



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 001 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Wednesday, February 4, 2009

—
Chair

Mr. Paul Szabo

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

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

Standing Committee on Access to Information, Privacy and Ethics

Wednesday, February 4, 2009

• (1540)

[Translation]

The Clerk of the Committee (Mr. Jacques Maziade): Honourable members of the committee,

[English]

my name is Jacques Maziade. I'm the clerk of the committee. I'm accompanied by my colleague,

[Translation]

Catherine Cuerrier, who is also a committee clerk.

I see a quorum.

[English]

We can now proceed to the election of the chair. I'm ready to receive motions to that effect.

Madam Simson.

Mrs. Michelle Simson (Scarborough Southwest, Lib.): Thank you, Mr. Clerk.

I'd like to nominate Paul Szabo for chair of the committee.

The Clerk: It has been moved by Madam Simson that Mr. Paul Szabo be elected chair of the committee.

Are there any other motions?

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): I would like to second that.

The Clerk: Thank you.

Is it the pleasure of the committee to adopt this motion?

(Motion agreed to)

The Clerk: Before inviting the new chair of the committee to take the chair, I will proceed with the election of the vice-chairs.

I'm now prepared to receive motions for the first vice-chair position. Pursuant to Standing Order 106(2), the first vice-chair must be a member of the government party.

Mr. Dreeshen.

Mr. Earl Dreeshen (Red Deer, CPC): I nominate Russ Hiebert for first vice-chair.

The Clerk: It has been moved by Mr. Dreeshen that Mr. Hiebert be elected as first vice-chair of the committee.

Are there any other motions?

Mr. Pierre Poilievre (Nepean—Carleton, CPC): I would be prepared to second that motion.

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

(Motion agreed to)

The Clerk: We now move to the election of the second vice-chair.

Pursuant to Standing Order 106(2),

[Translation]

the second vice-chair must be a member of an opposition party, but not of the official opposition.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): I would like to nominate Mr. Bill Siksay.

The Clerk: Moved by Mrs. Freeman that Mr. Siksay be elected second vice-chair of this committee.

Are there any further motions?

[English]

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

The Clerk: I declare Mr. Siksay second vice-chair of the committee.

I now invite Mr. Szabo to take the chair.

Some hon. members: Hear, hear!

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Colleagues, the clerk is going to circulate a general outline of routine motions that all committees will consider at their first meeting. As well, he has the minutes of the last Parliament so that members will be apprised of the rules we followed in this committee during the last Parliament. I'll wait until you have an opportunity to look at these.

I wonder if I can skip quickly to the issue of notices of motion. I'd like to move to the last one now. That's pretty straightforward.

I understand Mr. Hiebert had a recommendation for the committee with regard to the hours of notice for motions to properly come before the committee.

Would you like to speak to that?

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Sure. Thank you, Mr. Chair.

I propose that we fill in that blank with the number 48. That is, 48 hours' notice for motions. Of course that time would commence once the clerk had distributed documents in both official languages. I think that gives us an appropriate amount of time to prepare for these matters in advance of the next meeting. This is what we've done in the past, so I think it's a good procedure to continue with.

The Chair: Is there further commentary on that motion?

Mr. Siksay, please.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Chair, to confirm the practice from the last Parliament, was it 24 or 48 hours?

The Chair: 24 hours

Mr. Bill Siksay: It was 24. Did that cause problems for the committee? I wasn't a member of the committee at that time, but I don't recall hearing that it caused problems.

I would propose an amendment that we say 24 hours' notice instead of 48.

The Chair: I think it's fair to say that there were occasions when the committee found itself having to scramble because of the awkwardness of 24 hours. Twenty-four hours in House time is basically one sleep. The clerk may get something late in the day, put it on e-mail that evening when you've already gone home or to other meetings, and you find out that for your meeting at 10 o'clock the next morning there is a matter that has to be dealt with. That is 24 hours under House calculations, even for your submissions for notices of motions for House purposes.

I would simply respond that it could be a problem. It has, at least on one occasion, been a problem.

Mr. Bill Siksay: I'll withdraw the amendment, Chair.

The Chair: Thank you kindly.

Is there further discussion?

(Motion agreed to)

● (1545)

The Chair: Now we can probably go back to the beginning.

You have a two-page document, which has some of the boilerplate motions. We'll deal with those. I don't believe this two-page document has the matter regarding the length of speaking by members in the first and second rounds and the party distribution or order of speaking. I think we have someone who is going to propose something in that regard.

