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Thursday, March 6, 2008

—
Chair

Mr. Joe Preston

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let's bring our meeting to order, please.

Today we have another Standing Order 106(4) request. I will call this meeting to order pursuant to Standing Order 106(4). It is a meeting requested by four members of the committee to allow committee members to express their lack of confidence in the chair.

I'm going to need this in the form of a motion, Mr. Guimond.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Chairman, I would like to introduce the following motion. Then I'm going to explain its underlying rationale. I'm going to read it slowly so that our Anglophone colleagues can understand it clearly.

That the Chair no longer has the confidence of the Standing Committee on Procedure and House Affairs, and, as a result, that we proceed immediately to the election of a new Chair.

Mr. Chairman, the underlying rationale for this motion is the following. At the request of four committee members, before the parliamentary session resumed, we held a first meeting on September 10, 2007. I believe that everyone around the table, both on the government side—even you, Mr. Chairman—and the opposition side, can see that this committee is completely dysfunctional, ineffective and inoperative and that, consequently, we must make changes to the Chair.

Mr. Chairman, I have noted certain events that have occurred since September 10, and one of the reasons why we question the confidence we placed in you when we democratically elected you is that you, unilaterally and arbitrarily, have failed to enforce the Standing Orders that govern the proceedings of the House.

You have, on a number of occasions, decided on your own to rewrite the Standing Orders of the House, disregarding the democratic operation of this committee. To convince you of that fact, I refer to the meeting of February 28. Our colleague Yvon Godin spoke. I'm going to quote what he said at the time. Please pardon my accent, because, as you know, I come from Chicoutimi, in the Saguenay. I speak English like a guy from Chicoutimi, but I'm convinced I speak English better than some people here speak French.

Mr. Godin said this, and I quote:

•(1110)

[English]

Mr. Chair, could we have your intention as to whether or not we will continue until the vote tonight? We can see this is filibustering, and according to the rules we should continue.

[Translation]

Mr. Chairman, you then answered: "Let's see what happens," and you unilaterally adjourned at 1:00 p.m.

On February 14, you adjourned unilaterally as well. You decided on your own that the meeting was over at 1:00 p.m., whereas, incidentally, nothing in the Standing Orders gives you the power to act in that manner. Check the procedure of the 26 committees: when a time is stated for the start or end of the meeting, it's only as an indication, and nothing in the Standing Orders requires a committee to terminate its proceedings at the stated time. I agree, however, that committees, by consensus, often adjourn their proceedings at the time stated on the notice of meeting. I remind you, however, Mr. Chairman, that that must be by consensus. That means that it must be by joint agreement.

As you know, Mr. Chairman, we can do anything in the House, provided it isn't immoral or contrary to the maintenance of public order, and provided it is done by consensus, that all parties agree. That's why, in the House, we request unanimous consent about 50 times a week. When we request unanimous consent, that means that the Standing Orders do not provide for what we are preparing to do. So we must obtain unanimous consent. Every time you decided on your own to adjourn at 1:00 p.m., it was contrary to the Standing Orders, which incidentally are silent on this point. There was no consensus; it was your own decision.

On February 12, once again, you adjourned unilaterally. I quote what you said:

I know we are shifting some members in and out, and that's all good.

Colleagues, Mr. Preston, I think you'll enjoy noting that you spoke about the Election Act three times and witch hunt at least 15 times, so try to stay away from that one. As much as I love the stuff on the Chair, etc., that's three times.

However, this meeting was called to discuss a certain report. There was a motion moved. We are now passed one o'clock.

The meeting is adjourned until Thursday.

I repeat, that was done illegally.

At the meeting on February 5, following systematic obstruction by Mr. Lukiwski for six and a half hours, you improperly suspended proceedings. I'm going to cite part of the conversation we had at that time, even though I remember it word for word. Mr. Proulx had a point of order and asked how long after the vote you intended to resume. You know that we have amended the Standing Orders. I was on the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, and we agreed that all committees adjourned their proceedings on votes, but not during the question period. You didn't have the power to continue sitting during the votes. The Standing Orders required you to stop sitting during the votes, which you did. We stopped sitting during the votes, but that wasn't because it suited you, it was because the Standing Orders of the House of Commons laid down that standard.

Mr. Proulx legitimately asked how much time after the vote you intended to resume the proceedings. I answered "immediately". You expressed doubt and said that the Standing Orders provided that it was 15 minutes after the vote in the House. Mr. Chairman, I therefore asked you whether you could read us the Standing Order providing for that 15-minute rule. My legal training has taught me that, in court, you always ask the witness a question to which you know the answer. When I asked you what Standing Order required you to resume after 15 minutes, I knew there wasn't one. We resumed the meeting once we had a quorum.

