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Tuesday, May 27, 2008

—
Chair

Mr. Rob Merrifield

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•(1005)

[English]

The Chair (Mr. Rob Merrifield (Yellowhead, CPC)): I will call the meeting to order.

I want to start by explaining that we're here pursuant to the order of reference of Thursday, April 10, 2008, Bill C-50, an Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget. That's what we're here to do. We're going to go clause-by-clause today.

I remind the committee that we will be completing this today as per a motion of this committee that it be completed by midnight tonight. I remind the committee of that.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thank you, Mr. Chair.

I appreciate the introduction on what we're here to do today.

I do want to introduce a motion related directly to what we'll be working on today. That is that the chair may limit debate on each clause to a maximum of five minutes per party, per clause, before the clause comes to a vote.

The Chair: We have a motion on the floor.

Is there any debate on that motion?

Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Chairman, initially you said there is already a motion that the entire Bill C-50 be done by the end of the day. Perhaps you can first tell us who moved that motion and when that was done.

Secondly, I want to speak against the motion in front of us. The reason I want to do so is that I believe closure even before we start the debate, in giving only five minutes per clause on such an important bill, is grossly unfair. The NDP had earlier put a motion to ask that this committee do joint travel to look at this bill and hear from people across the country. That was voted down.

We believe that in just one clause alone, for example, for part 6, clause 116, you cannot express within five minutes the kinds of amendments and the impact they would have. As you know, the New Democrats have only one member. That means our entire party would have five minutes at this committee to debate a clause that is of great significance.

If you're going to call a vote on this motion, I'm asking that this be a recorded vote.

The Chair: I'll go one step further on your first request. We will read the motion that was put forward by the committee earlier.

The Clerk of the Committee (Mr. Jean-François Pagé): It was on May 7. I have only the French version here. I'll read the French version.

The Chair: That's fine. I know the motion.

[Translation]

The Clerk: It reads as follows:

That the Committee wait for the findings of the study of the Standing Committee on Citizenship and Immigration in its report to be tabled no later than May 26, 2008, and that the clause-by-clause study of Bill C-50 be completed on Tuesday, May 27, 2008, and that this be reported to the House at the first opportunity.

[English]

Ms. Olivia Chow: Who moved the motion?

The Clerk: It was Mr. Pacetti.

The Chair: Mr. Pacetti moved it.

We're going to go back to the original motion. That was just clarification for everybody on the committee. We have opened debate on that motion.

You want a recorded vote.

(Motion agreed to: yeas 7; nays 3)

•(1010)

The Chair: The motion is carried. We'll proceed now.

I recognize the amendments that have come forward to this point, and I'd like to group them if it's possible. There are no amendments on clauses 2 to 116. We'll postpone the preamble as well as the short title until the end. We'll go from clauses 2 to 115, I believe it is.

Monsieur Crête.

[Translation]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): I move that all clauses with no amendments be agreed to on division.

[English]

The Chair: We have a motion on the floor that all clauses that are not to be amended be adopted as is on division.

Madam Chow.

Ms. Olivia Chow: I'm going to amend that motion by adding "with the exception of clauses 118 and 119 and clauses 101, 102, 103, 104, 105, 106, 107, 108, 110, and 111". It's the entire section entitled "Federal Financial Assistance for Students", and also the entire part 7, which is "Employment Insurance".

As you know, the New Democrats have a series of amendments. Those amendments, of course, would be exempt, but I just want to make sure that every one of those amendments—

The Chair: Do you have an amendment on those clauses?

Ms. Olivia Chow: I want to speak for or against those clauses, but not necessarily amend them.

The Chair: Okay, I understand.

Ms. Olivia Chow: To be more precise, it would be part 5, which is "Federal Financial Assistance for Students"; part 6, which is the "Immigration and Refugee Protection Act", and part 7, which is "Employment Insurance".

The Chair: Understanding and recognizing what you're saying, can we go in this motion from clause 2 to clause 100? Then, I understand, you want to speak to some of them beyond 100.

Is that fair?

Ms. Olivia Chow: I'm amending Mr. Crête's motion to make sure these are exempt. I believe it's a friendly amendment.

The Chair: That's fair enough. Do you have the numbers? As I see it, it's clause 101 and clauses 102 to 111.

