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—
Chair

Mr. Gary Schellenberger

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•(1535)

[English]

The Chair (Mr. Gary Schellenberger (Perth—Wellington, CPC)): Welcome today to meeting number 24 of the Standing Committee on Canadian Heritage. We're going to work on some committee business here today.

First of all, I'd like to welcome our new member, Mr. Coderre, who is joining our committee.

With Mr. Bélanger vacating the position, the Liberals now do not have a vice-chair, so I'm going to vacate my chair and the clerk will run the election so we can get a new vice-chair.

[Translation]

The Clerk of the Committee (Ms. Catherine Cuerrier): I am now ready to receive motions for the position of first vice-chair. Pursuant to Standing Order 106(2), the first vice-chair shall be a member of the official opposition.

Hon. Denis Coderre (Bourassa, Lib.): I move that the Honourable Andy Scott be elected vice-chair.

The Clerk: Mr. Coderre moves that Mr. Andy Scott be elected first vice-chair of the committee.

Are there any other motions?

Some hon. members: No.

The Clerk: Is it the pleasure of the committee to adopt the motion?

Some hon. members: Agreed.

The Clerk: I declare the motion carried. Mr. Scott is duly elected vice-chair of the committee.

[English]

The Chair: Welcome, duly elected vice-chair.

•(1540)

Hon. Denis Coderre: Bravo, Andy.

Hon. Andy Scott (Fredericton, Lib.): I won by a landslide.

Some hon. members: Oh, oh!

The Chair: I've two items I want to bring forward. The national chair of the Canadian Broadcast Standards Council provided us with a number of recent examples of announcements that broadcasters are obliged to make, following the CBSC upholding a complaint and rendering a decision against a broadcaster. The examples provided eight that have been made in either English, French, or Chinese, in

accordance with the original language of the broadcast in each case. Since the committee has a routine motion that authorizes the clerk to distribute documents to the members of the committee only when they exist in both official languages, we need unanimous consent to distribute the CDs.

I have looked at one CD, and I think there's one in Chinese and two or three in English. I ask for unanimous consent to distribute that, just so you can have an idea. I think it was Mr. Scarpaleggia who suggested he might not have seen some of these things on any of these stations.

Can I have unanimous consent to distribute that disc?

Some hon. members: Agreed.

The Chair: There's no one against. Thank you for that.

Another thing is that Mr. Bélanger suggested we might get some CDs on our report, "The Role of the Public Broadcaster in the 21st Century". I do have some costs here. I don't know whether we want to go ahead and get them or not, or how many. Black and whites are \$2.37 each, ones with a coloured cover are \$3.06 apiece. If you get 250, they'd be \$600 for black and white, and \$765 for 250 of the report done with a coloured cover.

Do you think it's money we need to spend in this particular case? Does everyone have enough of the reports? Are these going to be used or are they going to sit on a shelf someplace?

Mr. Malo.

[Translation]

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Chairman, Mr. Bélanger's suggestion was to replace paper copies with electronic copies. Now that we actually have a printed paper copy, I really don't think we need an electronic copy. For other reports, under different circumstances, we could opt directly for an electronic copy, but we would have to agree to that before undertaking our study.

[English]

The Chair: Thank you.

Would anyone else like to speak on that?

Mr. Siksay.

Mr. Bill Siksay (Burnaby—Douglas, NDP): I just want to say I agree with Mr. Malo.

The Chair: Can we dispense with this item then? We will not get the CDs.

(Motion agreed to)

The Chair: Thank you.

As we sit around here today at this meeting, we have a new person sitting at the end of the table. It's Marc Toupin. He's a legislative clerk. If we have any questions of how we go forward in our clause-by-clause, if there's anyone who wants to make any amendments, he might be able to give us the answer. I think our clerk has already notified everyone that if you have amendments, there's a procedure to follow.

I might let Marc just explain how we would go about doing amendments—if you could, sir.

Mr. Marc Toupin (Legislative Clerk, House of Commons): Well, essentially, Mr. Chairman, very briefly, I'm here to answer any questions members may have in preparation for the clause-by-clause review of the bill. I think the clerk of the committee has already done so by way of a memorandum.

Just as a reminder to members, if they wish to have amendments drafted, there is legislative counsel available to draft the amendments. The sooner they get the instructions from the members, of course, the sooner they can forward these amendments, and then the members can forward them to the clerk of the committee so they can be put in a package and distributed to members, so members have an opportunity to look at them prior to the clause-by-clause meeting.

The Chair: Thank you.

Mr. Abbott.

Hon. Jim Abbott (Kootenay—Columbia, CPC): Without prejudging where the members of this committee are going to go, I wonder if we could get your advice on the options we have. If it was the desire of the majority of the committee to just say the bill doesn't work, that we don't want it, what is the process for that? I know there is a way of sending back an empty shell to Parliament, but that in its own way creates its own set of problems.

Is there a way for the committee, if it was the determination of the majority of the committee, to say we don't want to proceed with this bill? Could you describe that process to us?

• (1545)

Mr. Marc Toupin: Sure, Mr. Chairman.

Essentially the Standing Orders provide for the possibility, should the committee so decide, to submit a report to the House that would recommend the bill no longer be proceeded with. This is all spelled out in the Standing Orders of the House.

If the committee were to agree to that type of motion, it would then be reported back to the House. The House would then have an opportunity to debate that report for one hour and it would then be subjected to a vote in the House. If the House agreed with the recommendation of the committee that the bill not be further proceeded with, the bill would effectively be killed. If it disagreed with the recommendation by the committee, then the bill would be deemed to have been reported to the House without amendment. This is one of the options that is available to the committee, if it so wishes.

The other option I think Mr. Abbott referred to is the option of actually going through each and every clause of the bill and voting against it. That has been done in the past, and the two options are possible. In the case of the latter, if the committee decided to vote against each and every clause of the bill, it would then give the opportunity to any member of Parliament in the House at report stage to put forth a motion to restore the clauses that have been deleted in committee.