We will deal with these on this two-page document. If the members would like to follow along, the first one is with regard to the services of analysts from the Library of Parliament. There is a motion here. Can I have a mover for that?

Thank you, Madam Freeman.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Now that we've legitimized the resources that make us look good in this committee, the second item is with regard to the subcommittee on agenda and procedure, which is basically our steering committee. We have used that from time to time, although

the committee last time also thought that engaging all members on certain things....

I would entertain a motion with regard to the second item on the subcommittee on agenda and procedure.

Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Chairman, I'd like to propose that the subcommittee on agenda and procedure be composed of four members, one member from each of the political parties.

Secondly, I would propose that the quorum of the subcommittee shall consist of at least three members, one of whom must be from the government and one member of the opposition.

Thirdly, I propose that each member of the subcommittee shall be permitted to have one assistant attend at any meetings of the subcommittee on agenda and procedure.

I think the first part is consistent with what was done previously, and the second two paragraphs simply add the statement about quorum and a member of the staff of each member being present.

The Chair: We don't have that before us, and before I call for any bid, I want members to.... Do we have that written down somewhere?

I would refer members to the minutes of the meeting of the last Parliament. The motion is as on the legal-sized sheets that were distributed to you. It basically says the chair, two vice-chairs, and the other party who is not holding one of those three positions, period. As I recall, the reason for this is that the subcommittee on agenda and procedure itself cannot make any decisions. It simply is there to discuss and refer to the full committee, because it's the committee that has to determine such things.

I'll leave it at that; the chair shouldn't be driving the debate here. But I'd ask Mr. Dechert if he could explain the rationale for making the additional conditions with regard to quorum with any four members. Is that the intent?

Mr. Bob Dechert: No, I don't believe that is the intent. The intent is simply to deal with quorum and with each committee member who's there having a staff member present. I don't think that it matters whether they're the vice-chairs or any other member of the committee.

● (1550)

The Chair: If that's the case, then I believe that what has been put on the standard does cover it. There are four persons, one from each party. It has been our practice in the past that an assistant be permitted to attend, and I think it's always helpful for members to have that resource available.

So the only other issue, I think, in regard to what we have is that of quorum. We were silent last time around. I'm sure that you, being a lawyer, picked up very quickly that we were silent on what constitutes quorum. I suspect that, in view of the fact that there is no decision-making authority,....

Would you care to speak to the middle paragraph, on quorum?

Mr. Bob Dechert: Simply put, since you're setting agendas for meetings, we think there should be a minimum standard for quorum to make sure that all parties are properly represented there.

The Chair: I can tell you that I don't think we ever had a steering committee meeting without all the parties being represented. It's extremely important to have the input from all, so—

Mr. Bob Dechert: So then it should be okay to have it in there.

The Chair: Yes. That certainly would be the intent.

Are there others who would care to speak with regard to the quorum?

Madame Freeman.

[*Translation*]

Mrs. Carole Freeman: That is how it was before. So I see no reason at all to add the quorum item. It is the same in other committees.

[*English*]

The Chair: Mr. Siksay.

Mr. Bill Siksay: Chair, I wonder if you could just read it one more time. It has been a while since I heard it. I have a comment on it as well.

The Chair: The quorum paragraph?

Mr. Bill Siksay: The whole thing.

The Chair: Okay.

It is proposed that the subcommittee on agenda and procedure be composed of four members, one member from each of the political parties; that quorum of the subcommittee shall consist of at least three members, one of whom must be from the government and one member of the opposition; and that each member of the subcommittee shall be permitted to have one assistant attend at any meetings of the subcommittee on agenda and procedure.

Mr. Bill Siksay: Chair, I would support the standard motion that's presented on the long sheet here, with perhaps the addition about assistants.

I'm not comfortable with the designation of specific members from each political party or the requirement for a quorum. It seems to me that should one of the designated parties decide not to attend the meeting, the meeting couldn't go ahead. As I think you very clearly pointed out, steering committees don't have any power. Any decision made there has to be brought to the full committee and discussed and ratified at that committee. So I don't think there's an issue here of needing more limitations on that committee. I think the standard motions have served us well, and I couldn't support a motion that included those things.

If you want me to do a formal amendment, I can propose that we do that.

The Chair: First let's hear whether there is further input.