Ms. Olivia Chow: Yes, that was the first section; then the second section is the immigration one, which is clauses 116, 117, 118, and 119. If you then look at employment insurance—I believe people may want to talk about that—it is from clause 121 to clause 135. I'm exempting all of those, starting from 110 to 135. Those are the three sections we are interested in discussing.

The Chair: So it's part 5, part 6, and part 7. In essence, that's exactly what I said earlier, but fair enough.

Do you see this as a friendly amendment?

[*Translation*]

Mr. Paul Crête: No. Let us put it to a vote.

[*English*]

The Chair: What I'm hearing is that we need unanimous consent to proceed with the motion that's on the floor, because each clause needs to be considered. So we need unanimous consent for it.

What I'm suggesting is that we go up to clause 100—it looks as though we have unanimous consent for that part—and then proceed from there.

•(1015)

Ms. Olivia Chow: No, I did not say that. I was specifically speaking on the motion that is in front of us. I was moving an amendment to that motion.

The Chair: So if we accept your amendment—

Ms. Olivia Chow: We could vote on the amendment. If we do not support the amendment, then we could carry on with the other motion.

The Chair: So what I'm seeing—correct me if I'm wrong—is that you're putting forward an amendment; you would agree with the amendment.

Ms. Olivia Chow: To Mr. Crête's motion? Yes, of course; I moved it. I moved that motion. There is an amendment to the motion in front of you, and therefore that amendment should be voted on first.

The Chair: Just give me a second.

[*Translation*]

Mr. Paul Crête: Mr. Chair, I have a clarification. From what I understand, the clerk or the legal counsel says that the motion is out of order. If so, let us just forget it and review all the clauses. I do not intend to do anything illegal here this morning.

[*English*]

The Chair: Let me attend to this. What I'm hearing as a consensus is that we would go from clauses 2 to 100. If we have unanimous consent to accept those, then we'll proceed from there.

I see a consensus on that. I hear no objection to that. Let's start with clause 101.

Ms. Olivia Chow: Mr. Chair, do you not need a motion to have clauses 1 to 100 adopted? I would imagine you would need such a motion—not that I'm moving it.

The Chair: I just sought unanimous consent; I believe I got it.

Ms. Olivia Chow: No. I think the consent was for whether we would deal with that piece first and do it separately. There was no motion on the floor to accept clauses 1 to 100, to be very precise. I did not hear such a motion.

The Chair: That's what I thought I was doing.

All right, let's try this. Do we have a motion to go from clauses 1 to 100? I have a motion over here. All in favour?

Ms. Olivia Chow: I'm going to vote against approving clauses 1 to 100.

The Chair: Okay. To proceed in that fashion, we need unanimous consent. I'm not seeing it, so we're going to have to go one at a time. We have to examine each one. Let's do it the hard way. That's not a problem.

Would Ms. Chow agree to this? The motion was on division, so your objection would be recorded.

Ms. Olivia Chow: I was trying to get a recorded vote on clauses 1 to 100—

The Chair: So if we do it on division—

Ms. Olivia Chow: —to say very clearly that we do not support those motions. I just want to make sure that we don't support what is in front of us. I want to have the opportunity to vote against clauses 1 to 100.

If there is a motion for us to batch them together and have one recorded vote for clauses 1 to 100, I have no problem with that. Someone else could move that. It wouldn't be me.

The Chair: Let's try this. Let's vote on clause 2, and then we'll have that applied from clauses 2 to 100. Is that fair?

Some hon. members: Agreed.

The Chair: All right. Shall clause 2 carry?

Ms. Olivia Chow: Why don't we have one recorded vote? Can I record the first one? I'm asking for a recorded vote.

The Chair: All right. We'll let the clerk do this on a recorded vote and then we'll apply it.

(Clauses 2 to 100 inclusive agreed to: yeas 4; nays 3; abstentions 3)

(On clause 101)

• (1020)

The Chair: Ms. Chow.

Ms. Olivia Chow: Mr. Chair, this is a clause that deals with the Canada Student Financial Assistance Act.

It looks as if, finally, a structure that was set up by the former Liberal government, which is highly unpopular, is now being deleted.

Mr. Chair, just as a question to you, I see that we have staff here. Is it possible, even within my five minutes, to actually have a very clear explanation of what this clause would or would not do? There is some confusion as to what would be replaced after the scholarship is deleted. Therefore, in terms of the student loan, how would it be applied and how much? And there is a grant—what kind of grant? I think there should be some very precise clarification.

