



House of Commons  
CANADA

# **Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities**

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HUMA • NUMBER 042 • 3rd SESSION • 40th PARLIAMENT

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**EVIDENCE**

**Tuesday, February 8, 2011**

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**Chair**

**Ms. Candice Hoeppner**



## Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Tuesday, February 8, 2011

• (1105)

[English]

**The Chair (Ms. Candice Hooppner (Portage—Lisgar, CPC)):** Good morning, everyone. We will call our meeting to order, meeting number 42 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

Before we begin the orders of the day, let me say that last week I was so anxious to get down to business that I failed to introduce our new clerk. I'd like to introduce Travis Ladouceur. Travis is the new clerk assigned to our committee. I think he did a fantastic job last week when he had a sort of baptism by fire, and he and the rest of the analysts did a fantastic job.

Welcome. We're very glad to have you here.

The orders of the day are to examine the order of the House recommitting Bill C-304, An Act to ensure secure, adequate, accessible and affordable housing for Canadians. We have been directed to deal with just two specific clauses in that bill.

Everyone has the bill in front of them. We will begin by dealing with clause 3.

(On clause 3—*National Housing Strategy to be established*)

**The Chair:** Shall clause 3 carry?

All in favour....

**A voice:** [Inaudible—Editor]

**The Chair:** Sorry?

Are we ready?

All right. Let me just give you a moment to get all your paperwork in front of you.

There's no amendment right now on clause 3. We're just voting on clause 3 as is.

The clause is on the table.

Is there any discussion?

There is no discussion.

Then I will once again call the vote.

All in favour of clause 3 passing, please signify.

All opposed, please signify.

Clause 3 carries.

We now have an amendment, an inclusion, which would introduce a new clause 3.1....

Yes?

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** What's the number in the vote count? I thought we were in a tie.

**The Chair:** I count six and five.

**A voice:** [Inaudible—Editor]

**The Chair:** Oh, I see.

Unfortunately, because you were subbing in at that point for Mr. Savage, your vote didn't count.

I understand, though, that you, Ms. Findlay, were wondering if you could have—

**A voice:** [Inaudible—Editor]

**The Chair:** No, the vote was completed, but we....

**A voice:** [Inaudible—Editor]

• (1110)

**Ms. Martha Hall Findlay (Willowdale, Lib.):** I actually didn't.

**The Chair:** She couldn't. So the vote was tied.

**A voice:** [Inaudible—Editor]

**The Chair:** She did, but her vote didn't count.

**Ms. Martha Hall Findlay:** No, I didn't.

**The Chair:** You didn't vote?

**Ms. Martha Hall Findlay:** No. What I would like to know is whether there's unanimous consent to acknowledge that there were three of us sitting, as there would normally be, and that we could actually have that vote count.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** On a point of order, you can't have two...at the same time. There would be no consent.

**Ms. Martha Hall Findlay:** You can have unanimous consent to allow democracy to work.

**The Chair:** We have a point of order here.

Go ahead.

**Mr. Jeff Watson (Essex, CPC):** The point of order is that if the ruling is that the vote didn't count, the vote still needs to be completed, right? The chair does have a say. So we can't entertain a unanimous consent motion at this time to count hers as a vote.

**The Chair:** I see. Well...okay.

**Mr. Jeff Watson:** Yes; that's because we'd be in a vote.

**The Chair:** Right; we're in the middle of a vote.

Okay, it's a tie. I think that's where we are right now. It's a tie, which means that I have to break the tie.

It's tradition and it's normal that the chair votes to continue the status quo, so I will be voting yes.

(Clause 3 agreed to)

**The Chair:** We now move on to proposed new clause 3.1.

Are we ready? We have a motion of amendment to include a clause 3.1.

Mr. Lessard, do you wish to move your amendment?

[Translation]

**Mr. Yves Lessard (Chambly—Borduas, BQ):** I will move the amendment, Madam Chair, and I will explain it.

Clause 3 has been agreed to. Let's remember that the House referred Bill C-304 back to our committee for further study because of an initial amendment that was rightly not accepted, by yourself, I think, Madam Chair. That one had financial implications, but the amendment I am moving has no financial implications. It recognizes jurisdiction. The amendment reads as follows:

Quebec may, as a party to the *International Covenant on Economic, Social and Cultural Rights*, participate in the benefits of this act with respect to its own choices, its own programs and its own approach related to housing on its territory.

That is my amendment. If necessary, I can explain in more detail, if my colleagues so wish.

[English]

**The Chair:** Thank you, Mr. Lessard.

I have some concerns about one of the words in this amendment. I would like our legal analyst just to provide some explanation; she did for me. I think it might answer a few questions.

The Speaker ruled that the previous amendment was out of order because there was an opting-out provision, which was a new concept that exceeded the scope defined in clause 3. Your amendment is "Quebec may", and I would interpret "may" as an option: may or may not. My concern is again that this is providing an option, and it would just be for Quebec, not all provinces.

That's my concern. I'm going to ask our clerk to take a moment to tell the rest of the committee what she has told me about why she feels comfortable with it, because I don't.

**Ms. Lucie Tardif-Carpentier (Procedural Clerk):** This amendment clarifies the participation of the Province of Quebec in this national strategy, which is clearly in line with the motion of instruction that was adopted by the House last November; therefore, in our view, the amendment is procedurally admissible.

**The Chair:** Thank you.

Mr. Martin, you wish to speak, and then Mr. Komarnicki.

• (1115)

**Mr. Tony Martin (Sault Ste. Marie, NDP):** So it is in order, then. Okay.

Just very briefly—

**The Chair:** Mr. Komarnicki, do you have a point of order?

**Mr. Ed Komarnicki:** I have two points of order.

One is that the amendment is out of order and that we'd like a ruling, and we may have to appeal the ruling.

Two, the other aspect of this that gives me grave concern is that the instruction to this committee by the House was that this matter be referred to this committee "for the purpose of reconsidering Clauses 3 and 4, or to add new clauses, with the view of clarifying" not the role of Quebec, but clarifying "the role of provinces,"—in the plural—"specifically Quebec, within the jurisdiction of the Bill."

Any amendment, in my view, would have to clarify the role of the provinces, specifically including Quebec, with respect to the bill itself. It didn't say "province, specifically Quebec", it said "provinces". This amendment has no mention of provinces. It deals only with Quebec.

