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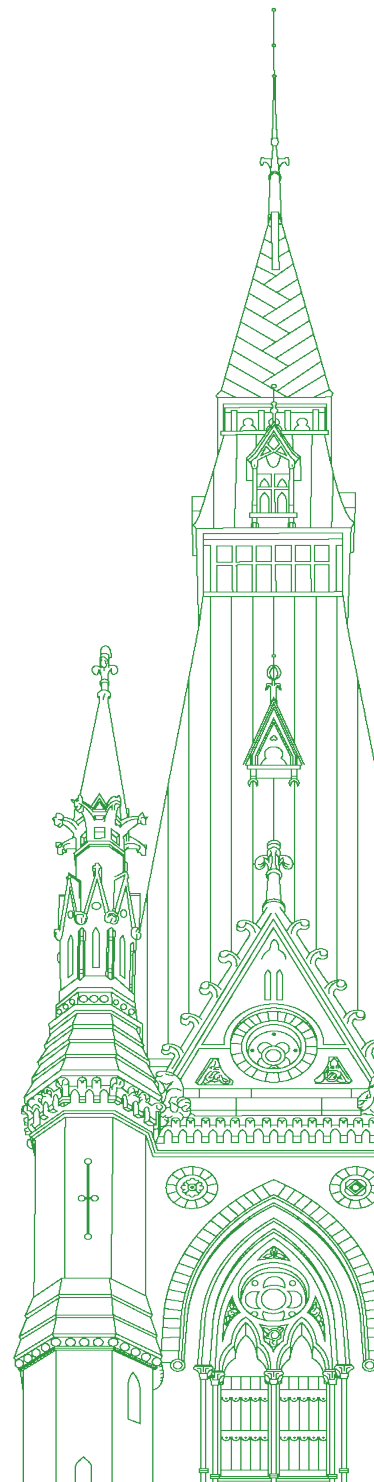
# Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

EVIDENCE

**NUMBER 049**

Wednesday, December 7, 2022

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Chair: Mr. Robert Morrissey



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

Wednesday, December 7, 2022

• (1630)

[English]

**The Chair (Mr. Robert Morrissey (Egmont, Lib.)):** I will call the meeting to order.

Welcome to meeting number 49 of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

We welcome some replacements on the committee today. Mr. Melillo is here, and Madam Kusie is back for a while. Mr. Morrice is joining us as well.

Today's meeting is taking place in a hybrid format pursuant to the House order of June 23, 2020. Members are attending in person and remotely using the Zoom application.

To ensure an orderly meeting, I would like to make a few comments for the benefit of witnesses and members.

Before speaking, please wait until I recognize you by name. For those participating virtually, please use the “raise hand” function. Before speaking, click on the mike icon.

You have the option of choosing to speak in the official language of your choice. I would ask everybody to speak slowly for the benefit of interpretation services, and if there is a breakdown in interpretation, please get my attention. We'll suspend while it's being corrected.

We are studying Bill C-22, the Canada disability benefit act. Pursuant to the order of reference of Tuesday, October 18, 2022, the committee will resume its consideration of Bill C-22, the Canada disability benefit act.

Before we begin clause-by-clause consideration, I would like to provide members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-22.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote. If there is an amendment to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to speak, the amendment will be voted on.

Amendments will be considered in the order in which they appear in the bill or in the package each member received from the

clerk. Members should note that amendments must be submitted in writing to the clerk of the committee.

As chair, I will go slowly to allow all members to follow the proceedings properly. Amendments have been given an alphanumeric number in the top right corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments must be submitted in writing. They do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended.

When a subamendment is moved to an amendment, it is voted on first. Then another subamendment may be moved or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the title and the bill itself, and an order to reprint the bill may be required—if amendments are adopted—so that the House has a proper copy for use at report stage.

Finally, the committee will have to order the chair to report the bill to the House. The report contains only the text of any adopted amendments as well as an indication of any deleted clause.

I would like to welcome officials back to committee. They're available here to answer technical questions related to the bill. We have Alexis Conrad, senior assistant deputy minister, and Krista Wilcox, director general, office for disability issues. Welcome.

• (1635)

Also with us today is the legislative counsel, who will direct us on the legal and technical language of the amendments and clauses of the bill.

I would ask them to introduce themselves.

**Ms. Émilie Thivierge (Legislative Clerk):** Thank you, Mr. Chair.

I'm Émilie Thivierge, the legislative clerk. I will be here to help the committee with any questions on the admissibility of amendments.

**Mr. Philippe Méla (Legislative Clerk):** Good afternoon.

My name is Philippe Méla. I'm also a legislative clerk.

Émilie will do a fine job answering your questions.

**The Chair:** Thank you.

Go ahead, Mr. Long.

**Mr. Wayne Long (Saint John—Rothsay, Lib.):** Mr. Chair, I have a couple of comments, if you don't mind.

First off, the quicker we can get this bill passed, the quicker we can move it forward.

There were 146 submissions, but only 11 of those submissions called for amendments. Ninety-two per cent of those submissions didn't call for amendments. We had 135 witnesses who did not call for amendments.

I recognize we're anxious to go through what we have here, get the bill back where it should be and move it forward.

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

Pursuant to Standing Order 75(1), consideration of clause 1 and of the preamble are postponed.

(On clause 2)

**The Chair:** On clause 2, we have PV-1.

Before we get to it, an amendment is deemed moved pursuant to a routine motion adopted by the committee on December 13, 2021. Nobody has to move an amendment.

For that reason, amendments NDP-1 and LIB-1 cannot be moved as they are identical to PV-1.

Shall PV-1—

**Mr. Mike Morrice (Kitchener Centre, GP):** I'd like to speak.

**The Chair:** Mr. Morrice, do you want to comment since it's your amendment?

**Mr. Mike Morrice:** Thank you, Mr. Chair.

PV-1 adds the definition of “disability” to the bill. The definition being added in the word of the amendment has the same meaning as in section 2 of the Accessible Canada Act. This is the definition:

disability means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment—or a functional limitation—whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.

I'll note that this was recommended by the Multiple Sclerosis Society of Canada and Spinal Cord Injury Canada. It is identical, as you shared, to two amendments being suggested by the NDP and the governing party.

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

Mr. Kusmierczyk, you have the floor.

**Mr. Irek Kusmierczyk (Windsor—Tecumseh, Lib.):** Mr. Chair, I just want to acknowledge the good work of our colleague here in committee.

It is an improvement. It strengthens this bill and provides additional clarity. We will be supporting this amendment.

• (1640)

**The Chair:** Seeing no further discussion, shall PV-1 carry?

Do you want a recorded vote? What is the wish of the committee?

Go ahead, Mrs. Gray.

**Mrs. Tracy Gray (Kelowna—Lake Country, CPC):** For this one we can just nod.

I would say for the entirety of the amendments we should have a recorded vote, other than perhaps this first one.

**The Chair:** If there is no disagreement and everybody's in agreement, a recorded division is not required.

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

(Clause 2 as amended agreed to)

(On clause 3)

**The Chair:** On clause 3, the amendment PV-2 is deemed moved, pursuant to the routine motion adopted by the committee, as I indicated, on December 13, 2021.

Bill C-22 establishes the Canada disability benefit to reduce poverty and support the financial security of working-age persons with disabilities. The amendment seeks to extend the benefit to persons with disabilities, regardless of whether they are of working age.

As *House of Commons Procedure and Practice*, third edition, states on page 772, “Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.”

In my opinion as chair, the amendment seeks to alter the terms and conditions of the royal recommendation attached to the bill, as adopted at second reading by the House. Therefore, I rule the amendment inadmissible.

