



House of Commons  
CANADA

# **Standing Committee on Aboriginal Affairs and Northern Development**

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AANO • NUMBER 001 • 1st SESSION • 38th PARLIAMENT

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**EVIDENCE**

**Tuesday, October 19, 2004**

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**Chair**

**Ms. Nancy Karetak-Lindell**

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## Standing Committee on Aboriginal Affairs and Northern Development

Tuesday, October 19, 2004

• (0910)

[Translation]

**The Clerk of the Committee (Mr. Jean Philippe Brochu):** I see a quorum.

[English]

I am now ready to receive nominations for the election of the chair.

**Mr. Lloyd St. Amand (Brant, Lib.):** I am pleased to nominate as chair of this committee the member for Nunavut, Ms. Nancy Karetak-Lindell.

**Mr. Gary Lunn (Saanich—Gulf Islands, CPC):** I'll second that.

**The Clerk:** There's no need for a seconder.

Are there any other nominations?

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC):** I move that nominations cease.

**The Clerk:** I declare Ms. Karetak-Lindell chair of the committee.

We'll now proceed with the election of the vice-chairs.

Ms. Skelton.

**Mrs. Carol Skelton:** I would like to nominate Mr. Jeremy Harrison.

**The Clerk:** Are there any other nominations for the official opposition vice-chair?

**Hon. Sue Barnes (London West, Lib.):** I move that nominations be closed.

**The Clerk:** I declare Mr. Harrison duly elected.

[Translation]

We will now proceed to the final election, which is that of vice-chair from another opposition party.

Mr. Bellavance.

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** I propose Bernard Cleary.

**The Clerk:** Are there any other nominations?

Mr. St. Amand.

[English]

**Mr. Lloyd St. Amand:** I move that nominations be closed for this position of vice-chair.

**The Clerk:** I declare Mr. Cleary duly elected vice-chair.

**The Chair (Ms. Nancy Karetak-Lindell (Nunavut, Lib.)):**

Thank you very much for your confidence in me as chair of this committee. I look forward to working with all of you. We will have some heavy legislation coming before us in the next little while. I've been on this committee since I've been a member. I notice a lot of different faces, so we'll have to take some time to get to know each other. I look forward to working with all of you. Again, thank you for your confidence in me.

The first order of business is the routine motions. The first one is to establish a subcommittee on agenda and procedure.

[Translation]

**Mr. Bernard Cleary (Louis-Saint-Laurent, BQ):** Madam Chair, before we start to consider the motions, I want to make a suggestion regarding a potential motion. Given that mediation has broken down at Kanesatake, it might be helpful at this point, at the height of the crisis, to invite Grand Chief James Gabriel to meet with us here. If I may, I would move that we arrange to meet with him as soon as possible.

• (0915)

[English]

**The Chair:** The parliamentary secretary.

**Hon. Sue Barnes:** Before we can entertain motions, we have to have rules, just as a housekeeping procedure. I think we have to do the rule-making and then do the motions. But we don't yet have rules to get there. So while I can appreciate that we all have matters of interest to lay on the table, I think we have to do our basic housekeeping just to figure out what our quorums are, and that's the first order of business today. There is no ability until we've figured out how many people we need for all of these things and then what our steering committee and our work order will be. There are separate meetings for that. There usually is a rule about bringing notices of motions. If we want to deal with that one first, I move that we make a 48-hours notice-of-motion rule. We're still going to need a rule for quorum for voting on the motion and quorum for the committee.

If Mr. Cleary doesn't mind, perhaps we can wait until we have the ability to do what he's asking us to do.

**The Chair:** Mr. Lunn.

**Mr. Gary Lunn:** Are we now discussing the establishment of the subcommittee?

**The Chair:** We are going through the routine motions. The first one is to establish the subcommittee on agenda and procedure.

**Mr. Gary Lunn:** I would like to speak to that. My recommendation is to have one member from each party. I understand that a number of other committees have that. It's usually by consensus. I think the smaller you make it—

**The Chair:** Excuse me. The clerk is advising me that because Mr. Cleary put a motion, we should be discussing the motion.

**Mr. Gary Lunn:** What was the motion? Can you repeat it? I didn't have translation, so I didn't get it.

**The Chair:** The clerk will read the motion.

**The Clerk:** Mr. Cleary moved that James Gabriel, Grand Chief of Kanesatake, be invited to testify before the committee as soon as possible.