So for two reasons—number one is that any amendment has to be in line with what has been referred to this committee—I think the Standing Orders and practice and procedure are quite clear, that the committee only has jurisdiction to deal with amendments that are part of the order of reference back to this committee. It gave specific instructions to reconsider this for specific purposes.

So nowhere in the amendment is there an allusion to "provinces". I think for that purpose it's out of order.

Secondly, it is my firm view that "opt out" means you can or cannot do something, or may or may not do something. Rewording this so that you can say Quebec "may" obviously means it may or may not, which is exactly the essence of the opt-out provision.

Thirdly, this is not part of the money consideration at all. If we look at the history of this bill—and I've been present for the history when the previous chair, I think Mr. Dean Allison was here—there were various amendments tried. Various amendments have been tried—I know Ms. Megan Leslie moved an amendment to the clause—essentially to this effect. I can read it specifically, if you like. Also, Monsieur Lessard had previously moved an amendment that was not dissimilar to the amendment that was ruled objectionable.

And there's a principle that you can't do indirectly what you can't do directly. What the committee has been trying to do on at least three occasions now is to do that which is outside the scope of the bill. The scope of the bill is a national housing strategy, and it doesn't allow for people to come in or come out at their whim or their option.

So I think that point of order should be settled on two accounts: one, the word "may"; and two, the specific instruction that made reference to "provinces".

**The Chair:** I'm going to suspend, because I have to tell you, folks, I'm not comfortable with the "may." I'm not comfortable. I need to feel that I agree with this decision.

So I'm just going to suspend. Everyone is on the list. I'll suspend for a couple of minutes, and then I'll resume.

Thank you.

• (1115) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1120)

**The Chair:** I'm ready to resume. Thank you very much.

All right. I'm comfortable that this is in order, Mr. Komarnicki, because if you look at the way it is written, it is that "Quebec may" participate, be a party, "with respect to its own choices, its own programs and its own approach related to housing on its territory". So it's not "may" as in "may opt out"; it's just...I believe that the "may" is in how it would participate in the program with respect to what it already does in the province.

So I'm ruling. I won't have any more discussion on whether it's in order or not, and if you wish to make an amendment, amend some of it—

**Mr. Ed Komarnicki:** I would like a little clarification from you and the lawyers. If the essence is that they participate in the benefits, does that mean that if they participate in the benefit they can't thereafter not participate in the benefit if it doesn't line up with their objectives?

Obviously, it allows them the option to participate or not on an ongoing basis. If we look at it in the first place, we say, well, they may participate—let's assume they do—do they have to continue to participate? I don't think so, according to this, because they may say it doesn't line up with what they're doing and therefore they're not going to participate.

I want some clarification on that. It seems a bit fetched.

**The Chair:** The entire bill says that this is a national program, which means all the provinces participate. But what this is doing—the way I read this—is giving Quebec the option to participate in the benefits with respect to its own choices in its own programs and its approach related to housing on its territory. So it can't opt out, because the first clause, clause 3, says this is a national program. Quebec cannot opt out. But it does have some choice on how it's going to enjoy the benefits of this program with respect....

So I'm ruling it in order. I hope that's enough clarification for you, but we do have quite a few speakers on the list in terms of the bill, so I'm not going to discuss my ruling anymore. My ruling is not debatable.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** There are two points of order, of course, that I raised.

**The Chair:** Both on the admissibility of the bill?

**Mr. Ed Komarnicki:** One was the, if you want to call it, "may in or may out" provisions, which you've ruled on.

The other point of order was with respect to provinces.

**The Chair:** Yes.

Well, I would say because the Speaker's ruling said specifically to Quebec, I'm comfortable with this, but I think if the committee decides to have a friendly amendment, or a not friendly amendment, that would say that all provinces, including Quebec, may enjoy the benefits, that would be up to the committee.

Because of the Speaker's ruling, I'm comfortable that it specifically mentions Quebec.

So that is my ruling. We will now continue. We do have speakers on the list.

Mr. Martin, you are on the list to speak.

• (1125)

**Mr. Tony Martin:** I'm going to turn my time over to Ms. Davies, if you don't mind.

**The Chair:** All right.

**Ms. Libby Davies (Vancouver East, NDP):** Thank you very much, Chairperson.

I'll just speak briefly to it. I thank you for your ruling.

This bill has had a long history, that's for sure. I know Mr. Komarnicki has had issues with the bill. I would say this: if you look at the bill in its overall context, the real drive of this bill is for the federal government to bring together the partners, whether they're provinces, territories, first nations, or municipalities. It's to basically then attempt to devise a plan. There's nothing that is mandatory in that sense.

Even this clause amendment today can be viewed in that context, that this is about bringing the partners together to actually devise a strategy. Then there has to be an agreement whether or not they go ahead with it.

I feel that the bill is very realistic, and this particular amendment deals with the specifics of Quebec. I would also add that you can look at any number of bills or agreements that have taken place, whether it's the social union framework, whether it's the 2004 action plan on health care that dealt with the question of Quebec, or whether it's the national child benefit. There are many examples where there has been an understanding within legislation or agreements about the programs and the jurisdiction of Quebec. So I feel this amendment is no different in that regard.

I think the amendment today is very adequate because it makes it clear that Quebec, as a party to the international covenant, may participate in the benefits and make its own choices, as you've outlined, Madam Chair.

Hopefully we'll vote on this. There's tremendous support for this bill across the country from groups like the YWCA, the Evangelical Fellowship of Canada, the Canadian Medical Association, the Federation of Canadian Municipalities—it's a very substantial list—and they want to see the federal government work with the other partners to devise a strategy. This amendment will help ensure that happens.

**The Chair:** Mr. Komarnicki, you're on the list to speak.

**Mr. Ed Komarnicki:** Am I on the list? No, I was on the list to speak with respect to the points of order. I will want to speak to this one, but not at this time.

**The Chair:** Okay, fine.

Madame Folco.

[Translation]

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Thank you, Madam Chair.

With regard to the amendment, as everyone knows, Quebec has made other requests in the past. It goes back quite a long way. So there is a tradition and a precedent when it comes to the powers of the Government of Quebec and the way it relates to federal government legislation. Clause 3.1 is perfectly in line with the tradition and the precedent, and reflects the Government of Quebec's experience with and requests to the federal government.

