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Chair

Mr. Joe Preston

Standing Committee on Procedure and House Affairs

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• (1125)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): [*Public proceedings resume*]

Let's bring this meeting back to order. We're now in public and we're discussing the motion brought forward by Ms. Foote.

I still have Mr. Hoback on the list, then a number of names to follow. Mr. Hoback...?

I will defer to Mr. Lukiwski, then. He was next on my list.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): All right. I'll cede my time if—

The Chair: When he comes back. I understand. I let him leave the room and then called him. I'm mean that way.

Mr. Tom Lukiwski: Thanks, Chair.

As I mentioned earlier, clearly this is an important issue, and I respect all of the opposition parties' comments that this is a fundamental part of our democratic process in the House. Again, I don't have any issue with that whatsoever, but any time—and I think one of my colleagues mentioned this earlier—there is a motion to amend the Standing Orders, it requires more than an immediate vote. I think we have to do at least a little bit of investigation and due diligence on this; otherwise, we'd certainly be doing an injustice both to this committee and, frankly, to all committees of the House. This committee is the one that is the mother ship of committees. We're the ones who analyze changes that affect all parliamentarians and all parties, whether those changes are to the Standing Orders or to other procedures of the House.

Notwithstanding the sincerity of Judy's motion here, I don't think we should consider doing a quick vote on this for even a moment, because it is a change to the Standing Orders.

One of the things I would suggest is that if we're going to have a full debate on this, a debate that is truly meant to examine what impact these changes would have and what consequences there would be, we should have at least a witness or two who are procedural experts come before the committee so that we can question them and talk to them about it. That's one thing I would be very firm on. If we're going to have a serious debate on this—and I think it requires a serious debate—I'm not saying it has to be an overly extended debate, but I do think we need a few procedural people to come in here to assist us and answer some questions that we may have for them. I know that my colleague, Mr. Hoback, seems to have a number of questions.

That's the first point I would make.

I have a few others, but I see Mr. Hoback is back at the table so, as I stated, I will turn it back to him, with your permission, Chair.

The Chair: Thank you. I will go to Mr. Hoback and leave you some of your own time left.

Go ahead, Mr. Hoback.

Mr. Randy Hoback (Prince Albert, CPC): Thank you, Chair.

I have lots of questions here about what we've done in the past and why we did it in such a way. If the Standing Orders are such, why are they such a way? How did we come about seeing it that way, and have there been any instances, outside of the one Ms. Foote talks about, of this being applied for and not granted, and if so, why wasn't it granted, or why was it granted?

I need some basis here to make a proper decision as we move forward. I can't go back to my constituents and say I voted based on the recommendation of somebody else or without doing some proper due diligence here. Mr. Lukiwski is right. I think we need to have this discussion in front of some experts so that we can actually talk to the people who understand the dotting of the *is* and the crossing of the *ts* and what the implications of this change would be.

That's why I suggest we put this off to another day to at least give us some time to get the background information so that we can have a proper debate.

The Chair: Mr. Hoback, I'll forward your questions to the analysts. They're the experts we have. They're experts on many things around here. I will let them give an answer to your questions, but I'm not certain it's going to be as full an answer as you would like.

Mr. Randy Hoback: Would the analysts be able to reply with the answer today?

Mr. Andre Barnes (Committee Researcher): Do you mean about the difference between what's being proposed?

The first half, the first paragraph, is identical to the existing standing order, except for the wording "in 2011". It has been substituted for "in any calendar year", and the motion adds a second paragraph. I believe there are three supply periods; it delineates the minimum number of sitting days and the maximum number of sitting days for each of those supply periods. That doesn't presently exist in the standing order.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): For clarification, they're not the same. One is December and one is March.

Mr. Andre Barnes: The order that they're given in is switched, but in the first paragraph....

The Clerk of the Committee (Ms. Angela Crandall): It's because we're partway through the financial cycle, so this reflects a calendar year rather than a parliamentary financial cycle. It would start in the next financial period. It will be starting in January and go to March because we're finishing this financial cycle or this budgetary cycle on December 10, so if this practice is to reflect what will happen in the year 2011, it has to start in the first financial cycle, which starts in January and goes to March 26.

The Chair: Mr. Hoback, you still have the floor.

Mr. Randy Hoback: In that situation, then, if the government should go into an election, does that carry forward no matter who is in government in the case of an election?

The Clerk: The standing order is modified in this fashion until another amendment is made. This would be the way it would work in 2011, so regardless of what government came in, unless they moved a motion to change how the standing order worked, this would be how it would work until the end of 2011. It does specifically say "in 2011", so what would happen—

The Chair: It's what would happen after that.

The Clerk: Exactly.

Mr. Randy Hoback: Does changing this standing order have impact on any of the other standing orders, and if so, what would be the domino effect?

The Clerk: I don't think there would be any impact on other standing orders. I would really have to do a bit of research on that, but I know there have been modifications on how the particular standing orders dealing with the financial cycle have worked to reflect where we are in the cycle when Parliament begins. If a new Parliament begins partway through a financial cycle and we have to allot a certain number of days within that cycle and there are only a few days left in it.... Modifying the financial cycle to reflect the reality of the parliamentary cycle or where Parliament is at is not something that hasn't been done before. It's been done to accommodate a new Parliament starting on March 31.

• (1130)

The Chair: How has it been done?

The Clerk: I assume discussions have been done and there has been a motion in the House to do it.

Mr. Randy Hoback: You said a motion in the House is the normal procedure in doing this. When we look at the implications, have there been examples of this being applied for in the past, and for one reason or another not being granted? Can you explain why that would be?

The Clerk: That I don't know for sure. There could have times when this particular modification has been asked for in the past.

Mr. Randy Hoback: So we don't have that benefit of history to understand.

The Clerk: I wouldn't be able to speak authoritatively on what's happened and whether this has happened before. I know there have certainly been appearances of this in how opposition days have been working recently, but there hasn't been a formal change to the standing order recently.

Mr. Randy Hoback: Has the process that we're using here to change the standing order been used to change other standing orders?

The Clerk: We're not really changing it, because we just recommend to the House. We make a report, and then the House will proceed from there. The committee has the power to study and report to the House.

Mr. Randy Hoback: Okay. The decision comes back to the House on whether to accept the recommendation.

The Clerk: Exactly.

Mr. Randy Hoback: Again, have we looked at this committee doing changes such as this to different standing orders through this process?

The Clerk: My history with this committee is relatively short. Since I've been with the committee, I don't think they've done a report to the House to do changes to standing orders, but it certainly is within our mandate to do so. Under the mandate in Standing Order 108(3), it says that we deal with all issues relating to standing orders of the House. I can cite it for you here, if you like, but it definitely is within our mandate to study standing orders and make recommendations for modifications to them.

Mr. Randy Hoback: Maybe we'll just get you to read that point.

The Clerk: Sure. Standing Order 108(3)(a)(iii) reads: "the review of and report on the Standing Orders, procedure and practice in the House and its committees".

It's a very broad mandate. We have several under the Standing Orders, but that is one of them.

Mr. Randy Hoback: As far as that process goes, then, there is nothing improper that you see in the process.

The Clerk: As I said, the committee can study it and report to the House, but it's the House that would decide on whether they adopt it or concur in our report.

Mr. Randy Hoback: I think the House would assume that the committee would do appropriate study on it, then, would it not? It wouldn't just bring forward a motion as major as this and then not proceed with some sort of study.

The Clerk: That's for the committee and the House to decide.

Mr. Randy Hoback: How do we move forward on a motion like this when we are not able to get an appropriate study?

The Clerk: Once again, it's for the committee to decide.

The Chair: It's for the committee to decide.

Mr. Randy Hoback: It belongs to us here as a group to decide that.

The Chair: Yes.

Go ahead, Mr. Lukiwski.