Shall clause 3 carry?

**Mrs. Tracy Gray:** Mr. Chair, can I clarify something on a point of order? Were we referring to PV-2?

**The Chair:** Yes.

**Mrs. Tracy Gray:** The clause, as it is, carries, then.

**The Chair:** Yes.

**Mrs. Tracy Gray:** Thank you for the clarification.

**The Chair:** The amendment was ruled inadmissible. You are correct, Mrs. Gray.

**Mrs. Tracy Gray:** Thank you.

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

(Clause 3 agreed to)

(On clause 4)

**The Chair:** There are no amendments on clause 4.

(Clause 4 agreed to)

(On clause 5)

**The Chair:** On clause 5, we have NDP-2.

Ms. Zarrillo, you have the floor.

**Ms. Bonita Zarrillo (Port Moody—Coquitlam, NDP):** Thank you, Mr. Chair.

This is the most important amendment for the NDP at this point in time to support persons with disabilities. The NDP fully believes there is a lot of opportunity to involve the disability community in regulation. We'd like to protect the minimum income of persons with disabilities in this bill.

We have an amendment that says:

(2) A benefit paid under subsection (1) must be sufficient to ensure that the person to whom it is paid does not live below the *Official Poverty Line* as defined in section 2 of the *Poverty Reduction Act*.

Mr. Chair, you referred to page 772 of *House of Commons Procedure and Practice*. I note that page 772 says, around imposing a charge on the public treasury, “if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.” We know that within Bill C-22, there is no specified qualification in regard to the size of this benefit or the benefit itself. I don't see the amendment contradicting page 772, since it has not been previously defined as a specific qualification.

• (1645)

**The Chair:** Thank you.

Is there any discussion on the amendment?

**Mr. Irek Kusmierczyk:** Yes, Mr. Chair.

**The Chair:** Before I get to you, Mr. Kusmierczyk, I note that Bill C-22 establishes the Canada disability benefit to reduce poverty and support the financial security of working-age persons with disabilities. It sets out generous provisions for the administration of the benefit and authorizes the Governor in Council to implement most of the benefit's design elements through regulations. The amendment attempts to change the terms of the benefit so that it is high enough to enable the person to whom it is paid to not live below the official poverty line, as defined in section 2 of the *Poverty Reduction Act*.

This is the interpretation given to me by the table officers of the Commons. I appreciate your interpretation, Ms. Zarrillo, but I have to follow the interpretation of the table officers. As *House of Commons Procedure and Practice*, third edition, states on page 772, “Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.”

In the opinion of the chair, the amendment seeks to alter the terms and conditions of the royal recommendation attached to the bill, as adopted at second reading by the House. Therefore, I rule the amendment inadmissible. This ruling also applies to amendment PV-3 since it is identical.

Go ahead, Ms. Zarrillo.

**Ms. Bonita Zarrillo:** Thank you, Mr. Chair.

I note the word “generous”, but the qualification was not specified, so I'm going to challenge the chair.

**The Chair:** Okay. Any member can challenge the chair's ruling. My ruling is not debatable, so I will call on the clerk for a vote.

This is the ruling that's been provided to the committee by the House of Commons table officers. If the amendment is voted in, it will be unilaterally turned down when it gets to the House of Commons.

With that information, the chair calls a recorded vote on the motion by Ms. Zarrillo to challenge my ruling.

(Ruling of the chair sustained: yeas 10; nays 1)

**The Chair:** The chair's ruling is sustained, and the amendment is not approved.

Shall clause 5 carry?

(Clauses 5 to 7 inclusive agreed to)

(On clause 8)

**The Chair:** Now we have PV-4.

Go ahead, Mr. Morrice.

• (1650)

**Mr. Mike Morrice:** Thank you, Mr. Chair.

PV-4 seeks to add these words:

(2) The Minister must make public any agreement entered into under subsection (1).

Specifically, this would require the federal government to make public all federal and provincial-territorial agreements with respect to the Canada disability benefit. This was recommended by many groups, including the Accessibility for Ontarians with Disabilities Act Alliance, by experts who came to testify at committee, such as Mr. Prince, and by organizations like Spinal Cord Injury Canada and the Canadian Human Rights Commission.

I'll note that part of the interest here, given what I heard from the disability community, is hearing from the government. This is about trust. I think more transparency leads to more trust from the people this benefit is meant to serve.

**The Chair:** Mr. Kusmierczyk, go ahead on the amendment.

**Mr. Irek Kusmierczyk:** Thank you, Mr. Chair.

Certainly, throughout this entire process, working hand in hand with the disability community has been our primary concern as well. One of our priorities has been to make sure that we build trust, that we are transparent and that we are working side by side every step of the way.

I do have some questions for our officials on this particular amendment, if that's okay.

My first question is about the general practice for federal-provincial agreements. Can you speak to the normal course of action for making those agreements public? Are some agreements made public? Are there some agreements that are not made public, for example?

Also, what is the impact, or what could be the potential impact, of requiring that all the agreements are made public? What impact might that have on the course of the negotiations between the federal government and provincial and territorial governments, given that those negotiations are going to be so imperative and critical to making sure that we have the best supports possible for Canadians with disabilities?

**Mr. Alexis Conrad (Senior Assistant Deputy Minister, Income Security and Social Development Branch, Department of Employment and Social Development):** I would answer that in a couple ways.

First, of the thousands and thousands of intergovernmental agreements that exist, a lot of them are public, some by default and some upon request. The general standard is to release things publicly whenever possible, but there are times when governments prefer not to.

I'll cite an example around the compliance of a program. From time to time, there are details in agreements about information sharing and what information is shared between levels of government. If they were made public, it could lead to potential fraud. If people can understand the program better behind the scenes, it can compromise the integrity of the program.

That's one thing. The other part is that generally when we do a release agreement, we seek provincial consent given it's a partnership. We don't necessarily oblige unless it's written into the agreement that it should be public. In this sense, an obligation to release the agreement would oblige us to release something that the province may not necessarily agree with.

**Mr. Irek Kusmierczyk:** Thank you very much for that.

Knowing that this will be a complicated process of negotiation, does this amendment, in your opinion, have the potential to actually hinder the best outcomes of discussions with provincial and territorial partners?

**Mr. Alexis Conrad:** I think there is a risk that if we impose obligations on provinces, or try to, they will not see it in the spirit of partnership, which is how we've approached this. The minister has talked a lot about working closely with provincial officials. We've tried to do everything in a sense of partnership rather than put an obligation on the other party. There is a concern, or at least a risk,

that the provinces would see this as a break from that and as us trying to impose something on them.

• (1655)

**Mr. Irek Kusmierczyk:** Okay. Thank you.

**The Chair:** Mrs. Gray, go ahead on PV-4.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

I believe in open and transparent government, so I think this is something we can support. Also, almost everything in this piece of legislation will be in regulations, so in order for the public to be aware of what has actually been agreed to—in particular because everything primarily will be in regulations—it's important for this to be in there.

I will be supporting this.

**The Chair:** Yes, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Could I ask for a suspension of the meeting for a minute?

**The Chair:** Sure.

We'll suspend for three minutes.

• (1655)

(Pause)

• (1655)

**The Chair:** The committee will resume.

Before the suspension, Mrs. Gray made an observation.

Is there any further discussion on PV-4?

**Mr. Tony Van Bynen (Newmarket—Aurora, Lib.):** Mr. Chair, I have a concern with respect to requiring these agreements to be disclosed. It may hamper negotiations, and there may be a requirement on behalf of the other party to have some degree of confidentiality. I'm struggling with the notion of requiring people to do that. If in the normal course of events there's a disclosure, I think that's appropriate, but there may be some situations where this could be a problematic requirement on behalf of the federal government.