Then, if we look at other agreements between the federal government and the Government of Quebec, we see that the only province or territory of Canada that has ever asked for this kind of distinction to be made is Quebec. So it seems to me that Mr. Komarnicki's request concerning the other provinces is irrelevant. It does not seem to me to be respecting the intent of this amendment, far from it.

When lawmakers want to bring other provinces into the discussion, they mention the provinces and territories. Provinces and territories have come up nowhere in this discussion. That seems to me to be another argument supporting the fact that it has always been clear that this is to do with the powers of Quebec, not with all the provinces and territories individually.

[English]

**The Chair:** Thank you.

Mr. Lessard, you were on the list.

● (1130)

[Translation]

**Mr. Yves Lessard:** Thank you, Madam Chair. We have dealt with the technical relevance of the amendment. So I would like to debate the substance now.

Following on from Ms. Falco's comment, I would like us to remember that the housing question is a major one in the overall context of poverty. That being the case, I can only congratulate Ms. Davies for her initiative in bringing this bill forward.

In social housing, Quebec has a distinct strategy for combatting poverty enshrined in its legislation. When the Government of Quebec set up its initial strategy on social housing, the federal government completely withdrew from the funding. That was in the period from 1991 to 2001. So a concern for Quebec is to protect that strategy while recognizing, of course, that there can be a national, Canada-wide strategy. That too is because of the will of the provinces. Each time Canada wants to set up a strategy on any matter at all, the provinces all want to back that strategy, while Quebec has developed one on its own. That has enabled it to set up social programs that are often used for comparison, as a model, for other provinces.

That is why we debate this tooth and nail each time. We want to arrange for Quebec to be able to keep this distinctness. We recognize and accept—as we have just done with the vote we have just held—that the federal government can set up a national strategy. But that must not become an obstacle for Quebec.

[English]

**The Chair:** Mr. Komarnicki.

**Mr. Ed Komarnicki:** Thank you, Madam Chair.

I want to go back to the Speaker's ruling, because I think we are still trying to work outside of the scope of the object of this bill. In the Speaker's ruling with respect to Quebec and the first amendment, here's what he said:

...there are two elements to this new clause. The first is the Government of Quebec's right to opt out of the strategy, and the second relates to the right...[of the] financial compensation if it chooses to do so.

So in that case he was specifically focused on the opt-out provisions, not the financial side of it, because that's what germane to this discussion. He said:

With regard to the first element of the amendment, the members for Joliette and Vancouver East both have given examples of Canada-wide programs and policies of which the province of Quebec is exempted.

Madam Folco was indicating that this is not new, that Quebec has had provisions like that. He said:

The Chair is in no way questioning that such arrangements exist in current programs or could exist in future programs within specific legislative frameworks. However, the Chair has to determine if such an arrangement as defined by the amendment in question goes against the principle or broadens the scope of this bill as adopted by the House at second reading.

He said:

The Chair refers members to clause 3 of the bill which provides elements that should be part of a housing strategy, elements that are, in fact, defining the scope of the bill. The Chair views the nature of those elements as being very different from that proposed by the amendment in question and finds that an opting out provision is a new concept which exceeds the scope as defined in clause 3.

Now, the scope of this bill primarily is quite narrow. Its purpose is to require the minister responsible for the Canada Mortgage and Housing Corporation to consult with the provinces—plural—and territories and to establish a national housing strategy. That's the scope of the bill. It's not wider than that; it's very narrow. Whenever you start making a special provision, like you have for Quebec, that would be outside of this scope. It's beyond the scope. Whether you call it an “opt-out”, an “opt-in”, a “may be” or a “may not”, it goes beyond the scope of the bill.

Then, of course...so when we look at the—

[Translation]

**Mr. Yves Lessard:** A point of order, Madam Chair.

[English]

**The Chair:** Mr. Lessard has a point of order.

[Translation]

**Mr. Yves Lessard:** Madam Chair, you have twice ruled the amendment to be in order. I have just listened to Mr. Komarnicki's argument. Our colleague cannot do indirectly what you have not allowed him to do directly. Here he is again, claiming that the amendment is out of order.

• (1135)

[English]

**The Chair:** Well, I think Mr. Komarnicki was just wrapping up that point, and then he was going to continue with talking about the clause as it was.

**Mr. Ed Komarnicki:** In deference, I was speaking...and your ruling was with respect to the point of order. This is with respect to the amendment itself.

Of course, Madam Folco was referring to the status of Quebec and how they have special arrangements and so on. I'm just saying that the Speaker has indicated that although Quebec may have other arrangements in other cases, in this case, the bill talks about a very narrow point. It's not to allow someone like Quebec to decide on its own to do the various things that are outlined. They could, in some legislation, but we have to remember that this bill has passed second reading and is not at the stage where amendments can be made, because its scope has been defined.

I think the instruction was that we deal with the role of provinces, and that would be not only Quebec. If they were going to move an amendment, if they think it's in order, they should say that all the provinces of Canada, including Quebec, may, as a party to the International Covenant on Economic, Social and Cultural Rights—and I might want to know what that means and gives as a special right—participate in the benefits of this act with respect to its own choices, its own programs, and its own approach related to housing on its territory.

**The Chair:** Are you suggesting a friendly amendment?

**Mr. Ed Komarnicki:** I'm just developing my point with respect to the amendment and saying that for the amendment, if it's going to be proper, I would ask that the proponent of the amendment, in the spirit of what the House ruling was, if he thinks it's within scope—which I say it isn't—include all of the provinces.

If you read that, saying that all of the provinces may participate in the benefits with respect to their own choices...and every province has its own choice, every province has its own programs, and every province has its own approach related to housing in its territory. Why? Because it's a provincial jurisdiction. This is not particularly new. Why would the member not include all of the other provinces with respect to this particular amendment?

What I'm seeing here is a national housing strategy or a desire to have a national housing strategy that's not really national in scope.

I say that the history before this committee is very important. In December of 2009, when Mr. Dean Allison was chair, Megan Leslie moved a motion saying this: "Recognizing the unique nature of the jurisdiction of the Government of Quebec with regard to social housing in Quebec, and despite any other provision of this Act, the Government of Quebec may choose to be exempted from the application of this act. Whether or not the Government of Quebec chooses to do so...."