Mr. Tom Lukiwski: Thanks, Mr. Chair.

Just to follow up on Mr. Hoback's comments—which I concur with—as I've said before, at the very least we should have a witness or two come forward just to speak with us on procedures and to guide and help us. Therefore, I would make a motion, if that's in order, to amend this motion before us. Basically, I move that the procedure and house affairs committee engage in a study to determine whether this committee should make a recommendation to the House, etc.

In other words, the amendment is to allow the committee to call witnesses forward. I don't think there need to be a lot of witnesses, frankly, because we know the issue here. I certainly agree with that, and I'm not trying to be adversarial when I say that witnesses would be helpful. I'm not trying to delay this and I'm not trying to obfuscate, but to an extent this was sprung on us. Randy's new to the committee and so is Rob. If we had at least an amendment to this motion that suggested we engage in a study.... Even if we put time limits on it, at least allow us to call a witness or two.

• (1135)

The Chair: That is a motion to amend.

Do you need that in clear language? Are you okay with what Mr. Lukiwski has said? You're okay?

We're now debating the amendment. I'll call your name on the old witness list; if you don't want to speak to the amendment, we'll start one on the amendment, but I think most would want to stay on.

I have Mr. Albrecht next on my witness list—I mean, my speaking list.

Some hon. members: Oh, oh!

The Chair: Go sit down there and talk.

I have Mr. Albrecht, Mr. Weston, Mr. Bagnell, Madam DeBellefeuille, Mr. Reid, and Madam Foote on my list.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I have a point of order.

Could I actually get the exact wording as the clerk has written it down, just to make sure I understand it?

The Chair: Are you referring to the amendment?

Mr. Scott Reid: I'm referring to the amendment.

The Clerk: I haven't written it down yet, but—

The Chair: Just give us a second. We'll get the clear amendment out to you.

Mr. Lukiwski, let us know if this is close to what you said:

That the motion be amended by adding, after the words "standing order", "that the committee carry out a study of the preceding motion".

Mr. Tom Lukiwski: Yes. That captures the spirit of what I was trying to say.

The Chair: All right.

On the amendment, I have Mr. Albrecht.

Mr. Harold Albrecht: Thank you, Mr. Chair

I'm absolutely thrilled to speak to the amendment, because this amendment embodies exactly what I was trying to get at in my

earlier comments when we were in camera. It is unfair to this committee and to Canadians that a motion like this would be thrust upon them at the eleventh hour with no time to prepare at all or to read what was previously in the Standing Orders and what the recommended changes are.

It's fine for the opposition members to explain their intent and what the differences are, but that is not adequate research, in my opinion. I think that for a procedural change that will be in writing for an entire year, it's important to have more expert witnesses. The clerk herself admitted that she was not sure whether or not there might be a domino effect on other standing orders. It's up to us, certainly, to try to clarify that. I don't think there's any big rush to do this today. With the amendment before us, we have time to study the motion and do due diligence, at which time we can then either vote for or against it.

I would absolutely stand in support of the amendment to give us time to do an adequate study.

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

Mr. Rodney Weston (Saint John, CPC): Thank you, Chair.

As Mr. Lukiwski said, I'm new to this committee. Maybe in that fashion I understand that it is certainly within the realm of a committee's powers to bring a motion of this nature forward, and it's certainly within our responsibility to look at that motion.

However, I have to say that coming in here today and having this thrust upon us in this manner, and not having a lot of background on it myself as a new member and not understanding all of the details, I have heard discussion on both sides of the table in debate that leads me to believe this is something that has been worked on with the House leaders. The cynic in me starts to wonder what's going on here.

Maybe I shouldn't use the word "cynic". Maybe I should say I'm a curious person by nature, and the curiosity in me makes me wonder what the rush is.

Mr. Albrecht said we're not serving Canadians well by dealing with this in this quick fashion without hearing all the discussion or all the debate around it. Honestly, it's not fair to me as a new member of the committee to expect me to vote one way or the other until I have a complete understanding of the ramifications of a change of this nature. It's incumbent on all of us to have a clear understanding of the implications of anything we discuss and debate here at this committee, let alone a standing rule. A standing rule is something that I honestly take as very serious in nature.

I understand that the committee has the ability to make these recommendations with respect to standing rules. However, I want to understand why things are worded in the manner that they are and I want to hear from people who are well versed. I want to hear from the experts with respect to this matter.

I wouldn't even mind hearing from the House leaders with respect to this issue, and if the House leaders are having discussions around this issue and this standing rule, why don't we hear from them? What is the issue? Why are they not able to resolve the issue, if there is an issue?

I don't even know whether there is an issue; that's my point here today. I don't know what the concerns are. I'd like to hear what they are; I'd like to hear more discussion. I'd like to have not a lengthy debate or a lengthy discussion, but just a clearer understanding, to try to come to terms with what it is we're dealing with here. It's all well and good to say that we're just changing a few words or are just looking at extending what was already in place. It all sounds reasonable when I sit here today and hear it for the first time, to be very honest, but I want to know some background on it. I would like to hear more about it, whether from the House leaders or from anyone at all who has some background and can give me some detail on what it is we're discussing and what it is we're debating in trying to decide whether we implement a new rule or not. It's only right, to be very frank.

Going back to my curious nature, I have to wonder—and I suppose the members opposite are the only ones who could answer this—what the hurry is. Ms. Foote brought in a motion, so I may have to pose a question across the floor. What is the hurry, so to speak? As we say where I come from, what's the rush? Tell me what the whole deal is here.

I have some time; I'm going to be here until one o'clock. Take your time and tell me. Let me in on what it is we're talking about, why we're talking about it here today, and why we're sitting here and all seem to be dug in, if you want, or concerned, or whatever the case may be. Please enlighten me, because I'm not prepared to move at this point until I have some questions answered around this. I don't think these are unreasonable questions. I'm just looking for more information.

• (1140)

I just want to know what it is we're doing here and why we're doing it at this point in time. I understand, as I said earlier, that this is part of what we do, but if it's being dealt with somewhere else and has been discussed, I want to understand why it's here all of a sudden.

This committee had plans to hear from other witnesses whom we've been hearing from and has been working on trying to get some progress on a report, so what is the urgency here today? I understand that there are only a few days left before this has to be dealt with, but that said, there have been many things before the House that go to the eleventh hour, if you like, and deadlines certainly make a difference. When people have deadlines that they have to meet, they tend to make decisions in trying to meet those deadlines. We're not at the eleventh hour yet. We're close, but we're not there.

As I said, I'd like to have more information; I'd like to have a better understanding of what it is, and why, more than anything else, we're dealing with this today, when we had a plan already laid out, we had witnesses here before us, and there is work that this committee has undertaken and is trying to move forward on. Why are we at this today?

• (1145)

The Chair: Thank you, Mr. Weston.

Go ahead, Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

Before I make my comment, I want clarification from the analyst or the clerk. This motion simply extends what we're doing right now, the status quo. Is that correct?

The Clerk: I can't really comment on that, because we don't have this in the standing order at the moment.

Hon. Larry Bagnell: But it's extending the procedure we've been following for the last number of months, is it not?

The Clerk: If you did an analysis of when opposition days have been allotted, you might draw that conclusion.

The Chair: It's been practice.

The Clerk: I don't know what discussions there have been and how the decisions have been made and how opposition days have been allotted. I can say that based on what has been happening in the House, you might assume that something like this has been going on. That's as far as I know.

Hon. Larry Bagnell: Was it not passed in the House?

The Clerk: Nothing has been, as far as I'm aware.

Hon. Larry Bagnell: Was there not a change in 2009?

The Clerk: There was a temporary change, yes.

Mr. Randy Hoback: I have a point of order, Mr. Chairman.

The Chair: Yes, go ahead.

Mr. Randy Hoback: I just want clarification that we're still on the amendment.

The Chair: We're still on the amendment, yes, concerning expert opinion.