So these are two options, two different processes, that are available, and as Mr. Abbott pointed out, it is really up to the committee to decide.

Hon. Jim Abbott: I have one quick supplementary question.

I'm assuming that the vote of the committee would be a vote of the majority of the committee.

Mr. Marc Toupin: That is correct.

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

I wonder if Monsieur Toupin could comment on the issue of scope in terms of amendments that are made. Often when I've been in a committee, that seems to be where we get into trouble, where something is deemed to be outside the scope of the original bill in terms of trying to amend. So could you provide a few comments on that issue?

Mr. Marc Toupin: Mr. Chairman, the scope of the bill is generally defined as the means by which the objectives of the bill are attained. It's very difficult to describe it in greater detail than to just give that very general description or definition that I've just given.

I would, however, encourage any members who wish to put forward amendments to the bill at committee stage that if they have concerns about some of their amendments that perhaps are beyond the scope of the bill or that there would be some sort of procedural difficulty with these amendments, it's always possible to consult with me, with legislative counsel, to get our advice.

Of course, this is advice that is not binding in any way. The ultimate decision rests with the chair of the committee. But certainly I would be more than pleased to provide any advice to any member of the committee on amendments that he or she would like to put forward.

The Chair: I'll take one supplementary, and then we'll go to Mr. Coderre.

Mr. Bill Siksay: Monsieur Toupin, when you ask the drafters to help you prepare an amendment, is that automatically the question of scope? Is that automatically part of what they do, or do you have to get a separate opinion on that?

Mr. Marc Toupin: Legislative counsel essentially will draft the amendments based on the instructions they've received from the members, and they will forward the draft amendment to the sponsoring member. At that time, it really becomes a discussion between the member who wants the amendment and counsel as to what's the best way of accomplishing what the member's objectives are. It's entirely possible at that point for the member to consult with me just by forwarding a copy of the amendment and making sure there's an ongoing discussion to ensure that—

•(1550)

The Chair: Thank you.

Mr. Coderre.

[*Translation*]

Hon. Denis Coderre: Thank you, Mr. Chairman.

I am delighted to now be a member of this committee. As we say back home, time is money. It's important to find a way to be useful and to achieve results.

I have to admit that I am having a bit of a problem because we worked on the draft legislation on censorship. Bill C-327 deals more or less with the same topic. I would appreciate our colleague explaining how we can save some time. Does he need a motion right now so that we can wrap up our study of the bill and thus prevent it from being considered further at later stages? Do we need to come forward with a motion respecting committee business which would then be put to a vote? You talked about how we should proceed. What is the best course of action? Can I move a motion at this time? How should we proceed?

Mr. Marc Toupin: Mr. Chairman, this is for the committee to decide. If the committee is ready to examine this matter right away, then it can choose to do that. If, however, it prefers to take a few days to look into this, then that is also its prerogative.

Hon. Denis Coderre: So then, Mr. Chairman, I could move...

[*English*]

The wording is important, so we have to make sure that it's according to procedure, but I would be ready to put my name on a motion and deal with it right now.

The Chair: Could you write a motion?

Mr. Siksay.

Mr. Bill Siksay: Before Monsieur Coderre does that, I wonder if he might delay, because we could schedule the clause-by-clause for one of our meetings next week.

I'm in the middle of trying to get a determination on some amendments. I am concerned as well, as he is, about the issue of censorship. I don't want to see anything done that would in any way look like we were proposing censorship measures. But I think there were other issues raised during the hearings, such as media literacy awareness, the accountability of broadcasters for the codes that are already in place, and the evaluation of that process and how it is done.

Barring advice otherwise from legislative counsel, I think there may be an opportunity to amend the bill to accomplish some of those things, given the kinds of concerns we've had raised about violence in programming and the effect of depictions of violence on violence in society generally.

Again, I don't want to do anything that gives anyone the ability to arbitrarily censor programming. But I think there may be ways of taking this bill and ensuring that people are working to understand the connections between depictions of violence in programming and violence in society and that they are helping others understand those connections and the possibilities for addressing those issues.

All I'm asking for is a bit more time to get that feedback and to do it at one of our meetings next week.

The Chair: Go ahead, Mr. Abbott.

Hon. Jim Abbott: Just by way of advice, I would suspect that because of our rule on having 48 hours' notice, in fact, unless there is unanimous consent on the part of the members, Mr. Coderre's motion wouldn't be acceptable at this time, in any event.

The Chair: I take that under advisement. Again, we do have a 48-hour notice of motion rule.

Do we have unanimous consent to accept a motion from Mr. Coderre today?

If we don't have that, then I suggest you present the notice of motion today, and we can deal with it first thing Tuesday.

Hon. Denis Coderre: On a point of order, I do remember that for procedure, when we're dealing with the business of the day, which is exactly what's in it, you don't need that 48 hours' notice. You can have the motion right away and deal with it.

So I would ask the clerk what she has in mind, because we are dealing with Bill C-327.

•(1555)

The Chair: I've consulted. In this committee we have a 48-hour notice of motion rule. It's been brought forward. We haven't allowed other motions to come forward. And it was 48 hours, not two sleeps. We went through some of those things.

So my suggestion is that we prepare the motion, set forth the notice of motion, and bring it up first thing at our next meeting on Tuesday.

Yes, Mr. Fast.

Mr. Ed Fast (Abbotsford, CPC): I think what Mr. Coderre is asking for is to simply deal with the bill on a clause-by-clause basis, but to do it on an omnibus basis. Rather than do it by way of motions, take all the clauses at once, and that's it.

Normally we'd walk through this clause by clause. Is it correct...?

The Chair: Yes, but we're not doing clause-by-clause right now.

Mr. Ed Fast: I understand. What he's trying to do is avoid the whole clause-by-clause by simply doing it in one stroke. I understand that.

Is that the understanding?

Hon. Denis Coderre: My issue, Mr. Chair, is that when I'm looking at the orders of the day, we're talking about committee business, and it's about the bill, and it's a clause-by-clause study. Now, if it's a clause-by-clause study, it means I'm directly in the business of what we're talking about.