Mr. Hiebert.

Mr. Russ Hiebert: Thank you, Mr. Chair.

I actually think it might be helpful for this committee to have the amendment, if for no other reason than to make it possible for other

members to represent their party at a subcommittee meeting. The current motion reads that the vice-chairs be the ones who participate. If, for example, you or one of the vice-chairs was simply unavailable at a given time, I think it would be almost necessary to have a representative from that particular party participate in the subcommittee meeting, and there would be no loss to the value of the meeting. But to hold that subcommittee hostage because one person is simply not available I think is unnecessary.

The Chair: Okay.

Madame Freeman.

[*Translation*]

Mrs. Carole Freeman: Normally, if someone cannot attend, you send another member of the party. There has never been a problem with that working.

[*English*]

The Chair: I do agree with you that we seem to have been able to conduct our business in our steering committees. Indeed, Mr. Hiebert raises a valid point, I believe, that should he not be available but a steering committee be necessary, all of a sudden we couldn't have a meeting. As a matter of fact, what would happen is that if Mr. Hiebert, as an example, did not want us to ever have a steering committee meeting, he would just never make himself available and that would be it. But he would never do that.

It's a good technical point. The consensus I hear is that all four parties should be represented. I'm sure each party knows who they would like to have there, who specifically needs to speak on behalf of their party. The assistant issue I think is acceptable to all members. The quorum issue I don't think is necessary, because if we have four members, one from each party, everybody has an opportunity to send; there's no restriction. That may cause a little bit of difficulty, but I would think Mr. Dechert's proposed motion, excluding the quorum issue, might be a reasonable fit for the needs of the members, if that's acceptable.

I'm going to put that question. Is that acceptable?

• (1555)

Mr. Bob Dechert: Yes, Mr. Chair, it is.

The Chair: It would read now, instead of what you have here, which refers to chairs and two vice-chairs, that the subcommittee on agenda and procedure be composed of four members, one member from each of the political parties, and that each member of the subcommittee shall be permitted to have one assistant attend at any meetings of the subcommittee on agenda and procedure.

C'est ça.

[*Translation*]

Mrs. Carole Freeman: Who is going to chair that committee, Mr. Szabo?

The Chair: Who will be the chair of the steering committee?

[*English*]

Normally, the chair of the main committee.

Mr. Wrzesnewskij.

Mr. Borys Wrzesnewskij: Perhaps we can get at the same issue in a slightly different way with slightly different wording. If we added to the existing wording, put in a comma and said “should any of the above be unavailable, a formally substituted member be allowed as a replacement”, that resolves the issue that was just raised.

The Chair: I think that's exactly what Mr. Dechert has done for us by saying any member, one from each party.

Mr. Borys Wrzesnewskij: Except there's a little more clarity in terms of who chairs....

The Chair: Well, saying one member from each party, it seems pretty open that any one member from that party can be there.

All right. I think we've done enough on this. If that's acceptable... the proposed motion excluding the quorum requirement.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Okay, on the reduced quorum issue: That the chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three members are present, including one member of the opposition. That is as per the last Parliament.

Are there any comments?

Yes, Mr. Dreeshen.

Mr. Earl Dreeshen: Yes, I'd like to propose an amendment that it be four members. I have one I have presented here:

That the chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least four (4) members are present, including one member from each recognized party.

I have some more here, if I could go on:

In the case of previously scheduled meetings taking place outside the parliamentary precinct, the committee members in attendance shall only be required to wait for 15 minutes following the designated start of the meeting before they may proceed to hear witnesses and receive evidence, regardless of whether opposition or government members are present.

So it's just to complete that whole thought.

The Chair: Further, if I may, I want everybody to understand that the motion is not with regard to quorum for our meetings for the purposes of making decisions; it is to hear witnesses. Again, the issue that I raised earlier, which I know we discussed, is if there were a requirement that one member from each party be there, then if someone didn't want to hear a witness or wanted to close down the meeting, they would just not come and we're dead.

I know this one took a long time last go-round. I do hear you. I do understand, and I think the committee in its best interest will want to always work collaboratively to make sure that everybody is properly represented. This is a standard motion, which has been adopted throughout the last Parliament by all committees that I'm aware of, and it is being utilized again.

You have proposed an amendment.

• (1600)

Mr. Earl Dreeshen: Could I speak to that, then, Mr. Chair?