Mr. Ted Menzies (Macleod, CPC): A point of order, Mr. Chair.

The Chair: I'll listen to the point of order, but we'll have some officials come to the table.

Go ahead.

Mr. Ted Menzies: I'm not meaning to be rude here, but if the honourable member had attended the briefing sessions that were provided—two different briefing sessions—this question would have been answered at that time.

The Chair: That's true, but it's—

Mr. Ted Menzies: It would have taken less of all of our time here today. These questions have been answered. There was ample opportunity for every member of the House of Commons to attend those briefings.

The Chair: That is true. It's not a point of order. We'll listen to—

Ms. Olivia Chow: I have a point of privilege.

The Chair: No, I'm sorry—

Ms. Olivia Chow: I just want—

The Chair: No, I'm sorry. We'll hear the explanation very quickly and then we'll move on.

Go ahead.

Ms. Rosaline Frith (Director General, Canada Student Loans Program, Department of Human Resources and Social Development Canada): I believe that in essence what the budget and this act will do is...the Canada Millennium Scholarship Foundation will no longer exist after January 5, 2010. In August, or thereabouts, of 2009, a new grant will come into effect. That grant will be funded up to \$350 million, and growing over time, so that four years after 2009, in 2013, the grant will exceed the current amount of non-repayable assistance that is provided to students across Canada. The new grant will go to about 245,000 students, 100,000 more students than are currently receiving non-repayable assistance through the current scholarship bursaries that are given out.

The new grant will be provided to students from lower-income families at a higher amount than those from middle-income families, because they are more in need of assistance. It will be given out over a monthly allocation to make sure they know how much they will receive in a predictable fashion throughout their period of study. This means the previous grants being offered by the federal government, which were only offered to first-year students attending their first year of college or university, will now apply throughout every year of study, so they're getting more money over more time and in a more predictable fashion.

• (1025)

The Chair: Fair enough. Good.

Shall the clause carry?

[*Translation*]

Mr. Paul Crête: Are we on clause 101?

[*English*]

The Chair: On 101.

[*Translation*]

Mr. Paul Crête: We are in favour of clause 101.

[*English*]

(Clause 101 agreed to)

(Clauses 102 to 115 inclusive agreed to on division)

(On clause 116)

The Chair: We have an amendment. Do you all have the amendment for clause 116? I don't see anybody saying they don't have it, so the mover of that amendment is free to introduce it and speak to it.

Ms. Olivia Chow: Thank you, Mr. Chair.

I want to speak in favour of this motion for several reasons. In 2002, the House of Commons Standing Committee on Citizenship and Immigration, with the chair, Mr. Joe Fontana, produced two reports. Both of the reports changed the point system fundamentally. It used to be that if you had certain kinds of skills, you would be able to get a certain number of points.

In 2002 the point system was changed in a way such that it would be under a human capital model. What is a “human capital model”? It is a model in which, if you have a certain degree or quite a few degrees, you would get a large number of points. If you speak English and French, you would also get a good number of points. What happens, then, is that you have a lot of people qualifying in skills that are not necessarily completely relevant to Canada.

On the one hand, immigrants feel they have been cheated. They come here and they are not able to find the kinds of work for which they have been trained. On the other hand, those who have skills, such as carpenters, chefs, and others, do not have enough points to come into Canada—perhaps because they are not 100% fluent in English or French—but they have the skills that Canada needs.

The Australian model is very, very clear on the point system. It does not give the minister the power to actually say yes or to determine a whole category of people, and it removes the entire arbitrariness from the immigration section. It is very objective.

The reason why the motion is in front of you is to change the word “may” and replace it with the word “shall”. We have heard from many lawyers and immigrant groups who said that if you make this change from “shall” to “may”, it will have a very negative impact on a lot of the applications. For example, a student who is 100% qualified for a visa—right now there's no backlog of student visas—could apply and follow all the regulations, but may not receive a visa. That is completely unfair.

This change in clause 116 will have an impact on visitor visas, student visas, temporary foreign workers. None of them is in a backlog situation, so if the government is worried about a backlog, there's absolutely no reason why you would need to have this type of fundamental change in the Immigration Act. That is why I am moving this change.

