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Chair

Mrs. Joy Smith

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•(1100)

[English]

The Chair (Mrs. Joy Smith (Kildonan—St. Paul, CPC)): Good morning, everyone. Welcome to the health committee.

Today on our agenda we have the clause-by-clause consideration of Bill C-36, so we'll get right on that. I think there has been a lot of discussion among all parties, and I think we're going to be able to move through it quickly due to all the meetings that have taken place prior to our committee meeting today.

Pursuant to the order of reference of Thursday, October 7, 2010, we are considering Bill C-36, an act respecting the safety of consumer products.

We have as our witnesses, from Health Canada, Athana Mentzelopoulos, director general, consumer product safety directorate; Robert Ianiro, director, consumer product safety directorate; and Diane Labelle, general counsel of the legal services unit. They're here today to answer any questions we might have.

We will start clause-by-clause consideration. Pursuant to Standing Order 75(1), consideration of the preamble and clause 1 is postponed, and we will start with clause 2. Everybody is very familiar with this bill, and there are no amendments until clause 15, so I'm asking the committee, shall clauses 2 to 14 inclusive carry?

(Clauses 2 to 14 inclusive agreed to)

The Chair: Thank you. We will now go to clause 15.

Dr. Carrie.

(On clause 15—*Personal information*)

Mr. Colin Carrie (Oshawa, CPC): Thank you very much, Madam Chair.

We had some discussion last time around about clause 15, and we want to make it clear that the government is serious about protecting the privacy of individuals as well as the health and safety of Canadians. As we discussed last time, the release of personal information under Bill C-36 would be very rare and would be limited to a person or a government whose responsibilities are to protect human health and safety. We do have a letter from the Office of the Privacy Commissioner, which was tabled here. They're comfortable with the regime. We have also heard from the Department of Justice officials that the Privacy Act would continue to apply along with clause 15 of Bill C-36.

In an effort to alleviate any remaining concerns opposition members may have with the provision to disclose personal

information in Bill C-36, we are proposing that clause 15 be amended to clarify that clause 15 of Bill C-36 does not affect the provisions of the Privacy Act.

So I'd like to introduce the amendment, Madam Chair. I'd like to propose that Bill C-36 in clause 15 be amended by replacing line 12 on page 9 with the following:

15.(1) The Minister may disclose personal

and then add, after line 19 on page 9 the following:

(2) For greater certainty, nothing in this section affects the provisions of the Privacy Act.

That is the amendment.

(Amendment agreed to)

(Clause 15 as amended agreed to)

(Clauses 16 to 37 inclusive agreed to)

The Chair: Thank you. We'll now go to clause 38.

Dr. Carrie.

(On clause 38—*Proposed regulation to be laid before Parliament*)

Mr. Colin Carrie: Thanks again, Madam Chair.

The series of amendments to clause 38 will avoid the potential confusion created by the suggestion that the minister could simultaneously be a member of both the Commons and the Senate. So the amendments would also address the unique nature of the Senate, where committees are not automatically seized of anything, but act on direction of the Senate chamber as a whole.

So I'd like to introduce the amendment, Madam Chair, and propose that Bill C-36 in clause 38 be amended (a) by replacing in the English version lines 34 and 35 on page 20 with the following:

paragraph 37(1)(a), (b) or (c), the Minister shall cause the proposed regulation to be laid before each House.

That's the first part of the amendment. Then (b), we would be replacing line 37 on page 20 to line 6 on page 21 with the following:

(2) The proposed regulation may

—so here we are changing the word “shall” to “may”—

be referred to an appropriate committee of the Senate, as determined by its rules, which may review the proposed regulation and report its findings to the Senate.

(3) The proposed regulation shall be referred to the Standing Committee on Health of the House of Commons or, if there is not a Standing Committee on Health, the appropriate committee of the House of Commons, as determined by its rules, which may review the proposed regulation and report its findings to the House of Commons.

And then (c), we propose replacing in the English version line 10 on page 21 with the following:

tion is laid before both Houses of Parliament,

So we would be add “both Houses of Parliament”.