You read Standing Order 115(5) at the time. I won't reread it, but nowhere does it state anything relating to the 15 minutes to which you referred. Then I asked you what about the 15 minutes, and you answered me that that was entirely up to the Chair. Then I told you that you had decided that it was 15 minutes. Mr. Chairman, you answered me that there was a procedure, that it was a proposal.

• (1115)

I told you: "Ah, a proposal. No, right after the vote we start. We want to listen in."

We had heard Mr. Lukiwski for six and a half hours, and we wanted to listen to him some more to really understand the real reason behind the filibuster.

I continued, saying: "It's important. Yes, I suggest that just after the vote we resume our work."

Mr. Chairman, you told us: "You know, colleagues, the Chair is absolutely aware of the gamesmanship going on back and forth, and I don't appreciate any of it."

Mr. Chairman, I'm pleased to note that Mr. Lukiwski's filibuster displeased you as much as it did us. You confirmed that you didn't appreciate the gamesmanship going on back and forth. You told us: "The fact that I'm suggesting that members have some time to get back to this room... and the term 'immediately' versus '15 minutes'..."

Another reason why you've lost my confidence is that you forgot the rules of courtesy and decorum toward committee members, who merely referred to the Standing Orders duly and democratically accepted by the entire House. I'm not sensitive; I'm very thick-skinned.

You continued, saying: "I think the member opposite is raising an insignificant and trivial point, if I may say so."

I hope you understand why I raise the issue of non-confidence in the Chair. I'm convinced I'm not taking you by surprise this morning.

I quote you further:

We have members here who limp. I'm not suggesting that's why I'm calling it. The procedure in the past has always been 15 minutes.

How would it be if we did this? I'll be down here first thing, and if there's no quorum within 14 seconds, I'll adjourn the meeting.

But rather than do that, since we're playing games, I'm going to suspend the meeting until Thursday.

Pow! The hammer came down at 5:34 p.m.

I have another case, Mr. Chairman. At the February 7 meeting, which was further to that of February 5, and during which I spoke about your conduct, despite a clear request, you decided to adjourn the meeting unilaterally. I raised a point of order, and you said that I was the spokesman of the colleagues from the three opposition parties and that, before starting, we needed a decision from you on the procedure for the end of the meeting. We then discussed the legality of your decision to unilaterally adjourn the meeting of February 5.

For all these reasons and many others, I request an immediate vote on the following motion:

That the Chair no longer has the confidence of the Standing Committee on Procedure and House Affairs, and, as a result, that we proceed immediately to the election of a new Chair.

Thank you, Mr. Chairman.

• (1120)

[*English*]

The Chair: Thank you, Monsieur Guimond.

Monsieur Godin, you're next, and then Mr. Lukiwski.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

I don't think that an important decision such as this one calling for a vote of confidence in a committee Chair should be taken lightly.

Mr. Chairman, I myself had to request the resignation of the Chairman of the Official Languages Committee when he made the decision to change the committee's agenda without the approval of the members of that committee.

I've been sitting in Parliament for 10 and a half years now. I have great respect for the institution. We can hold our debates, but I have great respect for the institution and democracy. This Parliament enables us, democratically, to hold debates for the Canadian people. That's why I say it isn't easy to make decisions such as this one among colleagues. Democracy must definitely take precedence over everything else.

In my vision of things, and according to the Standing Orders, the elected Chairman must be impartial and ensure the proper operation of the committee. Based on my years of experience in Parliament, I can say that, if someone decides to filibuster, you have to prepare not to have the time to go to the bathroom.

Before coming to this decision, which I support...

Certain things have occurred. I don't want to talk in detail about what my Bloc colleague Michel Guimond has said, because I think it has been well presented. You used the excuse that the analyst needed to go to the bathroom, for example, to give the person who is filibustering a chance to go as well. There isn't only one analyst in the House of Commons; another can come and replace him. If the clerk needs—

[English]

The Chair: Excuse me, I've lost translation.

Are we up and running again?

My apologies, Mr. Godin. Please continue.

Mr. Yvon Godin: Where was it cut?

The Chair: I don't know; it was about 30 seconds ago.

[Translation]

Mr. Yvon Godin: I don't intend to filibuster. I simply want to raise some points that I consider important. When a person decides to filibuster, it is preferable that that person prepare. The Chairman was reading the minutes to see what had happened. He gave his consent, saying that you can do it, but that you have to say in your place. That's what's called filibustering.

Currently, we're practically seeing a filibuster in disguise for which you're giving your consent. The government party comes here, filibusters for two hours, without any difficulty, and, at the end of those two hours, you signal the end with your hammer. There's no cooperation with those who constitute the majority on the committee.