**The Chair:** Mr. Prentice.

**Mr. Jim Prentice (Calgary Centre-North, CPC):** I think the suggestion that we meet with Grand Chief James Gabriel is a very good one, and I know he is available. However, we do need to have rules and procedures as a committee. We need to be operational as a committee. I would ask if you would consider tabling that until we get the committee up and running. That could be the first order of business once we are functional.

**The Chair:** Mr. Cleary.

[Translation]

**Mr. Bernard Cleary:** There is no doubt that we can put this off until later. If I brought it up today, it is because I asked someone what we should do and this was the suggestion he gave me. However, I do not want to put this on the back burner for three weeks or a month. I think that the situation is urgent and that now is the time to do this. It is late already. Things have been over for two or three weeks. I am not opposed to our doing the other things first, as we said earlier, but my motion should not be postponed for too long.

[English]

**The Chair:** On my list I have Mr. Martin and Sue Barnes.

Mr. Martin.

**Mr. Pat Martin (Winnipeg Centre, NDP):** My point is that every committee has to deal with these routine motions first before it can do anything, so Mr. Cleary's motion really isn't in order. As much as the idea and the merits of the motion might be fine and we might agree to it, first we have to do these routine motions. Perhaps we could do those as expeditiously as possible. I'm supposed to be in a lock-up next door.

• (0920)

**The Chair:** We'll take your motion on notice.

We'll go through our routine motions, and that way everyone will have a clear rule as to how to place our motions, and we will have rules this committee can work by.

Did you have something to add?

**Hon. Sue Barnes:** No, other than the fact that I agree with Mr. Martin that it probably would be out of order until we got to the stage where we're talking about that. I suggest that we go to the routine motions right now.

**The Chair:** Yes, as I began, let's deal with the routine motions. The first one would be to establish the subcommittee on agenda and procedure.

Mr. Lunn.

**Mr. Gary Lunn:** I would like to move that the subcommittee on agenda and procedure be comprised of one member of each party. It could be the chair, the two vice-chairs, and the NDP. The reason I say this—and I understand a number of other committees have done this—is that it's by consensus. Everything they decide comes back to the full committee anyhow. They don't have any powers to do anything other than come back and make recommendations.

The smaller you keep the group, the easier it is for them to meet and to sort things out. They work by consensus, and this would just simplify it. Again, I've been told that a number of committees have gone that route.

That would be my motion.

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** I guess I'm into the same procedural thing. You couldn't have that for the routine motion.

As the parliamentary secretary liaison with the minister, I want to have the ability to communicate with the people around this committee, and that motion would cut me out of the steering committee. The chair is generally non-voting at that committee. I agree with the concept of one around the table. I would certainly like to be at that table to help and to make available to everybody the information I have so that it's not coming after the fact of having the original steering committee. I think that's the most essential facilitator of sharing where we're going, from a government perspective, so that we're not redoing that at the beginning. I certainly would like to be there.

That's my suggestion. I've talked to most of the people on this side, and they know I want to deal with this cooperatively. I certainly would like to be part of it, not only as a member of the committee but also as a member that has some liaison into the government's agenda on aboriginal affairs, so that I can share it. If I'm not in that room, it's going to be more difficult.

**The Chair:** Mr. Martin.

**Mr. Pat Martin:** Thank you, Madam Chair.

From what I understand Mr. Lunn to say, he's choosing option D, "Other", and putting forward a motion about the steering committee. I should point out that this is getting to be common practice amongst a number of the standing committees that are being struck and formed right now. We as the opposition members are making it clear that we don't want the parliamentary secretary on the steering committee.

This is absolutely not personal, Sue. We actually don't want parliamentary secretaries on standing committees generally. That's been our policy for the last number of years, but we haven't been able to exercise that, obviously, because we weren't in majority positions on committees. You've heard, surely, as I have heard, that we don't believe the eyes and ears of the minister should be part of the independent standing committees. We certainly don't believe the eyes and the ears of the minister should be part of the steering committee of those committees.

My vote is with Mr. Lunn when it comes time. I feel that this should become the norm, the precedent from which we can borrow in subsequent Parliaments.

**The Chair:** Thank you, Mr. Martin.

Mr. Bellavance.

[*Translation*]

**Mr. André Bellavance:** On behalf of the Bloc Québécois, we support the motion that Mr. Lunn has just presented. I will not add anything to what Mr. Martin has said. Personally, I have nothing against the parliamentary secretary, but we feel in the opposition that the minister's parliamentary secretary should not be on the subcommittee.