I guess really what I was looking at is that there are eleven of us. In an ethics committee you probably would want as many people as

possible to be able to listen to witnesses and that type of thing. I was really looking more at the number of four than what perhaps others were looking at as far as the distribution of political parties was concerned. It's just a feeling that four people.... It would be good if we would be able to get here to listen to witnesses as they come in, so that's really where I'm coming from.

The Chair: I'll agree with you that all members should be here when we hear witnesses, but sometimes it's not possible.

Mr. Siksay.

Mr. Bill Siksay: Chair, I want to speak strongly in favour of the original motion as moved by Madam Freeman. I think you correctly pointed out a serious problem with the proposed amendment, that it would allow someone just not to show up and allow the committee's work to be blocked.

Again, as you correctly pointed out, we're talking about hearing evidence, we're not talking about making any decisions. I think the original motion has served committees well in this place, and I don't see any need to change that motion.

The Chair: Okay.

Do you have anything further, Mr. Dreeshen?

Mr. Earl Dreeshen: Well, my thoughts are that if a witness were to come, they would like to know that every one of the political parties is actually there, listening to what they have to say, and that means four if you're going to do that. I think this is the position I'm holding and the reason I brought it up.

The Chair: Thank you kindly.

I think we should deal with the amendment by Mr. Dreeshen first. It is to change the number “three” to “four” and include the appropriate language that would indicate one from each party.

Is everyone comfortable that they are aware of what this amendment proposes?

(Amendment negated)

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Concerning the distribution of documents, I think it's self-evident. May I have a mover, please?

Mr. Siksay.

Mr. Bill Siksay: I so move.

The Chair: Mr. Hiebert.

Mr. Russ Hiebert: I will second the motion, with an amendment that the clerk, as part of this obligation, will notify witnesses of this requirement so that nobody is surprised. There have been cases in the past when witnesses didn't have their documents translated. So we want to make sure they are notified of that obligation in advance of coming.

The Chair: Is there a proposed wording for the amendment, or is that just information for the clerk?

Mr. Russ Hiebert: No, the amendment would be that the clerk advise all witnesses appearing before this committee of this requirement.

The Chair: I know we advise them, but do we want to put it into our motion? The issue here is that it's only the clerk who can circulate it.

Mr. Siksay.

Mr. Bill Siksay: I don't think the requirement is that a witness has to prepare a document in both official languages. They can prepare it in their own language and the committee can see to its translation and distribution. So unless we're very clear, we may do something here with this amendment that we don't intend to do.

The Chair: I think Mr. Siksay is quite right. If everything has to go through the clerk, the clerk will make absolutely sure it goes out in both official languages to the committee. That's our normal practice.

Mr. Hiebert, do you have something further on this?

• (1605)

Mr. Russ Hiebert: I'm just trying to ensure that the clerk has the opportunity to receive materials from witnesses with enough time to make the translation, if necessary. The way to make sure that happens is to give them notice, that's all. It's not a big deal.

The Chair: I think that is normal practice. I'm advised by the clerk that this is how they are instructed and trained to serve the committee. However, you also know that witnesses often come before the committee and bring copies of their notes in one official language, so we can't circulate them. I don't think we can force the witnesses and say they can't speak to us until we get their documents in both official languages. But the clerk will not circulate one-language documents until they are translated, which is the normal requirement of all committees.

But I think your point is well taken. The clerk assures me that is standard practice, and this motion is to the effect of that requirement.

Do you want to withdraw it? Yes.

Are there any further amendments or discussion?

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: On working meals, can I have a mover?

There will be no meals for any of you, then.

Mrs. Michelle Simson: I so move.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Concerning witnesses' expenses, I believe this is the same. Maybe I'm thinking of another committee, but there was actually a specific reference to including day care or child care costs. It was the human resources committee, yes, I can understand that. But I think it's understood that witnesses are reimbursed for any real costs incurred.

If this is acceptable, shall I put the question?

Mr. Bill Siksay: Chair, I'd like to see that explicitly in the motion. I think it was in the last session, the last Parliament, and I'd like to see the day care provision explicitly mentioned.

The Chair: Yes, there it is: "if requested, reasonable child care expenses be reimbursed".

Members, in the minutes from the last Parliament, you can see the same motion that we're dealing with right now. It does have that there.

I assume that you would like to move that.

Mr. Bill Siksay: I'll move that as an amendment.