**The Chair:** Is there any further discussion on PV-4?

Madam Clerk, since I sense there is not going to be unanimity, I would ask for a recorded vote.

(Amendment agreed to: yeas 6; nays 5)

(Clause 8 as amended agreed to)

(On clause 9)

**The Chair:** On clause 9, we have CPC-1.

Go ahead, Mrs. Gray.

• (1700)

**Mrs. Tracy Gray:** Thank you very much, Mr. Chair.

I'd like to move that Bill C-22, in clause 9, be amended by adding, after line 25 on page 3, the following:

(c.1) cannot be recovered, in whole or in part, under any Act of Parliament other than this Act; and

Then it continues on with the rest.

What this is referring to is clawbacks. That's the intention of it. When we went to legal advisers, this was the wording recommended to protect people with disabilities from potential clawbacks. That's the intention of this amendment.

**The Chair:** Is there any discussion?

Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Thank you, Mr. Chair.

Obviously, all of us here are very much concerned about clawbacks. Something we heard from pretty much every witness, if not every witness, was that in negotiations we make sure there are no clawbacks of provincial and territorial benefits that persons with disabilities already receive.

I just want to get clarification from the clerk in terms of the way this amendment is worded because it could mean multiple things. For some of us reading it, it may mean, for example, that we cannot recover funds or payments in situations where there might be proven identity fraud, so I'm a bit concerned about the wording of the amendment.

I also want to ask our officials to speak about what impact this might have on the Canada disability benefit. Do we foresee interactions, for example, between federal benefits, and is this the appropriate place to actually address that, or can it be addressed later on in the process through amendments in other pieces of legislation that provide for federal benefits? I'd like to have that explained.

I would also like a clarification—a third one—on whether this amendment, as it's written, prevents the clawback of provincial and territorial benefits. I know that was a primary concern for every witness who came to this committee and in every submission.

**The Chair:** You're directing that to the officials, but we'll have to let legislative counsel—

**Mr. Irek Kusmierczyk:** Go first to legal counsel, yes.

**The Chair:** Actually, legislative counsel drafts the legislation, so this will have to go to department officials, not to the clerk. The clerk drafts the amendments and determines if they're admissible. The question you have will have to be addressed by department officials.

**Ms. Krista Wilcox (Director General, Office for Disability Issues, Department of Employment and Social Development):** Thank you for the question.

In our work on the Canada disability benefit, we expect—and the minister talked about this at committee—that there may be interactions with other federal programs, as well as provincial and territorial programs. She made it very clear in her testimony that the intention of the design of the benefit is to ensure that it does not interact with those programs and that there are no negative interactions or clawbacks regarding them.

Given the sense of this amendment and what's being proposed here, I'll take the member's question in backwards order.

In terms of provincial and territorial governments and interactions with provincial income-tested programs, the only way to do this is through their legislative, regulatory or policy processes, and there is an array of them. Each of those programs is different, but it

would be under the authority of those governments to make changes to their legislation to determine how to treat this new benefit.

In terms of federal programs, we foresee that there could be some potential interactions, but that will really depend on the design of the benefit. If there are any consequential amendments that would need to be made to federal programs, they would be done through legislation and regulatory processes or policy. Again, it depends on each program. However, that's not necessarily the intention of this clause. It was intended to speak to issues of bankruptcy and insolvency so that the CDB would not be used as a way to pay outstanding debts.

• (1705)

**Mr. Irek Kusmierczyk:** To clarify, this amendment as written would not protect any clawbacks from provincial and territorial partners, because that would be something the provinces and territories have to write into their own legislation. Is that correct?

**Ms. Krista Wilcox:** That is my understanding. I'm not a lawyer, but I would imagine that it would need to be done through the legislative, regulatory or policy frameworks of those governments, not the federal—

**Mr. Irek Kusmierczyk:** This would be as the minister proposed. This would be the minister negotiating with each province and territory and making sure that she negotiates no clawbacks with the provinces and territories. The bill, as it exists currently, would provide the minister the authority to enter into those negotiations and negotiate no clawbacks at the provincial and territorial level. Is that correct?

**Ms. Krista Wilcox:** That's correct, and it would be consistent with, for example, the Canada child benefit, which is in a similar situation.

**Mr. Irek Kusmierczyk:** Okay. That's terrific.

In terms of any negative interactions with existing federal programs, it's not something that, in your opinion, should be fixed through this framework legislation. The legislation supporting those other federal programs is where you make the alterations and the changes. Is that correct?

**Ms. Krista Wilcox:** That's correct, and the timing of that would be important to add after the design of the benefit is set out so that the interaction with those programs is understood.

**Mr. Irek Kusmierczyk:** In terms of process, the first step would be to work together with the disability community on the regulations and get the design of the program in place so that we understand how the program is designed. Then we can look at how it impacts or interacts with other federal benefits. At that point is when you make changes to those benefits and that legislation to ensure that there are no clawbacks. Is that correct?

**Ms. Krista Wilcox:** That's correct, and that's the process we're following.

**Mr. Irek Kusmierczyk:** That's great. Thank you very much.

**The Chair:** We'll have Madame Chabot and then Mrs. Gray.

[*Translation*]

**Ms. Louise Chabot (Thérèse-De Blainville, BQ):** Thank you, Mr. Chair.

I have a question for the person who introduced the amendment or for the officials.

I had read this amendment and was ready to support it, but I had interpreted it liberally. I would remind you that it was to amend clause 9, about how payments cannot be charged. According to the current wording, a benefit for disabled people, first of all, “is not subject to the operation of any law relating to bankruptcy,” and second, “cannot be assigned, charged...,” and third, “cannot be retained by way of deduction, set-off or compensation under any Act of Parliament.” The amendment would, after that, add that the benefit “cannot be recovered.” I thought this was logical. When it says that the benefit “cannot be retained,” it means that the benefit cannot be held back to pay amounts that are owing. When it says that the benefit “cannot be recovered,” it means that the federal portion of the Canadian benefit cannot be taken, because it is clearly specified that it is under an “Act of Parliament,” and not under a provincial act.

I'm trying to understand why some people find this complicated. I thought it was logical, but if it's not, I'd like someone to explain it to me so that I can vote appropriately.

• (1710)

[*English*]

**The Chair:** Ms. Wilcox, please go ahead.

**Ms. Krista Wilcox:** If I understand the question correctly—and I might not fully understand what the member who introduced the amendment intended—we do not read this as saying that it could prevent anything. It would direct other programs and their legislative frameworks. For example, if there was an interaction with another federal program, such as the old age security program, that program would require an amendment to its legislative framework that would exempt this benefit if it's not included in the calculation of income for that program.

In terms of what it is trying to do, the intention is to ensure that if the individual is in a bankruptcy situation or has debts against another program, benefits are not being clawed back again. Because it is a poverty measure, we're trying to protect the individuals who receive it. It is similar to the Canada child benefit in that regard.

**The Chair:** I have Mrs. Gray and then Mr. Van Bynen.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

Regardless of what the minister's intentions might be, we have to go with what we have in the legislation. As I mentioned, this is relating to clawbacks. We've heard a lot from stakeholders and from people who have reached out that it's a big concern of theirs.

This is within federal programs. We know that at this point, the interaction with provincial programs would have to be negotiated. Especially since a lot of this will be done in regulations, it's really important that we put something to this effect in legislation.