It must be kept in mind that the government is a minority, not a majority government and respect that. The majority of committee members wanted to continue. You didn't obtain a consensus, and you didn't seek one. I personally asked you at one meeting what was scheduled for one o'clock. You could have answered that, at one o'clock, we would discuss, as a group, what we were going to do and decide together whether to continue or to stop. However, you answered that we would see at one o'clock.

That kind of attitude is unacceptable and intolerable. I can't stand it. If someone has the strength to speak for five, 10 or 20 hours, let him be prepared and do it. We're going to stay in this room until he has finished. To my knowledge, this committee is the only one where I can accuse the Chairman of being partial. I say that because of the way in which you have acted. You gave the party that filibustered the opportunity to do it for the next year. That's unacceptable. That has to stop at some point, that is to say when the party is exhausted. You do nothing to stop that. You don't give a chance to the majority of members of this committee, who, as the Speaker of the House of Commons so often says, are masters of their own destiny.

We can't be masters of our own destiny if the Chairman leans to one side. The Chairman must be independent. Based on my criteria, you were not independent when you acted in that manner. It is with regret—and I want this to go on the record—that I'm going to second the motion that we request your resignation, but I no longer have confidence in you. As Chairman, you have had the opportunity to do your work by being impartial, enforcing the Standing Orders as is fit. However, in 10 and a half years, I have never seen a Chairman in the

House of Commons who, in a filibuster, adjourned at one o'clock in order to afford the speaker the opportunity to rest or adjourned the meeting to allow the witness to leave or the speaker to go to the washroom. I've never seen that.

As stated in the Standing Orders, the first and second Vice-Chairs have a responsibility to take over when the Chair must be absent. In the same way, if a member has to be absent, he may be replaced by one of his colleagues.

For all these reasons, Mr. Chairman, I cannot support you as committee Chairman.

Thank you.

● (1125)

[English]

The Chair: Thank you, Mr. Godin.

Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Chair, I have just a few comments.

First I would suggest to all my colleagues that the issue in question here is quite frankly surrounded—whether it is filibustering or any other activities, or whether it is actions by you, Chair, it emanated from the very first motion brought forward by, I believe, Madam Redman to discuss the in-and-out advertising scheme.

I would remind my honourable colleagues—and I would hope, Chair, that my honourable colleagues would extend me the same courtesies I did them, as I did not interrupt them when they were speaking—that at the time the motion was introduced, the opinion of the law clerk of this Parliament and his advice to you, Chair, was that the motion was out of order.

Yet what happened? Did the committee take the advice of the law clerk—the law clerk, Mr. Chair, who is here to advise and assist all committees and all chairs in giving them good sage, sound, and impartial legal advice? Did the committee recognize that and heed his advice? No. They used a procedural tactic, which is perfectly within the Standing Orders, and they used their majority to overturn your ruling. They've done that consistently.

I hear consistently the theme from the opposition members opposite that you're not acting in an appropriate manner. I suppose they're trying to bring all of us back to an issue of fairness. I would point out, Chair—and we've had lengthy debates on this—that even though my colleagues opposite will not agree, it's quite obvious that the motion was brought forward for a single purpose: for partisan reasons, to try to embarrass the government and to try to create a scandal where none exists.

They overruled a chair's ruling, a ruling based on the advice of the law clerk of this Parliament. If anyone or any Canadian suggests that is fair and is something that should be accepted *carte blanche*, I would suggest, frankly, that the court of public opinion would weigh heavily on your side, Chair, and would find you acted in an appropriate manner. Since that time, government members on this committee have reacted strongly and aggressively by using our procedural rights to filibuster.

If one is going to argue that the chair has acted inappropriately, I would suggest that we should take a look at members around this committee. They can certainly blame me or blame any of my colleagues for filibustering; I'll take their criticisms and their objections, but I think they should also take a look at some of the actions of their own members.

I just want to make a couple of observations on that.

Monsieur Guimond was referring back to dates when you made rulings and adjourned meetings. I did not hear in his dissertation, however, any mention of his own conduct during some of those meetings. I recall quite vividly when Monsieur Guimond and one of his colleagues—I think it was Monsieur Bigras and I believe he was the substitute—came in and were acting in a very disrespectful manner. They were hurling personal comments at you, Chair, because they just didn't like the way things were going. They didn't like the fact that I was filibustering, that I was using a completely legal procedural tactic—

• (1130)

The Chair: We have a point of order.

Go ahead, Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: I simply wanted to inform Mr. Lukiwski that Mr. Bigras has never come and replaced a colleague on this committee.

[*English*]

The Chair: Is there any debate?

Mr. Tom Lukiwski: Thank you.

