



House of Commons
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 020 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Wednesday, March 12, 2008

—
Chair

Mr. Art Hanger

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Justice and Human Rights

Wednesday, March 12, 2008

• (1535)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I'd like to call the Standing Committee on Justice and Human Rights to order—it being Wednesday, March 12, 2008—for our deliberation, as a committee, pursuant to the order of reference of Monday, March 3, 2008, on the statutory review of the proposed appointment of Mr. Brian J. Saunders as the Director of Public Prosecutions.

I would ask that Mr. Saunders come to the head of the table.

Thank you, Mr. Saunders.

Hon. Dominic LeBlanc (Beauséjour, Lib.): A point of order, Mr. Chairman. Yesterday when you evacuated the chair you had ruled out of order a motion I made, that this committee should begin hearings into allegations surrounding the attempt to bribe Mr. Cadman. You ruled that out of order.

A colleague of ours challenged that ruling. My understanding is that at that point your obligation is to put to a vote immediately a challenge to your ruling. Instead you chose simply to abandon the chair.

So I'm hoping that without delaying Mr. Saunders' presentation, you will immediately put to a vote the challenge to your ruling of yesterday so that we can proceed.

The Chair: Given that this is another actual part of committee business and Mr. Saunders is here to testify, I will say this: the motion, whether it's on the table now or not, is a matter of question. It was ruled out of order. I will continue to rule it out of order even if it is presented again. And on the fact that the chair was challenged on that particular ruling, so be it.

Hon. Larry Bagnell (Yukon, Lib.): So we have to vote.

The Chair: I will not take your vote.

I will address Mr. Saunders and apologize to Mr. Saunders for his appearance here at the committee today. It's unfortunate. We were looking forward to listening to his testimony, but I am not prepared to take that vote and I will vacate the chair. That is an issue right now that I intend—

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): You have no choice, you have to proceed with the vote straight away. I have a point of order, Mr. Chairman. You cannot rewrite the Standing Orders. You have to call the question on the motion straight away.

[English]

The Chair: I will—

[Translation]

Mr. Réal Ménard: Just a moment, please, Mr. Chairman, I was making a point of order. You have to let me speak. Yesterday, I challenged your decision.

[English]

The Chair: One moment, please.

[Translation]

Mr. Réal Ménard: Yesterday, we ended our meeting on a point of order. I asked that the committee vote on your decision. That means you must automatically call the question. You cannot rewrite the Standing Orders. You are not above the House of Commons and its Standing Orders. We are asking you to call the question immediately. It is not debatable. Check with the clerk if you are uncertain. You asked us to show decorum. If we are to do so, you must assume your responsibilities as the guardian of the Standing Orders. Our Standing Orders stipulate that we must proceed immediately to the vote and I insist that this be done.

[English]

The Chair: I have already advised this committee that I will be vacating the chair. I will not take the count. My reasons were expressed before.

An hon. member: You can't.

Mr. Mark Holland (Ajax—Pickering, Lib.): You can't do that.

The Chair: I am going to do it and I will do it now.

Hon. Dominic LeBlanc: Are you going to return the salary as well, Mr. Chair?

[Translation]

Mr. Réal Ménard: You have to abide by the Standing Orders.

[English]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Chairman, I am going to challenge your ruling in that regard right now. I'm going to challenge the chair on your refusal to take the vote on the challenge to the chair. I am asking that you take a vote on my challenge to your decision that you will not take the vote on the challenge to the chair.

An hon. member: I have a point of order.

The Chair: It's not debatable.

[Translation]

Mr. Réal Ménard: You must first give a ruling on our point of order. Wait a minute, please. We have Standing Orders and you have to adhere to them.

[English]

Mr. Rick Dykstra (St. Catharines, CPC): I have a point of order.

[Translation]

Mr. Réal Ménard: Just a minute.

[English]

Mr. Rick Dykstra: I have the floor, not you.

[Translation]

Mr. Réal Ménard: You have to abide by the Standing Orders.

[English]

Mr. Rick Dykstra: Réal, we all need order. You have to abide by the Standing Orders too.

Mr. Réal Ménard: You are not the chair. You are not the chair.

[Translation]

You have to decide whether we are going to proceed to a vote.

[English]

Mr. Rick Dykstra: Réal, you're not the chair, either. Réal, you're not the chair.

Mr. Réal Ménard: You're not the chair.

The Chair: Order, order.

Mr. Réal Ménard: You're not the chair. Shut up.

The Chair: Order.

Mr. Dykstra, I am going to excuse Mr. Saunders. I don't think he should be subject to this and, sir—

Mr. Rob Moore (Fundy Royal, CPC): This is theatrics. It's a joke. You are turning our meeting into a joke.

The Chair: My apologies, sir.

An hon. member: Deal with it right now.

Mr. Rob Moore: Why don't you shut up back there?

An hon. member: Who does he think he is?

• (1540)

Mr. Mark Holland: It's called procedure.

An hon. member: You can use it.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): This is farcical.

Mr. Réal Ménard: You have to abide by the Standing Orders.

[English]

The Chair: The chair's ruling was challenged. So be it. I am not going to take the count. If you want to deal with me as a chair, that's fine, you may do so. But I am not taking the count.

Mr. Derek Lee: Mr. Chairman, the clerk can take the count.

Mr. Réal Ménard: Is this your resignation?

Est-ce que vous démissionnez, monsieur le président?

The Chair: If this is a—

[Translation]

Mr. Réal Ménard: Nobody is asking for your resignation.