If it is approved, it would then read:

A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.

• (1030)

It changes the Immigration and Refugee Protection Act to the way it was before. The NDP does not believe that ministers or all visa officers should have this kind of power if someone is completely qualified.

The Chair: Thank you very much. I think it's very clear you're changing the one word “may” to “shall”.

Shall this clause carry?

Ms. Olivia Chow: Can I have a recorded vote on that, please?

The Chair: Okay. Let's do a recorded vote on the amendment, and then we'll go to the main clause.

(Amendment negated: nays 4; yeas 3; abstentions 3)

(Clause 116 agreed to: yeas 4; nays 3; abstentions 3)

The Chair: Can we apply that to clauses 117 through 119?

Ms. Olivia Chow: Clause 117 actually has a different.... I have an amendment on clause 117.

Mr. Rob Merrifield: Okay. I see it as being very similar, but go ahead and speak to it.

(On clause 117)

Ms. Olivia Chow: Actually, it isn't. This one actually deals with humanitarian and compassionate grounds. The Minister of Citizenship and Immigration has been saying that all of these changes will not impact on families. But that is not the case if clause 117 is approved.

Let me give you give two examples. If this child is a refugee, under the present immigration law she cannot sponsor her father, who is in a refugee camp, to come to Canada. This child cannot sponsor a mother, who may be in a very precarious situation. That's because the child is not of age. So the only way this child's case would be considered is through humanitarian and compassionate grounds. I'm talking about people who are outside of Canada.

If this passes without my amendment changing “may” to “shall”, this child could submit an application under humanitarian grounds to bring her parents to Canada and the visa officers would not have to consider her application. I have seen a case like this at the Parkdale legal clinic, where a refugee child from Kenya is trying to bring her father to Canada. Because the rules haven't changed yet, her application is being considered right now. It has to be—shall be—examined by the visa officers. If this change goes through, her situation will be completely up in the air. She may not be able to bring her parents to Canada. That's one example.

I have another example, speaking about families and humanitarian and compassionate grounds. I received a letter about a man and a wife who came to Canada from China. They did not speak much English, so they hired an immigration consultant—this was in 2001-02. When they put in the application, they did not have a daughter. They were approved and came to Canada. In the meantime, because of the wait, the family ended up having a daughter. Because he was not able to tell the immigration officer about her when they were coming to Canada, they ended up coming to Canada and leaving their three-year-old kid back home. He is trying to bring her in on humanitarian and compassionate grounds. He does not fit under the regulations right now because he did not manage to declare her when he came over. He should have, but he didn't. He made a mistake, not because he wanted to cheat, but because the immigration consultant was irresponsible.

As a result, if the “may” isn't replaced by “shall”, the humanitarian and compassionate grounds of this case may not be considered again. That is why this change is really important. If Canada is built on a reputation, the cornerstone of which is that we are a humanitarian and compassionate country, all these applications have to be considered. That is why the amendment has to be “shall” rather than “may”.

• (1035)

So it would read as follows:

The Minister shall, upon request of a foreign national in Canada who is inadmissible or who does not meet the requirements of this Act

—for which, by the way, I gave two examples—

and shall, on the Minister's own initiative or on request of a foreign national outside Canada, examine the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligation of this Act if the Minister is of the opinion that it is justified by humanitarian and compassionate considerations relating to them—

The Chair: Your time has gone. I think we have the gist.

Thank you very much. We will now have a motion on the amendment.

Ms. Olivia Chow: Can I ask for a recorded vote, please?

The Chair: We'll have the clerk do that.

(Amendment negatived: nays 4; yeas 3; abstentions 3)

(Clause 117 agreed to: yeas 4; nays 3; abstentions 3)

●(1040)

The Chair: Can we apply that to clauses 118 and 119?

Would you like to speak to clause 118? Go ahead and speak to it. The floor is yours.

(On clause 118)

Ms. Olivia Chow: Mr. Chair, if you read it very carefully, this section allows the minister to take applications that have been received after the end of February of this year and decide if, in the opinion of the minister...the minister would have an opportunity to either move people to the front of the line or the end of the line, or to not accept the application. It could also set the number of applications or requests to be processed in any year.