I stand corrected. I'm not sure; I can't recall exactly which Bloc member substituted, but they were extremely disrespectful. As was perfectly within your right, Chair, you had to adjourn meetings because of decorum issues, which you did. I heard no mention of that from members opposite.

Even more recently, Chair, I would point out that Monsieur Guimond, walking in here today.... Monsieur Guimond considers that when he does something, it is quite humorous; I would suggest if any other member on this side of the committee table acted in the same manner, he would go into his rather famous rants. He came in today and started singing a song, "Goodbye, Chair, goodbye." If we had done that to a Bloc member, he would have gone absolutely insane.

The Chair: Monsieur Guimond, do you have another point of order?

[*Translation*]

Mr. Michel Guimond: I have a point of order, Mr. Chairman.

I believe we have a right to sing any song before a committee begins sitting.

[*English*]

The Chair: Mr. Guimond, these are not points of order; these are debates. I'm happy to put your name back on the list, if you want to speak again, but otherwise I'm going to ask you to respect the rights of other members of Parliament to be heard.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, I simply want to tell you that Mr. Lukiwski does not have a right to make just any old insane remarks.

[*English*]

The Chair: Monsieur Guimond, thank you very much.

Can we have the member's microphone turned off, please?

Mr. Lukiwski, I apologize for the interruption.

Mr. Tom Lukiwski: Quite frankly, Monsieur Guimond is underscoring my point. When Monsieur Guimond does anything, he feels it's quite appropriate. And it's sometimes humorous, but if anyone else were to act in a similar fashion, he would fly into a rage. Chair, my point here is that there are actions that have been carried out by members opposite that have certainly affected your ability to conduct this meeting in any kind of impartial manner, and they should look within themselves first.

The last thing I will say, Chair... I agree with Mr. Guimond on one thing: let's get this thing to a vote and get it done quickly, because it's certainly not fair to you, and it's not fair to the committee. It's my advice to all members opposite, Chair, that from time to time that old saying "be careful what you wish for because you just might get it" may come into play.

Mr. Chair, I would suggest to you on the record that I feel you have acted—

• (1135)

The Chair: Is this a point of order?

Mr. Yvon Godin: Well, is that a threat?

Mr. Tom Lukiwski: Certainly not. I'm just saying that obviously there are consequences of taking a rather severe action such as they're contemplating here. The only threats I've heard in the last few days are coming from members opposite.

Mr. Chair, for the record, I think you have handled yourself, in an extraordinarily difficult time, very well and above reproach. You have been put in an almost untenable position. It would only be fair that after all comments from my colleagues and any members opposite we go to an immediate vote on this, because I don't think you can do your job, frankly, under these circumstances.

Thank you, Chair.

The Chair: I agree with that.

I still have speakers on the list, so we'll continue with the debate.

Madam Jennings, please.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you.

I wish to state that I support entirely Mr. Guimond's motion and the explanation he gave, which describes very clearly the chair's conduct over the last number of weeks and months.

I simply wish to add one further example, and that is that when an individual—a chair, a judge, anyone who has the legal obligation to apply a law or a regulation—interprets and applies it, the application is in fact a decision. Therefore, when this chair on several occasions made a decision as to the application of the rules and procedures of the House of Commons and of the committee and, when there was an attempt to challenge that decision, claimed that he had not made any decision in order to thwart the actual exercise of members' rights within the committee, that, to me, was a flagrant abuse of authority.

I would like to see a judge applying the civil code in Quebec make a ruling and then, when there's an attempt to appeal that ruling, push back by saying "I never made a ruling; I didn't make a decision." The very application of a rule is making a decision, and simply on that basis I lost confidence in the chair.

I was dismayed and saddened, because I happen to like the chair as a person. I've had an opportunity to work with the chair in previous sessions and felt that the chair would be objective and impartial.

I've been dismayed for the last number of weeks, if not months, by what I perceive as being a lack of impartiality, a real bias on the part of the chair and a real abuse of the chair's authority, in order to stymie the exercise by members of their rights within the committee.

Thank you.

The Chair: Thank you.

Mr. Reid, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chair.

I think it goes without saying that I do not agree with the examples and arguments that have been put forward by some of the members of the opposition, nor with the general lack of confidence in the chair.

I have at various times chaired never a committee but a number of subcommittees, and I've always had the good fortune to chair committees where there was a considerable sense of goodwill. In general, the various parties were on the same wavelength, with a common goal in mind.

One of these, of course, is actually a subcommittee of this committee, dealing with the code of conduct for MPs. Some of the people on this main committee are on that subcommittee as well.

We were able to function very well because we had a common purpose. We were really seeking a solution to these issues with a common goal in mind. Every disagreement we had was always a respectful disagreement—essentially a disagreement of opinion as opposed to each of us having a fixed and predetermined outcome in our minds as to what it should be that was fundamentally in conflict with where other members of the subcommittee were going.