That amendment was ruled out of order. Immediately after that, Monsieur Lessard moved a motion that said: "The Government of Quebec may choose to be exempted from the application of this Act and may, if it chooses to do so, receive...."

So we have not done very much more here in this amendment. I'm saying that what the parties, the opposition parties, are trying to do here is to do indirectly what they know they can't do directly after the Speaker has ruled definitively and after the matter has been referred here to this committee in a very specific way.

So I'm saying to the member that if he's going to move a motion like this, he would need to include the other provinces. If he fails to do so, it's really an attempt to do indirectly what they can't do directly, and certainly we would be opposing any motion on those grounds alone.

**The Chair:** Are you proposing an amendment, then?

**Mr. Ed Komarnicki:** No.

**The Chair:** All right—

**Mr. Ed Komarnicki:** I'm just saying that if the member who is proposing this wants to be within....

First of all, and I was quite clear...and I disagree, obviously, with the advice you received and your ruling, because I don't think you've appropriately reflected on the idea of the past history of this and that this is really an attempt to do indirectly what can't be done directly.

But having said that, I say that if they're going to try to move this motion, they should at least be fair to all of the other provinces in the country, to give them the same provision. I don't think it's up to me to correct that. It's up to the mover of the motion to try to at least put it within the spirit of a national housing strategy, which this certainly is not.

• (1140)

**The Chair:** Mr. Vellacott, you're next on the list.

**Mr. Maurice Vellacott:** Thank you, Madam Speaker.

In addressing this amendment before us, I do want to remark on the previous history. I think that's in order and it's appropriate to do so.

We did have some rulings, as my colleague rightly pointed out. There was a pretty important one from the chair before. I think that should have stood and remained as it was, without doing indirectly, as my colleague mentioned, what they can't do directly.

I think we're all aware this has been before this committee. This is the third time. This bill has been up before. Some of the members here were on that committee at the time, and others were not. Obviously there was not agreement around the table, and particularly among the opposition parties in the previous two times this was forwarded.

I think it sets a bad precedent. I mean, you can do whatever you want in committees. They're masters, as they say, of their own fate; masters of their own destiny. But I think it sets a bad precedent to keep bringing it back time and again whenever they receive a ruling they don't like.

When a bill comes before a committee, as is the case now, we have the chance to study it, scrutinize it, examine it thoroughly, and to make changes during the clause-by-clause. The chair and the Speaker...has now ruled again. There is something of a contradiction, in my view, between the chair and the ruling we just had within our self-contained committee. The Speaker had ruled that amendments allowing for provincial opting out are outside of the scope of the bill; they remove its national character and are out of order.

I think we have another issue now—namely, that we have languishing some pretty important other committee work that sits and doesn't get done or dealt with now because of this. There's the adoptive parents issue. We need to get that done. Mr. Martin's study on Canadians with disabilities is a pressing one as well. Some of these studies take a considerable length of time—some three years on the poverty study—because rulings that are made are not accepted. There are different end runs attempted and then we get bogged down.

As has been said, quite sensibly by my colleague, this is simply an infringement. The whole bill infringes upon provincial jurisdiction. The Bloc seem to recognize that, but they kind of want their cake and to eat it too.

I think coalition MPs have argued the entire time that there's a need for a national housing strategy. Now they're trying to change the bill so it's no longer national in scope. The Bloc themselves claim they believe the federal government should stay out of provincial jurisdiction, yet they want to support a bill—the bill before us now—that by way of this amendment would impose the federal government on an area of provincial jurisdiction.

So I guess they're kind of selling out, insofar as they tacitly acknowledge that the feds should stay out, and yet they want to support a bill that would impose those federal government requirements on an area of provincial jurisdiction.

I object, as well, coming from a western province. But Alberta, Saskatchewan, B.C., and sometimes Manitoba, have similar discussions. They may not arise to the extent they do in the Bloc members' province, but they're not to be dismissed or taken lightly or brushed aside either. We have some of those same concerns constitutionally where there's an intrusion of the federal into the province. If Quebec is exempted, what right does the Bloc have to impose those rules on the other provinces: on my province, on Alberta—Honourable Rick Casson's province—or any other province, for that matter? I think that's well worth taking into account.

We have objections to the bill as a whole, but no less so because in this particular amendment before us now, that the Bloc have proposed, they, again somewhat myopically, find it only in terms of their province. They don't talk in terms of any of the other provinces; they don't speak in respect to the territories in our country.

I think it doesn't have the proper kind of approach, which would say what's good for the goose is good for the gander. If it works in terms of Quebec, why should it not be stated in respect to all of the provinces and all of our territories as well?

• (1145)

Again, we've had this debate in different committees over time. Other provinces, as well, need to insist on and stand by those very

same rights as Quebec does, sometimes in appropriate ways, for their own province. Others have that same right in a confederation, across a country.

Those are my remarks, Madam Chair. I pass to the next speaker.

**The Chair:** Mr. Lessard.

[Translation]

**Mr. Yves Lessard:** Madam Chair, the very least we can say is that our Conservative colleagues have quite opposite positions. Mr. Komarnicki states that we should pass an amendment recognizing that right for all provinces, while Mr. Vellacott tells us that we want to impose the Quebec rationale on all provinces. Perhaps you should have a discussion between yourselves to decide on the argument you want to waste our time with.

If our colleagues opposite want to come up with specific provisions for specific provinces, why don't they have the courage of their convictions and introduce amendments to that effect? As Ms. Falco clearly described just now, this amendment is about a Quebec policy. It is about our principles; they have led to ways of doing things in Quebec, the means of our own we have developed.

If our colleagues tell us, for example, that they have a mandate from Alberta, from Saskatchewan or from Ontario authorizing them to secure a different provision for each of those provinces, let them say so and let them do it. But they must not hold us responsible for something they would like. Let them have the courage to go and get it. But they are not doing that.

We respect what the other provinces that want a Canada-wide strategy are doing. They are Canadian and they want to show it with a policy that they see as theirs, because their choices are the same. They have the right to do so and we respect that. Once again, we will vote with them so that is what they get.