Now, paragraph 118(3)(d) is very interesting. It says, "providing for the disposition of applications", meaning you could apply and be waiting for a year, and then you would be notified that we've changed the rules on you retroactively and we are no longer going to process your application. We're not even going to consider your application. We're not even going to open the file and read your application. This is after you have applied, after you thought you qualified, and they're going to throw out your application. That is the Conservative government's way of dealing with the backlog.

It also says that the instruction will be published in the *Canada Gazette*. This is after the information has been implemented. It means there will be no opportunity for consultation, because after it's published, that's it, the law is applied. In the past, they would publish the information, allow a period of time for consultation, and then the regulations would be passed or discussed. This means that all of this information, all of these kinds of decisions, will not come through Parliament. They will not come through the immigration and citizenship committee. They will not be debated publicly. They will not be transparent. They will simply be whatever the minister has decided.

You will notice, Mr. Chair, that across Canada many groups have said this is a policy they do not support, and it does irreversible damage to many of the different immigrant communities. That is why you have in front of you some members who have said it is an area they do not support.

This also claims to deal with the backlog. But, Mr. Chair, I want to point out to you that the immigration committee—and you asked for their opinion—said very clearly in a letter to you and to this

committee that these changes have nothing to do with the backlog; the 925,000 applicants in the backlog right now will not be affected. So it has nothing to do with the backlog. It is all about having a kind of sweeping power to pick the winners and losers.

If we are moving people to the head of the line, there will be people at the back of the line.

●(1045)

On top of that, much has been said about our need to take the kinds of skilled immigrants we need. In 2002, the PC/DR, which was the Alliance and the Reform Party coalition, had dissenting reports. These reports actually said—and this is from Inky Mark, the critic of—

The Chair: You have 15 seconds.

Ms. Olivia Chow: Oh, I was going to read to you what he said about the Liberals.

The Chair: You were, but you're not.

Ms. Olivia Chow: There's a huge disconnect between what Liberals say and what they do. They want to be known as the party that supports immigrants.

It's too bad you don't want me to finish it.

The Chair: Thank you very much. Your time has gone.

There is no amendment, so the question is on the motion, and I understand it's a recorded vote.

Mr. Dykstra.

Mr. Rick Dykstra: We each get five minutes. I'm not going to take my five minutes. I'm going to simply state that Ms. Chow didn't come to any of the briefings, and the comments she has made are completely off base and certainly not factual and according to the bill.

I want to make sure that's on the record.

The Chair: Thank you.

We'll now move to a recorded vote on clause 118.

(Clause 118 agreed to: yeas 4; nays 3; abstentions 3)

The Chair: Do I hear that we can apply that vote to clauses 119 and 120?

An hon. member: Yes.

The Chair: That is not a problem?

[Translation]

Mr. Paul Crête: They are agreed to on division.

[English]

The Chair: Yes.

(Clauses 119 and 120 agreed to on division: yeas 4; nays 3; abstentions 3)

(On clause 121—*Enactment of Act*)

The Chair: Now we're into clause 121, and we have a significant number of amendments that have just arrived. I will go through these and identify them by the number. You have them in front of you.

We'll take amendment 3514746 as the first one. I deem that one to be out of order.

Ms. Chow.

Ms. Olivia Chow: Are we at the EI amendments?

The Chair: We are at 3514746. It's a separate package that you just gave us. Do you not have it?

It's three pages.

[Translation]

Mr. Paul Crête: It is not in the same order. It is second.

[English]

The Chair: Are you going to introduce that amendment?

Ms. Olivia Chow: Sure. I will move the first one, which is on page 99. That, I believe, is on clause...

The Chair: It's 3514746, on the third page, on clause 121. Are you interested in moving it?

Ms. Olivia Chow: Yes, I'm moving that we replace line 9 on page 99—

The Chair: No, you're on the wrong one.

Ms. Olivia Chow: Oh, 3514146?

The Chair: No, it's 3514746, not 3514146.

Ms. Olivia Chow: You've taken some that are out of order.

The Chair: No, we're doing them in order, but not the order you gave us. They were out of order as you gave them to us. That's why you have to follow it by the number. It's 3514746. Are you interested in moving it?

Ms. Olivia Chow: Yes, I am. Just give me a second; let me just find it. That can count into my five minutes.