Hon. Larry Bagnell: Now that you have that new information, I'd just like to clarify that we're just carrying on that provisional change. What we've been doing was ordered by Parliament. We're just extending that, basically. We're basically recommending that we extend what we're doing right now.

The Clerk: Yes, you're recommending a change to what exists in the standing order.

Hon. Larry Bagnell: It's a provisional change.

The Clerk: Yes, it's a provisional change.

Hon. Larry Bagnell: We're recommending to continue with what we've been doing right now and since 2009.

The Clerk: No, the provisional change is not in the standing order.

Hon. Larry Bagnell: No, but we're recommending what Parliament directed and what we've been doing since 2009.

The Clerk: That's what it appears to do, yes.

Hon. Larry Bagnell: Okay. For the record and the media, if we're merely recommending that we carry on what we've been doing as Parliament has already directed, for me any lengthy discussion longer than half an hour.... If new people have more technical questions, they should ask them quickly, but anything past half an hour to me would be....

Being new to this committee, Chair, I'd like to say that you're doing an excellent job.

The Chair: Thank you.

That's a very good start, sucking up to the chair. That's good. We'll expect more of it.

Some hon. members: Oh, oh!

Hon. Larry Bagnell: If there is any discussion past half an hour, I would describe it in my view as an unnecessary obstruction.

The Chair: Thank you.

Go ahead, Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Thank you, Mr. Chair.

I would like to explain to my colleagues who have not been with us long that the rush to discuss this motion stems from the fact that the session is ending. We are really interested in scheduling opposition days so that they are set out clearly for the next session. We know that there are three weeks left to sit. Since we are talking about it, I assume that it has been discussed already. Perhaps no agreement has been made to schedule these days reserved for the various opposition parties for the next session. In a way, I think this explains the rush to talk about it.

I sort of understand your hesitation. We know that, back when the Liberal Party was in power, they abused the management of opposition days. They tried to cluster them all at the end of a session, for example, as a parliamentary strategy. So we can understand, but just because there has been abuse, we do not need to repeat it. Today, we can collectively decide that we will take the right path and schedule opposition days more clearly and democratically. Basically, the government is not required to repeat what it did not like when it was the opposition.

I feel that we have a good opportunity today to prove, together, that we are in favour of a procedure that will make it possible to manage opposition days with greater transparency.

Everyone—MPs, citizens and all voters—need to be aware of the schedule of opposition days for the next session. No one here is interested in slowing down the debate before the end of this meeting. I hope that we can really deal with it so we can give our leaders the tools they need to schedule opposition days for the next session.

We also need to pay attention when we say that it is unfair. I am sure that all the parties are aware of the issue we are discussing today. It is nothing new. Perhaps we just need to formalize it so that, together, we can make a recommendation to the House of Commons. Once we have done that, the next session can start in a more organized and transparent way for all the MPs, but also for the public.

I do not believe that it would be complicated to make this decision today, Mr. Chair. I think that we need to tell ourselves that, if it has come here, there are good reasons for it. Perhaps the discussions didn't go anywhere? I am not a leader, but I understand that I cannot support an amendment that aims to continue the debate and conduct a study. I would prefer that we really deal with it today. So, I will not support this request to extend the debate and the study, out of consideration for the witnesses.

• (1150)

[*English*]

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: Thank you.

Could I have a clarification? The clerk described the wording of the proposed amendment a little differently. It's not "I move that the committee study a recommendation". It's done differently. Could you read that back, please?

The Chair: At the bottom of the motion, the amendment would read as follows:

That the motion be amended by adding, after the words "standing order", "that the committee carry out a study of the preceding motion".

Mr. Scott Reid: Then would it be, "and that the chair report the recommendation" or "and that if the study produces a..."? Do you see what I'm getting at?

The Chair: We're in a conundrum there. I can't report that we did a study; I have to report on the motion.

The Clerk: You report the recommendations of the study of the report.

Mr. Scott Reid: But presumably the point of a study is to determine whether it's appropriate to make the recommendation here, or perhaps an amended recommendation, or, conceivably, no recommendation at all. Wouldn't it make sense to make an amendment that reflects the possibility that the study would produce a result, other than simply endorsing this? That is the point of the study. It is not necessarily to find a different conclusion, but to leave open the potential for a different conclusion.

A voice: Good point.

The Chair: Then it should also include removing the line "and that the Chair report this recommendation to the House".

Mr. Scott Reid: Perhaps you could say, "and that whatever conclusion the committee arrives at...", or something like that, "...be reported to the House".

The Clerk: And just report it to the House. Whether there's a recommendation for or against, it would be—

The Chair: Since this is Mr. Lukiwski's amendment, are you in favour of the changes to it, or—

Mr. Tom Lukiwski: Well, I—

The Chair: —is this a further subamendment, which is not really—

Mr. Tom Lukiwski: Well, no.... I apologize, because when I made my motion, of course I didn't have it written out. One of the problems with not having any advance notice is that it's very difficult to create a motion on the fly that has all the clarity you require.

I appreciate Mr. Reid's point, however. We do need clarity on this. The spirit of what I was trying to get at is simply that this committee engage in a study. It can even be a time-limited study if you wish, but we need a study nonetheless to determine whether or not this committee wishes to make a recommendation to the House and report to the House that recommendation.

• (1155)

The Chair: Okay. We'll let the clerk work on that right now.

Mr. Tom Lukiwski: Mr. Reid's point is well taken. The study may determine that yes, we agree that we want to recommend changes. It may agree that we have changes different from what is contained in this motion, or it may determine that we make no recommendations whatsoever. That's what I'm trying to get at.

The Chair: Do you feel better with that?

One more time, Mr. Lukiwski. We'll see if we can get you to agree to it again, and then we'll carry on discussing it as if it was that way all along.

It's like magic around here.

Mr. Tom Lukiwski: It is like magic. I was about to say that very thing. How do you do that?

The Chair: I get by only on looks.

Mr. Tom Lukiwski: Do you have a wizard's cane and a little pointy hat?

The Chair: Never mind. There's no comment needed there. I thought of a good one, but I think I'll leave it alone.

This is Mr. Lukiwski's motion:

That the motion be amended by adding after the words "Standing Order" the following words: "That the Committee carry out a study of the preceding motion and determine if it wishes to make recommendations to amend Standing Order 81 (10)(a)" and by deleting the words "and that the chair report this recommendation to the House"..

That brings in that we would do a quick study—you didn't use the word "quick", so I shouldn't use it. We'd do a study on the recommendations of Standing Order 81(10)(a), which is what this motion is changing, and at that point we would decide on this motion.

Mr. Tom Lukiwski: Yes, that's—

[Translation]

Mrs. Claude DeBellefeuille: A point of order. Could the clerk please read it in French?

[English]

The Chair: I'm going to allow the clerk to do that.

[Translation]

The Clerk: The French reads:

Que la motion soit modifiée par adjonction, après le mot « Règlement. », de ce qui suit: « Que le Comité étudie la motion précédente pour déterminer s'il désire recommander de modifier l'alinéa 81(10)a) du Règlement » et par suppression des mots « et que le président en fait rapport à la Chambre ».

Mrs. Claude DeBellefeuille: Thank you.

[English]

The Chair: Mr. Lukiwski, are you okay with the new wording of the amendment?

Mr. Tom Lukiwski: Yes, it's better than the last.

The Chair: It is clearer to the chair, too.

Mr. Reid, you're still up.

Mr. Scott Reid: I think what I'd like to do is find out a bit about how the opposition parties, who after all proposed this, feel about the motion now that they understand how it's worded. Then at that point I'd come back and in my comments try to provide some response to what they're thinking.

The Chair: Can I ask the question from the chair, then? Can I help you with that, perhaps?

