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• (1205)

[*English*]

The Clerk of the Committee (Mr. Marc-Olivier Girard): Honourable members of the committee, I see a quorum.

I must inform members that the clerk of the committee can only receive motions for the election of the chair. The clerk cannot receive other types of motions, cannot entertain points of order, nor participate in debate.

[*Translation*]

Your first task today is to elect a chair for this committee. Pursuant to Standing Order 106(2), the chair must be a member of the government party.

[*English*]

I'm ready to receive motions for the chair.

Yes, Mr. Maloney.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thank you, Clerk.

I would like to nominate our colleague Iqra Khalid.

The Clerk: We have Mr. Maloney nominating Ms. Khalid.

Are there any further nominations?

[*Translation*]

Are there any further motions?

(Motion agreed to)

I declare the motion carried and Ms. Khalid duly elected chair of the Standing Committee on Justice and Human Rights. I invite her to take a seat beside me.

[*English*]

The Chair (Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.)): Good morning.

[*Translation*]

Good afternoon everyone.

[*English*]

Thank you, first, for your trust in me to chair this committee. I'm sure it will be very invigorating and challenging. I've been on this committee for the past four years, and we've had the privilege of tabling some really wonderful reports, most of which were consensus based. We've had a wonderful relationship between all members

and really talked about the issues that matter to our community and country. I'm looking forward to having that same kind of consensus and spirit of collaboration as we continue this committee.

With that, I will go on to seeing about the vice-chairs for the committee. I will canvass the room for vice-chairs.

Mr. Maguire.

Mr. Larry Maguire (Brandon—Souris, CPC): I would like to put forward the name of Rob Moore, my colleague.

The Chair: I am handing it over to the clerk.

The Clerk: Thank you, Madam Chair.

We have Mr. Maguire proposing Mr. Moore.

Are there any further motions?

[*Translation*]

(Motion agreed to)

I declare the motion carried and Mr. Moore duly elected first vice-chair of the committee.

Congratulations.

[*English*]

Pursuant to the Standing Orders, the second vice-chair must be a member of an opposition party other than the official opposition.

[*Translation*]

I'm now ready to receive motions for the second vice-chair.

Mr. Virani, you have the floor.

Mr. Arif Virani (Parkdale—High Park, Lib.): I nominate Mr. Rhéal Fortin of the Bloc Québécois as second vice-chair of the committee.

The Clerk: It has been moved by Mr. Virani, that Mr. Fortin be elected second vice-chair.

[*English*]

Are there any further nominations?

[*Translation*]

(Motion agreed to)

I declare the motion carried and Mr. Fortin duly elected second vice-chair of the committee.

Congratulations to all concerned.

That said, I now yield the floor to Madam Chair.

The Chair: Thank you.

[*English*]

We'll move on to routine motions.

Mr. Maloney.

Mr. James Maloney: Thank you, Madam Chair.

I have a number of routine motions that I've had prepared in French and English. I'm going to move the first one shortly, but I'd like to pass it around, with your permission. I will wait a moment until everyone has a copy.

I believe everyone has a copy, Madam Chair.

• (1210)

The Chair: Does everybody have a copy? Yes.

Mr. Maloney, will you continue?

Mr. James Maloney: Yes. Thank you, Madam Chair.

I move:

That the Committee retain, as needed at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist in its work.

The Chair: All in agreement?

(Motion agreed to)

Can I then invite our wonderful analysts, who have been so amazing over the past four years, to please come and join us at the table?

Some hon. members: Hear, hear!

Mr. James Maloney: Thank you, Madam Chair.

I also move:

That the Subcommittee on Agenda and Procedure be established and be composed of five (5) members; the Chair, one Member from each Party; and that the subcommittee work in the spirit of collaboration.

The Chair: Are all in agreement?

(Motion agreed to)

Mr. James Maloney: Okay, moving right along, I also move:

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 of the opposition and one member of the government, but when travelling outside the parliamentary precinct, that the meeting begin after fifteen (15) minutes, regardless of members present.