Regarding the procedure, if I have a motion on how we deal with the clause-by-clause issue, which is under Standing Order 97.1(1), by saying that we're not proceeding further with that bill, we're killing all the clauses and we're dealing with the business of the day.

So it's not a new motion about a new issue; it's about dealing directly with what I have in front of me.

The Chair: I'll take some of the responsibility, then, for the order that you see in front of you. We are not doing the clause-by-clause study today. We're debating what we're going to do in the proceeding meetings on that issue.

Hon. Denis Coderre: On that issue. So I'm saying that what I'm proposing on that issue as business is that we are proceeding with it in order that we're not proceeding with it at all under Standing Order 97.1(1).

The Chair: Mr. Abbott.

Hon. Jim Abbott: Mr. Chairman, I don't know if this is helpful or not, but I think there's an ambiguity here. I believe that what you intended on this notice of motion was to discuss how we were going to go about clause-by-clause study, not that we were.

Okay, I understand that, but unfortunately—and as I say, I don't know whether I'm being helpful or not—the fact is that if you read it the way you read it, although that may have been your intention... Nonetheless if you read it, it says the bill, clause-by-clause study, and Bill C-327.

The Chair: I totally understand it. Mr. Siksay alluded to that earlier when he asked if we are doing clause-by-clause today, and I said no.

I will take full responsibility for the clumsiness of the writing of this, because what I was trying to do today was to get a day in which we could just take a breath of fresh air and see where we're going forward. What we were going to do on Tuesday was work on Bill C-327.

Hon. Denis Coderre: Let me push a little bit more, because I like that.

When we're looking at Standing Order 97.1(1), we're talking about what we're going to do with that bill. Can we then put up an option? You have two options. You have an option to deal with it, and that's your calendar, and you have an option not to deal with it and kill it. That's another option.

Now, is that to amend the order of the day, which is not a motion on new business. It's about changing the agenda, and on that agenda we're dealing with what we are going to do with Bill C-327, because that's the committee business.

The Chair: Mr. Fast.

Mr. Ed Fast: Mr. Chair, with respect, based on the orders of the day that we have on our agenda, we are entitled to move ahead with that committee business. One of those items is the clause-by-clause study, whether it was your intention to actually include that on here or not. The agenda and the notice clearly state we're dealing with the clause-by-clause.

I think Mr. Coderre is saying he'd like to move forward with it. On our side, we'd like to move forward with it. I don't know about the

other two parties represented here. I think we can expedite this if we can just get a consensus.

● (1600)

The Chair: Mr. Siksay.

Mr. Bill Siksay: Well, Chair, I wish folks would accept your apologies for the fuzziness of the language, because it puts me in a very difficult position. Today when I checked the committee's agenda there was no mention of clause-by-clause study of Bill C-327.

In fact the copy of the agenda that I brought with me has committee business, notice of motion from Bill Siksay, and planning for future business.

Then I arrive at committee and find this longer agenda that includes clause-by-clause study. In fact my office tried to contact the clerk's office a number of times to clarify if this was on the agenda. Unfortunately, we didn't get clarification. I asked you before the meeting began, Chair, whether this was clause-by-clause study, and you told me that it was not; it was a discussion about how we'd do that stage of the work on the bill.

I would ask if we could put it off to one of our meetings next week, to do clause-by-clause. I'm hoping that I might have, again, some amendments that I think may be helpful to ensure that we take Monsieur Biron's intentions seriously about addressing this important issue, as well as many of our witnesses' concerns about this issue, but also avoid the problems of censorship, which are a real serious concern to many of us.

I do think that might be a helpful endeavour for the committee to consider. I would like to have that opportunity to present those, to at least get some finality on those motions to decide whether they can go forward or not.

The Chair: Mr. Coderre.

Hon. Denis Coderre: On a point of clarification—since I'm passing from defence to defence of heritage—what is in the procedure, the actual article, saying that everything is based on 48 hours, and is there an exception? I'd just like to know if there is exception to the motion?

The Chair: Other than with unanimous consent...

Hon. Denis Coderre: What I would propose then, and clearly I'm willing to work with my chair, is that I will table a motion for 48 hours. But I would suggest that we're voting against what you are proposing regarding Standing Order 97(1) with the calendar that we have in front of us.

The Chair: Thank you.

Mr. Bill Siksay: On a point of clarification, I'm not sure what Mr. Coderre means by voting against what's on the agenda in front of us. Is that not just the timeline and framework within which we work? It's not something the chair was recommending in terms of how long we spend on this issue or anything.

The Chair: I think what I heard from Mr. Coderre is that he is going to put forth a notice of motion that we not proceed with clause-by-clause. Do I understand that correctly?

Hon. Denis Coderre: Yes.

The Chair: That will be brought forward at the beginning of the next meeting.

Thank you.

One thing I'd like to do before we move to the next section and before we begin discussions is to draw everyone's attention to a particular matter that I have. I have noticed that we have four motions before us dealing with the CBC. If we have all of these, it would mean four separate meetings with the CBC witnesses on four separate issues. There's also the concern that these motions all deal with highly specific individual decisions that have been made by the CBC, such as programming and management decisions, and they may border on micromanagement.

May I suggest, for the purpose of our discussion, that we remove these four motions and instead call the CBC to appear before us and discuss their plans and priorities. In that way we can have the CBC here for a single two-hour meeting and we can ask all the questions.

• (1605)

Hon. Hedy Fry (Vancouver Centre, Lib.): Great.

The Chair: If we call them to discuss plans and priorities, we can also avoid the impression that we are micromanaging at arm's length.

Hon. Hedy Fry: You have just redeemed yourself, Mr. Chair.

The Chair: This is a suggestion.

Mr. Siksay and then Mr. Abbott.

Mr. Bill Siksay: Thank you, Mr. Chair.