We have already done so with clause 3. We say yes to a Canada-wide strategy, but that strategy must not get in the way of Quebec's initiatives in its policy on poverty and its strategy on developing social housing. Despite the fact that the Canadian government completely withdrew from funding social housing from 1991 to 2001, Quebec has continued to develop its policy. Of course, our means were more limited. During that time, the feds kept tax points that normally would have been allocated there. It used them for other purposes, as it also helped itself to employment insurance funds for other purposes.

That is the issue. We are saying yes to a Canada-wide policy, respecting and recognizing the rights and powers already established by the treaties that Canada itself has signed. That is what we are saying today.

Wanting to distort things gets us nowhere. It is of absolutely no help to people living in misery, people with substandard housing or none at all. The merit of Bill C-304 and of our amendment is that we must try to come up with initiatives we can all agree on to help people in substandard housing. That is the merit of this bill.

I invite our Conservative colleagues to get back to the basic intent of this bill and to stop destroying the nature of the amendment we have proposed this morning.



• (1150)

[English]

**The Chair:** Thank you.

I have to chuckle, Mr. Lessard, because at the last meeting you chastised me for talking to everyone in a sermon tone, somewhat as if they were children. I enjoy when we all are able to speak with a bit of passion and conviction, and I'm quite happy to give you that freedom, as you certainly deserve. It was a very passionate intervention, and I think we all should be able to enjoy that same type of passion when we speak. I just had to note that.

Thank you, Mr. Lessard. That was very well done.

Madam Davies.

**Ms. Libby Davies:** Madam Chair, first of all, I'd just like to remind us all that you have made a decision on the admissibility of the amendment. I feel as if we're sort of retreading old ground by talking about the scope of the bill, but I do want to respond to the arguments that have been put forward, and I'll try to do it very briefly.

What I heard from Mr. Komarnicki was four points. One was that this amendment is beyond the scope of the bill. First of all, certainly the Speaker made his ruling and as a result the bill came back to this committee. I believe that on the amendment before us, the purpose was to be very much within the framework of the Speaker's ruling so it would not be inadmissible. I can tell you that the advice and help that we got clearly laid out that this particular amendment would be admissible and supportable, so I feel that your argument.... You can challenge it the House, for sure, and we'll have that debate, I'm sure. We believe this is admissible within the Speaker's ruling.

The second point that was made was that it's not really a national housing strategy. The fact is that this bill has been crafted very carefully to move us forward on the very important issue of housing, and it's being done in a way that recognizes, along with other processes that we've seen, that you can't just sort of lay something down and force it on people and say, "This is the federal government, and do it our way or no way." It has to be an open process and this bill is very much designed that way.

We hope that it will result in a national housing strategy, but if you read through the bill, for example in clause 4 words like "consultation" and "cooperation", and in clause 5, "convene a conference", are all measures to ensure that there is consultation with provinces and territories and other stakeholders. In that sense, it is pan-Canadian. It is a national strategy. At the same time, we're trying to also recognize the situation in Quebec historically as legislators on many other occasions, whether that is child care, health care, Canada student loans, or the Social Union Framework Agreement. We've had other private members' bills.

I feel this bill is no different in what it's trying to accomplish from other things we have seen agreed to within our country, including Quebec, recognizing the history and role Quebec plays. I don't see this as any different.

With regard to other provinces, I'm not aware of any provinces that have asked for any particular change in how this would be conducted. The language in the bill is very open concerning that

consultation, so on Mr. Vellacott's point that somehow we have to go and talk to other provinces, we've not heard from anybody that this is any issue. I think when people read the bill, when the provinces read the bill, this is something that they are to be involved in. They are to be consulted. They are to be part of a process that we hope will lead to an agreement. I think that is very clear.

Concerning the process of the committee, Mr. Vellacott said it had come before the committee three times. That's not correct. It's been the usual process. The bill came to the committee after it passed the House at second reading. We had witnesses, some very excellent witnesses who came forward. There were amendments made. I think they did improve the bill, so it was there once previously and it's come back now again. It's not as if it's been through this committee more than that.

You also mentioned that there was no agreement from the opposition parties, which is also not correct. There has been a lot of discussion because the purpose and the goal of what we're trying to achieve has been very much supported by the three parties on this side based, partly, on our own recognition of what needs to be done around housing but also because of the tremendous support in broader society. There has been no disagreement. We may have discussions, and we have very intense discussions about wording and what will work and what won't, and I'm very happy that Monsieur Lessard has put forward this amendment that we think strikes the right balance, but there has been no disagreement, as you suggested. I just wanted to clear that up.

Overall we want to advance this issue. We think it is a very important issue in Canada with regard to affordable housing, and we want to advance it in a way that the federal government is playing a constructive role with all of the participants. That is what this bill is designed to do.

I have a feeling we're just not going to agree. You guys don't want this bill, whatever the reasons.

• (1155)

Maybe we should just vote on this, and if you're going to challenge it in the House, so be it. I think we're just sort of going around and around now, but you're making arguments, so we have to respond to them. I think our perspectives are quite clear on the different sides.

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

Mr. Komarnicki, you had something new to add?

**Mr. Ed Komarnicki:** Yes. To the extent you got advice to this effect, I think it was bad advice. Having said that, let us not be under any illusion. It was not crafted with a view to establishing a national housing strategy. It was crafted specifically with a view to getting Bloc support. Monsieur Lessard was not supporting anything that didn't specifically allow for a special provision for Quebec only.

This was crafted—and I would put it to you, Ms. Davies—specifically to get the support of the Bloc for your bill and not for any other purpose, or else you'd have done it earlier. You have had at least two amendments, and this is the third, to get the Bloc to vote with you. So let's be clear about that.

With respect to the amendment itself, nobody's yet explained to me why Quebec, as a result of being a party to the International Covenant on Economic, Social and Cultural Rights, has the right to do what you say in the amendment. Perhaps Monsieur Lessard or others could clarify why Quebec, as opposed to any other province, might have special privileges, because of the international covenant, which the other provinces might not have.