Ah, yes, I found it: amendment 3514746. It's for page 98, to amend Bill C-50 in clause 121 by replacing lines 33 and 34 on page 98, which is the "Act...or that the Board is restricted", by adding after line 38 on page 98, the following:

The Board may, however, make recommendations on matters related to the design, delivery, and policies of the Employment Insurance programs.

•(1050)

The Chair: You've introduced it. I will deem that one as contrary to the principle of the bill, so it's inadmissible.

Now we'll move on to the next amendment you have there, which is number 3514146. Are you interested in moving that one?

Ms. Olivia Chow: This is about the board's chairperson.

This will again be for clause 121, replacing line 9 on page 99 with the following:

The chairperson shall be designated in the following manner:

- (a) the three directors shall be chosen from the list provided by the most representative employers' associations; and
- (b) the three directors shall be chosen from the list provided by the most representative union associations; and
- (c) one director shall represent the Government of Canada.

Mr. Chair, I want to say that it's only fair that there's equal representation, whether from the employers or the employees, and that the government also have one representative. Earlier on, on that

page it talks about those who are not qualified to be on the board, if they have been bankrupt, etc., but certainly it would be useful to have people of equal representation at the committee.

The Chair: Okay, fair enough.

We'll entertain a vote on this one.

Do you want a recorded vote?

Ms. Olivia Chow: Sure, just for this one. Perhaps there will be a pattern again.

The Chair: Just for this one?

Ms. Olivia Chow: Well, I don't know. We'll see if there's a pattern.

The Chair: I'd like that, just for this one

Ms. Olivia Chow: Perhaps.

The Chair: All right, let's vote on the amendment.

(Amendment negatived: nays 4; yeas 3; abstentions 3)

The Chair: Now we will move on to the three other amendments to this clause, and we will do them very quickly.

I will not wait very long if you're not quite ready, Ms. Chow. It's number 3512996.

Introduce it very quickly.

Ms. Olivia Chow: It's NDP-1.

I do have five minutes, do I not?

The Chair: No, that's per clause.

Ms. Olivia Chow: Per clause, okay.

It's on line 10.

Speaking about closure, what happened to the open and democratic Conservative government?

The Chair: Introduce that very quickly, because I'm going to call it out of order otherwise.

Ms. Olivia Chow: Amendment NDP-1 proposes that line 10, page 100, be replaced with the following:

with the approval of the Standing Committee on Human Resources, Social Development, and the Status of People with Disabilities, to hold office during good

So we are replacing the text in the bill so that the appointment of each director has this kind of approval.

Speaking about being democratic, you do want the submission to be vetted through the Standing Committee on Human Resources and Social Development so there will be even more transparency for employment insurance and this whole body?

The Chair: They are vetted through order in council, so this is beyond the scope of the bill and I deem it inadmissible.

We'll now go down to number 3512823.

You're welcome to introduce that.

Ms. Olivia Chow: I beg your pardon, but may I just ask, why is this inadmissible? Using orders in council is very different from having directors vetted through a standing committee. Why would this be out of order?

•(1055)

The Chair: Because this amendment seeks to modify the mechanisms by including the House of Commons Standing Committee on Human Resources, Social Development, and the Status of Persons with Disabilities as a decision-making authority in that process, and that's why I deem it inadmissible.

Ms. Olivia Chow: May I challenge the chair on that one?

The Chair: You can.

I can quote what *House of Commons Procedure and Practice* states on page 654, if you like. But the chair has been challenged.

All in favour of the chair? Opposed?

(Ruling of the chair sustained)

The Chair: I made it by the skin of my teeth again. Thank you very much for your confidence.

Ms. Olivia Chow: But the Bloc and the NDP were against that decision.

The Chair: Thank you very much for your confidence. We'll move on to number 3512823.

You're welcome to introduce that.

Ms. Olivia Chow: This again deals with directors being appointed with the approval of the standing committee.

The Chair: This one is beyond the scope of the bill as well and I deem it out of order.

We'll now move on to the next one, and you're welcome to introduce that one. It's the first one in your three-page package.

Ms. Olivia Chow: Thank you.

This is the result of any public consultations held by the board with respect to the premium rates. It's always good to consult with the public, don't you think?

