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Standing Committee on Justice and Human Rights

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Wednesday, May 14, 2008

—
Chair

Mr. Art Hanger

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• (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.

If I could ask the camera crew to move to the far end of the hall, I would appreciate it.

This being Wednesday, May 14, 2008, pursuant to Standing Order 106(4), this meeting is requested by four members of the committee to discuss their request to proceed to the vote on the appeal of the ruling of the chair concerning the motion moved by the member from Beauséjour on March 11, 2008.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): A point of order on in camera—

The Chair: Committee members, I'm recognizing no one right now. I'm not finished my statement.

This meeting, like the last meeting, is convened under Standing Order 106(4). Today's meeting was scheduled after the clerk received a letter signed by various members; I think it was all of the opposition members, the Liberal and the Bloc. On Friday—

Mr. Brian Murphy: Sorry, Mr. Chair, on a point of order.

The Chair: I'm not recognizing anyone until I've finished my statement. Then your point of order will be—

Mr. Brian Murphy: It's on the cameras. Let's make this simple. I don't want to interrupt your statement, but this is not an in camera meeting, Mr. Chair. So can we have cameras back in the meeting?

The Chair: I never asked the gentleman with the camera to leave the room; I asked him to move to the end of the hall.

Mr. Brian Murphy: If that's a clear ruling, I misunderstood, because they left thinking it was.... I apologize.

The Chair: Let me continue.

The purpose stated in the Standing Order 106(4) petition for calling this meeting is as follows, in relation to the ruling and the recent motion by Mr. Leblanc:

...we, the undersigned, members of the Standing Committee on Justice and Human Rights, ask that our Committee be convened pursuant to Standing Order

106(4) so as to proceed to the taking of a recorded division on the following motion: That the decision of the chair be upheld.

Before we go further, it is my duty to draw the attention of the members of this committee to *House of Commons Procedure and Practice*, Marleau and Montpetit, the definitive interpretive authority on Commons procedure. Marleau and Montpetit states the following on page 843 in reference to the Standing Order 106(4) meeting:

The matter under consideration at such a meeting is whether or not the committee wishes to take up the requested subject, rather than deliberations on the subject itself.

In other words, Standing Order 106(4) only allows committees to request a meeting to consider whether or not to proceed with a given topic. Even though a challenge to the chair's ruling is a non-debatable motion, a Standing Order 106(4) request must seek debate and deliberation and cannot call for an immediate vote.

Therefore, the request that the committee be convened to immediately hold a vote is out of order, as it offends the intrinsic deliberative nature of a Standing Order 106(4) request.

It is also worth noting that Standing Order 106(4) was never intended to be used as a vehicle of closure, as the current petition purports. In fact, the intrinsically deliberative nature of Standing Order 106(4) signals that it is a procedural tool to prompt additional debate on a subject, not to curtail debate and generate an immediate vote on an item of committee business, as called for in the petition in its current form. The subject matter of the Standing Order 106(4) petition is, for both of these reasons, out of order.

There have been no—

• (1540)

[Translation]

Mr. Réal Ménard: Mr. Chair, I raise a point of order. You must recognize me now.

[English]

The Chair: Order, please, Mr. Ménard. Order, please. I haven't finished my statement.

There have been no additional stated purposes for convening this meeting. I am adjourning the meeting.

The meeting is adjourned.

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