[English]

The Chair: That's up to the committee to decide. I am not taking the count.

[Translation]

Mr. Réal Ménard: Mr. Chairman, nobody is asking for your resignation. We are simply asking that you abide by the Standing Orders. Check with the clerk.

[English]

The Chair: The motion was ruled on yesterday.

[Translation]

Mr. Réal Ménard: We are entitled to vote on this.

[English]

The Chair: It was out of order.

[Translation]

Mr. Réal Ménard: We challenged your decision.

[English]

The Chair: I will not let this committee turn into a circus. I will not take the count. As far as I'm concerned, the matter is finished, and I will not take the count.

[Translation]

Mr. Réal Ménard: That is what the Standing Orders say.

[English]

Hon. Dominic LeBlanc: Art, do you want to pull a fire alarm as well?

Mr. Derek Lee: At this point, colleagues, we do not have a chair. I believe the chair has resigned or left his position.

That being the case, unless members have other views, I would ask the clerk to preside over the election of a new chair.

If a reference is needed, I'll refer you to page 833 of Marleau and Montpetit, which deals with the circumstance of the resignation or absence of the chair.

I nominate Mr. Dykstra as chair of the justice committee.

I would move that Mr. Dykstra be elected chair of the committee, and I would ask the clerk to preside over an election in that regard.

An hon. member: There's a vice-chair in the room. Mr. Ménard is a vice-chair.

[Translation]

Mr. Réal Ménard: I am not going to take the Chair.

[English]

Mr. Mark Holland: We don't have a chair. We have a chair who refuses to preside over the proceedings. This is a Conservative chair of the committee.

[Translation]

Mr. Réal Ménard: I have a point of order.

[English]

Mr. Rick Dykstra: Why don't you honour what you said and take the chair?

[Translation]

Mr. Réal Ménard: I am not going to take the Chair until the chairman...

[English]

Mr. Rick Dykstra: Honour what you said and take the chair.

Mr. Réal Ménard: I am not going to take the chair until Mr. Hanger explains why he has resigned, or not, and why he refuses to apply the rules.

Mr. Rob Moore: He's not resigning. He said he won't take the vote. He said he will not take the vote, Réal. That's what he said.

Mr. Derek Lee: As a point of order, may I ask the clerk whether there are any options that are clearly available to the committee at this point, in the absence of the chair.

• (1545)

Mr. Rick Dykstra: If we're going to read from the rules, it's pretty clear that in the absence of the chair and the vice-chairs of a committee, an acting chair must be chosen. We have a vice-chair here who can take over when the chair isn't here.

It's right on page 829. There is a vice-chair here. According to the rules, the vice-chair has to take the chair.

[Translation]

Mr. Daniel Petit: He has been making points of order since we started.

Mr. Réal Ménard: Madam clerk, I am not going to take the Chair until somebody explains why Mr. Hanger refused to abide by the Standing Orders. I cannot imagine that there are two different rules on this.

[English]

Mr. Mark Holland: Madam Clerk, my understanding is that it is the option of the vice-chair to decline to take the chair. The committee is chaired by the Conservative Party. We have one vice-chair here who has declined to chair the committee, and therefore we need to determine an acting chair.

Mr. Rick Dykstra: I appreciate—

Mr. Mark Holland: I would ask the clerk for a determination of that.

Mr. Rick Dykstra: I appreciate Mr. Holland's interpretation, but if I read the *House of Commons Procedure and Practice*, it actually doesn't say what he says.

A voice: Mr. Holland, perhaps we can—

Mr. Rick Dykstra: It says the vice-chair, in the absence of the chair, has to take it. In the absence of the vice-chair and the chair, an acting chair has to be nominated; until that point, the vice-chair has to take it.

Mr. Mark Holland: The vice-chair refuses.

Mr. Blaine Calkins (Wetaskiwin, CPC): It says absence, not refusal. It doesn't say anything about refusal. It says absence.

Mr. Derek Lee: Madam Clerk, I am actually going to give verbal notice now of my intention to move non-confidence in the chair—this is going on the record—and also notice of my intention to nominate Mr. Rick Dykstra as chair for purposes of electing a new chair. I'm giving that verbally now for the record.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): [*Inaudible—Editor*].... If the vice-chair would take the chair, then perhaps your motion could be considered. In the absence of a chair, there's no....

Mr. Derek Lee: The abandonment of the chair is a serious disorder.

[Translation]

Mr. Daniel Petit: You are keeping us waiting, Mr. Ménard. Go ahead, everybody loves you. We do not normally need to plead with you like this.

[English]

Mr. Réal Ménard: Well—

An hon. member: You know what, Derek? That's why we have vice-chairs, and we have a vice-chair.

Mr. Réal Ménard: Art Hanger is a young offender.

• _____ (Pause) _____

•

Mr. Rick Dykstra: I have a point of order.

[Translation]

The Vice-Chair (Mr. Réal Ménard): One moment please, Mr. Dykstra. Given the circumstances...

[English]

Mr. Rick Dykstra: I have a point of order, Mr. Chair.

Are you not going to recognize a point of order, Mr. Chair? You have to recognize a point of order.

[Translation]

The Vice-Chair (Mr. Réal Ménard): Just a moment, please, Mr. Dykstra.

[English]

Mr. Rick Dykstra: You have to recognize a point of order.

[Translation]

The Vice-Chair (Mr. Réal Ménard): Given the current situation, I am going to adjourn until 3:30 p.m. tomorrow.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.