I appreciate the concern about micromanaging, and it's something we've talked about before. I have to say that one of the motions I gave notice of was regarding the disbanding of the CBC Radio Orchestra, which has been of great concern to many Canadians and certainly many people in the greater Vancouver area that I represent, where the orchestra itself is based. People are very concerned about losing that venerable cultural institution that has served Canadians for 70 years.

I do understand the concern about not wanting to micromanage the CBC. I understand concerns about an arm's-length relationship between CBC and government, and I do think you've made a helpful suggestion for dealing with the various concerns that have come up. I could support your decision to call the CBC for a general meeting.

The Chair: Thank you.

Mr. Abbott, then Ms. Fry, and then Mr. Fast.

Hon. Jim Abbott: I think we have tremendous cooperation within this committee. If we take a look at the Broadcasting Act in part III, section 40, and I quote:

The Corporation is ultimately accountable, through the Minister, to Parliament for the conduct of its affairs.

Also, there is the Broadcasting Act, part III, subsection 46(5):

The Corporation shall, in the pursuit of its objects and in the exercise of its powers, enjoy freedom of expression and journalistic, creative and programming independence.

One other relevant section is part III of the Broadcasting Act, section 39:

Subject to this Part, the Board is responsible for the management of the businesses, activities and other affairs of the Corporation.

So what we've decided to do here is completely in line with the Broadcasting Act.

There's just one piece of wordsmithing that I think is important, and that is that we use the word "invite", that we invite them to come to the committee. I think we would find that possibly Mr. Lacroix, Mr. Stursberg, and Mr. Lafrance would be open to that idea.

It's just a matter of getting organized with CBC. I understand that because they are also before another committee of Parliament during the month of April, they also have to make presentations to the CRTC. Understandably, they are quite tied up. My understanding is that they would be available at the very first part of May, but because of the CRTC hearings and because of the other committee hearings they've been invited to, it would be exceptionally difficult for them to be able to fit us in during April.

So it's just a matter of cooperating with them, with us having that understanding.

The Chair: I'd just like to give notice that Ms. Mourani had a death in the family and she had to go back to Lebanon. She's going to be away for two weeks. So that would work well, because one of her motions was one of those. So if it were May 1, she would be back for that. Again, she expressed her concern that we not have something when she wasn't here.

So if everyone is in favour of that, that's what we'll do, then. Thank you very much for that.

That leaves us with a motion that we're studying: the policy on half-masting of the Canadian flag.

Mr. Abbott.

Hon. Jim Abbott: As it is my motion, I don't mind speaking to it, hopefully very briefly.

As committee members will know, it has been about six weeks since I put this before committee, informally and then formally. I want you to know that the government wants to address this issue of half-masting in the most non-partisan way possible. I'm sure there isn't a person in this room—let alone members—who would want us to politicize the issue of the ultimate sacrifice that people make, whether they be soldiers or people in public service. This is one of the most solemn parts of our civilization, as we recognize the people who pay the ultimate sacrifice.

Committee members will know that I spoke probably two or three times, a couple of times in camera as well as in public, about the fact that the government had requested a report and that the government was prepared to give the report to the committee for the committee to take a look at. Unfortunately, due to other pressures, the committee didn't get around to taking advantage of that offer or handling this motion. That's just the way it was.

The report, I want to be clear, is not the position of the government. The report presents, as advice to cabinet, a position of experts in this field. That does not mean they are right. That does not mean they are wrong. They are experts in this field. This is an emotional issue because it is literally a life and death issue, and the government has the highest respect for that.

The government also recognizes that there was a vote yesterday in Parliament that expressed one perspective. That's fine. That was the option that members had. But our feeling on this issue is that the flag does not belong to one party or one group of individuals. The flag, the way in which we handle the flag, and the respect that we show for the people who have paid the ultimate price—and their families—is an issue that, although it is emotional, hopefully we can respectfully discuss and arrive at the most appropriate conclusion on.

So I speak in the strongest possible terms to say that if possible, as a committee, we should unanimously accept this motion, accept this responsibility. It is a responsibility being handed off by the government to this committee for advice. If it's going to tie up a lot of the committee's time, it might even be advisable to have a subcommittee of committee members or other members of Parliament to handle this.

But again, I don't think I can overstate our feeling on the importance of this not being a political or partisan issue.

Thank you, Mr. Chair.

•(1610)

The Chair: Thank you.

Ms. Fry.

Hon. Hedy Fry: I don't think I had my hand up, but I'm always ready to take advantage of the opportunity to speak, Mr. Chair. Mr. Fast can tell you that.

Maybe I am being extraordinarily naive, and I do understand Mr. Abbott when he says it hasn't been dealt with before. But it's my understanding that Parliament spoke pretty clearly on this issue yesterday. In my book, Mr. Abbott's motion is now redundant.

If we go through all the motions and present a report, it will have to go through the House. In yesterday's vote, the House already said what it wanted to do.

There are so many other things we need to deal with on the vibrant arts and culture and many other issues. We should get on with those things and just accept what the House had to say about this issue.

The Chair: Mr. Fast.

Mr. Ed Fast: Actually, when I asked to speak, it was on the CBC issue and not the flag issue. I think that was when Ms. Fry had also asked to speak.

I just want to make sure that the witnesses who come from CBC are given a heads-up on some of the issues we might want to raise with them.

The Chair: Yes, we can make sure there are no surprises. They probably know already, because the motions have been on the docket before—they've been mentioned.

Mr. Ed Fast: I want to make sure Mr. Stursberg is one of the individuals who appears before us.

The Chair: Thank you.

Mr. Coderre.

[*Translation*]

Hon. Denis Coderre: Mr. Chairman, I would like to discuss the motion moved by my colleague Mr. Abbott.

First of all, I have to say that I agree with him that this motion must be debated with all due respect. It must be clearly understood that this motion is of a non-partisan nature.

I want to explain to him why I will oppose the motion. We made our position known yesterday. Since I was with my son yesterday, I was therefore unable to vote on the original motion. There is no question that I would have voted in favour of that motion.