No one's yet explained to me how this amendment does not detract from a national policy. And if this amendment doesn't take away from the purpose of the bill, which is to establish a national housing strategy, how is it that other provinces are not added to it? I would like to ask Ms. Davies and Monsieur Lessard how many provinces they have consulted with and put the question to as to whether or not they would want the same privileges that Monsieur Lessard is planning for Quebec—

**Voices:** [*Inaudible—Editor*]

**The Chair:** Order.

**Mr. Ed Komarnicki:** —and whether they were even consulted on this amendment.

They probably weren't, and I'll tell you why they weren't: because you were seeking the Bloc's support for the amendment in the House, which is contrary to the scope and purpose in the first place, for referral back to this committee of this particular amendment, and that's why you wouldn't have contacted the other provinces and asked for input with respect to their inclusion—

**The Chair:** Order, Monsieur Lessard.

**Mr. Ed Komarnicki:** —in this particular area.

You can't cut it both ways. Either this takes away from a national housing strategy—and if it does, the other provinces should have the same privileges—or, if it doesn't, why is it there? There's no reason to have it.

We know that all of the provinces have been given funds by the federal government. In fact, there's been \$2 billion to repair and build new social housing; \$1 billion for repairs and upgrades; \$400 million for seniors; \$75 million for persons with disabilities, first nations, and areas in the north. And that money is given to the provinces, essentially, according to an established formula.

If you're going to have an existing strategy that gives those kinds of dollars, and you really want it to be meaningful, are you saying that Quebec may or may not participate, depending on its own choices, its own programs, and its own approach relating to housing on its territory? If it has that kind of a choice, then what about Saskatchewan, what about Manitoba, what about Ontario? Do you suppose they might want to administer the national strategy by way of their own choices, by way of their own programs, by way of their own approaches, with respect to housing on their property? Of course they would. It's provincial jurisdiction. It's no different whether you're in Quebec or any other province of Canada.

What is behind this amendment is a desire to get Bloc support, notwithstanding anything else, and an attempt to circumvent the ruling of the Speaker in an indirect way. I think that's offensive. What we have here is essentially the tyranny of the minority, of the opposition trying to get together to put something together that ought

not to be. No one's yet answered the question of why the other provinces aren't in on it and what it means if Quebec has some special status as a result of the International Covenant on Economic, Social and Cultural Rights.

I'd like to have somebody explain that to me, if they could.

• (1200)

**The Chair:** I am going to suspend at this time. It's 12 noon, and according to the orders of the day, the first hour was on Bill C-304, but we do have committee business. The first part of this committee business I would like to be in camera, so we will go in camera and deal with committee business, and then we'll continue with the orders of the day.

[*Proceedings continue in camera*]

• (1200)

(Pause)

• (1235)

[*Public proceedings resume*]

**The Chair:** Let's resume.

We have a motion that has already been moved, so we will proceed with Mr. Savage's motion. He had moved it on December 3.

Did you already speak to it, Mr. Savage? You'd moved it in December.

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** I don't know. I can't recall. That was last year.

**The Chair:** It was.

Is this still a motion that you want to discuss and bring forward?

**Mr. Michael Savage:** Yes. Sure.

**The Chair:** All right. Then please let us know why, and we can have a discussion.

**Mr. Michael Savage:** This comes about because there was a very concerning event last year, when it was discovered that seniors were losing their GIS because it was being calculated differently when money was taken out of a RRIF. It turns out that it was the result of a decision that had been made by the human resources department—either by the minister or somebody in the department. This affected an awful lot of people. It was brought to the attention of Canadians by Gerry Byrne, the member from Humber—St. Barbe—Baie Verte. We were told it was rectified.

The purpose of this motion is to bring the minister before us to have a discussion to find out for certain if it was rectified, but more importantly, to find out how decisions are being made. This is a department that impacts the most vulnerable Canadians—Canadians who need help the most, whether it's with employment insurance, seniors income, or disability. This is the department that makes those decisions.

When something happens like this, it's not good enough to say, "Okay, we may have made a mistake". We need to make sure it doesn't happen again.

So I want to bring the minister forward to answer some questions on that and assure us that it can't happen again.

**The Chair:** Thank you.

Are there any comments on that?

Mr. Komarnicki.

**Mr. Ed Komarnicki:** My last recollection was that Mr. Savage was going to deal with the motion after we got through a whole lot of business that we're in the midst of.

But in terms of the motion that talks about there being a new policy, of course there is no policy. I spoke about this in the House during adjournment proceedings in respect to question period, saying that there is no such new policy. The change was not approved by the minister or cabinet...overreached its objective, and things were not going to be applied in the fashion that he indicates.

So there is no such new policy, and certainly it's not something that should take precedence in the committee when we have other business. Perhaps for political and other reasons, Mr. Savage wants to harangue the minister. It's not something we would agree to.

It is quite clear that there is no such policy. There is no new policy being put into effect. It has not been approved by the minister or the cabinet. It's not happening and has not happened in recent months. There's nothing new on the horizon that would make it so.

So what is the purpose of the motion? I wonder about that. I think the responses in the House were quite clear, both in question period and in adjournment proceedings. I would say that Mr. Savage should either not proceed with the motion or put it at the tail end of everything else we're doing.

Certainly I would object to that motion.

**The Chair:** Mr. Savage, do you want to respond?

**Mr. Michael Savage:** Mr. Komarnicki mentioned that I said we would deal with this after we dealt with some other stuff, which we have done. I don't think there's a member of the committee who has been more amenable to having their motions dealt with in time, as opposed to immediately. I don't ask that everything be done right away. I have a motion that goes back to September on the very important issue of student debt limits. The Canadian government has now had to increase the ceiling—the maximum student debt limit. That's an important issue too. But I recognize...and that's why I want to have a subcommittee on people with disabilities again, because there is so much work to be done.

But this issue is particularly important. He mentioned we could harangue the minister. The minister was harangued, and unless we're going to get a less haranguable minister, we need to make sure that these things are not happening in other areas as well, that it's not happening in other seniors benefits, or in other benefits that affect people with disabilities. This isn't just about that one issue.

He suggests the policy didn't change, but something changed. The minister admitted something changed. And it affected an awful lot of Canadians. An awful lot of the poorest, most vulnerable Canadians are seniors who rely on GIS, who don't have a whole lot else, who rely on this department and the good people who are in it to make the decisions that will serve them well.

It's our job—it's our fiduciary responsibility, I would argue, as the committee that oversees that minister and that department—to find out what happened. If it is all done and if we get assurances it can't

happen again, that's fine. But it's not good enough to just say it happened once and won't happen again. This is a big department, there are a lot of people depending on it, and I think we need to do our job to provide oversight.