And (d), we propose replacing in the English version line 12 on page 21 with the following:

regulation is laid before both Houses of Parliament, and

and then (e), replacing line 20 on page 21 with the following:

Minister shall cause to be laid before that House a statement

and (f), replacing line 23 on page 21 with the following:

before both Houses of Parliament need not again be so laid prior

Then (g), we propose adding after line 25 on page 21 the following:

(7) For the purposes of subsection (4), “sitting day” means a day on which either House of Parliament sits.

• (1105)

The Chair: Thank you, Dr. Carrie.

That is amendment G-2.

(Amendment agreed to)

(Clause 38 as amended agreed to)

(On clause 39—*Exceptions*)

The Chair: Clause 39, Dr. Carrie.

Mr. Colin Carrie: Thank you very much, Madam Chair.

The provisions in subclause 39(2) provide flexibility for the minister to make regulations without laying them before either house of Parliament. This recognizes that there will be regulations of an insubstantial nature and that there will be regulations made quickly to address threats to human health and safety. The government proposes to provide additional flexibility for the requirement to report by setting a time period of 30 sitting days of the House.

The subclause would be amended to address the confusion created by words that currently suggest that a minister can be a simultaneous member of both the Commons and the Senate.

So I'd like to propose, Madam Chair, that Bill C-36 in clause 39 be amended by replacing lines 37 to 39 on page 21 with the following:

before both Houses of Parliament, the Minister shall cause a statement of his or her reasons to be laid before each House of Parliament within the first 30 days on which that House is sitting after the regulation is made.

• (1110)

The Chair: Thank you, Dr. Carrie.

(Amendment agreed to)

(Clause 39 as amended agreed to)

(Clauses 40 to 55 inclusive agreed to)

(On clause 56—*Review — with respect to facts*)

The Chair: Clause 56, Dr. Carrie.

Mr. Colin Carrie: Thank you very much, Madam Chair.

This is of a more technical nature. I'm going to be proposing an amendment to clause 60 to address some lingering concerns of opposition senators about the clarity of the clause.

If we make the amendment at clause 60 we will have to make a consequential amendment to the French text at clause 56. So Madam Chair, I'd like to propose that Bill C-36 in clause 56 be amended by replacing in the French version lines 13 and 14 on page 29 with the following:

[*Translation*]

le ministre détermine si le contrevenant est responsable. S'il conclut que le contrevenant

[*English*]

The Chair: Thank you, Dr. Carrie.

Very well, Monsieur Dufour, I guess we should applaud his French.

[*Translation*]

Mr. Colin Carrie: Thank you very much.

[*English*]

The Chair: Well done.

(Amendment agreed to)

(Clause 56 as amended agreed to)

(Clauses 57 to 59 inclusive agreed to)

(On clause 60—*Burden of proof*)

The Chair: Clause 60, Dr. Carrie.

Mr. Colin Carrie: It is my understanding that the Senate has continued to have concerns with how clause 60 was drafted. In an effort to clarify any remaining concerns that the senators might have with this important health and safety bill, I would like to propose that clause 60 be amended to clarify the provision.

Madam Chair, I'd like to propose that Bill C-36 in clause 60 be amended by replacing lines 37 to 38 on page 31 with the following:

she must determine, on a balance of probabilities, whether the person named in the notice of violation

The Chair: Thank you, Dr. Carrie.

(Amendment agreed to)

(Clause 60 as amended agreed to)

(Clauses 61 to 76 inclusive agreed to)

The Chair: Shall schedule 1 carry?

Some hon. members: Agreed.

The Chair: Shall schedule 2 carry?

Some hon. members: Agreed.

The Chair: Shall the preamble carry?

Some hon. members: Agreed.

The Chair: Shall clause 1 carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill as amended to the House as soon as possible?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

The Chair: Thank you.

Well, ladies and gentlemen, you are to be congratulated. We have Bill C-36.

Some hon. members: Hear, Hear!

The Chair: I have to say that you are free to go.

The meeting is adjourned.

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