•(1615)

[*English*]

When we're talking about respect, dignity, honour, and recognition, all those values and concepts are very sensitive, as we know. When our kids make the ultimate sacrifice of their lives for those values, I think recognition is in order.

My tendency is to say that for the sake of the family and the country, every time we have a casualty of war, on the basis of the values I just mentioned and that we all share here, I believe it is the least we can do to proceed.

Of course, we can have all sorts of anecdotes on the reasons for lowering the flag. Some people might say it devalues the gesture itself. But to reopen that Pandora's box will have some major impacts, because in some cases we'll have to choose between which category is better than the other one, and why we say no to one and yes to the other.

[*Translation*]

There was the incident at École Polytechnique which occurred on December 6. We lowered the flag because this day is very symbolic, in terms of our struggle to combat violence against women. We also do this to convey a message, just like we do on Remembrance Day.

[*English*]

We should always remember, and that's why we're proceeding with it.

[*Translation*]

It is the same in the case of police officers and for other events. Certain gestures are made and a protocol is followed. We made some decisions in the case of our soldiers who died while on active duty in Afghanistan. Obviously, veterans feel that the emphasis should be placed on Remembrance Day. In my view, because of the delicate nature of these cases...

Even if we do wish to discuss this very respectfully with experts, we are going to create more problems by giving the impression that we will need to subjectively select one event over another. What justification is there for denying someone their vested rights?

In order to settle this manner once and for all, with all due respect for my colleague, Jim Abbott who I know has his heart in the right place, and even though I understand exactly why he is doing this and I know the committee of experts has nothing to do with the government's position, I would respectfully suggest that we vote against this motion, while bearing in mind the importance of this symbolic gesture in terms of our values and collective memory. The symbolism here is too important. If we start to fiddle with things, some people will not be happy, and that is already a few too many.

Thank you.

[English]

The Chair: Mr. Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

I'm not sure what topic we're on. I thought we were talking about the CBC, but we're on the flag issue now.

• (1620)

The Chair: No, we went past the CBC.

Hon. Michael Chong: I want to talk about both—so I'll talk about both.

First, with respect to the CBC motions in front of us, I would support your suggestion that we wrap them into one motion asking CBC/Radio-Canada to appear in front of the committee. Have we done that already?

The Chair: Yes, we've done it.

Hon. Michael Chong: Okay, that's done.

With respect to flag issue, it is one that we should study. I think it's important to realize that this is not to question people's intentions here, because on both sides of this table, I think, everyone has the best of intentions when it comes to honouring those who have died either on foreign battlefields or here at home, for various reasons. So I don't think anyone here has anything but the best of intentions when it comes to the half-masting of the flag; but I do think it's an issue that's very important. Symbols are important. The country's flag is important, and I think it's important how we treat these symbols and what protocols are followed.

I think it's incredibly important that we have a consistent protocol. These things are very important, not just for today but for the future as well; and I think it's important that we set in place a consistent protocol. I don't think the protocol we have in place today is in fact consistent. There are some very odd things that are inconsistent with the protocol, which I think need to be studied by the committee.

I was surprised to find out that when former President Gerald Ford died, the protocol dictated that we half-mast the flag. I thought that was a very odd protocol. Some people may not find it untoward or odd at all, and I don't question their intentions in that respect; but I think there are a number of issues with the present protocol that have just come to be, I think, because of the gradual evolution of the protocol over the course of many, many decades, which have created some very odd, or seemingly inconsistent, protocols.

So I would support the committee studying this issue and coming to some sort of recommendation as to what the new protocol should

be. I think it's something we should study and we should come to a recommendation on.

The Chair: Mr. Scott.

Hon. Andy Scott: First of all, I'd like to perhaps establish that it's a little unfortunate that we even have to express the fact that something shouldn't be fundamentally partisan. I think we should all come here with the broader interest in mind, truthfully. So whatever expression I take—and I take all members, frankly, as coming here with the best intentions, in terms of the interests of the country—I have a fundamental problem with the idea that I think is implicit in Mr. Abbott's comments. Again, I say this with all respect.

I've read articles in the newspaper to the effect that the government doesn't intend to act on the recommendation voted by Parliament last night, and that bothers me as we advance to this other discussion. I would respectfully submit that of all the things that have been said about our respect for our symbols, we have to show some respect for Parliament—if not as a democratic institution, at least as a symbol.

So for my part, and for what it's worth, I'm extending to the people.... Having a large military base in my constituency, I've had an inordinate number of people affected by this, and I couldn't imagine that something that would be available to me would somehow be denied to those people. But I would hope, given that Parliament has expressed itself the way it has, this would be the opening position of Mr. Abbott's motion; that given what's happened, the government will accept the will of Parliament, in this case, but that he feels there are other things he'd like to explore, so that at least he has that as his opening position.

Secondly, and finally, because of the vote last night and the way that some groups are posited as being against other groups—not because anyone's doing this on purpose, but because that's what these kinds of debates sometimes involve—I think it's probably not the best time to do this. I don't mean to suggest that there's never a good time to do this, but maybe not just at this moment, given the observations that have been made about who has this right and who has that right, and so on and so forth. I'm not sure this is the best time to have the discussion.

• (1625)

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

I appreciate the importance of this issue. Chair, I supported the motion that we debated in the House, which we voted on last night, because I believe there isn't a more serious decision that Parliament can make than sending members of the Canadian armed forces to war. Members of Parliament and senators have to struggle with the consequences of that kind of decision.

It strikes me that ensuring that one of the key symbols of our Parliament—the flag on the Peace Tower—reflects the kind of concern we have for the decision we made and the resulting consequences of that decision—deaths of Canadian soldiers overseas—is an appropriate action for us to take.

I also believe that the other piece of the motion that called for a moment of silence when a Canadian makes the ultimate sacrifice overseas while doing work we've asked him to do is even more important for us as members of Parliament to undertake.