The consequence was that chairing really was a pleasure. I got to see MPs functioning at their best.

Another consequence was that I was able to function for the most part without votes. In fact, I think we had no votes at all. Everything was done by consensus. This is the way these things work, whether

you're using our rules of order or *Robert's Rules of Order*. I've chaired innumerable meetings outside of Parliament using those rules.

When you have a level of consensus and agreement, you can operate with less formality. Indeed, you can get to the point where you simply let the consensus, the mood of the room, determine such things as speaking order. You don't stick strictly to your speaking order. And you don't have to have votes. If one person seems to be uncomfortable, you take the time to solicit that person and bring them in, even though you know they're in the minority, on the theory that a unanimous agreement is always preferable to a majority vote.

This is just the way things work. As you get more and more contention, you have to become more and more formal in how you deal with things.

Of course, Mr. Chair, that's the situation you've been placed in. And I must say, I feel a bit odd addressing this to you, because you are the one person in the room who can't vote on this matter. I'm trying to convince members whose opinions differ from mine on the merits of the case I'm making.

But through you, Mr. Chair, to those members, you have a situation in which there's an absolute disconnect between what the government and the opposition want on a certain issue. There are other issues we've dealt with here and there, when we could fit them in, where we've had respectful disagreement. We've been able to go through and sometimes work by consensus, more often by holding votes. But we dealt with that piece of legislation in the midst of what is now our seven- or eight-month dispute over the advertising issue.

So we were able to function. Anybody could have, at any point, started filibustering, for example, but it didn't happen. It wasn't a winner-take-all situation, where the stakes were very high.

You were able to conduct those matters, Mr. Chair, with...and I didn't see or hear anybody objecting to the way you chaired in those circumstances.

Things got torqued up to a much greater level of formality, and now every single rule and regulation is seen as a place where partisan advantage can be sought. That's what's been going on with us in dealing with the advertising issue.

In those situations, the chair is essentially keeping two sides from causing the committee to collapse into complete disorder. It's a difficult task.

It's in that light that I think your actions have to be examined. What you have done, essentially, as the big picture, is you have allowed debate to continue as opposed to shutting it off. The reality is that this is the way our rules in Parliament are structured and have been structured since time immemorial. I mean "since time immemorial" in the formal sense; since before records were kept.

● (1140)

Ultimately, the default situation in a parliamentary body, be it a parliamentary body that governs a country or a private association, is that at some point debate either peters out or is halted. Most obviously in Parliament we see this through closure motions at some point.

I've actually been the last speaker in the House of Commons on an item where there was closure imposed. Part way through my discussion, however brilliant it might be, the Speaker stands and says that the time for discussing this motion has expired and we'll now proceed to a vote, or that the vote is deferred to whatever date.

The point is that ultimately you get shut down and go to a vote, and the majority prevails, regardless of whether or not there are salient points that could have been brought up. That's one kind of default situation.

But that is not the default situation that prevails in the absence of a closure motion in a parliamentary setting, including a committee. What happens in a committee is that the default is towards further debate. That is why, when a chair is breaking a tie at second reading on a bill, he or she will vote in favour of it in order to allow debate to continue, but at third reading he or she will vote to not let it go through, because the bill could be reintroduced and debate could continue. That is the underlying basis on which Speaker Milliken broke the tie vote in 2005 over a confidence motion by voting in favour of the government: because debate can continue. That's the default situation and that's what you've maintained.

At the level of the general way in which you've behaved, you have behaved entirely in accordance with the spirit of the way in which this place operates, and for that I am very appreciative. I have had the experience of dealing with chairs who did not take that approach, and it was, I think, ultimately destructive of the spirit that keeps this place operating.

That's a little bit of generalities. I think at that level the case is very clear and is in favour of voting confidence in your chairmanship and in the way in which you have been behaving, Mr. Chair.

Turning to the level of specifics, I heard Mr. Guimond's presentation about the meeting in question that you suspended. He read the record, and I don't think what he read quite captures the tone. It's a shame it wasn't one of the televised meetings, because then the tone could be captured for those who might want to review it, who weren't actually in the room at the time, but he was extremely aggressive. His intention seemed to be to make life as uncomfortable as possible.

And he actually never specified what his demand was. It was "immediately". I'm not sure what "immediately" means—presumably right after the vote occurs. We have to physically get here. Perhaps his intention was that he thought there might be a chance there wouldn't be any government members present and that he could ram through his motion with no opposition. I don't know that, but it's certainly a possibility. Certainly he was very much in a breach of the spirit of the rules himself.