• (1240)

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

If there are no other speakers, then we will vote....

Oh, I'm sorry; you have something else, Mr. Komarnicki, something new?

**Mr. Ed Komarnicki:** Yes.

The motion calls for a two-hour appearance, when the minister normally doesn't appear before this committee for that length of time, and after the fact in terms of the responses that have addressed the issue. I think it's inappropriate, and certainly we would oppose that motion.

**The Chair:** Mr. Savage.

**Mr. Michael Savage:** Madam Chair, in the interest of trying to be a peacemaker, which I consider myself to be, if my colleagues on the government side are prepared to suggest or support a motion that brings the minister here for one hour, with a maximum opening statement of ten minutes, I'd be prepared to do that in light of the schedule that we have in trying to accommodate the department and also trying to make people understand that we're not here to be difficult. We're here to do our job as parliamentarians.

If not, then I would suggest we vote on it as it is.

**The Chair:** Mr. Komarnicki?

**Mr. Ed Komarnicki:** I've made my point. I don't think the minister ought to appear at all.

**The Chair:** All right.

We'll vote on this motion by Mr. Savage.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** We have another notice....

Yes, Mr. Savage.

**Mr. Michael Savage:** We assume that the committee will be in touch with the minister to arrange that?

**The Chair:** Certainly, yes. We already have a pretty good work schedule established for the next little while, so I would say it wouldn't happen until we get back from our February break. So it would be the beginning of March before there would even be a chance for her to appear.

**Mr. Michael Savage:** By the first week of March?

**The Chair:** Well, we have Mr. Lessard's...unless you can persuade Mr. Lessard to defer his study. But that's part of the committee business in the first two weeks in March when we get back, our first two meetings.

**Mr. Michael Savage:** First two weeks in March.

**The Chair:** What we'll do is we'll see if she can appear sometime in March.

Yes, Mr. Martin?

**Mr. Tony Martin:** If you wouldn't mind, I beg the indulgence of the committee to raise an issue that's been floating around. Some of us have heard about it via the e-mails that are going.

There was testimony given to the committee regarding the poverty study back in June in Toronto that....

Are you preparing a response?

**The Chair:** Yes, I am. I've actually been wanting to speak with you, so why don't you and I talk afterwards, and if you need anything else, then we can work that out.

**Mr. Tony Martin:** Sure. That's fine.

**The Chair:** Thank you.

**Mr. Michael Savage:** Chair, one more point of order.

On my motion, I just want to be clear that we will be inviting the minister during the first two weeks in March to appear for two hours to discuss this motion—

**The Chair:** What we will do is we'll invite her right away, but what I'm saying is that right now we have a work plan up until the first two weeks of March. So we would not be available, and then she can let us know. Usually she lets us know when she's available, but—

**Mr. Michael Savage:** You'll put the request in right away—

**The Chair:** Yes, we will.

**Mr. Michael Savage:** —so that we can get it on her schedule?

**The Chair:** So that we can...?

**Mr. Michael Savage:** Get it on her schedule.

**The Chair:** Oh. I thought you said “get under her skin”.

**Mr. Michael Savage:** No. We'd never try to do that.

**Voices:** Oh, oh!

**The Chair:** I didn't think you would try to do that.

**Mr. Ed Komarnicki:** Except, subconsciously, you may be more correct than anything else.

**Voices:** Oh, oh!

**The Chair:** I did think that's what he'd said.

We have another notice of motion.

Mr. Lessard, you gave us a notice of motion. Do you wish to move that motion?

[*Translation*]

**Mr. Yves Lessard:** Madam Chair, this notice of motion factors in the decision made by the House of Commons on September 29, 2010. The motion read as follows:

That the House calls on the Government of Canada to reinstate immediately the long-form census; and given that no person has ever been imprisoned for not completing the census, the House further calls on the government to introduce legislative amendments to the *Statistics Act* to remove completely the provision of imprisonment from Section 31 of the Act in relation to the Long-form Census, the Census of Population and the Census of Agriculture.

So my motion is as follows:

Whereas all witnesses heard by the HUMA Committee demonstrated that the long form should be retained;

Whereas the reintroduction of the long form should be done before the next census is held;

In light of the social impacts anticipated from abolition of the mandatory long-form census

I move: That, the committee recommend that the government, if necessary, delay the next census to a later date so that it can be carried out in full compliance with the House of Commons decision of September 29, 2010, and that the committee so report to the House at the earliest opportunity.

● (1245)

**Ms. Raymonde Folco:** A point of order.

[*English*]

**The Chair:** We have a point of order, Monsieur Lessard.

[*Translation*]

**Ms. Raymonde Folco:** The motion says: “Whereas all witnesses heard by the HUMA Committee...”. I just want to point out that the committee is not called HUMA in French. I think we should correct that.

[*English*]

**The Chair:** Okay, we'll take your point of order into consideration.

Mr. Lessard, did you want to speak to your motion, please?

[*Translation*]

**Mr. Yves Lessard:** Yes, please, Madam Chair.

This motion follows on the House of Commons decision of September 29, 2010. In addition, it also properly reflects the opinions you've heard at this committee, meaning that the cancellation of the long-form census would affect many organizations that use those data to implement policies and make representations.

We were also able to see the potential impact on Canadian policies. In fact, all the forces that usually provide their opinions to the Canadian government would be at a disadvantage because they would no longer have access to data that can only be obtained through the long-form census. In terms of having access to Canada-wide data, we need to be clear that only the Canadian government can conduct the census.

[*English*]

**The Chair:** We have another point of order.

**Mr. Ed Komarnicki:** I want to raise a point of order and get a ruling on whether this motion is in fact in order.

The reason I say this is that the main motion this member is referring to was a motion that flowed from the industry committee. I would suggest that it has to do with the Statistics Act, which is under its specific jurisdiction. When it moved that motion, the House found it in order, and when another committee moved a similar motion, they moved it out of order because it already had been dealt with.

Now, the central point of my objection is the fact that, if one were to look at the way this motion is drafted, even though it's cleverly drafted—and I've come to appreciate the cleverness of the drafting over the last little while—it talks about “recommend” and “if necessary”. But the germane portion of the motion is to delay the next census to a later date, and of course the date of the census is established, as I would understand it, by the Statistics Act. In order for the House to do that, that amendment would have to be made to that piece of legislation.