We just heard from the officials that there could be interactions with other federal programs. This amendment is so we don't pass

the buck down the road. We want to have a clear message right now from the start that there are no clawbacks, or the intention is for no clawbacks, and that those won't occur. Putting that in here sends out a really clear message that this is in fact what will happen.

I think we all agree that's the intention, not to push it down the road. Let's make sure we have it in the legislation.

**The Chair:** Thank you, Mrs. Gray.

I have Mr. Van Bynen and then Mr. Long.

**Mr. Tony Van Bynen:** Thank you, Mr. Chair.

There's a section called “Payments cannot be charged”. The intent of this section is to protect the benefit to the recipient so that others can't encumber it by garnishing or anything else.

As I understand, clawbacks only took effect when the provinces reduced their support once they saw the federal support coming up. How would this amendment deal with that, particularly if the clawback is within the domain of the provinces and not within the domain of the federal government? Could I get clarification on that?

**The Chair:** Go ahead, Ms. Wilcox or Mr. Conrad.

**Ms. Krista Wilcox:** I don't believe it would serve the intended purpose.

What would need to be amended in other legislation is how income is calculated. It would need to be specifically exempted, and that legislation would have to specify that income received through the Canada disability benefit would not be treated as income for the purposes of the calculation of benefits. It would be the same at the provincial level and the federal level. Most of that legislation is quite specific in what it uses to determine income. You would require a consequential amendment to exempt this as income for any of those programs.

**The Chair:** Go ahead, Mr. Long.

**Mr. Wayne Long:** Thanks, Chair.

I'm struggling with the word “recovered”. My first question is for MP Gray.

Do you think it's a clawback? Is that what you're worried about?

My question for the officials is, what's the meaning of “recovered” to you? How do you interpret that? I'm just struggling with that word.

My first question is for MP Gray.



• (1715)

**Mrs. Tracy Gray:** We have been really clear with what our intention is. This is wording the legal advisers came back with. This wording would be the appropriate way of capturing that. Apparently we can't say, "We don't want to have clawbacks." That's not a legal thing that we can put into legislation, so the wording of this came from legal advisers. They knew the intention. This is the wording they came back with that would be appropriate for this legislation.

**Mr. Wayne Long:** Mr. Chair, I would ask, then, that the legal opinion be clarified. Again, it's "recovered" that I struggle with.

**The Chair:** Madame Clerk, I'd like you to speak to it.

**Ms. Émilie Thivierge:** Thank you, Mr. Chair.

As legislative clerks, we do not draft amendments. It was the legislative counsel who drafted the amendment. We do not have an opinion on the legal content of it.

**The Chair:** Did I miss anybody?

**Mr. Wayne Long:** Why was it allowed, then?

**The Chair:** It's deemed admissible.

**Ms. Émilie Thivierge:** Procedurally speaking, it's admissible. It doesn't go against any procedural rule.

**Mr. Wayne Long:** Thank you.

**The Chair:** Do you want the floor, Mrs. Gray?

**Mrs. Tracy Gray:** Sure, Mr. Chair.

Committee members have known about this amendment. It's not something I just tabled right now. Committee members could have had legal advice on this prior to the committee meeting today. I think my answers are based on what our intention was and what came from the legal advisers.

**The Chair:** We have Mr. Kusmierczyk and then Madam Zarrillo.

**Mr. Irek Kusmierczyk:** I think there is unanimous consensus among committee members that we want to prevent provincial and territorial clawbacks. That is something we've heard from witnesses here. I think every committee member has made the same comment. We know it's a priority. We heard the minister talk about making sure that when the Canada disability benefit is introduced, Canadians with disabilities are better off, and he said this will supplement existing programs. That was loud and clear, and I can tell you that everybody around this table shares the goal of making sure there are no provincial and territorial clawbacks.

What we hear from the officials right now is that with the way this amendment is worded, it will not protect against provincial and territorial clawbacks. In fact, protections would come from negotiations among the minister, the premiers and the provincial and territorial partners. That's what I'm struggling with. I see the intent of it. The spirit of it, I think, is admirable, but we heard that it will not provide a safeguard.

The other question I have for the officials is about that word "recovered". What we really don't want to do here is have unintended consequences. I want to ask our officials about that. I understand that the legislative clerk is not able to comment on and interpret the word "recovered", so perhaps I'll ask our officials to speak to it.

Are there other instances where the word "recovered" is used in a way that we don't intend to use it right now? Are there concerns around the way that word is being used and the way the amendment is structured?

**The Chair:** Go ahead, Ms. Wilcox.

**Ms. Krista Wilcox:** I can't speak to how "recovered" is used in other legislation.

What I can say is that it may be contrary to paragraph 9(d), where we are trying to, for the purposes of family orders, make the CDB garnishable. If there is a parent not paying their support payments to another parent, for example, this benefit could be used to recover that money. There may be an interaction between the word "recovered" and that particular clause.

In terms of clawbacks, I would say that "clawbacks" is a word we use, but we haven't really explained it. It really is the calculation of income for those benefits, and whether or not the new benefit, the Canada disability benefit, would be put into the legislation for those other benefits to be used for the calculation of income.

That's really what we're looking at when we talk about the clawback: to exempt this benefit for the purposes of the calculation of income. That's the clawback we're speaking about. It would require a specific legislative amendment to those programs in order to protect that.

• (1720)

**The Chair:** Do you have one more question, Mr. Kusmierczyk?

Go ahead.

**Mr. Irek Kusmierczyk:** I want to bring the conversation back to paragraph 9(d), because I think you've raised a really critical point about the unintended consequences of having this amendment introduced. Paragraph 9(d) says:

9 A benefit under this Act

(d) is garnishable moneys for the purposes of the *Family Orders and Agreements Enforcement Assistance Act*.

There may be some conflict here. Can you explain that one a little more? I think it highlights what we're concerned about, which is that there may be unintended consequences. Could you speak a bit to that?

**Ms. Krista Wilcox:** Yes, indeed. This again is consistent with the Canada child benefit, for example, where it is garnishable for the purposes of family orders and agreements. Without this addition in here, you wouldn't be able to use the benefit to get payments from a parent who isn't providing the support payments they are required to pay by law.

The one other thing about "recovery" we would specify is that normally this is dealt with under provincial common or civil law and not federal statutes. That's another element that's different in this situation.

**The Chair:** We have Madam Zarrillo and then Madame Chabot.

**Ms. Bonita Zarrillo:** Thank you.

With this new information, I have a question about federal benefits.

How many federal programs or benefits would potentially interact? How many acts are we talking about that would need to be changed?

**Ms. Krista Wilcox:** Thank you for that question. It's an excellent one, and I can't answer it at this point.

What I can say is that when we have the design of the benefit, we will look at all of the interactions of all the federal benefits to see how this will interact. The reason I can't specify more at this point is that without the level of the benefit, without the income thresholds we would be using, without the deduction rates that would be applied and without establishing the population we're talking about, it would be very difficult for us to fully assess the suite of federal programs that could potentially interact with this program.

**Ms. Bonita Zarrillo:** I have one other question on the gender lens and the GBA. With the new information today about the child benefit, I'm thinking about those whose spouses have passed away. I'm just wondering about that. Is there more of an impact on women from this one?

**Ms. Krista Wilcox:** I don't have the figures in front of me, but from my recollection, there are more women who receive family orders—for example, for family support payments—than there are men. I could certainly get that information for you so you can better understand what those figures look like, but it's likely that this would be more for women than men.

**The Chair:** We have Madame Chabot and then Mr. Kusmierczyk.

Go ahead, Madame Chabot.