What we're suggesting here is that we do a quick study and take a look at this standing order. Our next meeting is Tuesday. Can we say that first thing on Tuesday we will have whatever witnesses this committee may want to have to look at this for an hour, half an hour, three-quarters of an hour, two hours, or whatever the meeting is on Tuesday? At the end of that time, then, we would move on to the motion if the information has been provided.

Is that what you're suggesting happen, Mr. Reid? Is that what you want?

Mr. Scott Reid: I'm actually trying to figure out what is being proposed by others and how they'll respond to it.

The Chair: That's what the chair took from Mr. Lukiwski's motion as it is now written: that we would do some sort of quick study and possibly call procedural members—and somebody even mentioned House leaders—to the end of the table to ask what this change means to us, if we make it.

There's a point of order.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you.

I have a question. If this amendment fails, is the main motion still in order?

A Voice: Yes

Mr. David Christopherson: Thank you.

The Chair: Mr. Reid, does that satisfy you? I know I asked the question, and I didn't hear anything back.

Mr. Scott Reid: I'm trying to figure out where the opposition is on this.

Ms. Yasmin Ratansi (Don Valley East, Lib.): That way you'll know how the opposition is.

Mr. Scott Reid: Okay. Well, that's a kind of an answer, actually. It's actually an answer that indicates to me what—

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): A point of order, Mr. Chair.

The Chair: Yes.

Mr. Mario Laframboise: Mr. Chair, if Mr. Reid wants to know the opposition's position, all he has to do is request a vote on his amendment. That way, he will find out what we think of it, won't he?

• (1200)

[English]

The Chair: You're still up.

Mr. Scott Reid: Actually, both those comments are very helpful in giving me a very clear idea of where the opposition is going on it, and that indicates to me how I ought to proceed as well. Thank you.

With regard to this whole thing, this was raised.... I think this motion is the identical text, but I'm not actually sure, because this was sprung on us with no prior notice at our House leaders meeting.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Scott has really gone into it deeply.

The Chair: Address remarks through the chair, please, instead of across the table.

Mr. Scott Reid: I think that actually was through the chair.

The Chair: It's amazing how the sound was coming from that way. I do have—

Mr. Marcel Proulx: I was paying him a compliment. It's not committee business.

The Chair: Thank you.

Mr. Scott Reid: Actually, I do want to correct the record on one thing. Someone, I think it was Ms. Foote, said, "Scott's a lawyer". I'm actually not a lawyer.

Mr. Marcel Proulx: You wish you were, though.

Mr. Scott Reid: I'm lawyer-like in my presentation of things. I'm actually a historian.

Mr. Marcel Proulx: You wish you were, don't you?

Mr. Scott Reid: I might have wished it, but I actually love this job. I can't imagine one that I could enjoy more than this. I'm not saying that lightly. I really do think that. I particularly enjoy the collegiality we have in this place—

An hon. member: Hear, hear!

Mr. Scott Reid: —and the deep respect we have for each other. I've always found that personally moving, and I have a high regard for the colleagues both in this room and...I want to say all colleagues in the House, maybe to somewhat varying degrees. In general, I have very high regard for all of us, and also particularly for the institution itself. One of the things that makes the institution of Parliament work best, I believe, Mr. Chair, is to have all of us acting respectfully.

Mr. Marcel Proulx: Is he going to talk about his dogs?

Mr. Scott Reid: No, I won't talk about my dogs. Thank you for that suggestion, Mr. Proulx.

Mr. Marcel Proulx: Oh, you do have a dog.

Oh, I'm sorry, Mr. Chair.

The Chair: It's nice to have you come back to the committee today, Mr. Proulx.

Mr. Marcel Proulx: Yes, I was late and I'm trying to catch up.

You know, you have to know the sense of this filibustering. You have to know where it's coming from and where it's going.

Some hon. members: Oh, oh!

The Chair: I'll not take that as a point of order.

Carry on.

Mr. Scott Reid: Thank you, but in all seriousness, Mr. Chair, one of the things that is key to the success of Parliament is that we try as best we can to work with each other informally in order to, in a sense, provide the lubrication between the gears that all grind together here to produce the legislation and the oversight for which we're responsible. There are a variety of informal mechanisms we've set up for that, which are based, ultimately, on our trust and respect for each other, notwithstanding the fact that ultimately the nature of what we're doing as policy objectives puts us in perpetual conflict.

But it's not a war of all against all. It is a respectful attempt by all of us to achieve policy objectives when we differ on all of the specifics that come before us—that is the nature of it—but not on the generalities. That's why you have the concept of, for example, the loyal opposition. The opposition is loyal to the constitution, loyal to the Queen, loyal to the idea of the state, loyal to the institution of Parliament, but ultimately not loyal to the government, because it seeks to be an alternative government.

That concept includes not merely the government and the official opposition, but also all of the opposition parties. One of the institutions we use is informal House leaders meetings. These are meetings that take place between the House leaders, the whips, and the deputy House leaders every Tuesday. Although not all the individuals who are here go to these meetings, I think a majority of them, or at least half of the individuals here, do go to these meetings. We agree to conduct ourselves in a certain manner, a manner that I would describe as "gentlemanly". Although there are no formal rules about contempt of Parliament for talking about what goes on in these in camera meetings, it would be conventionally be understood to be contempt for the process to mention publicly what goes on privately in those meetings. In my remarks I will be respectful of that convention.

It's also important to understand that the undertakings given at those meetings have to be taken seriously. If we agree to undertake a certain process in those meetings, including a process for negotiating some potential change to the Standing Orders, then that undertaking should be honoured. If it isn't, ultimately the utility of that institution—the utility of the weekly House leaders meetings designed to facilitate cooperation and to find the areas where we aren't in conflict in order to move forward—is lost.

As you can probably guess, what I'm working up to here, Mr. Chair, is the suggestion that in essence a version of that seems to have taken place today. It is a version of—and I'm trying to use gentle language here—neglecting the undertaking to be gentlemanly in our conduct with each other, to be respectful of the process and of the fact that we were expecting to use that process to resolve this issue. It has been lost by taking this particular motion and bringing it to this group without notice. We had witnesses here, of course, and an expectation that we'd be dealing with other items of business. Now we're saying that we're going to use this process.

There is no formal violation of any rule—that would be easy to stop, actually, because the rules are the rules—but there's a violation of the conventions that help us to work together.

One of the interesting things about the way our institution is structured after a thousand years of evolution here and in England—

• (1205)

Mr. Marcel Proulx: I have a point of order.

The Chair: Yes, Mr. Proulx, go ahead.

Mr. Marcel Proulx: I'm just questioning the relevance of Mr. Reid's.... I seem to remember that he was using basically the same words on the in-and-out scandal that we investigated at one time. I'm wondering if he's just reading the same speech. Where's the relevance?

The Chair: Thank you for your intervention, Mr. Proulx, but it really isn't clearly a point of order.

Mr. Marcel Proulx: Well, what's the relevance?

The Chair: I believe he's speaking of the Standing Orders and the relationship between the House leaders and deputy House leaders in this place. Since the motion to this committee would include all of that, I'll allow him to continue.

Mr. Marcel Proulx: Do you feel it's relevant?

The Chair: I think I just said that.

Mr. Marcel Proulx: I see.

Thank you.

The Chair: You can, of course, challenge.

Carry on, Mr. Reid.

Mr. Marcel Proulx: We're just happy to have a nice guy like you, Mr. Chair.

Mr. Scott Reid: There actually is some similarity, which I will come back to in a moment, in the comments. I'm not entirely sure that having brought up a point in the 39th Parliament invalidates raising a similar theme in the 40th Parliament. Our rules don't, as far as I can tell, preclude that possibility. If they did, it would lead to very interesting debates. We would eventually run out of all relevant arguments and only be able to use the irrelevant ones that nobody had thought of previously, because the relevant ones had been previously engaged in and were therefore impermissible.