You suggested fifteen minutes—not a lot of time. Because this is a new rule we're operating under, there are no precedents as to how long the time should be. My understanding is that was simply a length of time that seemed reasonable and that had been discussed in other circles, I gather in the circles amongst the clerks. So it was a reasonable proposal.

In the face of this kind of bullying, it's appropriate to demonstrate that you are the one in charge. If a member is effectively putting the committee into disorder through his actions, which is what Mr.

Guimond was doing, interrupting you constantly, making it impossible for you to carry on—this isn't a course that a transcript can capture—then it's appropriate to say you're not going to allow this kind of disorder to continue, which effectively is what you were doing.

So I do not think that can give a basis for a motion of non-confidence. And while it's certainly true that Mr. Guimond and others then went out and held a press conference condemning you and so on, they had a mechanism for dealing with it at the time. To bring this up so much after the fact suggests to me that this is simply the excuse that presents itself to them, in a form that allows them to actually cite something, because when it comes to how you've behaved in other situations, I haven't heard any really substantial protests. I haven't heard anything raised, other than a cluck here or there.

• (1145)

I also want to deal a little bit with Madame Jennings' comments regarding your making rulings.

The only thing I can conclude is that I don't think she understands our rules of order very well and how this place works. I don't think she understands that when a rule is written down here, and you simply present the rule or draw attention to it, that is not subject to be overridden by a majority. If that were the case, everything would be written here to say, "The majority prevails." But it doesn't say that. There are certain situations where a majority does not simply prevail.

This is not the case in merely our own Parliament but in all parliamentary bodies. It's also the case under *Robert's Rules of Order*, or under any of the other rival rules of order that are out there for private societies.

Simple majorities don't determine everything. Therefore, everything is not subject, by definition, to being overturned in the manner that Madame Jennings likes to overturn things, by simply saying, "Is that your ruling? I appeal that ruling. Let's shut down debate based on that, have a vote, and have the majority rule." That is procedural nonsense, and she should know better.

When it comes to your interpretation of precedents, when you turn to Marleau and Montpetit, then you are making a ruling based upon the precedents—that is, your interpretation of the precedents: "It is my ruling; I looked at the precedents; here is what they say to me." At that point it is appropriate to have the committee say they disagree. Rather than having a long debate about the merits of various precedents, which would take forever, the rules say that at that point you simply challenge the chair on the ruling, it's overturned, and you move on.

Effectively the chair provided the argument based on the precedents, and the committee, in rejecting that ruling, is indicating that it doesn't accept that body of evidence. But it doesn't itself become a compiler of a separate set of precedents or a separate interpretation.

Combing through the precedents on rulings that have and haven't been accepted—that's how we build further precedents. That's how this place works. That's when you're interpreting the rules...or the prior precedents, and those compiled in Marleau and Montpetit and those compiled elsewhere that haven't been included in Marleau and Montpetit. That's how that works.

To the best of my knowledge, you have never engaged in a review based on precedents and failed to allow it to be challenged by claiming that this is not a ruling. But when the rules are what's written down here, that's not a ruling.

In terms of Madame Jennings' desire to ride roughshod over what the rules of Parliament actually are—the Standing Orders—just because that will let her get her way, that does not constitute anything more meaningful than a private wish that should be disregarded as being inappropriate to this place.

That said, I would simply say that you have my complete confidence, and I hope you have the confidence of the majority of the members of this committee. I cannot imagine anyone else doing a better job under such difficult circumstances.

Thank you.

• (1150)

The Chair: Thank you, Mr. Reid.

We have one more speaker on the list, and that's Mr. Lemieux.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Thank you very much, Chair.

I first joined this committee in the fall, and since my arrival I've been really disappointed in the manner in which the committee has operated. There was an understanding that we would move forward with legislation. Legislation is of primary importance to Canadians, and in fact to this committee, and that should take precedence, particularly as bills have moved through the House and they must be reviewed by this committee.

Instead I've seen extreme partisanship on behalf of the opposition. They keep coming back to this election financing, and they simply will not let it go. They want to win this point, and they've brushed legislation aside.

I spoke at length about Bill C-6 and how important it was to the last by-elections, how important it is in the upcoming by-elections scheduled for March, and how important it would be in full federal elections. They simply will not move on legislation. They have a partisan issue they want to pursue and they're not going to let it go.

They're trying to hijack the committee. That's basically what it comes down to. To give credibility to this argument, I point out what my colleague, Mr. Lukiwski said: when the law clerk provided his non-partisan, professional advice to the committee, the opposition overruled him. That's remarkable. It's amazing. This is the manner in which they act. They want to hijack the committee. They will use strong-arm tactics in the committee to get their way. When they don't get their way, they get upset; they have a little temper tantrum.