[*Translation*]

**Ms. Louise Chabot:** In our initial analysis, it looked logical and straightforward to me. From a legislative standpoint, I would say that there is a difference between the words “retain” and “recover.” These are two completely different legal terms. That's very clear.

Let's look at the guaranteed income supplement, which people receive when they have retired. Is it exempt from recovery under any acts other than federal ones? That should clarify things for us. Excuse my interpretation, but we're not talking about the provinces.

There is a difference between saying that where the minister wants a new benefit to be additional and complementary, that money cannot be retained—we will be talking about this again when we look at the other amendment—and say that the money cannot be recovered. In my view, there is a difference between the two.

When we use the word “recover,” it means that even if there is fraud or anything else, it cannot be recovered. If that's what is intended, then it's a little more forceful. Examples would be required. This affects federal laws, because it says, “under any Act of Parliament other than this Act.”

There should have been legal experts to guide us. Although I studied law when I was younger, I am not a legal expert. I under-

stand that it's procedurally admissible, but it would be important to know the legal implications.

I was in agreement with clause 9 as it stands, according to which it is exempt from the application of bankruptcy rules, and cannot be assigned, charged or retained. I was also prepared to say that it could not be recovered, provided that we have proper guidance on that. In the end, it's not clear.

• (1725)

[*English*]

**The Chair:** Thank you, Madame Chabot.

Ms. Wilcox, do you care to comment on her comment?

**Ms. Krista Wilcox:** No.

**The Chair:** We have officials from the department. We also have legislative counsel, but they simply comment on admissibility, not the interpretation.

We'll go to Mr. Kusmierczyk, and Mrs. Gray has her hand up.

Members can choose as they choose, but you have the amendment. The amendment was deemed admissible. It's under discussion, and then eventually we'll get to a vote.

Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Thank you, Madame Chabot. You much more eloquently described the confusion that I think we have with the amendment as stated.

That was our confusion from the very beginning. To us, the word “recovery” connotes a recovery of debt, for example. There are situations where, for example, a payment may be made to someone who was not eligible or in situations where there is identity fraud, and that's where the term “recovery”, as I understand it, is used. That is completely different from the goal of protecting the Canada disability benefit against clawbacks. “Recovery” is debt. Clawbacks are about making sure we're not reducing anything.

I think that's where the confusion stems from. The danger of that confusion, as the amendment is currently written, is what the officials have stated right now. The confusion can have unintended consequences. It can impact families and disproportionately impact children and women.

I think we have to be very careful about this amendment. I think we all share the spirit of wanting to prevent clawbacks, but I don't think this amendment is the vehicle.

Mr. Chair, I'll ask for us to suspend the meeting for a moment, just so we can have a discussion about this, if possible.

**The Chair:** We'll suspend for a few minutes.

• (1725) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1735)

**The Chair:** The meeting will resume.

Mrs. Gray, you have the floor.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

If we look at the legislation, which talks about the regulations that will be implemented, paragraph 11(p) states:

(p) respecting the recovery of overpayments and debts due to Her Majesty in right of Canada, including limitation or prescription periods;

Basically, this paragraph says that it will be developed in regulations. We're saying this is so important that we want to take it out of the part that says it will be solely developed in regulations and put some wording in the legislation.

That's what this is. You can see right there that the wording is "recovery of overpayments". It's not to replace anything. It's just about making sure we put some wording in there to draw out how important it is. We want to make sure it's actually in the legislation itself.

I just wanted to draw everyone's attention to that.

**The Chair:** Thank you, Mrs. Gray.

Is there any further discussion?

Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Mr. Chair, we're all trying to wrap our heads around this particular amendment. There is confusion around it because it's not clear. Again, there are concerns about unintended consequences.

I know we have a lot of work ahead of us. If it's possible, could we skip this amendment and come back to it, either later today or at a later date, and seek a legal opinion on it?

I think this is critical. We share the spirit of having no clawbacks, but this particular amendment may be problematic and may cause unintended consequences because, again, it's not clear.

**The Chair:** The committee can, by unanimous consent, suspend clause 9 and then return to it.

**Mr. Irek Kusmierczyk:** Does that work?

**Mrs. Tracy Gray:** Can we suspend for a few minutes, Mr. Chair?

**The Chair:** We'll suspend.

• (1735) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1740)

**The Chair:** The meeting is resumed.

Go ahead, Mrs. Gray.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

We'll push this one aside for a bit while we work on other amendments.

**The Chair:** For the formal part, we have to get unanimous consent to suspend clause 9 and return to it before the end of the bill.

Do I see unanimous consent to suspend clause 9?

(Clause 9 allowed to stand)

**The Chair:** Shall Clause 10 carry?

(Clause 10 agreed to)

(On clause 11)

**The Chair:** On clause 11, PV-6 is deemed moved.

Go ahead, Mr. Morrice.

**Mr. Mike Morrice:** Thank you, Mr. Chair.

This is the first of several amendments being proposed by several parties with respect to how regulations will be made. This first one would replace paragraph 11(d), which currently says:

11 (1) The Governor in Council may make regulations

(d) respecting the manner in which a benefit is to be indexed to inflation;

The amendment would replace that text with this:

(d) requiring a benefit to be indexed to inflation and respecting the manner in which it is to be indexed;

We read many briefs on this and heard from many members of the disability community who called for indexing to inflation to be more clearly articulated in how regulations would be made. Certainly as an MP from Ontario, where ODSP is not indexed to inflation, I recognize that there are members of my community who have not seen increases to their existing disability supports for some time. The intention of this amendment is to address that in the Canada disability benefit.

• (1745)

**The Chair:** Is there any further discussion on amendment PV-6?

Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** I just wanted to again thank my colleague. That's an excellent recommendation. It clarifies the bill and provides additional clarity in terms of making sure that the benefit is indexed to inflation. It's something that we heard very clearly from so many witnesses who came before the committee, so we will be supporting PV-6.

**The Chair:** Go ahead, Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Mr. Chair. We thought that this was a good recommendation as well, and we'll be supporting this.

**The Chair:** Shall PV-6 carry?

(Amendment agreed to)

**The Chair:** PV-6 is carried with unanimity.

Next is PV-7.

**Mr. Mike Morrice:** Thank you, Mr. Chair. I'll just start by saying thanks to my colleagues for their collaborative approach to this process.

PV-7 is similar with respect to paragraph 11(1)(f) in terms of how regulations are made. Currently it says:

The Governor in Council may make regulations

(f) respecting applications for a benefit;

The new text of PV-7 would change paragraph 11(1)(f) to read:

(f) respecting applications for a benefit, including regulations providing for an application process that is without “barriers”, as defined in section 2 of the Canada Accessibility Act;

This follows from the recommendations of many of the organizations we heard from, including the Accessibility for Ontarians with Disabilities Act Alliance and the 25 signatories to their letter. They are calling for the Canada disability benefit to be as accessible as possible. Ideally, it might even be automatic when a person files their income taxes, and this would encourage—in the recommendations for that—accessibility to be put front and centre.

**The Chair:** Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Thank you very much, Mr. Chair.

Again, this is another excellent amendment suggested by my colleague. It goes to show that teamwork makes the dream work.

I did want to just raise one small flag and perhaps ask for a friendly amendment, if that's possible, which is that the amendment should refer not to the “Canada Accessibility Act” but to the Accessible Canada Act, which I believe is the act that my colleague was seeking to reference. If we can just again change it from “the Canada Accessibility Act” to “the Accessible Canada Act”, that would be terrific.

I'm not sure if we need a motion or a subamendment or....

**The Chair:** Let's see what the discussion is.

**Mr. Mike Morrice:** I certainly see that as a friendly amendment.

**The Chair:** Madam Clerk, do we need to deal with it separately?

If there is unanimous consent on a minor change, the committee can agree to a subamendment.