I'm going to come back to that point. Let me first talk about what I was saying.

There is an underlying way in which we conduct ourselves when we find that the informalities that allow us to get business done break down. There are two ways of handling this.

You can say that the default position of Parliament is to simply say, when we can't agree, that we shut down debate and have a vote and move on, or the default position could be that when we can't agree and can't find ways of facilitating moving things along through unanimous consent—with which, as you know, you can do anything here—or through a demonstration of widespread consent, we slow the process down. There are many ways in which this applies. Obviously nothing can happen without a majority, but we also have ways of ensuring that if a meaningful minority disagrees with something, they can act in a certain way.

If a meaningful minority of the committee—not a majority of the committee; I think it's four members, though it may be five—don't agree with the chair's decision not to call a meeting within a certain time that they deem reasonable, they can sign a letter and effectively force a meeting to take place. That's an example of a way in which we ensure that more debate can happen.

In the House, if the Speaker asks us to call out the “yeas” and “nays” and determines that the “yeas” have it and five of the people who are supporters of the “nay” side believe that the Speaker is incorrect in that interpretation, they can stand up. They call it a “standing five.” That's a way of giving power to a minority to slow the process down and allow for more debate.

This is taken to the point that by convention, when dealing with tied votes, the Speaker always breaks a tie in such a way as to ensure that further debate can continue. It's not written down, but it's a very strong convention, and the Speaker has made reference to it. At third reading, that means voting against the measure in question so that it can be sent back and the process can start all over again, because if you voted in favour, it would pass from us on to the other place.

In the case of a second reading vote—

• (1210)

Ms. Yasmin Ratansi: I have a point of order.

Mr. Chair, I can't find the relevance. I really want to know what this has to do with the amendment or the motion. I cannot find relevance in going into the Speaker or whatever.

The Chair: Well, I can, so Mr. Reid will continue.

Ms. Yasmin Ratansi: I challenge the chair.

The Chair: We haven't had that for a while, have we? I don't believe I can remember it ever.

Mr. Scott Reid: I'm sorry, but on a point of order, I'm not sure about a point of order, but I think it trumps a challenge to the chair. The chair has to make a ruling to be challenged, so—

Ms. Yasmin Ratansi: He already made the ruling. His ruling was that he finds—

The Chair: I made the ruling that you were relevant.

Ms. Yasmin Ratansi: I challenge the chair.

Mr. Scott Reid: Okay. I just want to be clear that this is what was being—

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Aren't you happy, Scott? He thinks you're relevant.

The Chair: Order.

Mr. Scott Reid: I feel like I'm at home.

We are in camera, right?

Some hon. members: Oh, oh!

The Chair: No, we're not.

Mr. Scott Reid: I know that.

The Chair: We are in public, and there is no debate on the challenge of the chair on a ruling, so we call a vote.

Is it a recorded vote?

Some hon. members: It's a recorded vote.

The Chair: Oh, now it's a recorded vote. Look at that.

Mr. Scott Reid: I think that proves my relevance.

Some hon. members: Oh, oh!

The Chair: Is the ruling of the chair to be sustained?

The Chair: (Ruling of the chair sustained: yeas 6; nays 5)

The Chair: Mr. Reid, would you please continue? However, I will be watching for relevance now.

Mr. Scott Reid: Thank you, and I think that like Santa Claus, you will have many helpers in that pursuit.

The Chair: Oh.

Mr. Scott Reid: I am being a bit long-winded, but I'm doing it for a reason. It is to make the point that ultimately, when we're trying to decide whether or not to pursue debate or push something through, our default state is allowing more debate. That's what's going on here. Rather than rushing something through without having a chance to figure out whether it makes sense, we want to take the time to sit down and look at it.

That was the reason I asked the question to the other parties. I'd like to find out where they were going. I was trying to figure out if they were going to ram this thing through. Is that the real purpose? Do we get to find out after it's too late to do anything about it, or are they actually willing to look at the amendment? That makes me decide whether or not I'm going to talk out the time.

Is their goal is to go out there and say that we want what we want? We made a deal that we would discuss this internally and work out what might be a compromise arrangement, and now we've decided to go back on our word on something we decided elsewhere to show that what we thought were honourable proceedings are in fact out the window. We will drop something on you with no notice whatsoever and ram it through with no debate and no possibility of amendment—without even the possibility, if I might be so bold, of allowing me to confirm whether or not—

• (1215)

Ms. Judy Foote: I have a point of order.

The Chair: Go ahead.

Ms. Judy Foote: Mr. Chair, I take exception. I respect my colleague and his right to make whatever remarks he wants, but I did

say at the outset, when I put my motion on the floor, that it's certainly open to debate or certainly open to a vote. There was no intention at all of just ramming something through. I made reference to the possibility that if the committee wanted to debate—

The Chair: That's really not a point of order. Thank you very much.

Go ahead, Mr. Reid.

Mr. Scott Reid: I didn't mean to be implying personal disrespect. I should be clear about that. I hope that's understood.

The fact is that there's a process, a process we are working on. We took everybody else's word. We each took each other's word on the sincerity of that process, and that got tossed out. The fact is that the opposition has a majority here. The Liberals don't have a majority, to be clear about that, but the opposition does. If they want to pass something through, they can do it. The real point is that the Conservatives don't have a majority, either here or in the House. They can't actually stop anything, especially something that is quite probably a very reasonable proposal, if the other parties are united on this.

What I'm objecting to is this: we have processes that are designed to ensure fairness to all parties, and that's getting tossed out the window here. That is objectionable. Now I come to the part that relates back to Mr. Proulx's point when he said this reminded him of the in-and-out scandal and the discussion, the filibuster, that went on for weeks and weeks—indeed, I think for months—in this committee on that subject. I was a part of that. I want to be clear about it. I wasn't just talking; I was filibustering. I was talking for the point of talking out the clock to make sure we could not come to a conclusion. That was my purpose.

At one point, as you may recall, the chair of the committee had been thrown out—not just challenged, but actually dismissed, which is something that happens.... I don't know; how often does that happen? Is it once in a decade, once every 20 years? It was extraordinary. It was for doing nothing wrong, other than getting in the way of the will of the majority on the committee.

Then the attempt was made to put you in the chair to force us to continue hearing and to start at that point to toss the rules out the window in order to get the outcome they wanted, the outcome being to treat this so-called scandal as if it were a real scandal and to have a kangaroo court in which members of the Conservative Party would be hauled in with none of the normal procedural protections and raked over the coals in order to give the media perception of guilt. I opposed that very strongly, because it was a grotesque abuse.

Ms. Judy Foote: Again, what is the relevance to the amendment that's being debated here?

The Chair: Again I'm going to—

Ms. Judy Foote: It's the in-and-out theme.

The Chair: Because I was part of that procedure at this committee, I do find it relevant to what we're trying to accomplish here today.

Ms. Yasmin Ratansi: You're not challenging the chair because you think the NDP's going to vote against it.

Mr. Scott Reid: Here's the point, Mr. Chair, of that analogy. I've gone on at some length because not everybody was here, including Ms. Foote. In fact, I think the entire Liberal membership has changed from what it was then. That was an abusive process, and in the end the courts—the real courts—looked into that case, that so-called scandal, and the Chief Electoral Officer went out, as we know, and seized the Conservative Party's records three years ago. He hasn't returned them yet. He ran up \$2 million fighting against the Conservative Party in court. He lost two cases and was told to—

• (1220)

Mr. Marcel Proulx: Is that it? Oh.

Mr. Scott Reid: Mr. Proulx, you asked the question. I'm just trying to provide context.

He lost two cases and was told by the courts—

The Chair: I'm going to ask you to bring this to—

Mr. Scott Reid: I will, but you see the point. He was told to pay costs when a real court was dealing with this, and he is now appealing it. There was an article in yesterday's paper. He's arguing that while the letter of the law shows the Conservative Party to be right, he's arguing that Parliament had a different intent. That's apparently the case that his legal team is now presenting.

