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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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•(1110)
[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): This is meeting number two of the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs on Tuesday, February 11, in regard to the determination of non-votable items pursuant to Standing Order 91.1(1).

Let's go through this.

The first one is Motion No. 485.

Mr. Alexandre Lavoie (Committee Researcher): The motion proposes measures to measure the impact of the use of international tax havens and tax evasion on federal government revenues.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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 as an item of government business.

The Chair: Thank you.

Does anybody have any concerns?

Go ahead. Thank you.

The second one is Bill C-208.

Mr. Alexandre Lavoie: The bill amends the Supreme Court Act to require that Supreme Court of Canada judges understand English and French at the time of their appointment.

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

The Chair: Okay.

The third one is Bill C-442.

Mr. Alexandre Lavoie: The bill requires the Minister of Health to develop a national Lyme disease strategy in collaboration with his or her provincial and territorial counterparts.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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.

Carry on.

Next is Bill C-565.

Mr. Alexandre Lavoie: The bill amends the National Capital Act to establish the boundaries of Gatineau Park and prohibit the sale of federal real property within these boundaries.

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

The Chair: Is everybody satisfied with that? Yes? Thank you.

Bill C-555 is next.

Mr. Alexandre Lavoie: The bill requires the federal government to amend the marine mammal regulations to increase the distance that a person must maintain from another person who is fishing for seal, except under the authority of a seal fishery observation licence.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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 in the order paper or notice paper.

The Chair: Is everybody satisfied? Okay.

Next is Bill C-567.

Mr. Alexandre Lavoie: The bill amends the Access to Information Act to give the Information Commissioner of Canada the power to order government institutions to release documents requested under the act.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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: Okay?

Now we have Motion No. 455.

Mr. Alexandre Lavoie: The motion recommends that municipalities use a nationally standardized methodology in carrying out homeless counts.

This motion does concern a question that is outside federal jurisdiction. I want to point out to the committee, however, that a motion only expresses the views of the House and does not have any legal implications. Generally, the House has the capacity to consider any matter and express its view on it.

Otherwise, the motion does not clearly violate the Constitution Acts. 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: Okay?

Mr. Frank Valeriote (Guelph, Lib.): Sorry, could you...? This is M-455, right?

The Chair: Yes.

Mr. Frank Valeriote: What were your first comments—sorry—about not concerning questions that are outside federal jurisdiction?

Mr. Alexandre Lavoie: This motion is making a recommendation directed to municipalities, which technically would fall under provincial jurisdiction. However, the House usually has considered or discussed those questions, and expressed views on any matters, regardless of whether they're provincial or federal.

Because a motion does not have legal implications, there are no rules that—

Mr. Frank Valeriote: Right; whereas if it was a bill, there'd be a problem.

Mr. Alexandre Lavoie: That could be a problem with a bill, yes.

Mr. Frank Valeriote: Right. Okay.

Thanks.

The Chair: Thank you.

We'll now go to Bill C-560.

Mr. Alexandre Lavoie: The bill amends the Divorce Act to instruct judges to order equal parenting when making a parenting order unless it is established that a different allocation would be in the best interests of the child.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Chair, I have a few questions for Mr. Lavoie.

If Bill C-560 is passed, will it have an impact on all the provinces with their own family law? I assume that it would have an impact on the provincial legislative framework.

Mr. Alexandre Lavoie: If a couple is married, the federal legislation on divorce applies. If a couple is not married, provincial laws apply when it comes to child custody. So the situation would be different for a married couple going through a divorce and an unmarried couple going through a separation.

•(1115)

Mr. Philip Toone: Will the bill have an impact on married couples with children? Will it have an impact on the provincial legislative framework?

Mr. Alexandre Lavoie: No, they operate alongside one another.

Mr. Philip Toone: The Civil Code of Quebec contains provisions that can have an impact on alimony and child support. I assume that this legislative framework would have an impact on child custody. Is that right?

Mr. Alexandre Lavoie: In the case of a divorce, alimony and child support are governed by the federal legislation. I know that, in Quebec, a special system is in line with the federal legislation when it comes to divorce. Consequently, for both married and unmarried couples, the scale for setting alimony and child support could be similar. Of course, if the bill is passed, that would be evenly shared. I assume that the alimony and child support amounts paid by both types of couples would be affected, since those amounts are also based on the parents' custody time.

Mr. Philip Toone: Okay, thank you.

[*English*]

The Chair: Okay.