The Chair: As an amendment, okay, that additional reference on child care expenses.

(Amendment agreed to)

(Motion as amended agreed to) [See *Minutes of Proceedings*]

The Chair: Staff at in camera meetings: That, unless otherwise ordered, each committee member be allowed to be accompanied by one staff person at an in camera meeting—which I hope are not many.

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Mr. Chair, I'm wondering if I could propose an amendment to what was circulated in the routine order of motions. I was noting in the minutes of the first meeting of the last committee, you also included: "in addition, each party shall be permitted to have one party staff member in attendance". I'm wondering if we could have that included again this time around.

The Chair: I believe, with the acceptance of the committee, that the member is proposing that we adopt the motion from the last Parliament, instead of the one that's here. Is that acceptable?

(Motion agreed to) [See *Minutes of Proceedings*]

• (1610)

The Chair: I believe the only other item—is that correct, Mr. Hiebert—is with regard to the speaking times and the party....

Mr. Russ Hiebert: Yes.

The Chair: Oh, I'm sorry, I missed one of the routine motions. It's on in camera meeting transcripts, which is our boilerplate text before the House—that only one copy be kept in the custody of the clerk. I don't think there's any discussion on that.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: At the top of page 2 of the last Parliament's minutes is the motion that was adopted by the committee. We do not have before us right now a proposed motion, but I understand that Mr. Poilievre would like to propose something to the committee.

Mr. Poilievre.

Mr. Pierre Poilievre: Of course. Thank you very much, Mr. Chair.

The motion I would put forward is predicated on the obvious principle that all members of the House of Commons deserve equal treatment, regardless of which party they are in, and thus the questions and the number of questions are apportioned commensurately with the number of members each party has.

So I propose the following motion to establish a speaking and questioning order. It is as follows:

That the order of questions for the first round of the questioning shall be as follows: Liberal, Bloc, NDP, Conservative. Questioning during the second round shall alternate between the opposition members and government members in the following fashion: Liberal, Conservative, Bloc, Conservative, Liberal, Conservative, Conservative, based on the principle—

The Chair: Sorry, just for clarification, was that a double Conservative, or was that just you clearing your throat and saying it again?

It was Liberal, Conservative, Bloc, Conservative, Liberal, Conservative, Conservative?

Mr. Pierre Poilievre: Yes. There would be two Conservatives at the end to compensate for the fact that they would be apportioned fewer questions earlier in the rounds.

If I could just conclude the motion itself,

based on the principle that each committee member should have a full opportunity to question the witnesses. If time permits, further rounds shall repeat the pattern of the first two at the discretion of the chair.

This is an important point, Mr. Chair, because in the first round you'll notice that questions are apportioned on the basis of one question per party. So if you repeat that, you are giving further weight to opposition MPs, who, despite smaller per-party numbers, would have in that round a number of questions equal to that of the government.

In other words, for example, the NDP member would have in the first round—and potentially later rounds, if we have extra time—one question to himself for the same question that is allotted to all the members on this side, giving a disproportionate advantage to his party and a larger speaking role. However, this imbalance is partly mitigated in the middle rounds, where government members and Liberal members are given more opportunity to intervene due to the greater number of members they have on the committee.

The principle is not that the Liberals, Conservatives, Bloc, or NDP have a particular number of questions. The principle really should be that each one of us is a member of Parliament. We do represent roughly the same populations, and we should have roughly the same voices. It should not be the case that one party, because it is bigger or smaller, is able to accord each individual MP in its caucus greater or less speaking time than the others. That is the basis for and the thinking behind the motion.

I put that forward, and I look forward to discussing it further with other members.

The Chair: From what I see here in the second round, the only change is that the NDP loses a question and the Conservatives pick up a question. The other two parties remain the same.

Am I correct that the NDP would participate only on the first round, but never get another question in the entire meeting?

•(1615)

Mr. Pierre Poilievre: If time permits, further rounds shall repeat the pattern of the first two—meaning we would go back to Liberal, Bloc, NDP, Conservative. But in fairness to this option, the individual NDP member would have as much opportunity to speak as an individual Conservative or Liberal member.

The Chair: Are the members clear? Do you have any questions of Mr. Poilievre? Then maybe I'll consider commentary.

Mr. Siksay, please.