We've seen that again with Monsieur Guimond, even today, raising points of order. In my view, raising a point of order is a privilege that's accorded to MPs. You're actually interrupting debate.

You're cutting a member off to make a point of order. I've lost count of the number of times Monsieur Guimond has interjected with a point of order, ground the debate to a halt, and all attention focuses on him. It's not a point of order; it's a point of debate. Then 30 seconds later there's another point of order that's another point of debate.

I don't know how many times your patience has amazed me in the manner in which you have accommodated Monsieur Guimond and these types of, I'll call them, irregularities. I think you should respect the privilege that goes with making a point of order.

I was talking about the opposition hijacking the committee to their own partisan ends, and this is simply the next step. They're unhappy because they haven't had their way yet, so they're going to run roughshod over the committee once again and use strong-arm tactics to force their will upon the committee by ejecting the chair.

I, too, wish that many more of our meetings had been televised. I think Canadians would have seen, Chair, how well you managed this committee in very difficult and challenging circumstances. You've always been professional. You have actually been very careful to recognize people on both sides of the floor. The person who gets his hand up first and has the opportunity to propose a motion has that opportunity to start the debate. That's quite a thing.

Yet I noticed today that you recognized Monsieur Guimond first. You have not always recognized this side. You've recognized Ms. Redman first. There are all sorts of times that you've actually recognized both sides equally and fairly. You've managed the debates in a fair manner. You've corrected people when they've veered into repetition. When they've moved into irrelevance, you've pulled them back and said get back on the point. I think you've been equally firm with all members from all parties.

As I said, the opposition is not happy. All we're seeing here is a little juvenile temper tantrum, because they aren't happy. They're not getting their way. The only reason they're able to get away with it is because they happen to outnumber us on the more rational side.

• (1155)

I think this is a great disservice to Canadians, what's going on here. I will say that taxpayers' money is being used to serve partisan ends instead of studying and moving legislation. I think that is a great shame, and yet the opposition couldn't care less.

Now they're going to chew up more time, more effort, by forcibly ejecting the chair. I am completely opposed to that.

As I said, Chair, I've been on several committees myself, and I have been very impressed with the manner in which you've conducted these meetings in what I call difficult circumstances. I actually think your actions are a model to other chairs.

The opposition, in pulling this tactic today, is simply showing Canadians again that this is a partisan move, that it is a hijacking of this committee, and that it's their way or no way. That's basically the way they're framing this.

You have my full support, Chair, and I thank you for the good work you've done.

We do need to bring this to a vote because I think it's fair that you know where the committee stands with respect to this issue.

Thank you.

The Chair: Thank you.

That's the last speaker on the list. Are there any other speakers for this debate?

Seeing none, I'm going to ask the clerk to read the motion one more time, and then we'll have a vote; we'll call the question.

[*Translation*]

The Clerk of the Committee (Mr. James M. Latimer): Mr. Guimond moves as follows:

That the Chair no longer has the confidence of the Standing Committee on Procedure and House Affairs, and, as a result, that we proceed immediately to the election of a new Chair.

[*English*]

The Chair: All in favour?

Mr. Pierre Lemieux: A recorded vote.

The Chair: We'll have the clerk read the names.

(Motion agreed to: yeas 7; nays 4)

The Chair: Colleagues, I respect the committee's wishes, and accordingly I will vacate the chair so that the clerk can proceed with the election of a new chair.

First allow me to thank the analysts, who I've been working with for years. I also want to thank our clerk, including Lucile, who was with us for the first year. I also want to extend my gratitude to the peripheral staff, the translators, and the ladies beside me.

It has been an honour and a privilege to work with all of you. I wish you the best. I wish this committee the best.

I now call upon the clerk to assume his role for the purpose of electing a new chair.

Thank you.

• (1200)

The Clerk: Honourable members, I see a quorum.

Pursuant to Standing Order 106(2), your first order of business is to elect a chair.

I am ready to receive motions to that effect.

[*Translation*]

I am ready to receive motions to that effect.

Mr. Michel Guimond: I propose Mr. Joe Preston.

The Clerk: Mr. Guimond moves that Mr. Preston be elected Chair of the committee.

[*English*]

Are there any other motions?

Mr. Joe Preston (Elgin—Middlesex—London, CPC): A point of order, Mr. Clerk.

This committee had a very impartial and fair chair and he did a great job of taking care of his rulings and getting sound guidance for

each of them. I would have acted in exactly the same way as he. The opposition members of this committee do not want a chair; they want a puppet. I will not allow my name to stand.

The Clerk: I will remind the honourable members that the clerk is only empowered to receive a motion that someone be the chair. I cannot recognize people on points of order and I cannot make rulings.