The point was to stop an abuse. That was the purpose. That is the link back, and that's part of what we do here. That's a perfectly legitimate thing to do. It's what we did then, and it's what I'm doing now. I would strongly urge members—and here I will bring my comments to a conclusion—to vote in favour of the amendment to the motion. If that is done, then I would urge members to vote in favour of the motion itself, and then we can look at this proposal, which may very well be a very good proposal. If it is, and I don't know this for a fact, but if it is identical to the one that was presented in the House at this meeting, then it actually struck me as being fairly unobjectionable. However, I object to the process by which our informal methods of respecting each other have been ignored and I would strongly encourage all of us to return to the practice of honouring in public the undertakings we take in private in order to facilitate the business of Parliament getting on in a businesslike manner.

Thanks very much, Mr. Chair.

The Chair: Thank you, Mr. Reid.

Ms. Foote, you're up.

Ms. Judy Foote: Thank you, Mr. Chair.

I appreciate the comments from my colleagues around the table. It is a pretty conciliatory committee.

I'm new to the committee, but I have to say that I have great difficulty with the filibustering on a motion that's so straightforward that it is not setting a precedent. It's something that already exists in terms of what we're trying to accomplish and is in the best interests of democracy. It's a fair practice to make it possible for the all opposition parties to have an opportunity in the House of Commons to actually put questions to the government and actually raise issues with respect to supply, so I'm at a loss to understand how anyone could suggest that what's being proposed here today is contrary to democracy or fairness.

We have the practice. It exists. When I look at the length of time that Mr. Reid was speaking, we've been debating now for about an hour and a half on a motion that's pretty straightforward. At this point in time, I'd like to call the vote, Mr. Chair.

The Chair: When I've done the list, we'll certainly be able to do that.

Monsieur Laframboise, you're up.

[Translation]

Mr. Mario Laframboise: Mr. Chair, you might be able to tell that I am against the amendment. I am happy that we are having this debate, that it is not being held in camera. This will let anyone who reads the record of what took place here... I think that the clerk expressed herself well in response to Mr. Hoback's question. The committee is entitled to discuss the motion.

We all know that this motion came out of a debate between the House leaders. Mr. Reid even mentioned that he was there. So he could easily explain what it is about. He could even have requested a 10-minute adjournment to tell his colleagues about the situation, the how and why of this motion being introduced today, mainly to continue what happened in 2010 and fit it to the 2011 schedule. So we will never again have to experience the sad situation where the government could set aside a group of opposition days at the end of a session to avoid having a motion to overthrow it or a motion of censure. It is just another Conservative strategy.

I am not in favour of this motion because... Basically, the only people who could be heard here, if we ever decided to do an analysis or go more in-depth, are our House leaders. They are the ones who give us feedback on everything. It is important that anyone reading these transcripts fully understands that the committee is fit to discuss this motion today and is capable of doing so. Why is this motion before us? Because the House leaders could not agree, and we all know very well why they could not agree.

Our colleagues on the committee here—Mr. Reid, Ms. DeBellefeuille and Mr. Proulx—cannot tell us about it because they are required to maintain the confidentiality of the discussions that took place. But everyone knows why we are discussing this motion. I have always been amazed by the British system. It allows us to vote for or against a proposal, but there is also the filibuster that can totally prevent us from voting, and this is what the Conservative Party has been doing for some time.

The Conservative MPs will perhaps keep it up for three or four days. They have the right to. There is no problem. But, once again, it is important not to try to make people believe that they are not aware of what's happening. They are fully aware of the situation, and there is a reason why they do not want to support this motion. It is because they are unhappy with it. So, obviously, once again, I hope that... We will pay attention to them, listen to them.

Mr. Chair, earlier you had one of your decisions challenged. I do not think that this is something that will happen often. But the Conservatives are completely free to tell us the truth about their intentions. If they want to obstruct the debate, let them say so and everyone listening to us will know it. Let them not try to tell us that they want to do more analysis and do a more in-depth study of a file that they know very well. If this was the case, Mr. Reid could very well explain it in 10 minutes by requesting an adjournment to tell his colleagues why it happened this way at the meeting of the House leaders.

I think that the committee is entitled to propose the motion. The clerk said so today. What happened in 2010 is that an agreement was made between the parties. You'll remember that, in 2009, the reason why this agreement was made was because the House of Commons had asked the Speaker to rule on the question.

So today, this motion is the logical consequence of a decision by the Speaker of the House of Commons. All the parties had asked him to make a suggestion for 2010, and we are applying the suggestion in 2011. As Ms. DeBellefeuille mentioned earlier, it's for 2011, the calendar year beginning on January 1st. And I told you earlier that the Leader of the Government in the House of Commons is also the Minister of the Environment. He needs to go to Cancun in a week, as he made sure everyone knew.

In one way, we want to be reassured that we will start 2011 the same way as 2010, and this is the reason for the motion request today. It is true that it is an amendment of the Standing Order and that, last time, we did not proceed that way. There had been an agreement between the House leaders, but right now, there isn't one. It is simply because the House leader of the Conservative Party does not want an agreement, Mr. Chair. That is the reality.

If Mr. Reid wanted to explain to his colleagues in 10 minutes what happened between the House leaders, I would agree to let him do that. Then we could vote. I am against a deeper discussion of the subject because we are fully aware of what happened at the meeting of the House leaders, and so is the Conservative Party.

• (1225)

We hope to be able to help Parliament move forward, because the role of the Standing Committee on Procedure and House Affairs is to make Parliament operate when all other ways of proceeding have failed.

Since nothing worked at the meeting of the House leaders, I think that it is up to us to make this decision and issue a report. Mr. Chair, if you bring this report to the House of Commons, Parliament will handle it. I think this is the best way to proceed.

[English]

The Chair: Thank you.

Go ahead, Mr. Lukiwski.

Mr. Tom Lukiwski: Thanks very much, Chair.

I have a couple of quick points of clarification for my friend Mr. Laframboise. He talked about the Conservatives filibustering. I can assure him that debating this for only an hour and a half or two hours is, at least in my view, not a filibuster.

I think those who have sat on this committee before would know that since I spoke for approximately six and a half hours at one time, straight, on the in-and-out scandal, I'm fully conversant with not only the theory but also the practical application of filibusters. For me, the next 30 minutes will certainly not be a filibuster in any way, shape, or form. It will merely be talking.

I say that, and I'm going to be quite honest with everybody here, because I'm planning to talk this out, pure and simple, for one reason and only one reason. I'm not saying that we are against this whatsoever; it's simply the manner in which it was presented to us without notice. That's still within the rights of the member who presented it, but quite frankly, I want to go back to my House leader—and I'm his parliamentary secretary—and do a consult with him, because I believe the House leaders were making some progress.

There's no question, as Mr. Reid previously mentioned, that if the motion in its original form is put to a vote and all opposition members vote in favour of it, it shall be done. Let's admit it. We're outnumbered on this side, and I understand that. I appreciate that. I'm not going to try to obfuscate and I'm not going to try to filibuster based on the motion itself. I'm merely suggesting that I have a considerable problem with this in the manner in which it was brought forward.

The motion itself talks to the fact that it is going to be a change to the standing order for the Business of Supply in the period not ending later than March 26—on and on and on—in 2011. We have the time. There are approximately six meetings left to deal with this, and I think we can certainly discuss this issue at a future meeting, at which time all of us would be better prepared.

Therefore I'm going to entertain, or at least move a motion right now, to adjourn. If we don't, that's fine. I'll come back and I'll keep talking for 30 minutes. It's strictly up to the committee, but I move to adjourn.

• (1230)

The Chair: That's not debatable. A motion to adjourn is not debatable, so I'll call the question.

