be again what the basic parameters are here versus what would happen in the House on debate or if the bill became law, that here, while it seems like there would be constitutional issues, could it be made constitutional, could it be deemed as being justified in some way if it's more clearly delineated, or something like that, the standard, it seems here at this stage, is that it has to be such a clear violation of jurisdiction, so clearly, say, for example, within provincial jurisdiction or so clearly on its face—

Mr. Frank Valeriote: A violation of the charter.

Ms. Dara Lithwick: —a violation of the charter, saying all people with certain hair colour aren't allowed to do this for instance, that you wouldn't even have to ask anybody and that there could definitely not be any way to save it, so to speak. Is that the—

Mr. Alexandre Lavoie: Yes. But the committee may feel that... Clearly the criteria are not always easy to determine, but the committee can decide otherwise if—

The Chair: I think if you look at the bill, it's not entitled to receive the survivor's benefit. If you kill somebody you don't get the benefit as a survivor.

Mr. Frank Valeriote: Oh, I see, it's the person you killed.

Mr. Brad Butt (Mississauga—Streetsville, CPC): You kill your wife, you can't have her pension. That's what this would prohibit, I assume. If you kill your wife, you don't get the survivor benefits, CPP or whatever.

The Chair: Or vice-versa. If she kills you, she's not going to get it.

Mr. Brad Butt: You've been talking to my wife.

Voices: Oh, oh!

The Chair: Okay, thank you.

Motion M-497.

Mr. Alexandre Lavoie: Motion M-497 calls on the government to implement an energy efficiency program to combat climate change, lower the energy bills of Canadians, create jobs, and stimulate the economy.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as ones already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper as an item of government business.

The Chair: Okay, thank you.

Mr. Frank Valeriote: I should recuse myself on this next one, officially.

The Chair: Sure, I think that's appropriate.

Mr. Alexandre Lavoie: Bill C-247 requires the Minister of Human Resources and Skills Development to establish Service Canada as the single point of contact for federal government for all matters relating to the death of a Canadian citizen or a Canadian resident.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

• (1120)

The Chair: Mr. Toone, go ahead.

Mr. Philip Toone: I will let it go.

Mr. Alexandre Lavoie: Bill C-574 amends the Department of Public Works and Government Services Act to give preference to the use of wood in federal bids.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on. It does not concern a question that is currently on the order paper or notice paper.

Mr. Frank Valeriote: Did we not have several—three, four, five—some time ago, on something almost identical if not identical to this? Or was it cement?

The Chair: I think it was in a previous Parliament.

Ms. Dara Lithwick: One element at a time. One building material at a time.

Mr. Frank Valeriote: It was in a previous Parliament?

The Clerk of the Committee (Mr. Jacques Maziade): I think it was.

Mr. Alexandre Lavoie: I didn't look further back.

Mr. Frank Valeriote: Oh, it has to be this Parliament?

The Clerk: Right, this session.

The Chair: This session of Parliament. But you are astute; it was, and was defeated once before.

Mr. Alexandre Lavoie: Motion M-502 calls on the government to consider the advisability of measures to deepen and straighten the vessel navigation channel between Georgian Bay and the Trent-Severn Waterway, at Port Severn.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

The Chair: Thank you.

Mr. Alexandre Lavoie: Bill C-592 replaces provisions in the Criminal Code dealing with cruelty to animals with broader ones.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Act. It does not concern a question that is substantially the same as one already voted on by the House of Commons. It does not concern a question that is currently on the order paper or notice paper.

The Chair: Thank you.

We need a motion that the subcommittee present a report listing those items which it determined should not be designated non-votable and recommending that they be considered by the House.

Mr. Philip Toone: You haven't had a chance to do this yet.

Mr. Frank Valeriote: Will I violate the fact that I recused myself?

The Chair: No, you're just doing the order.

Mr. Frank Valeriote: Okay, fine.

I so move.

(Motion agreed to)

The Chair: The second motion is that the Chair report the subcommittee's findings to the Standing Committee on Procedure and House Affairs as soon as possible.

Mr. Philip Toone: I so move.

(Motion agreed to)

The Chair: Thank you.

The meeting is adjourned.

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