We'll now go to Bill C-570.

Mr. Alexandre Lavoie: The bill amends the Criminal Code to establish mandatory minimum sentences for sexual assaults that fall within the definition of rape and provide that sentences for such offences must be served consecutively to any other punishment arising out of the same event or series of events.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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 as an item of government business.

Mr. Frank Valeriote: So there are not minimum sentences for those offences that have already been voted on by the House in previous sessions.

Mr. Alexandre Lavoie: Not that I found.

Mr. Frank Valeriote: All right. I mean, I haven't looked at the Criminal Code to see. I just assumed there would be some minimum sentences for those kinds of offences.

But if you've looked, and you haven't found any—

Mr. Alexandre Lavoie: Any that have been voted on during the current session.

Mr. Frank Valeriote: No, previous. It says, “in the current session of Parliament, or as ones preceding them in the order of precedence”.

I guess what I'm saying is that if there—

Mr. Alexandre Lavoie: I think when they refer to the preceding, it's the preceding motions that are already before Parliament or that have been considered by Parliament, but it's always within the current session.

The Chair: Can it be dealt with at committee? Okay.

We're on Bill C-539.

Mr. Alexandre Lavoie: The bill requires the Minister of Agriculture and Agri-Food, in consultation with his or her provincial counterparts, to establish a pan-Canadian strategy to encourage Canadian consumers to buy locally produced food, and the Minister of Public Works and Government Services to develop a procurement policy to encourage government institutions to buy those foods.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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 as an item of government business.

The Chair: Okay.

Mr. Frank Valeriote: Can I ask a question? The sale of goods is under provincial jurisdiction. I would support this bill—it's not an issue of whether I'd support it or not—but I've never understood why somebody would bring a bill rather than a motion. This is a bill as opposed to a motion, and it does affect the sale of goods. If it is adopted, it would be more of a statement, I suppose, a principle or a value that the government would have in promoting the sale of food locally. Does it matter?

• (1120)

Mr. Alexandre Lavoie: In this case, the bill requires the government to take some actions. Because it's a bill, then it's not only the view of the House or the view of Parliament. It's really a requirement that the government has to undertake such actions.

Mr. Frank Valeriote: But it wouldn't impede the jurisdiction of the provinces, which have jurisdiction over the sale of goods. It's just promoting and it's nothing more than that.

Mr. Alexandre Lavoie: That's right. In that case, it requires the government to do something with the province, so if the strategy that is developed requires a change in provincial-jurisdiction legislation, then provincial governments would have to be on-board.

The Chair: Thank you.

Next is Bill C-486.

Mr. Alexandre Lavoie: The bill requires Canadian businesses to exercise due diligence to ensure the activities in the Great Lakes regions of Africa do not benefit armed rebel organizations, criminal entities, or public or private security forces engaged in illegal activities or serious human rights abuses.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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: Okay.

On Motion No. 489.

Mr. Alexandre Lavoie: The motion asks the Standing Committee on Procedure and House Affairs to consider the advisability of instituting a single preferential ballot for the election of the Speaker.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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 as an item of government business.

The Chair: Okay.

We're on Bill C-571.

Mr. Alexandre Lavoie: The bill amends the Meat Inspection Act and the Safe Food for Canadians Act to prohibit with some exceptions the interprovincial shipping or the importing or exporting of horses for slaughter for human consumption or the production of meat products for human consumption.

The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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: Okay.

On Motion No. 456.

Mr. Alexandre Lavoie: The motion asks the federal government to establish a pan-Canadian palliative and end-of-life care strategy by working with the provinces and territories.

The motion does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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: Is everyone satisfied?

Thank you.

We're on Bill C-568.

Mr. Alexandre Lavoie: The bill requires the Governor in Council to make regulations under the Department of Veterans Affairs Act to extend health care benefits authorized by the regulations made under that act to all members of the Canadian Forces who have been honourably discharged. The bill does not concern a question that is outside federal jurisdiction. It does not clearly violate the Constitution Acts. 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: Is everybody satisfied with that?

Thank you.

Just to end, I would appreciate if the members would consent to the subcommittee presenting a report listing those items that it has determined should not be designated non-votable and recommend that they be considered by the House. Do I have consent for that?

Some hon. members: Agreed.

The Chair: Thank you.

Mr. Brad Butt: That will be a tough job, Mr. Chair.

The Chair: It is tough.

The meeting is adjourned.

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