That's my bottom line on this, Chair. I'm not unhappy with the decision that was taken by the House last night. I don't believe there's a huge problem with how flags are half-masted in Canada. It seems people understand those protocols. People do it in different ways in different parts of the country for different reasons. We do it in very particular practices developed around the flag on the Peace Tower here in Ottawa.

I don't know that there have been any concerns raised about what we do with showing respect by half-masting the flag on the Peace Tower. They certainly haven't been raised with me over the years I've been here, Mr. Chair.

I really don't think I'm prepared to see this committee undertake this kind of study at this time, because I just don't believe there is an issue. In fact, what I'd be prepared to do is suggest that the committee reaffirm the decision made by the House last night.

My understanding would be that Mr. Abbott has put the motion that he originally moved back on the table, and I would move an amendment to it that replaces everything after "committee on Canadian Heritage" with "affirm the position taken by the House of Commons on April 2, 2008, when it passed the following motion". Then the text of the motion we passed in the House last night would appear, and there'd be a final phrase, "that the Chair reports the motion to the House".

I'd move that amendment now, Chair. I have it written out here, too.

Hon. Hedy Fry: Do we have to debate the amendment?

The Chair: Yes, we have to debate the amendment.

Mr. Fast.

Mr. Ed Fast: Mr. Chair, could I share my perspective on this issue?

Mr. Chong referred to a much broader issue of protocol for half-masting in Canada. It's not restricted simply to the half-masting issue that was addressed in Mr. Telegdi's motion. I want to remind the members of the committee that an expert panel was charged with reviewing flag half-masting protocol in Canada. The panel was chaired by Robert D. Watt, who is the Rideau Herald Emeritus, and there were a number of other experts in the area of protocol. In their report they came out with recommendations that perhaps not all of us would support.

It had been my hope that their report would form the basis of a study at this committee. I sense that what we're getting here is a discussion about Mr. Telegdi's motion. I'm hoping this is not what's happening here, because that's just one small part of the whole half-masting protocol issue.

Mr. Chair, I would seek support from the other members of this committee to actually take the report of the expert panel that was just released and study it as it relates to many other issues relating to half-masting.

Mr. Siksay made a suggestion that Canadians seem to understand the protocol of half-masting. In fact, most Canadians have no idea what that protocol is. They understand what half-masting is, but they don't understand the protocol. There are different protocols for different occasions; there are different protocols for different individuals who lose their lives in the service of their country.

One of the criticisms of the Telegdi motion was that it focused exclusively on our armed forces and neglected a number of other first responders who put their lives on the line every day, such as police officers and fire rescue workers. That is a much broader discussion than Mr. Telegdi's motion, and I'm not sure I want to make revisiting Mr. Telegdi's motion the focus of our discussion. I want to deal with the larger issue of flag half-masting as a matter of protocol.

I had a chance to review some of the recommendations the expert panel issued, and I think there's much room for a broader discussion. I might not agree with all those recommendations; in fact, we might all disagree on a recommendation-by-recommendation basis. I would expect that this type of study would not be one for which the timing is inappropriate. Mr. Telegdi brought his motion forward; it was debated and passed, and no one suggested it was out of order because the timing wasn't quite right. I thought there was a suggestion coming from across the floor that somehow this is the wrong time to discuss this. I don't think there's a wrong time to discuss the broader issue of flag half-masting as a form of protocol in many different settings.

If in fact the objections that I hear from the other side of the table are focused strictly on Mr. Telegdi's motion, I can understand that, but I don't think that's the purpose here. A study was just issued, and I believe the Prime Minister had expressed his hope that this committee would actually study that report.

I just want to make sure we're clear. Was that the intention of your motion?

• (1630)

Hon. Jim Abbott: That's correct.

Mr. Ed Fast: All right. That was just for clarification.

Mr. Bill Siksay: I have a point of order, Mr. Chair. Mr. Abbott's motion came long before the Prime Minister ever had the heraldry committee's report in his hand.

Mr. Ed Fast: Understood, Mr. Chair, but in response, Mr. Abbott has just confirmed that with the issuance of that report, it becomes a much bigger issue.

Hon. Jim Abbott: In fact, just as a point of information, I believe my motion was done in February, and the Prime Minister had the report in his hands in January. That's just to be clear.

The Chair: I'll go to Mr. Malo, and then Mr. Bruinooge.

[Translation]

Mr. Luc Malo: Thank you, Mr. Chairman.

In my opinion, Mr. Abbott had every right to move this motion. I kept a very open mind as I listened to the comments expressed by the people seated at this table. Since learning of this motion, I have been asking myself if people really want a full review of Canada's policy on the flying of the Canadian flag. I was expecting to get some answers to this question, but that was not to be.

I understood colleagues to say that one problem would be our soldiers currently stationed in Afghanistan. This problem was addressed in the House with the passage of Motion M-310 moved by Mr. Telegdi. So then, like a number of my colleagues on this side of the table, I do not see the relevance of reviewing Canada's policy on the flying of the Canadian flag.

With respect to Mr. Siksay's subamendment, I find it rather interesting because it calls to mind the solemn gesture of MPs yesterday in the House.

• (1635)

[*English*]

The Chair: I've been advised that we've gotten off track here a little wee bit. Right now we should be discussing and debating the amendment, but we've been forgetting about the amendment. We've been hitting it a little wee bit, but we've been primarily talking on the motion.

I'll go to Mr. Bruinooge.

Mr. Rod Bruinooge (Winnipeg South, CPC): Thank you, Mr. Chair.

Being simply a substitute on this committee, I'll keep my comments on this as brief as possible.

Speaking to the motion—although I know that we are discussing the amendment—I think that being able to study what we're contemplating would give this committee, and of course all members of our Parliament, a great opportunity to hear from the very individuals who are of course the subject of this half-masting suggestion, that being our Canadian military. I think it would be a great opportunity to bring soldiers before our committee and hear their opinions.