(Amendment negated)

(Clauses 121 to 123 inclusive agreed to)

(On clause 124)

The Chair: Now we're into clause 124, and there is an amendment—

Ms. Olivia Chow: It's reference number 3512796. In clause 124 we are amending lines 1 to 4 on page 115, and we are replacing lines 28 to 37 on page 114 with the following.... If you want me to look at line 28....

The Chair: Actually, once you've introduced this, I will rule that this is contrary to the principles of the bill.

Ms. Olivia Chow: For what reason, Mr. Chair?

The Chair: The amendment seeks to remove the new reporting structure but leaves intact the previous reporting structure, so I see it as going contrary to the principle of the bill and I'll deem it out of order.

So we are into a vote. Are you prepared to apply the vote before, from there down to 127?

Ms. Olivia Chow: We have other amendments to 127, yes.

(Clauses 124 to 126 inclusive agreed to)

(On clause 127)

The Chair: Now we're on clause 127, and we have a series of amendments. You're free to proceed with 3512788.

Ms. Olivia Chow: This one is replacing line 24 on page 116.

Line 24 on page 116 is this whole section regarding how the act is going to be...recommendations. So the line we want to include is:

Insurance Account and, as long as that balance is positive, contributions may not be increased, except as may be necessary to finance enhanced benefits.

Mr. Chairman, this is extremely important because we know the number of people—

The Chair: Before you get into explaining the importance of it, you've introduced it, and I appreciate that, but I will deem this as being contrary to the principle of the bill because the amendment seeks to add to that concept by creating instructions to be based upon the positive balance in the employment insurance account. So we'll deem it contrary to the principle of the bill.

•(1100)

Ms. Olivia Chow: Can you repeat the reasons, because...in what section is it?

The Chair: Bill C-50 provides the framework for the setting of an annual premium rate.

Ms. Olivia Chow: The dollar amount, right.

The Chair: This framework consists of several factors. One factor is that the board shall not take into account the balance of the employment insurance account. The amendment seeks to add to that concept, so I see it as going beyond the principle of the bill.

You're welcome to introduce your second amendment.

Let's go with NDP-5 now, because I think they're in order. We had to catch up to the ones that came in recently. NDP-5 might be easier for you to follow now.

Monsieur Crête.

[*Translation*]

Mr. Paul Crête: If an amendment is out of order, perhaps you could say so at the outset so that we do not have to debate it for five minutes before it is declared out of order.

[*English*]

The Chair: It's difficult for me to rule them out of order until they're introduced. That's why I'm allowing them to be introduced and then very quickly ruling on them.

We'll introduce NDP-5.

Ms. Olivia Chow: This one is replacing line 6 on page 117 with "following three years".

The Chair: I've ruled this one in order. We will ask for a vote on this.

(Amendment negated)

The Chair: You're now welcome to introduce NDP-6.

Ms. Olivia Chow: I believe that one is again dealing with clause 127. We are amending it after line 26 on page 117 by adding the following, which is a new subsection (f):

a plan to pay to the Board any amounts from the Employment Insurance Account when that account has—in addition to the amount necessary to avoid any increase in contributions during a prolonged economic slowdown—a positive balance according to the Chief Actuary.

Mr. Chair, do you want to rule before I speak to it?

The Chair: Yes, I'll rule on it.

Ms. Olivia Chow: Again, this is critically important, because we're seeing an economic downturn.

The Chair: I rule this one as contrary to the principle of the bill as well.

We'll move on to your next one.

Ms. Olivia Chow: Again, what is the rationale behind that?

The Chair: This amendment seeks to add an item to the list of information the minister must provide; namely, it is a provision that the minister also provide a plan to pay to the board an amount of the employment insurance account when the account has a positive balance. It is contrary to the principle of the bill, so I will rule it that way.

We'll introduce—

• (1105)

Ms. Olivia Chow: Sorry, I have to do this one more time. May I challenge the chair, please? And I want a recorded vote on whether the chair will be upheld.

The Chair: Shall the decision of the chair be sustained?

(Ruling of the chair sustained [See *Minutes of Proceedings*])

The Chair: Thank you for your confidence.

Now we'll move on to NDP-7.

Ms. Olivia Chow: Again, this is that clause 127 be amended by replacing line 40 on page 117 with the following, "rate for the following three years".

The Chair: The one is in order. Go ahead.

Ms. Olivia Chow: A miracle, my gosh. Well, it's about time that someone has—

The Chair: You're cutting into your five minutes and it's—

Ms. Olivia Chow: That's okay.