I am seeing unanimous consent, unless somebody objects.

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

Shall PV-7 carry as amended?

Go ahead, Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

I just wanted to comment that it absolutely makes sense to have this in here. It's too bad it wasn't in the legislation previously, because it definitely makes sense to ensure that the application process is accessible and barrier-free.

**The Chair:** Okay.

(Amendment as amended agreed to [*See Minutes of Proceedings*])

**The Chair:** We'll move on to PV-8.

**Mr. Mike Morrice:** Thank you, Mr. Chair.

Again, thanks for the spirit of collaboration from all members of the committee.

PV-8 seeks to address the concern we heard with respect to looking at an individual's income as opposed to a household's. The text adds, after line 39 on page 5:

“(1.1) The eligibility criteria, conditions and amounts provided for in regulations made under paragraphs (1)(a) to (c) must be determined on the basis of the net income of the person to whom an application for a benefit relates, not to the income of the person's household.”

We heard from many witnesses who gave testimony here and who gave written briefs with respect to ensuring that the benefit looks at the individual and not a family.

• (1750)

**The Chair:** Is there any further discussion on amendment PV-8?

We'll hear Ms. Zarrillo and then Mr. Long.

**Ms. Bonita Zarrillo:** Thank you, Mr. Chair.

I was wondering if I could ask either Madam Wilcox or Mr. Conrad a question.

I saw some consultation that was done. We received some information last night with regard to consultations that were done as early as January 2020. There were some consultation from diverse communities that had different points of view on this aspect.

Because it's relatively new information that we just received, I wonder if we could get some information around the concerns that were heard from diverse communities.

**Mr. Alexis Conrad:** Thank you, Mr. Chair.

You're right that this has been a subject of discussion. The eligibility behind the benefit is key in how we would determine how much someone got and on what basis. There is a school of thought that says we should absolutely go in this direction. There are other voices saying, “Be careful” and “Engage us and understand better.”

To go back to some of the comments around unintended consequences, most federal benefits are built on family income. You could end up, for example, with a couple with a top 1% income earner and the other partner has a disability. We would be paying the benefit, therefore, to a high-income family, based on an individual's income.

There are those kinds of scenarios that we've heard about from the community, and this is a lot of the work that needs to be done through the regulatory process. We foresaw this as being part of the regulations rather than the legislation, to understand the exact design that works best and to make sure we target the people who need the help the most.

It's something that we have heard from the disability community, but I think their expectation is that we will work with them through the regulatory process to establish this. That's how the bill was designed and how the community would expect us to do it.

**The Chair:** We have Mr. Long, and then Madame Chabot.

**Mr. Wayne Long:** Chair, we're coming from....

I understand what MP Morrice is saying here, but I think it goes beyond the concept of the legislation to determine this specific element of eligibility. As Mr. Conrad just said, there's going to be, through the regulatory process, consultation with the disability community to determine the best way forward.

I think this boxes it in too early. We can't support this amendment.

**The Chair:** I have Madame Chabot and then Mr. Kusmierczyk.

[*Translation*]

**Ms. Louise Chabot:** Thank you, Mr. Chair.

As Mr. Morrice pointed out, some witnesses said that the benefit should apply to the individual. We understood the thinking behind that. It's a question of autonomy and the status of disabled people, and this would ensure that they would receive this support.

I wanted to ask a more technical question, about whether it was net income or gross income, but it's not important.

On the other hand, there are other points of view, and it's true that it's sometimes better for it to be on the basis of family income.

Which is most beneficial to the disabled person? That's who we want to help.

Am I prepared to say that the best arrangement is on the basis of the individual's income? There are arguments for that, but would it not be a better idea to pursue this discussion if we want to comply with a part of the principle stated in the "nothing without us" strategy?

• (1755)

[*English*]

**The Chair:** We will go to Mr. Kusmierczyk. Then we have Madame Zarrillo.

**Mr. Irek Kusmierczyk:** I think that for me, the most important principle is the principle of "nothing without us". In my opinion, this conversation about individual versus family is better suited, as the officials stated.... This is something that needs to be discussed with the disability community so that we can listen to their viewpoints and listen to their voices. I think this is why, again, I will oppose this amendment. It presupposes that conversation and that consultation, which are so absolutely critical. I think we need to hear from the disability community on this issue, and we will when this bill moves from the committee to the House and passes. Those consultations that will take place, those discussions with the disability community, are exactly where we will determine which avenue we will take.

For that reason, I will be opposing this amendment.

**The Chair:** Madame Zarrillo, you had your hand up.

**Ms. Bonita Zarrillo:** Thank you, Mr. Chair.

I think this is one of the things that we did hear in testimony: that the community wants to be fully involved, wants to be fully engaged and fully at the table. I know that there is some testimony here and some consultation here that just talks about racism in the

application of benefits. The lack of consultation on that is clear. I think precarious immigration status and citizenship status and all of those things need to be considered. Before we make a decision, I want to hear from people in the community who would be affected by this.

I am open to that idea that we need to have more consultation before we usurp it here in regulation.

**The Chair:** Go ahead, Mr. Morrice.

**Mr. Mike Morrice:** I feel that my colleagues have made great points and I'll offer to withdraw the amendment.

**The Chair:** What are the wishes of the committee on PV-8? We need consensus to withdraw, or we have to vote. Do we have consensus to withdraw?

**Some hon. members:** Yes.

**The Chair:** Okay. PV-8 is withdrawn.

We now move to NDP-3.

Go ahead, Ms. Zarrillo.

**Ms. Bonita Zarrillo:** Thank you, Mr. Chair.

As I stated earlier, it was heard in testimony, over and over in almost every testimony we received, either on paper or spoken, that people wanted to have an adequate standard of living and the necessities of life. We know that's also our commitment as Canadians.

I want to raise, again, the concept of adequacy. Unfortunately, at this point in time, we could not get it into legislation. We could not get it secured. The minimum floor would be the poverty line. Of course, we know persons with disabilities need even more than the poverty line, because expenses can be even higher. I am introducing the idea that it goes into regulation here, in order to at least protect the minimum that the minister and order in council should be considering for this benefit.

The concept of adequacy was raised in testimony by human rights lawyer Vince Calderhead on Monday, November 14. The Canadian government has legally binding obligations under international human rights law to ensure that persons in need have an adequate standard of living. Canada ratified the UN Convention on the Rights of Persons with Disabilities and then acceded to the optional protocol in December 2018.

Under this convention, we adhere to the principles mentioned in article 3, which include, among others, non-discrimination and accessibility. Article 28 declares an "adequate standard of living and social protection" for persons with disabilities, specifying the need "to ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection...and poverty reduction programmes" in paragraph 2(b).

Furthermore, as mentioned in testimony, under subsection 36(1) of the Constitution Act, 1982, Canada and the provinces have a joint constitutional commitment to provide “essential public services of a reasonable quality to all Canadians.”

Canada's official poverty line—we actually have one, so I'm surprised it's not being used in this legislation—reflects “the cost of...basket[s] of goods and services representing a modest, basic standard of living.” Even StatsCan itself agrees this is ableist in its nature, in that it does not cover the cost of disability, which we talked about in the past. This is a minimum protection for people, at least.

Lastly, for Parliament to meet its international human rights and constitutional obligations, Bill C-22 must be amended to include a provision requiring that amounts set by regulation for the Canada disability benefit be adequate.