Am I to understand that that motion has been withdrawn?

Some hon. members: No.

Mr. Joe Preston: Well, I will not allow my name to stand.

[*Translation*]

The Clerk: Mr. Guimond moves that Mr. Preston be Chair of the committee.

[*English*]

Are there any other motions?

There are no other motions.

Very well. All those in favour that

[*Translation*]

Mr. Preston is elected Chair of the committee.

[*English*]

Hon. Marlene Jennings: A recorded vote.

Mr. Scott Reid: Sorry, this is out of order, Mr. Clerk. I believe this proceeding is out of order.

Mr. Yvon Godin: He cannot accept points of order.

Mr. Scott Reid: I appreciate that. I believe—

Mr. Yvon Godin: Only if you vote.

Mr. Scott Reid: I believe this meeting is in disorder. I believe this meeting has to be suspended as being in disorder.

A nomination has been given. It has been refused; therefore, this is a nonsensical proceeding.

Mr. Yvon Godin: What is your vote, then?

An hon. member: You can't accept someone if they haven't accepted the nomination.

Mr. Scott Reid: This meeting is in disorder.

An hon. member: He could resign.

An hon. member: No, you can't vote for him if he hasn't—

Mr. Yvon Godin: We already have six votes.

An hon. member: That doesn't matter. If he doesn't accept the nomination, you can't vote—

Mr. Scott Reid: Madam Jennings does not understand the rules of order. This meeting is in disorder and must be terminated. The meeting is in disorder.

Mr. Yvon Godin: Could we get the motion that was read and passed?

Mr. Scott Reid: I've advised members of the committee that the meeting is in disorder.

Mr. Joe Preston: I second Mr. Reid's version of it.

Mr. Pierre Lemieux: You may want to refer to a higher authority.

Mr. Scott Reid: This meeting is in disorder.

Mr. Pierre Lemieux: If he doesn't accept a nomination, you can't vote him in.

Mr. Scott Reid: I don't take my orders from you, Michel.

The absence of the chair puts the meeting into disorder. That's it. The meeting is done.

Mr. Joe Preston: I believe we've outlawed slavery in this country. I can't be forced to do something I don't want to do.

Mr. Scott Reid: This is not addressed to the chair, because there is no chair, but I invite those of you have a copy of Marleau and Montpetit to turn to page 830, chapter 20, dealing with committees. I'll give you a moment to look that up, if anybody has it.

I'm simply inviting you to listen. You're free to not listen, if you so choose. In the absence of a meeting actually being constituted, we're just having a chat.

I'm just letting you know that...

• (1205)

Mr. Yvon Godin: If there's no meeting, then we have no translation.

Mr. Scott Reid: *C'est correct.*

An hon. member: You can just read it out and the people who want to listen can listen.

Mr. Michel Guimond: Start the vote.

Mr. Pierre Lemieux: This is the sort of bully tactic I was talking about. Just strong-arm the committee. You'll have it your way, another little temper tantrum. I have a four-year-old at home; he acts better than this, I can tell you. And do you know why? It's because he is answerable to someone.

Ms. Pauline Picard (Drummond, BQ): It's a new MP.

Mr. Pierre Lemieux: Now it gets abusive. This is what happened at the last meeting.

Hon. Karen Redman (Kitchener Centre, Lib.): Joe, you know that's not allowed.

Mr. Joe Preston: This isn't a meeting. I think I can take pictures in this room if it's not a meeting.

•

_____ (Pause) _____

•

• (1225)

The Clerk: Honourable members, I must conclude the vote.

Mr. Scott Reid: I'm sorry, this meeting is in disorder. I refuse to—

The Clerk: Honourable members, I would remind the committee that I am unable to entertain points of order or recognize members on debate.

Mr. Scott Reid: I understand that, but when a meeting is in disorder it cannot proceed. The fact that it happened to fall into disorder in the course of a vote doesn't change the fact that it is in disorder.

The Clerk: I would remind honourable members that I am unable to entertain points of order or recognize members.

Mr. Scott Reid: I understand you are unable to do that, but you are also not able to continue the meeting. You are not able to do this. I appreciate you're trying to do the best you can, but the fact is that you are not able to pursue this vote. You cannot put someone in place. This is absolutely—

Mr. Joe Preston: This is indentured servitude. I can't be forced to do something I don't want to do, whether it's in this Parliament or not.

• (1230)

The Clerk: I declare Mr. Preston duly elected chair of the committee.

Mr. Preston.

Some hon. members: Hear, hear!

Mr. Joe Preston: I cannot be forced to do something I do not want to do. It needs to go on the record. This is Canada, a democracy.

Some hon. members: Take the chair.

The Chair: I adjourn this meeting.

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