(Motion negated: nays 6; yeas 5)

The Chair: We will carry on, Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you very much.

My point is that we do have time, because this would take effect next year. Whether we want to make, or deem it prudent to make, changes to the standing order when in fact we have been working on a supply day system by convention—a system, I might add, that's been working fairly well, in my view—is something that we need to discuss in earnest. I would certainly like to have as witnesses not only procedural experts, but also, as one of my colleagues mentioned earlier, the House leaders, and ask them directly what kind of progress, if any, they are making on this.

One of the things that we have been trying to do in Parliament over the course of the last several weeks is to increase the level of decorum in the House of Commons, particularly during question period. I think we've been having a positive effect to that end. We've been able to achieve that, Mr. Chair, through an agreement among the House leaders. We have discussed this. We have all agreed that the level of decorum in years past has been shockingly poor, and I'm going to choose my words carefully here. I could certainly use stronger words, but I won't. There has been a general agreement among House leaders to try to control their own caucuses and to try to raise the level of decorum during question period.

Yes, there has been the odd flare-up from time to time, but it has not even been close to the raucous behaviour, the childish and boorish behaviour, that we've seen in years past. I think that's a testament to the House leaders in their willingness to get together and agree on something that really makes Parliament a better place and a better environment for all of us.

I don't particularly have a problem with this motion. I honestly don't, because I was in opposition when the previous Liberal government stacked all of the opposition days toward the very end of a session in order to try to avert a vote of non-confidence. At the time I thought that was undemocratic; I still do, and if our party, now that we're in government, tried to do something similar, I would have the same feelings, so I don't in spirit have a whole bunch of difficulty with this motion.

My difficulty, and I will keep repeating it, is the manner in which it was presented here today. I merely suggested that we take until next Tuesday to go back our respective parties to consult with our House leaders, their staff, their deputy House leaders, and, in my case, the parliamentary secretaries to allow us to make a determination on how we wish to proceed.

I honestly think we could get through this quickly if we had a brief study of this motion, and by "study" I mean allowing this committee to ask for and speak to certain individuals who would appear as witnesses—nothing more, nothing less. I don't think that's an unreasonable request. In fact, if you looked at the operations of almost every other standing committee, that request would be agreed to with unanimity among the committees.

I do have some difficulties with the manner in which this motion was put forward, but let's talk about the process that we're in right now and the convention that we have been working under for the last little while with respect to supply days. I have not seen, or at least I have not heard, any great complaints from any of the opposition parties about the manner in which our government has allocated supply days. Some may say that they would prefer a Tuesday as opposed to a Thursday, for the simple reason that many members like to go back to their constituencies on Thursday evening. Quite frankly, some of them seem to disappear shortly after question period; consequently, allocating a supply day on a Thursday might inconvenience some of their own caucus members by not allowing them to go home as quickly as possible.

• (1235)

Chair, that complaint, I would suggest, is a very minor complaint. We have not been making a practice of placing supply days on what we call short days—in other words, on Wednesdays, when we have

half a day, or on Fridays, when we in effect have half a day. That is a practice that other governments have used, sometimes, in their opinion, for a good reason. It's usually done to try to punish an opposition party that has done something that has not sat well with the government of the day, and so as a way of retribution and punishment, a sitting government would at the odd time put an opposition day on a Friday, knowing very well that many of the opposition parties' caucus members usually travel back to their ridings on Fridays. That would be a form of retribution to say that if you jerk around with us, we'll jerk around with you.

We have not made a practice of doing that. When we have had difficulties with the opposition parties, I believe we have been able to work those difficulties out or at least discuss them, if not actually come to a complete agreement. We have been able to discuss them at House leaders meetings or at least at the House leaders level. I know many of the agreements that we've had in place informally over the course of the last number of months have come about as informal conversations between House leaders—not necessarily at the Tuesday House leaders meetings, but at private meetings. Frankly, I appreciate the willingness of the opposition parties to engage in those kinds of discussions.

We all know there will be many times, perhaps more often than not, when all parties will agree to disagree. There will be some fundamental differences of opinion on certain issues, particularly when it comes to legislation, that we will simply not be able to agree on or even come close to agreeing on. I appreciate that. I understand that it's a function of Parliament and certainly a function of a minority Parliament.

Having said that, I believe this motion is something on which we can find some agreement—perhaps not unanimity, but I certainly think we can find consensus. I have stated on the record, and our government has stated on the record, our objection to the way the Liberals in their prior years of government handled the business of supply and supply days. Frankly, I thought what they tried to do to usurp democracy was unconscionable. They were taking supply days, in effect, out of the hands of the opposition parties in their own attempt to avert a vote of non-confidence. We have not seen fit to manipulate supply days in the same fashion and, quite frankly, I applaud our House leaders who have taken this approach. I hope the opposition parties recognize that we've done so in an attempt to be as fair and democratic as possible.

Now, will we continue to deliver supply days in the same fashion as we have over the past several months? I can't answer that. Only time will tell, but I can say with certainty that our intentions are honourable. We do not see the need, nor frankly do we see the necessity at this point in time, to try to use supply days as a form of either punishment or reward. We simply see that as a right for opposition parties to bring forward motions they feel or deem to be important and to allow those opposition parties to debate fully and completely their motions on long days.

Let me give you a specific example. I'll say this to my friends from the Bloc, and this is something we could have done today. Yesterday, during routine procedures, I brought forward the notices of motions and production of papers. I asked for all notices of motions and production of papers to stand.

• (1240)

The Bloc did not concur with that.

That event, in and of itself, is probably something that happens perhaps once in a decade, maybe once every second decade. Normally it's always agreed upon, but the Bloc was perfectly within its right procedurally when it said no. Quite frankly we, and I personally, were not quick enough off the mark to ask for that motion to be transferred for debate, which in effect would have negated what they were trying to accomplish.

Nonetheless, a normal reaction would be for many parties to find some form of retribution. We could have done something today, very simply, when the Bloc whip asked to defer the vote to Tuesday, which was an accommodation for their members who would probably want to go home Thursday night. If we had wanted to be meanspirited and had wanted a little payback when they asked for unanimous consent, any one of us, myself included, could have said no. That would have forced a vote tonight. It would have forced their members to stay here tonight for a vote, and it could have been seen as a form of payback, of retribution. Quite frankly, many in other parties would probably have suggested exactly that as the course of action to take—in other words, to use the old hockey analogy, “You cut me, I’ll cut you”.

We didn't do that. We could have also, for example, brought forward a concurrence motion, so we would have had three hours of debate in the middle of their opposition day. We did not do that. Why? Because, quite frankly, Chair, we don't see the benefit of taking that kind of action at this point in time.

My point is simply this: our government is not here to try to manipulate or punish opposition parties by using supply days as a hammer. The previous Liberal government did. We didn't appreciate that, and I know the Bloc and the NDP didn't appreciate that. We were all well within our rights to complain, and we complained vociferously about that.

I believe changing a standing order or dealing with an issue as important as the scheduling of supply days necessitates at least some internal discussion among our own parties. The manner in which the motion was presented today did not allow us to do that. My friend Judy had said the motion could be debated and perhaps voted on today, but even though I appreciate the fact that she offered to allow us to debate, I still believe that the intent was to try to have this motion determined today by a vote of this committee.

As I said earlier, Chair, I believe that when this motion is voted upon, whether in its original form or as amended, the opposition will have their way if they vote collectively. That's a given. I'm merely suggesting that we have an opportunity to come to the next meeting prepared, as opposed to forcing us to vote on something for which the new committee members in particular are completely unprepared.

I think that it's a reasonable request. I don't think that any member of the opposition should take any great offence at that suggestion.

• (1245)

Ms. Yasmin Ratansi: I have a point of order.

The Chair: Go ahead, Ms. Ratansi.