Mr. Bill Siksay: Mr. Chair, it would be silly for me to agree to this amendment, since clearly it's aimed at limiting the New Democratic Party participation in the committee. I have to say that I think the existing formula has served the committee well. I don't think the NDP, particularly, has abused its privileges or its speaking times before the committee in the past. It certainly would not be my intention to see that happen in this Parliament either. I think the formula that has evolved over many years of practice in the committee has served the committee well.

I would make an amendment to remove everything after that, and substitute the motion that was passed in the last session.

The Chair: Is there any further commentary?

Mr. Poilievre.

Mr. Pierre Poilievre: At the outset, let me say that I think Mr. Siksay has always conducted himself with the greatest of respect, and this motion is not meant to contradict that in any way. In fact, quite the contrary. As I look at the motion as written, it would permit in the first two rounds Conservatives to have five interventions for five members. Mr. Siksay and his party would have one intervention for one member, which is perfectly mathematically commensurate with the makeup of the committee.

There has been a change since the last time this committee was convened. That change was the election. During that election, the Canadian people apportioned a different makeup to this committee. That makeup is represented by increased Conservative presence. This motion merely gives the Conservatives the same per-member questioning time as the other members have, including the NDP.

Actually, the only difference is that the NDP's intervention will be seven minutes, whereas the vast majority of Conservatives—four out of five, or 80%—would have only five minutes to intervene. So we would be prepared to entertain but we would not insist upon a motion to correct that inequity. But failing a motion coming forward from our opposition colleagues, we would be prepared to proceed in a selfless fashion.

Thank you.

The Chair: Seeing no further interventions, I'm going to put the question on the amendment by Mr. Siksay, which is effectively to adopt the motion as it was adopted in the last Parliament.

Is that everyone's understanding?

Mr. Russ Hiebert: It's not the same motion.

The Chair: Well, that's his amendment.

Mr. Russ Hiebert: But the implication for the committee is different.

I think it's important for members, especially new members, to recognize that to adopt the motion as it was stated in the last Parliament does not have the same effect on this committee this time. The numbers have changed. Whereas last time there was an attempt to seek out fairness, what my colleague is trying to do here is the same principle—that is, equality of members. But to simply apply what was adopted last time would not allow that principle to take effect in this committee under this Parliament. To characterize it as such is not exactly accurate.

The Chair: I will be more specific, then. The amendment by Mr. Siksay is to delete everything after the word “that” and to replace it with the words that appear at the top of page 2 of the minutes of the last meeting: that during the first round of questioning of witnesses, seven minutes be allocated to each party in the following order: Liberal, Bloc, NDP, Conservative; and in subsequent rounds, five minutes be allocated to each party on each round in the following order: Liberal, Conservative, Bloc, Conservative, New Democratic Party, Liberal, Conservative.

That is the amendment proposed by Mr. Siksay, and it's in order.

Mr. Poilievre.

• (1620)

Mr. Pierre Poilievre: Mr. Chair, were you just reading the rules from the last committee?

The Chair: Mr. Siksay proposed an amendment.

Mr. Pierre Poilievre: I understand.

The Chair: He referred to us the words that he wants to use, which are the ones that we would find here. It's not necessarily to adopt this motion, but I want the words that happen to be there to be precise. So he would have read it out; I think he was trying to be very clear to the committee what his intent was. I think everyone is aware of his intent: to keep the same distribution, same pattern, that we had in the last Parliament. That is the effect of his amendment.

We have more debate? That's fine.

Mr. Hiebert.

Mr. Russ Hiebert: Mr. Chair, I would like to amend the amendment. It would be as you read it, but in the last portion of it, after the part about subsequent five-minute rounds, the order would instead be Liberal, Conservative, Bloc, Conservative, Liberal, Conservative, Conservative.

It's a different motion. The motion that the chair read actually allocated time—seven minutes for the first round and five minutes for the subsequent rounds—and I think that's a very good idea. In fact, that was the motion that I was going to move after this, if it had not come up.

So I would concur with that portion of the amendment.

The Chair: Your point is that the five minutes and seven minutes are not specifically mentioned in the motion that was initially moved by Mr. Poilievre and that you would like to have a second one. The time of speaking is at the discretion of the committee to be determined, and Mr. Siksay's amendment sought to bring into one motion all the issues related to the speaking time as well as order.

To amend that to bring up the order of speaking again, to exclude the NDP in the second and include an extra Conservative, in fact goes back to the main motion. So it's almost a little bit circular. The only difference here is the five and seven minutes, and no one has spoken to that, but the amendment was in order. The subamendment makes the argument go back. The subamendment is in order, though. Members, it may get a little complicated here, but we'll take this one step at a time.