The Chair: Are all in agreement with that?

Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you, Madam Chair.

I'd like to propose an amendment that would establish that a quorum requires two members of the government and two members of the opposition. I have that text here, which reads as follows:

That the motion be amended by replacing the words "one member of the opposition and one member of the government" with the words "two members of the opposition and two members of the government".

The Chair: Would you like to circulate that text, please?

Mr. Randall Garrison: While it's being circulated, may I speak to it briefly?

The Chair: Of course.

Mr. Randall Garrison: I think that in a minority Parliament we have to go the extra mile here to work toward getting consensus, and by having a requirement that there be two members of the opposition present, we would go a bit further than we've normally gone in minority parliaments toward achieving that, even if there is no full quorum. That is my reason for proposing the amendment.

The Chair: Thank you.

I'm just going to wait until the text is circulated to everybody and then ask if anybody else has any comments to make.

Do all members have the text in front of them? Yes.

Is there any debate on this amendment?

(Amendment agreed to)

(Motion as amended agreed to)

Wonderful.

Can we move on?

Mr. Virani.

Mr. Arif Virani: Mr. Garrison, there's an additional piece that's added. There is some additional language in your proposed amendment that talks about before they may proceed to hear witnesses, etc. Is that just for further clarity?

Mr. Randall Garrison: Sorry, I ended up without a copy.

Yes, it's just to further clarify the established practice.

Mr. Arif Virani: One second.

• (1215)

The Chair: For clarity, Mr. Garrison, this is specifically for when the committee is travelling?

Mr. Randall Garrison: Yes, that clause applies.

With respect, Madam Chair, I believe we have adopted the motion.

The Chair: It seems that way. Thank you.

Routine motions.

Mr. Arif Virani: We're on the fourth routine motion, Madam Chair?

The Chair: It's on the questioning of witnesses, I believe.

Mr. Arif Virani: Yes, I will move it.

[*Translation*]

I move:

That witnesses be given 10 minutes to make their opening statement; that, at the discretion of the chair, during the questioning of witnesses, there be allocated six minutes for the first questioner of each party, as follows: Conservative Party, Liberal Party, Bloc Québécois, New Democratic Party. For the second and subsequent rounds, the order and time for questioning be as follows: Conservative Party, five minutes, Liberal Party, five minutes, Conservative Party, five minutes, Liberal Party, five minutes, Bloc Québécois, two and a half minutes, New Democratic Party, two and a half minutes.

[English]

The Chair: Thank you, Mr. Virani.

(Motion agreed to)

Thank you.

Mr. Virani.

[Translation]

Mr. Arif Virani: Here is the motion concerning the distribution of documents.

That only the clerk of the committee be authorized to distribute documents to members of the committee only when the documents are available in both official languages, and that witnesses be advised accordingly.

[English]

The Chair: All agreed?

(Motion agreed to)

Thank you.

Mr. Virani.

[Translation]

Mr. Arif Virani: And now, Madam Chair, the most important thing: working meals.

That the clerk of the committee be authorized to make the necessary arrangements to provide working meals for the committee and its subcommittees.

[English]

The Chair: Is there any debate on this?

Mr. Arif Virani: Can we ensure the high quality of such meals?

[Translation]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): May we amend the motion so as to include a cocktail before the meals?

[English]

The Chair: During our last parliamentary session, our clerk took very good care of us with quite extravagant breakfasts. We really appreciated the hot breakfast very early in the morning. Thank you for that, Mr. Clerk.

(Motion agreed to)

Wonderful.

Mr. Zuberi.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): I'd like to move the remaining motion.

[Translation]

Regarding witnesses' travel and accommodation expenses, I move:

That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding two representatives per organization; and that, in ex-

ceptional circumstances, payment for more representatives be made at the discretion of the chair.

[English]

With respect to the next motion on the presence of staff—

The Chair: Hold on, Mr. Zuberi.

Specifically on witness expenses, is there any debate?