Ms. Yasmin Ratansi: Since Mr. Lukiwski is making a statement that they'd like to bring it to Tuesday, would he be willing to do a vote on Tuesday on this motion? Is that what he's suggesting?

The Chair: Well, since the Chair doesn't have that information, I'll let Mr. Lukiwski carry on with his debate, and he may share that information with you.

Ms. Yasmin Ratansi: Just so that I can appreciate—

The Chair: It's not really a point of order, but I understand it's out there now.

Ms. Yasmin Ratansi: I know, I know. I'm just in awe of his ability to speak for so long.

Voices: Oh, oh!

The Chair: Let's have some applause for Mr. Lukiwski.

Ms. Yasmin Ratansi: I haven't seen the Ritalin guy speak yet.

Mr. Tom Lukiwski: A few others brought their laundry to my last dissertation and started doing laundry in the middle of my presentation, but that's a fair comment, a fair question.

I'll give you an honest answer: I don't know. I honestly don't know. My sense is that we have no real desire to extend this. I honestly do not believe that there is any real willingness on our behalf to filibuster for the next three or six meetings, or whatever it is.

I think, quite frankly, that there is some merit in what you're suggesting. Whether it would be in this exact form, I can't say, and that's why I'm asking for some time to do a consult. My personal view is that no government should be able to arbitrarily manipulate supply days. When I say “arbitrarily”, I'm referring again to the practice of your former caucus when you were in government.

Granted, I know there will be times when opposition parties will be given a supply day or given notice of a supply day on a particular day of the week that they don't appreciate. That's just going to happen. It's the nature of Parliament. There will be times when we engage in some difficult discussions. There will be times when we will feel that the opposition is being unreasonable, and you have procedural levers at your disposal to do what you wish. We as government also have levers at our disposal.

Can I suggest or confirm or guarantee that you will get everything you wish or ask for or desire in terms of the timing of your opposition days? No, I can't say that, but I can tell you in all honesty that we have no really compelling reason at this point in time to manipulate supply days in the same fashion in which they were manipulated by previous governments. I am simply suggesting that in my view it is appropriate to allow a little bit of time for all members of this committee to consult with their own caucuses or their own House management teams to determine how they wish to proceed with this motion.

It could be as simple as some small changes in the wording of the motion, not the spirit of the motion. The spirit, I think, is quite clear. The spirit of this motion is simply to allow the opposition parties to have some certainty on when their opposition or supply days will be held, some predictability that they will be held in a timely fashion, and some assurance that the government will not be able to arbitrarily package them all together within, say, a five-day or seven-day period at the end of a session to try to avoid an uncomfortable vote. I understand that. I appreciate that. I think, quite frankly, that it is a legitimate request. I'm merely saying that the fashion in which this was presented to us is not reasonable for the government. Regardless of the sincerity of Judy's intent or wording, which I appreciate and am not questioning, it does not allow us an opportunity to do a consult with the people that we need to consult with.

Clearly this motion was well thought out by the Liberals. They brought it here with a purpose. They made the motion with the full knowledge that we had a full agenda in front of us to continue our examination of the Chief Electoral Officer's report, yet they obviously felt that from a strategic standpoint it would be in their best interests to bring this motion forward today and present it in the fashion in which they did. We fundamentally disagree.

It is their right to do so. There are no objections there. We are simply saying that we should be given until at least the next meeting to come back with a position or perhaps an amendment, or perhaps not. Allow us at least that amount of time to do the proper consultations and to come fully prepared to discuss this motion at the next meeting. We want nothing more and nothing less.

• (1250)

I sense, Mr. Chair, that we can achieve a resolution to this before we break for Christmas, and that's what is of paramount importance here. I can understand that the opposition parties wish to have certainty before they come back from the Christmas break. They wish to know with certainty that they will have supply days in a fair and democratic fashion. I have no doubt this is what they are trying to achieve here.

Quite frankly, as I mentioned on several occasions in the last few minutes, I think it's quite within their—

Ms. Yasmin Ratansi: I have a point of order.

Mr. Chair, I hate to be a bug, but I want to know if the Conservatives are going to be doing the same filibustering on Tuesday.

The Chair: That's not a point of order.

Mr. Lukiwski, you still have the floor.

Ms. Yasmin Ratansi: I just thought I'd ask.

Mr. Tom Lukiwski: I've already answered that. I don't mind answering Yasmin's question.

I said that I can't give an answer today on whether or not we would want to have a vote on Tuesday. I certainly don't see the need for another filibuster, but that's why I'm saying we should go back and do a consult.

I've engaged in a filibuster a number of times. Those of you who may have served with me on committees know that, but each time I've engaged in such an action, as I've done today, I've told the committee right at the outset what my plans were. I'm not trying to be too cute by half. I've seen many filibusters in which the member who was engaging in the filibuster tried to convince his or her opposition colleagues that it really wasn't a filibuster and that they were doing this in all earnestness and sincerity. Come on.

I told you at the outset that I was going to talk this out, and I am. All I'm asking for is some consideration to allow our party, the government, to go back and determine how we want to proceed next with this.

I will give you one guarantee. Whatever our decision is at the next meeting, I will share that with you. If the decision is that we choose to filibuster this until the end of the year, I'll tell you that. I don't sense that happening, but I'll be up front with you. That's the best guarantee I can give you. How can you ask me to give you an answer before we've had an opportunity to consult? It's unreasonable to even suggest that.

Ms. Yasmin Ratansi: I haven't had a chance to talk.

Mr. Tom Lukiwski: As I said, if nothing else, I'm keeping my word that I will be continuing to talk until one o'clock.

Ms. Yasmin Ratansi: Absolutely.

Mr. Tom Lukiwski: At that time I also gave you the opportunity, if you were having brain cramps listening to me for the last 30 minutes, to adjourn the meeting, but since you didn't want to, you've got—luckily for you—perhaps only six minutes left, and then we can adjourn.

Let's go back to the supply day issue itself. Once again we've seen a motion come forward that on the surface, Mr. Chair, appears to be reasonable. It's somewhat ironic, however, that the party forwarding this motion is the same party that abused the system of supply days so egregiously in parliaments past. In fact, I think that if you went back in parliamentary history, you would find that the previous Liberal government abused the privilege of supply days more often than has occurred in any other parliament since Parliament first began over 100 years ago.

We've seen many techniques that governments use, Mr. Chair, in an attempt to avoid non-confidence votes. We've seen many techniques that governments use to try to avoid being defeated in a non-confidence vote, but I cannot recall an attempt to manipulate supply days to try to avoid opposition days. I've seen everything from prorogation to direct appeals from prime ministers to the Canadian voters, but what we saw in the last Liberal government was the first and only time that I have seen a government of the day try to manipulate the supply days in such an undemocratic and shameless manner simply to try to avoid a non-confidence vote. On that vote, I should add, they had no knowledge of whether or not they would lose, and you can recall, Mr. Chair, that in 2005 the non-confidence vote was passed at the end of the year.

What we had then was the situation of a government so fearful of being defeated that they would do anything and everything in their power to avoid even the chance of losing a non-confidence vote, and that's what we saw in June of 2005. We saw the Liberal government under Prime Minister Paul Martin and House leader Tony Valeri blatantly misuse the democratic rights and privileges of opposition parties with respect to their supply days. They crammed all of the supply days for all opposition parties into a short period of time towards the end of June.

Mr. Chair, we were vehemently opposed to that process. I know that both the Bloc Québécois and the NDP were as well. Since that time, we have not seen such an abuse. In fact, since we formed the

government in January of 2006, I believe that our government, while perhaps not achieving the perfection the opposition would like in scheduling supply days, has at least been open, transparent, and democratic in our use and allocation of supply days.

I can honestly say, Mr. Chair, that our view as a government is that we would like to continue in that fashion. We would like to—

● (1255)

The Chair: It's a pity, but we have reached one o'clock.

This meeting is adjourned.

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