We are going to deal with the subamendment. The subamendment basically is to change the very last listing of parties, in terms of the order on second round, to Liberal, Conservative, Bloc, Conservative, Liberal, Conservative, Conservative.

• (1625)

Mr. Pierre Poilievre: That's not the amendment; that's the subamendment.

The Chair: That is the subamendment.

Does everyone understand the subamendment? It basically is to drop the NDP from all subsequent rounds, because Mr. Siksay's amendment refers to “subsequent rounds”. So the subamendment by Mr. Hiebert, as I understand it, would eliminate the NDP from any subsequent-round questioning and replace it with a Conservative. The order of those would be the same order that was articulated in the motion moved by Mr. Poilievre. Is that right?

I think we had better call the question on the subamendment by Mr. Hiebert. Is that acceptable to members, to put the question now?

All those in favour of the subamendment by Mr. Hiebert, raise your hands. All those opposed. It's a tie.

On the basis of status quo, I am going to keep the NDP in the mix of questioning after the first round. So that's defeated.

(Subamendment negated)

The Chair: I will now put the question on the amendment by Mr. Siksay, which, if I understand it correctly, is effectively the motion as adopted in the last Parliament.

Mr. Pierre Poilievre: Mr. Chair, I would put forward an additional amendment, a subamendment.

The Chair: Yes, please carry on.

Mr. Pierre Poilievre: Thank you.

It is that this committee recognize the democratic will of the Canadian people in apportioning questioning time on an equal per-member basis by ensuring that each party gets one question per member in the first two rounds.

Can I speak to my amendment?

The Chair: The subamendment is to delete all of the words of the amendment after the word “that” and replace it with “this committee”, etc.

Mr. Pierre Poilievre: Yes.

The Chair: Please speak to your subamendment.

Mr. Pierre Poilievre: My amendment would delete the words that Mr. Siksay added and replace them with the indisputably obvious principle that each member is equal. We could vote on another amendment, which someone could put forward, that the last election results are considered by this committee to be null and void, and that we as a committee will live under the assumption—however disproven—that the distribution of parliamentary seats continues to be what it was in the 39th Parliament. That is an additional subamendment someone could bring forward if they're not happy with my amendment.

If on the other hand we are prepared to respect the electorate and the mandates that they gave the various parties and their members, then we will support a motion that treats each member equally. Surely we don't want to get off to a start with this committee by engaging in a partisan effort to undermine the balance of power that voters selected. Surely we as a committee don't want to signal to the Canadian people that their voices were not heard. And most importantly, as parliamentarians who respect the privilege of members, we certainly do not want to assign greater weight to individual members of certain parties than we do to members of others.

I believe this vote will convey to any observers who are watching this committee—and I know that there will be thousands who will read the transcripts—that we as a committee are prepared to accept the will of the Canadian people and act it out in the administration of our functions.

Thank you.

• (1630)

The Chair: Seeing no further interventions, I would like to put the question on the subamendment by Mr. Poilievre. The effect of this, just to be clear, is that the motion would be amended so that it would read:

That this committee recognize the democratic will of the Canadian people on an equal per-member basis by ensuring that each party gets one question per member in the first two rounds.

That is the effect of the subamendment by Mr. Poilievre.

Do you have a question on this, Mr. Wrzesnewskyj?

Mr. Borys Wrzesnewskyj: In fact I was hoping to make a friendly amendment based on the same principle.

The Chair: Unfortunately, we already have a subamendment; we can't go there.

(Subamendment negated)

The Chair: Mr. Wrzesnewskyj, please.

Mr. Borys Wrzesnewskyj: I think this is an important issue. As Mr. Poilievre noted—although I think he was optimistic in his exuberance to suggest that thousands of people would be perusing the transcripts of this particular meeting—there are certain democratic principles at stake. So I would like to propose a subamendment that would be tacked on that would say:

Recognizing that no democratic system is perfect, and notwithstanding that the Conservative Party of Canada received only 38% of the popular vote in the last election, and notwithstanding the Prime Minister's unwillingness to respect those areas of Canada that are unrepresented with additional seats, we maintain the

status quo time allotment for questions, which provides the Conservative Party of Canada with a disproportionate voice on this committee.