We have testimony or briefs from Vince Calderhead, Maytree, the Canadian Human Rights Commission, ARCH Disability Law Centre, Michelle Hewitt from Disability without Poverty, Income Security Advocacy Centre, the Basic Income Canada Network, Jeff Neven from Indwell, Alliance for Equality of Blind Canadians, Rosemarie Hemmelgarn, and Lorna Aberdein, to name just a few who believe we should be protecting for a level of adequacy.

I'd truly hoped we could get this into clause 5 in legislation, because this is a matter of life and death, Mr. Chair.

• (1800)

**The Chair:** Thank you, Madame Zarrillo.

**Ms. Bonita Zarrillo:** Oh, and I will take this opportunity to read the amendment:

(1.1) In making regulations under paragraph (1)(c) respecting the amount of a benefit, the Governor in Council must take into consideration the Official Poverty Line as defined in section 2 of the Poverty Reduction Act.

Thank you, Mr. Chair.

**The Chair:** Thank you, Madame Zarrillo.

Go ahead, Mr. Long, on the amendment.

**Mr. Wayne Long:** Mr. Chair, I thank MP Zarrillo for this. It's a good amendment. Obviously, the intent of this is to lift persons with disabilities out of poverty. We can definitely support this.

Thank you.

**The Chair:** Go ahead, Mrs. Gray.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

I also believe it holds to the intent of this legislation. This is something we can support as well.

**The Chair:** Okay.

(Amendment agreed to)

**The Chair:** Go ahead, Madame Zarrillo, on NDP-4.

**Ms. Bonita Zarrillo:** Thank you, Mr. Chair.

This goes back to a conversation we very quickly had about “nothing without us”.

In much of the testimony, we did hear about the opportunity for co-creation. Although the preamble includes some language about “Nothing Without Us”, this is an opportunity for us here around this table to amend the bill to require the government to meaningfully involve and include persons with disabilities in the development and design of the Canada disability benefit regulations.

This provision should specify that meaningful participation must be fully accessible, ongoing, allow for two-way dialogue directly with decision-makers and be inclusive of diverse communities of persons with disabilities.

I will just say that this was also shared in the Maytree brief, the Disability Without Poverty testimony and brief, the brief from ARCH, Inclusion Canada's testimony and brief, and Lorna Aberdein's brief.

I will read the amendment, Mr. Chair.

This is what we're looking for as subclauses 11(3) and 11(4):

(3) The Governor in Council must ensure that persons with disabilities from diverse communities and a range of backgrounds are afforded a meaningful opportunity to collaborate on an equitable basis in policy development leading to the making of regulations under this Act.

(4) The development and making of regulations must enable full effect to be given to the principles set out in the preamble regarding engagement with the disability community.

Thank you, Mr. Chair.

• (1805)

**The Chair:** Is there any further discussion?

We're on NDP-4.

Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Thank you, Chair.

Could I ask for a brief suspension?

**The Chair:** Why not?

We're suspended.

• (1805)

(Pause)

• (1805)

**The Chair:** The meeting will reconvene.

We were on NDP-4. Is there any further discussion on NDP-4?

Go ahead, Mrs. Gray.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

We really appreciate and like this amendment, but one is coming up shortly that actually is very similar and that we would be more apt to support just because the wording is a little bit more encompassing.

That's where we were thinking of going and that would be the rationale. If that other amendment wasn't coming up, then we would support this. Because there's this other amendment coming, it makes sense.

• (1810)

**The Chair:** Go ahead, Mr. Kusmierczyk.

**Mr. Irek Kusmierczyk:** Thank you, Chair.

I want to appreciate the comments that MP Gray made as well. We're in total agreement. We support the spirit of this particular amendment, which is NDP-4, but we feel that PV-9 is more succinct and also more encompassing.

Again, we would prefer to support the amendment that's being brought forward by Mr. Morrice.

**The Chair:** Okay. Seeing no further discussion, we will vote. I don't see unanimity, so we will ask the clerk to call a vote on NDP-4.

**Ms. Bonita Zarrillo:** I just have one closing comment, which is on the wording around “meaningful opportunity”.

It was something that we heard in testimony over and over again, and that's why it is in part of mine. This is from Maytree, Disability Without Poverty, ARCH, Inclusion Canada and Lorna Aberdein.

I would also just like to say that “development and making of regulations must enable full effect to be given to the principles” was important.

Thank you, Mr. Chair.

**The Chair:** Thank you, Madame Zarrillo.

The clerk will call the vote on NDP-4.

(Amendment negatived: nays 9; yeas 2)

(Clause 11 as amended agreed to)

**The Chair:** On new clause 11.1 as proposed in NDP-5, we have Madame Zarrillo.

**Ms. Bonita Zarrillo:** Thank you, Mr. Chair.

This is in regard to transparency.

As I was mentioning earlier, we took very seriously here the “nothing without us”, but we did want to make sure that there was transparency and that there was in the process a good opportunity to have oversight. The current government is a minority government, and that needs to be respected. Other parties must be allowed to approve or disapprove regulations that we won't necessarily have any ability to see.

As an important component to Canada's democracy, transparency must live throughout these regulations. This amendment is providing the opportunity for other parties to have oversight on the regulation, to hold the government to account, and for the Liberals to have the best support to deliver a CDB from Parliament that's good for persons with disabilities currently living in poverty.

Based on the testimony that we received from Accessibility for Ontarians with Disabilities Act Alliance, the Canadian National Institute for the Blind, Citizens for Public Justice, and Professor

Jinyan Li from Osgoode and Kate Chung in correspondence, among others, the amendment proposes that the minister will make sure to table a regulation, before it is made, to this House.

If you don't mind, I'd just like to read through this amendment.

It is that Bill C-22 be amended by adding after line 3 on page 6 the following new clause:

Tabling of Regulations

11.1(1) The Minister must cause each regulation that is proposed to be made to be tabled in each House of Parliament.

(2) A regulation may not be made before the earliest of

(a) 30 sitting days after the proposed regulation has been tabled in both Houses of Parliament,

(b) 160 calendar days after the proposed regulation has been tabled in both Houses of Parliament, and

(c) the day after the appropriate committee of each House of Parliament has reported its findings with respect to the proposed regulation.

(3) The Minister must take into account any report of the committee of either House. If a regulation does not incorporate a recommendation of the committee of either House, the Minister must cause to be tabled in each House of Parliament a statement of the reasons for not incorporating it.

(4) A proposed regulation that has been tabled under subsection (1) need not be tabled again before the regulation is made, whether or not it has been altered.

(5) For the purpose of paragraph (2)(a), “sitting day” means a day on which either House of Parliament sits.

Colleagues, one key thing here is that this amendment will allow other parties to see regulations that are proposed before they become regulations.

Thank you, Mr. Chair.

• (1815)

**The Chair:** Thank you, Madame Zarrillo.

Before we go into discussion, I want to clarify with the committee that amendment NDP-5 and BQ-1 both seek to have the minister table regulations that the government proposes to make. Members of the committee should keep this in mind when debating and voting on these amendments in order to be coherent in the bill. Just keep that in mind.

Do you have...?

**Mr. Wayne Long:** I have a question.

**The Chair:** I believe Madame Chabot had her hand up first. Then we have Mr. Long and Mr. Kusmierczyk.

[*Translation*]

**Ms. Louise Chabot:** Thank you, Mr. Chair.

Ms. Zarrillo, thank you for having moved this amendment. If you were to read the Bloc Québécois amendment that follows yours, you will see that although the two are similar in some respects, there is a basic difference. As we are beginning with amendment NDP-5, I'm going to propose a subamendment.

Madam Clerk, you said that subamendments had to be submitted in writing, so I will give it to you in writing.