Knowing some soldiers as I do, I would suspect that every soldier we brought before this committee, and every single one of their family members, would want to stand in uniform, shoulder to shoulder, with all previous soldiers who gave their lives for our great country throughout history, including the 3,500 soldiers who died in an hour on Juno Beach. I would suspect that every single soldier we brought before this committee would want to stand shoulder to shoulder and be acknowledged on Remembrance Day.

The Chair: Thank you.

I will go to Mr. Chong, and then Ms. Fry.

Hon. Michael Chong: Thank you, Mr. Chair.

I don't think we should be supporting this subamendment because it is not consistent with past practice in this country, and I think it would cause problems in the future as well.

I'll just give a couple of examples of why I think this proposed policy is a problem. In two world wars and other conflicts, over 100,000 Canadian soldiers died on foreign battlefields, and if each

one of those soldiers' deaths was recognized by half-masting, the flag would be down at half mast on the Peace Tower for close to 300 years. I don't think that is the kind of policy or protocol that we want.

If at some future date Canada finds itself engaged in a conflict where the deaths are in the range of 400 a year—and God forbid that we ever find ourselves in that situation—our national flag, the most important flag in the country, which sits atop the Peace Tower, would be at half mast all the time. I also don't think that is a situation we would want to have.

The present protocol also has other problems. I'm not comfortable with half-masting the flag for the death of a former American President. I have respect for that office, I have respect for our neighbours to the south, but we are a sovereign country and an independent country on the north half of this continent, and my personal opinion is that the death of an American President should not require the half-masting of the Canadian flag on top of the Peace Tower. That's another example of where I think the present protocol needs to be re-examined.

Those are just some of the reasons I don't support the subamendment in front of us, and why I think the committee should study the broader issue around the protocol of when the flag is half-masted.

• (1640)

The Chair: I need just one thing for my clarification. We have here the amendment, and it specifically talks about the half-masting of the flag on the Peace Tower. There are flags all over the country, whether they be in Legions or in other government buildings. The process of half-masting of flags is bigger than what the motion was yesterday in the House of Commons. As big as that motion was, it concerns one flag.

Maybe I'm wrong, as chair, but what I understand with this study is that it would be half-masting of all flags around the country, and believe it or not, our country is in other countries, where our diplomatic offices are. That's part of Canada. Right now we have a town called Kandahar, in that area, so that is part of Canadian land, as far as I understand it.

Am I missing something here? Is the motion put forward by Mr. Abbott on half-masting of all flags, and the amendment that Mr. Siksay has brought forward on one flag? Just correct me if I'm wrong.

Some hon. members: You are right.

The Chair: What I am coming to is that the amendment does not match the motion. We had the vote last night. We could debate about this for quite some time, but I am going to rule the amendment out of order because it doesn't match the motion.

An hon. member: Let's vote on the motion.

The Chair: Mr. Abbot, go ahead.

Hon. Jim Abbott: As the mover, may I summarize?

Part of the—

Hon. Hedy Fry: I think the mover spoke to the motion, Mr. Chair, and he closes debate. Does he continue to speak?

Hon. Jim Abbott: I would love to close debate

Hon. Hedy Fry: We're not closing debate, because I would like to speak.

The Chair: One moment, Mr. Abbott.

Does someone else wish to speak to the motion?

Hon. Hedy Fry: To the motion, yes. You've already ruled the amendment out of order, so it's to Mr. Abbott's motion.

The Chair: Okay, but we were debating Mr. Abbott's motion before the amendment came forward.

Hon. Hedy Fry: Now that you've ruled that amendment out of order, I thought we were going to go back to the main motion. Mr. Abbott had spoken to his main motion originally, and it's my understanding that if he speaks now, he's really closing off debate.

The Chair: Then what we'll do is carry on with the list, and you get to speak later.

Thanks for correcting me.

Mr. Chong. Oh, we've already had you.

Ms. Fry. Now we've had you.

Hon. Hedy Fry: Now you're having me.

The Chair: Okay, we're having you now.

Hon. Hedy Fry: Thanks, Mr. Chair.

You're absolutely right in what you just said. Earlier on, when you took me by surprise, I said we had voted on this last night. I agree that Mr. Abbott's motion deals with a lot more than the motion of last night. So I want to expand on why I do not support Mr. Abbott's motion at this point in time.

First and foremost, as far as I'm concerned this is an issue that will require lengthy discussion across the country. It is a huge issue. There is a report that has been tabled. We are to go and hear what Canadians think. This will occupy a great deal of the committee's time.

I believe the committee should decide what it considers to be most important in terms of the order of things we need to deal with now. As far as I'm concerned, this is an important issue, but it is not an urgent issue or a seminal issue right now. I think we should move on and put this motion aside.

You can table it indefinitely, as far as I'm concerned, but I would vote against the motion because I don't think we should be dealing with this issue right now.

The Chair: Mr. Scott.

Hon. Andy Scott: Thank you, Mr. Chair.

I really do think—and the couple of interventions since I last spoke have supported this—that the government does not intend to act on what happened last night, and that to some extent at least part of the debate on this motion has included arguments about the inappropriateness of the decision that was taken last night.

It occurs to me that to some extent the notion that we could have a vote in the House of Commons, a thoughtful one... People have consulted in their constituency—certainly I have—about last night's

vote. I felt that I was representing the views of the people I consulted, the people I represent, and my own conscience. I think the government has an obligation to respect what happened last night. To some extent, to support Mr. Abbott's motion is to be complicit in ignoring it, because I think it's being parked inside of this, and the debate so far has suggested that's true.

I don't want to be complicit in ignoring what happened last night. If you tell me that the government is going to act on the decision of last night, then I'm open to being convinced that we should move on to the broader picture. But I'd need to hear that first. Otherwise, you're dragging me down a road that would put me in contempt of what happened last night.

• (1645)

The Chair: Mr. Coderre.

[*Translation*]

Hon. Denis Coderre: Mr. Chairman, I think we've said all there is to say on the subject. My colleagues' comments reassure me that I was right from the start. The fact that we are just now beginning to define what we should be examining is proof of just how long this process might take.