For this committee, when we first embarked upon the study, the purpose of the study, and any recommendations flowing from it, should be specifically in line with the motion that was passed and presented to this committee by Mr. Savage. It said that it “study the impact of cancelling the long form census, particularly as it relates to planning and tracking of vital social trends related to economic security”.

Now, this motion is outside of that mandate. I would like the clerk to specifically look at the mandate of the motion under which we're studying this and also keep in mind the effect of the motion with respect to amending it.

Then I would raise the standing orders themselves. We've been looking at Standing Order 108(2), and it talks about what the standing committee can do, and of course it can deal with the statute law relating to the department assigned to it. The Statistics Act is not assigned to the HUMA committee; it's assigned to the industry committee.

Given all of those arguments, it would seem that implicit in this motion is a direction that would be outside the scope and mandate of this committee, and therefore should not be entertained.

● (1250)

**The Chair:** Okay. We're not going to debate that point of order at this point. I'm going to take a moment and take it into consideration.

I'm just suspending for one minute while I look at this.

Thank you.

● (1250)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1250)

**The Chair:** We will resume. I'll just give everyone a moment to be able to hear my ruling.

I'm going to rule this motion out of order. I believe that according to O'Brien and Bosc, this does go beyond the mandate of our committee. Previously we had looked at the long-form census changes and how it relates to different groups that we deal with at this committee, but we've now gone beyond that scope.

I believe this motion goes beyond the scope of the mandate of our committee, so I am ruling this motion out of order. That ruling is not debatable, and that is my ruling.

Mr. Lessard.

[Translation]

**Mr. Yves Lessard:** Madam Chair, Mr. Komarnicki claimed that it was out of order and he had the opportunity to present all his arguments. I would have liked you to be able to hear the other side. I

don't actually agree, but, out of respect for your decision, I don't think I can debate it now. However, if I may, I will lay out the reasons why we believe this is quite relevant. I feel our arguments should have been heard beforehand. Regardless of that, I am going to respect your decision.

● (1255)

[English]

**The Chair:** I did actually give you some indication way back in December that I had some trouble with the admissibility of this motion. I know we had talked about the long-form census, but when you look at making a directive in terms of what we're going to do with the long-form census and delaying it or not, I do think....

I'll read from page 1054 of O'Brien and Bosc, which says “motions moved in committee must not go beyond the committee's mandate”. If you look on page 963, the long-form census doesn't fall at all within our mandate:

The Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities is responsible for, among other matters, proposing, promoting, monitoring and assessing initiatives aimed at the social integration and equality of disabled persons.

If you can show me somewhere in the rules where the long-form census does fall under our mandate in terms of giving directions on what to do with that procedure, my understanding is that it falls under industry. If you can prove differently...but at this point, this is my ruling. And my ruling would stand unless you challenge it.

[Translation]

**Mr. Yves Lessard:** Madam Chair, I am going to challenge your ruling, and here's why.

Both you and Mr. Komarnicki had the opportunity to make your arguments. I think it is only fair that I also make mine. If by chance you were right, that would mean that all the work the committee did on the long form would have been outside the scope of our mandate, which, in my opinion, is completely unacceptable.

In addition, the committee's mandate is to do this study and it is not doing so lightly. It is doing it precisely to find out whether there is a reason behind the long form. This study would not be done otherwise. Since, based on the testimonies we have heard, we can see that the long form has to be kept and since that's what the committee's recommendation is going to be, we have to go the extra step, meaning that we have to wait for the right time to retain it. Otherwise, even the decision of the House would be null and void. But that's not the intent of the House of Commons. The House did in fact indicate that the long form should be retained. Our responsibility and mandate were to do the study in order to identify the components that should be kept. As soon as we have the mandate to make the recommendation for retaining it...

[English]

**The Chair:** Mr. Lessard—

[Translation]

**Mr. Yves Lessard:** ...the extra step that comes with it is the amendment.

[English]

**The Chair:** —there is a point of order.

Go ahead.

**Mr. Jeff Watson:** On a point of order, if he's challenging the ruling of the chair, it's non-debatable. He's making a debate over here. He's doing one or the other.

**The Chair:** Thank you, Mr. Watson.

[*Translation*]

**Mr. Yves Lessard:** I challenge it, Madam Chair.

[*English*]

**The Chair:** If you are contesting my decision, we have to go to a vote—

**Mr. Maurice Vellacott:** I have a point of order, Madam Chair.

**The Chair:** Yes.

**Mr. Yves Lessard:** *Je l'ai dit au début, madame la présidente.*

**Mr. Maurice Vellacott:** In fairness to Mr. Lessard, you've heard Mr. Komarnicki's argument for it being invalid or inadmissible, but you never, ever did hear anything from him.

**The Chair:** Well, what I heard was a point of order, and I then took the point of order into consideration. That's what I did. So we weren't arguing or having a discussion. I heard a point of order. We weren't having a debate about whether this was admissible. I took his point of order, I suspended, and I came back with a decision.

Thank you very much, Mr. Vellacott.

We will go to a vote. I remind the committee that I don't make these decisions lightly. I make them based on what I think the rules dictate. I would remind the committee that I'm not interested in presiding over a kangaroo court.

So I hope that we follow the rules. Unless someone can show me rules that are different, and that our mandate is a different mandate, I would ask that this committee support my decision.

**An hon. member:** I'd like a recorded vote, please.

● (1300)

**The Clerk of the Committee (Mr. Travis Ladouceur):** Members are voting on the following motion: that the chair's decision be sustained.

I will be proceeding with a recorded vote on this particular motion.

(Ruling of the chair overturned: nays 6; yeas 5)

**The Chair:** All right. It's 1 o'clock, and....

Yes?

**Ms. Raymonde Folco:** Madam Chair, I would like to take a couple of seconds to explain why I voted no. There is a reason for this. Although generally—

**The Chair:** I'm sorry, Madame Folco, actually, we're not going to discuss why people voted yes or no.

**Ms. Raymonde Folco:** Well—

**The Chair:** If you want to talk with me afterwards...but it's not part of our meeting.

So I'll be adjourning.

Thank you.

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