Mr. Pierre Poilievre: I saw the amendment; I didn't see the friendly part, though.

The Chair: In legislation, prose is not operative and generally not permitted. Even the courts don't acknowledge the value of any preambles. I think the committee appreciates the sentiment you've expressed, but I don't believe it adds to the functionality of the motion before us about the order of speaking and the seven and five minutes. On that basis, I'm going to rule that subamendment out of order.

I'm now going to recognize Mr. Hiebert.

Mr. Russ Hiebert: Thank you, Mr. Chair.

On a related but different topic, I noted that the last time this committee was constituted we actually set a limit on the number of minutes that witnesses could have for opening statements. That limit was ten minutes. I would propose that we amend the current motion to include the statement that—

The Chair: Order. We have not yet dealt with a motion with regard to witnesses' time allotments. We're dealing with the time for questions, not opening statements of witnesses. If you could hold that for a moment, I want to put the question on the Siksay amendment. I'm going to put that question now.

• (1635)

Mr. Borys Wrzesnewskyj: Could you read it again, just for clarity?

The Chair: Effectively it is the motion that was adopted in the last Parliament. Is that the understanding of members? Okay.

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: I now put the question on the motion as amended.

(Motion as amended agreed to) [See *Minutes of Proceedings*]

The Chair: Do we have a motion on the witnesses?

Mr. Hiebert, as you recall, depending on what we were dealing with, we did make changes, depending on the subject matter. There is a straightforward one: that the witnesses be given no more than ten minutes for their opening statements and that additional information be deposited with the clerk of the committee. Is that the motion you wanted to move?

Mr. Russ Hiebert: I move that motion.

The Chair: I think that's our boilerplate, although as all members know, should circumstance warrant, the committee can always amend that on an ad hoc basis.

Given that's the motion from the last Parliament, I'll put the question on that.

(Motion agreed to) [See *Minutes of Proceedings*]

• (1640)

The Chair: Of course the committee always can discuss further fine-tuning of our procedures to make sure that our work is done properly.

Now, as the members know, we meet on Mondays and Wednesdays from 3:30 to 5:30. It's not this room all the time; it depends, but the notices will confirm that to you. Our next meeting would be on the Monday. The clerk has graciously circulated a binder with a little historic background, etc.

I think what we did the last time around, and I think I'd like to do it again this time, would be at our next meeting—it's a two-hour meeting—I'd like the steering committee representatives to be there to kick around the various work options that we have and to make recommendations for consideration in the second hour of the meeting to share with the full committee, and to adopt some work. That's our first order of business for the committee, if we could do that. That would give the members until Monday at 3:30 to discuss among themselves what their preferences would be to the subject matter for study by the committee to be presented at the steering committee meeting; then from the steering committee meeting a verbal report to the full membership in the second hour of Monday's meeting to make recommendations and receive motions based on the input the steering committee would give. So if that's acceptable, we will do that.

There also is, I think, the supplementary estimates. All the parties I've talked to want to make sure we discharge our responsibilities in that regard.

I believe Mr. Clerk has asked you to please make the necessary inquiries to see how quickly we could have the necessary persons come so that we can discharge our responsibilities on the supplementaries, if that's acceptable to members. Hopefully, by then we will have made some decisions and be able to get matters brought forward.

I would commend the minutes of last Parliament's original meeting, where there was, I think, some very good argument with regard to issues related to privacy as well as to access. Actually, it was a coin flip, I think, but please look at that. All the members are generally aware, but I think it will be useful for us to get an order of business and to start work as quickly as we can so that we feel comfortable with the tools available to us and so that we can do good work on behalf of the Parliament of Canada.

Having said that, if there are no further items from members....

Mr. Dreeshen, you had something?

Mr. Earl Dreeshen: I have one question out of curiosity as a new member. During the questioning of witnesses, if there was a member from the Liberal Party or the NDP who felt they had already asked their question, could they give that additional question to the Conservative who had missed a turn? Is that part of the process?

The Chair: The time slot is available to a member. I'm sure the member can use it or not use it.

Mr. Earl Dreeshen: I'm just wondering whether or not you can give it to somebody.

The Chair: I have seen that before, and I think we would deal with that on an ad hoc basis. If a member is prepared to give up their time to another member, I think that doesn't disrupt the equity we've put into this, to the extent that it does exist.

That's great. Thank you kindly, colleagues.

We're 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.