With all due respect to my colleague Mr. Abbott, for all of these reasons, including the ones I mentioned at the outset, and out of respect for yesterday's motion, I think we are ready to put this matter to a vote. Unfortunately for Mr. Abbott, I will be voting against the motion.

[*English*]

The Chair: Mr. Abbott, perhaps you'd like to speak to that, and then we'll call the vote.

Hon. Jim Abbott: I'd be happy to.

I made notes on a number of issues that were raised in debate. For example, I think Mr. Chong's intervention with respect to the Peace Tower was absolutely correct. God forbid we end up in a situation like that, but that could happen. You could also have a possible expansion of the reasons for half-masting, every one of them legitimate. I'm not questioning the legitimacy of the events that took place that have led to the half-masting practices currently listed for the Peace Tower.

But if I take a look—I'm not being flippant here, I'm being quite serious—at a calendar that has been approved by Parliament, at the number of days there are, the number of absolutely worthy, worthwhile events or occasions that have to be recognized, we can get an idea of where the whole issue of the half-masting of the Peace Tower flag could possibly end up, without proper protocol and without proper policy.

But I just want to clearly enunciate for the opposition members that what is happening here is that because this issue is so serious to any government—be it the previous government or this government, it is a serious issue for any government—the current government asked experts to come up with a complete report, which is reflected in my motion, that the government has chosen to ask the Standing Committee on Canadian Heritage to examine Canada's policy on half-masting the Canadian flag in relation to provincial, territorial, and international practices. So we're not just talking about the Peace Tower here; we're talking about heraldry in general.

So what the opposition members are going to be voting on is to say that it is up to the current government to go through the report, such as it is, that has been presented to it and to choose what it is going to choose. This committee is effectively saying that we care little what the government is doing. The government wants to give the responsibility to the committee, and the committee is saying we'd just as soon not bother.

Hon. Denis Coderre: Now you're partisaning and politicking. I can play that too.

Hon. Jim Abbott: Okay.

• (1650)

Hon. Denis Coderre: I was okay from the beginning. Don't try that.

Hon. Jim Abbott: Okay, I won't go there. All I'm saying is that it is.... How can I say it without being partisan?

Hon. Denis Coderre: You're the one who lowered the flag for Gerald Ford. Stephen Harper did it. I can play politics, I can have fun, but it's not the issue. The issue is that if you want to open the can of worms, let's do it. We said no. That's it. That's not partisan.

The Chair: I'm going to bring this discussion to a close with Mr. Fast. Mr. Fast wanted to make a very short comment. Then we'll have a vote.

Mr. Bill Siksay: On a point of order, I thought you ruled that Mr. Abbott was making his final comments today on the debate.

The Chair: I forgot that Mr. Fast was on the list.

Hon. Hedy Fry: Mr. Abbott has the last word. It's his motion.

The Chair: It's my advice that Mr. Abbott has the right to speak, and someone can speak after him. We will listen to Mr. Fast and then we'll have a vote.

Mr. Ed Fast: Listen, I don't want to turn this into a partisan discussion. Unfortunately some of the minds over on that side are made up, but I did want to address those that are still open. Mr. Malo wanted to hear our view on this.

And Mr. Scott, I think you were assuming that somehow this is an attempt to drag you, or perhaps others on this committee, into re-fighting the battle that we had on the half-masting. I spoke to Mr. Telegdi's bill, and I made it very clear in my comments—and you can check *Hansard*—that I believe it is more appropriate to deal with half-masting as a broader issue, not simply to take our soldiers, isolate them in that issue or in that discussion, but to talk about some of the others who are involved, like our rescue service providers, and some of the other occasions when we actually half-mast.

I believe there are actually eight times in the year when we half-mast the flag on the Peace Tower. This would be a more appropriate context in which to have a discussion regarding the half-masting on the Peace Tower.

For me it's not a matter of trying to make you complicit in our opposition to Mr. Telegdi's bill. I don't believe it's contempt on your part to support a broader study of half-masting in Canada.

I'll just finish off with a final thought. Mr. Abbott made the point that the expert's report that came out has a number of recommendations that have actually been challenged by some key people, including Tony Cannavino from the Canadian Police Association. I think we need to have a discussion about that. I'm concerned about those recommendations as well.

And yet what you're saying to us is that you don't want to have a discussion here. Then it leaves it up to government to implement those recommendations, and I'm not sure that's what this committee wants done. I'm not sure that's what Mr. Scott wants to do and I'm not sure that's what Mr. Malo wants to do.

The Chair: Mr. Scott is going to have a very short response, and then we're going to call the vote.

Hon. Andy Scott: The first thing I would say, Mr. Chair, is that it's very difficult if there are suggestions made about what we say that we don't get to rebut. Just so you know, I feel compelled to be able to do that.

It's very clear that what I'm saying is that—and the debate here this morning suggests my concerns were appropriate, because the debate has taken that turn—at least in part, this future discussion is inclusive of a decision that was taken last night. The debate suggests that. Two members discussed specifically the issues that we know accompanied last night's debate and, to some extent, Mr. Abbott's comments themselves.

You tell me that the government will act on what happened last night, and I will then at least consider the rest of this issue. However, if the rest of this issue trumps Parliament, I can't abide by that.

So I'm not averse to having the discussion you want to have, to be inclusive of other things, other places, and other people, but that should in no way trump what happened last night in the Parliament of Canada.

• (1655)

The Chair: Thank you for that.

We're going to move on to the vote. The vote was asked for, and the motion is that the Standing Committee on Canadian Heritage examine Canada's policy on half-masting of the Canadian flag in relation to provincial, territorial, and international practices.

(Motion negatived)

The Chair: We'll move on to the next thing, and this is just something for people to think about. We do have on our agenda some openings after next Tuesday. Are we interested in looking at the main estimates in this committee?

When it was the previous supplementary estimates, it was deemed that we didn't need to look at them. Do we want to get a little more on our main estimates? Think about that for the next meeting so that we can get some of that booked into our agenda.

If there is no more business, the meeting is adjourned.

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