(Motion agreed to)

That's wonderful.

Thank you.

Mr. Zuberi, you can continue.

[Translation]

Mr. Sameer Zuberi: Thank you.

I move the next motion, regarding staff at in camera meetings:

That, unless otherwise ordered, each committee member be allowed to have one staff member at an in camera meeting, and that one additional person from each House officer's office be allowed to be present.

[English]

The Chair: Is there any debate on this?

(Motion agreed to)

Thank you.

Mr. Kelloway.

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Thank you, Madam Chair.

I move the following:

That one copy of the transcript of each in camera meeting be kept in the Committee Clerk's office for consultation by members of the Committee or by their staff.

The Chair: Are we in agreement?

(Motion agreed to)

Thank you.

Mr. Garrison.

Mr. Randall Garrison: I have an additional motion on in camera proceedings that's not covered by these motions. Since we're dealing with in camera meetings right now, would you like me to deal with that now or me to wait until the conclusion of these motions?

● (1220)

The Chair: If it's okay with you, can we wait until the conclusion of the motions? Thank you.

Mr. Sangha.

Mr. Ramesh Sangha (Brampton Centre, Lib.): I move the following:

That a forty-eight (48) hours notice, interpreted as two nights, shall be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration, provided that (1) the notice be filed with the Clerk of the Committee no later than 4:00 p.m. from Monday to Friday; that (2) the motion be distributed to Members in both official languages by the Clerk on the same day the said notice was transmitted if it was received no later the deadline hours; and that (3) notices received after the deadline hour or on non-business days be deemed to have been received during the next business day and that when the committee is travelling on official business, no substantive motion may be moved.

The Chair: Thank you, Mr. Sangha.

(Motion agreed to)

Thank you.

Next is Mr. Virani.

[*Translation*]

Mr. Arif Virani: I move, regarding independent members and clause-by-clause consideration:

That, in relation to orders of reference from the House respecting bills, (a) the clerk of the committee shall, upon the committee receiving such an order of reference, write to each member who is not a member of a caucus represented on the committee to invite those members to file with the clerk of the committee, in both official languages, any amendments to the bill, which is the subject of the said order, which they would suggest that the committee consider; (b) suggested amendments filed, pursuant to paragraph (a), at least 48 hours prior to the start of clause-by-clause consideration of the bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the committee may, by motion, vary this deadline in respect of a given bill; (c) during the clause-by-clause consideration of a bill, the chair shall allow a member who filed suggested amendments, pursuant to paragraph (a), an opportunity to make brief representations in support of them.

[*English*]

The Chair: Thank you, Mr. Virani.

(Motion agreed to)

Thank you.

Those are all the ones that have been tabled by Mr. Maloney and colleagues.

Moving on to Mr. Garrison, you had something related to in camera meetings.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I have given a copy to the staff. They have copies in both languages; they might want to give them out for distribution.

The motion does two things. One is that it attempts to establish reasons for going in camera, to make it very clear that there are only certain matters that should be dealt with in camera by this committee, those being administrative matters, the committee draft reports—

The Chair: Mr. Garrison, sorry to interrupt. Could you just excuse me, as the documents are being distributed, so that everybody is looking at the document as you speak about it?

Thank you for your patience.

Does everyone have the documents in front of you?

Yes? You guys are a lively bunch, eh?

Mr. Garrison.

• (1225)

Mr. Randall Garrison: Thank you very much, Madam Chair.

There are two things, really, in this motion. One is to establish the reasons, as I said, for going in camera and to make sure that we do most of our business in public, as I think is our responsibility. It sets out three things: administrative matters of the committee, draft reports and briefings concerning national security. It also says that motions to go in camera would be debatable, which they have not always been in all committees, in my experience.

Second, it says that if there are recorded votes taken in the in camera session, those would be made public as a part of the minutes of the in camera meetings. Rather than just saying a recorded vote was taken, the minutes of the meeting would give the results of a recorded vote. I believe this motion has been adopted in similar if not identical form by other committees in this Parliament. I move it for consideration.