The subamendment would add, after paragraph 11.1(2)(c), what would become the next paragraph 11.1(3):

A regulation may not be made if the House of Commons adopts a motion rejecting the proposed regulation.

I will not read the English version, because that would be too painful for anyone to hear, but you've received this subamendment in both languages.

From the outset, we've been saying that we want to comply with the process that strengthens the idea according to which the regulation should be based on the "nothing without us" strategy, meaning that it should be developed by and for disabled people. However, what is rather unusual, or even unheard of, in this bill—and other people have mentioned this—is that parliamentarians have a blank page in front of them. To be sure, the government has regulatory authority, but usually to address matters of a more administrative nature and not issues as fundamental as benefit eligibility criteria, the conditions under which they are to be paid, and the amount of the benefit. In a democracy, this is a matter for all parliamentarians, because it leads to expenses for the government.

We agree that the regulation should be developed the way you would like it to be, by persons with disabilities, but our view in terms of the next steps in the process is that the NDP amendment does not have enough teeth. Briefly, according to the amendment, a report would be required, and if the minister did not agree with the report, she would simply have to explain why. On the other hand, through my subamendment, we would be giving ourselves, as members of the House of Commons, the right to reject or adopt the proposed regulation. We would not necessarily have to do that for the entire regulation, but just those aspects of it mentioned in paragraphs 11(1)(a), (b) and (c) of the bill. However, the NDP amendment would apply to the entire regulation and we do not intend to amend that aspect, but we insist upon the House of Commons being able to review the proposed regulation carefully. That is the intent of the subamendment. If everything goes smoothly, that's all to the good, but I think it's up to us as parliamentarians to study the proposed regulation properly.

That never happens. It's unheard of to entrust a proposed regulation to others without the outcome being submitted to the House of Commons for approval.

I hope that was clear. Thank you.

• (1820)

[English]

**The Chair:** Okay. Currently we have a subamendment that has been moved by Madame Chabot. I'm not sure if all members have a copy of the subamendment. It was just emailed to you, I'm told.

**Mr. Wayne Long:** I was just going to ask for a copy of it. Was it just emailed to us? Can we suspend?

**The Chair:** Yes. You need to have time to consider the subamendment.

We'll suspend.

• (1820)

(Pause)

• (1825)

**The Chair:** The suspension is over. We're now back in committee.

Clerk, bring me back to where we were.

We have a subamendment to NDP-5 on the floor from Madame Chabot. It was circulated.

We have Mr. Long and Mr. Kusmierczyk on the subamendment.

**Mr. Wayne Long:** Thank you, Chair.

Through you to the officials, time is of the essence here, and we heard witness after witness and submission after submission talk about how urgent it is for us to move this along. My question to the officials is this: Can you give us an opinion on timing and if this could delay delivery?

**Mr. Alexis Conrad:** Mr. Chair, if it helps, I'll remind members of the process.

Once both Houses have finished consideration of Bill C-22, if it is indeed passed, we will then do the regulatory process. That will take a length of time, particularly with the level of engagement that is built into the legislation now, but it's been expected by the minister and is consistent with "nothing without us". When we get through that, we'll take time. The minister has talked about that time. That's counterbalanced with, as the member mentioned, a lot of pressure to get this benefit out the door tomorrow, if we could.

When we put another step into the process for whatever the rationale is, which I won't speak to, it naturally does delay it. A one-day consideration in the House would delay the benefit by a day. It's just the nature of that.

One of the areas I would mention is sitting days. Obviously we do not have any knowledge of how long Parliament will sit or what the legislative priorities will be, but it is possible that even 30 sitting days could slip the benefit by literally months if Parliament is not sitting. If there are other steps built into the process along the lines of the subamendment, that would be another step in the process, which would take longer.

I'm not offering an opinion on the merits of the amendments themselves. I'm just explaining that every single step does add time, and the steps that you're talking about, depending on Parliament's consideration, could conceivably add a significant amount of time until the benefit is delivered.

**Mr. Wayne Long:** I guess the concern in particular would be the 160 calendar days. That could delay it in a major way. Is that correct?

**Mr. Alexis Conrad:** Yes. That's over five months, I think, of inevitable delay. It will slow it. Whether that's fewer or more than 30 sitting days, I don't know, but that is a real time that will—

**Mr. Wayne Long:** Just to reiterate, I know that everybody around this horseshoe wants to get this done, get it out and get it into the hands of people who need it as quickly as possible.

Again, when I read through this amendment by MP Zarrillo, really, every part of it to me has a major potential for delay. When we have people in such urgent need of this benefit, it's just something that I think is challenging for all of us.



Thank you for that. I just wanted to try to get clarity on that aspect.

• (1830)

**The Chair:** We'll have Madame Chabot briefly, and then we're getting beyond the hour.

[*Translation*]

**Ms. Louise Chabot:** The argument we are being given is that people need to receive the benefit as soon as possible, and we all want that, of course. In a democracy, part of the responsibility for the schedule and the order in which things are done falls to the government. The government has now decided to table the bill while we are studying it in committee. Before the bill even gets to our committee for study, a question has come up, and that is that the government is asking us, the parliamentarians, to trust it while we have a blank page in front of us. The government is saying that if the proposed regulation needs to be referred back to the House for the approval of parliamentarians, it will slow down the process and it will take longer to begin paying the benefit.

In a democracy, there is usually a process to be followed when making a regulation. The idea is not for us to make a regulation that would examine and re-examine decisions that have already been taken. The government can deal with part of the regulatory process, and this generally pertains to the administrative side of things. It is nevertheless very unusual to decide that the implementation of a benefit or any other bill should be done strictly through regulations, without being adopted by the House.

We're being told that it could slow things down by three or four months and that we could end up with a shortened session of Parliament. I don't accept this excuse, however. There is no reason why we should not make members of Parliament aware of the regulation that will have been prepared, to ensure that the work being done complies with the principles in the bill that apply to things like revenue or methodology. What we are now debating is nevertheless a crucial measure for the future, and I believe that basically, parliamentarians are entitled to know about it. It may indeed delay the work somewhat. On the other hand, if everything proceeds apace and the regulation does not present any problems, it will go quickly. In our view, it's the least we can do.

[*English*]

**The Chair:** It is beyond the time, so to continue this meeting I need unanimous consent.

Ms. Gray is shaking her head.

[*Translation*]

**Ms. Louise Chabot:** I have a point of order, Mr. Chair. I didn't have access to the interpretation.

[*English*]

**The Chair:** Do we have unanimous consent to continue the meeting?

**Some hon. members:** No.

**The Chair:** Before we go, Ms. Gray, do you have a point?

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

For clarification, there were other members here shaking their heads as well.

**The Chair:** Yes, I took notice.

**Mrs. Tracy Gray:** I'd like to request that we have an additional meeting so that we can continue moving this bill on. I know that the clerk will have to look into whether or not that's possible. However, so that we don't delay this legislation, I'd like to look at where we might be able to fit that in.

Thank you, Mr. Chair.

**The Chair:** Go ahead, Mr. Long.

**Mr. Wayne Long:** Chair, I would suggest that we look at MP Gray's request after Monday's meeting to see where we're at. I have every—

**An hon. member:** I thought the meeting was over.

**The Chair:** No, I didn't adjourn it.

Go ahead, Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Mr. Chair.

I was thinking about before Monday's meeting. Rather than taking Monday's meeting and pushing off other business, I was referencing that we have a meeting prior to Monday in order to continue with this work.

**The Chair:** The clerk will check with services to see what's available. That's all we can do now, because we did not get unanimous consent to continue.

Thank you, committee members. The meeting is adjourned.





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