The Liberals might change their minds on supporting something for the workers. Actually, I am mistaken; this whole EI change started with the former Liberal government.

The Chair: Are you going to speak to your amendment?

Ms. Olivia Chow: Yes, I'm discussing about...you might as well let me speak once.

I can speak five times, five minutes each.

We have in front of us a question about whether to put aside a measly \$2 billion rather than the over \$50 billion of funds that the

employees, mostly the employees, through from the nineties to now...as EI changed, this fund technically belongs to the workers.

What has happened in the past is this money has been taken away and has been...I can see why the Liberals are not happy listening to this because thousands of workers could have used this employment insurance. They no longer qualify, and just in my hometown, Toronto, 75% of the people who qualified for employment insurance used to be able to get some money. They weren't forced onto welfare.

What has occurred from the nineties to now is that only about 20% to 30% of people qualify for EI. Setting up an arm's-length agency and giving them a small amount of money will not do the job, and the entire amount really should go back to the employees for retraining, to increase their employment, whether they're in the forestry industry, which is facing massive unemployment, the manufacturing industry, where a lot of people...or whether they are auto workers.... We are losing a lot of manufacturing jobs, and this is the time for an EI change that would take that money and use it to retrain workers.

It's really unfortunate that a lot of our motions are either ruled out of order or are defeated because of the Liberals abstaining. I certainly hope some of these motions will pass.

The Chair: Thank you very much. You've made a point. We'll now vote on the amendment.

(Amendment negated)

The Chair: Now we'll go to the main motion.

(Clause 127 agreed to)

(On clause 128)

The Chair: Shall clause 128—

Ms. Olivia Chow: I have an amendment.

The Chair: You're welcome to introduce your amendment.

• (1110)

Ms. Olivia Chow: Line 6 on page 119 is to be amended to say there should be a payout.

Is this in order, Mr. Chair? It's 70.1.

The Chair: Yes, it is in order.

Shall the amendment carry?

Ms. Olivia Chow: Could I have a recorded vote on this one? It's so reasonable, it's hard to believe it won't pass.

(Amendment negated: nays 4; yeas 3; abstentions 3)

(Clauses 128 to 130 inclusive agreed to)

(On clause 131)

The Chair: We have some amendments to clause 131 and we'll allow those to be introduced at this time.

Ms. Olivia Chow: There are two amendments, Mr. Chair. Let me do the first one. It's 3512790, and it is that clause 131 be amended by replacing lines 9 and 10 on page 121 with the following:

The Minister of Finance shall authorize the payment

The Chair: This one would be contrary to the principle of the bill and would be inadmissible.

Ms. Olivia Chow: Why?

The Chair: Because the amendment seeks to force the Minister of Finance to authorize a transfer of this kind without the input of the ministers responsible for the program, so I deem it contrary to the principle of the bill.

You're welcome to introduce the second one.

Ms. Olivia Chow: The second one, again, is on clause 131, proposed section 80. This is critically important. It is:

(2) The payments shall be made from the accumulated surplus and shall not be refunded.

This is dealing with the dollar amount from the workers.

Before I launch into my speech, is this in order?

The Chair: No.

Ms. Olivia Chow: Oh, shocking!

The Chair: This is inadmissible. It's contrary to the principle of the bill and infringes on the terms and conditions of the royal recommendation.

Ms. Olivia Chow: That's why they can't get their money back.

The Chair: It's against the principle.

Ms. Olivia Chow: That's unfair.

The Chair: We will now go to the main motion.

(Clauses 131 to 164 inclusive agreed to)

[*Translation*]

Mr. Paul Crête: I move that we pass everything that is left up to clause 164 and that we vote on the very last question only. I suggest that we agree to everything on division until the very last question when you ask if the bill shall carry.

● (1115)

[*English*]

The Chair: It's applied right to the title.

I see no opposition to that. It's carried right to the title.

Shall the bill carry?

Ms. Olivia Chow: This is a recorded vote.

The Chair: All right.

(Bill C-50 agreed to: yeas 4; nays 3; abstentions 3)

The Chair: Shall I report the bill to the House?

Some hon. members: Agreed.

The Chair: I will do that tomorrow.

Thank you very much.

The meeting is adjourned.

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