The Chair: Thank you.

Before we go to debate, I believe our clerk has some flags to raise about this motion in terms of procedure at committees.

I pass it over to you, Mr. Clerk.

The Clerk: Thank you, Madam Chair.

As I was mentioning to the chair, this motion raises two things to my attention.

The first is that if we look at what the Standing Orders provide for the House of Commons to sit in secret or in camera—because that possibility is available to the House as well—or conversely, to move from being in secret to being in public, this motion, pursuant to the Standing Orders, is non-debatable and non-amendable.

To make a very long story short, basically what applies to the House applies also to the committees, as far as they can be applicable to the committees' universe.

What I was asking the chair is whether it's possible to ask the committee to maybe postpone this specific issue until the next meeting, so I can inquire about it, look into it, take a look at some precedents maybe, and come back with advice that has been deeply researched.

The second thing I want to mention is with regard to the last part of the motion, where you mention that all votes taken in camera would now be recorded in the, let us say, the in camera minutes of proceedings. I just want to get the green light from the committee that I could also include the text of the motions these votes would be related to. I know that there are have many, many readers of the minutes of the proceedings. If you only see a vote but you don't know what the members have voted on, to me, it wouldn't provide more information. It wouldn't make any sense.

So I just want to also get the okay from the committee that we can add the text of the motions that have been voted on.

The Chair: Thank you for that.

Mr. Virani, did you have a comment?

Mr. Arif Virani: I think what the clerk has raised makes sense, but I'm going to piggyback on a few things. One is that there's an old phrase in law that you can't do through the back door what you are impeded from doing through the front door. If you start getting into situations where you're disclosing not just how people voted in camera but what they voted on in camera, then it would render a bit futile the notion of going in camera, right?

The same argument is made in a legal context when you're disclosing billable hours and what you talked.... There's a lot of fertile litigation about how you describe what the billing was for, because in being too detailed in the description, you're disclosing solicitor-client privilege, which is very much sacrosanct to the work of a lawyer.

The work of a committee, when it's being done in camera for very sensitive reasons—some of which were outlined by Mr. Garrison—equally needs to be protected, so we can have those robust and frank discussions that need to take place in certain contexts in a confidential manner.

So I would have some concerns about the latter part of the motion, including not just publishing the results of a vote but also publishing the results of what was voted upon, because that is effectively, to my mind, doing through the back door what we can't do through the front door.

There are two other things that I would raise for the clerk and for all of us to ponder. The first part of Mr. Garrison's motion think makes a lot of sense, but there are times when we discuss witness selection, and that is something that we would want to see protected in the in camera context.

As an additional matter, there is the issue of personal confidential information, as you can imagine. We did a study in this committee on human trafficking. There are times when people might be testi-

fyng here when, because of the sensitive nature of what they've experienced and sensitivity to victims, we wouldn't want that personal confidential information entering the public domain.

That's some food for thought that I put on the record now.

• (1230)

The Chair: Thank you, Mr. Virani.

Mr. Garrison.

Mr. Randall Garrison: Thanks very much. I would value the clerk's advice on the motion, so I have no objection to its being put off.

I would also suggest, given the discussion we've had, that we might want to separate this into two motions, since there are substantive differences between the two.

I certainly take Mr. Virani's point about sensitive witness information and would be prepared to add a (d) to cover that.

The Chair: In that instance, then, we will wait for the clerk to come back to us at our next meeting to talk about his findings. At that time, based on the feedback from today and what we hear from the clerk, maybe we can draft a new motion, which you would perhaps like to present, Mr. Garrison, to deal with this.

We will at that time debate and vote on it, if that's okay.

Mr. Randall Garrison: Madam Chair, I'll take it upon myself to split these into two motions and to try to accommodate Mr. Virani's concerns.

The Chair: Thank you for that, Mr. Garrison.

Are there any other routine motions to be discussed at this time?

I am not hearing any, so having finished our committee business, I will adjourn this meeting.

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