• (0925)

[*English*]

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** Thank you very much.

I'll just say that not only am I a parliamentary secretary, I'm a member of Parliament representing my constituents. I feel very strongly that I should have a right to be at the committee of the whole. Seeing that this not going to fly with the votes on the other side of the table, I'm going to withdraw and go with the will of the committee and make my views known at the committee of the whole when it comes. Hopefully I will be able to talk to you in advance of any such meetings that are called, I would hope that you would come to talk to me on these issues.

So if that's the will of this committee, I don't think it's going to be a make or break. Hopefully we'll work cooperatively here.

**The Chair:** Thank you.

Mr. Lunn.

**Mr. Gary Lunn:** Thank you, Madam Chair. This is a real quick comment.

It's my understanding that it's generally by consensus. I don't think they have powers for voting. You originally said, Sue, that you want to be there to vote. It's really a consensus. They are going to come back with recommendations to the committee. The power is with the committee.

I have nothing further than that, Madam Chair.

**Hon. Sue Barnes:** I can clarify that. I was talking about giving information as to ideas of what things were coming forward. But that's fine.

**The Chair:** Does everyone agree with the motion? Would you like the clerk to read the motion again?

Let's vote on the motion that there be one member from each party for the subcommittee on agenda and procedure.

(Motion agreed to)

The next one is the services of analysts from the Library of Parliament.

It is moved by Pat Martin that the committee retain the services of one or more analysts from the Library of Parliament, as needed, to assist the committee in its work, at the discretion of the chair.

(Motion agreed to)

We welcome Ms. Hurley back to her favourite chair. Thank you for joining us again.

Next we have the motion to receive and publish evidence in the absence of a quorum.

Ms. Barnes.

**Hon. Sue Barnes:** I notice here that this was the old motion of the committee. When the official opposition was in a minority, we made sure that a member of the opposition was part of that. I would like to adjust this motion by adding "including a member of the opposition and a member of the government". It's going to be government legislation that's laid down here. It's the same spirit that we had when the minority was on the other side. We are now the minority. I think it's only a fair argument to be made here that at least three members are present, including a member of the opposition and a member of the government. I would amend this in that manner. I think it's consistent with what we did when we were in a majority position.

**The Chair:** Is there agreement around the table?

Mr. Prentice.

**Mr. Jim Prentice:** I have a point of clarification. The chair of the committee is a member of the government as it is. Does that include one person other than the chair, or the chair?

**Hon. Sue Barnes:** No. I'm talking about a member around the table here. There could be situations where this is not chaired by the chair. It could be chaired by a vice-chair. That's a good point to clarify. I was talking about a member in the voting ranks on our side.

**Mr. Jim Prentice:** Someone other than the chair.

**Hon. Sue Barnes:** Yes, other than the chair.

**Mr. Jim Prentice:** Presumably a member of the opposition, other than the chair.

**Hon. Sue Barnes:** Yes.

**Mr. Gary Lunn:** I have a quick point, Madam Chair.

Do the three members include the chair or not? I believe they do. Thank you.

**The Chair:** Can I just have clarification on how the motion reads now? We'll just have the clerk read the motion so we all know what we're dealing with here.

• (0930)

**The Clerk:** The motion is that the chair be authorized to hold meetings and to receive and publish evidence when a quorum is not present provided that at least three members are present, including a member of the opposition and a member of the government other than the chair.

**The Chair:** Does everyone agree with this motion?

Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** I think that when the committee has to look at important issues, which would be the case here, we should not accept any exceptions of this kind. Quorum seems even more necessary to me, since these are important matters. We do not want some small committee or group to do something like this. When issues as important as the publication of something or outcomes are being discussed, the committee needs quorum.

[*English*]

**The Chair:** I'll have the clerk explain the procedure we've used so far.

[*Translation*]

**The Clerk:** What is being proposed, in fact, is that there be at least three members of the committee present when we are hearing witnesses, which is called a mini-quorum. We need to have a full quorum, that is, the majority of committee members, to make a decision, publish a report or vote on motions. In that case, when witnesses are appearing, the idea is that the meeting could go ahead even if the majority of committee members are not present. Full quorum is needed to pass a motion.

**Mr. Bernard Cleary:** If I understand correctly, the report of the meeting would be submitted to the committee.

**The Clerk:** The motion states that testimony, which means presentations by witnesses and interventions by members, would be published. This would not apply to a substantive report containing decisions or recommendations. The idea is to make the proceedings available publicly.

**Mr. Bernard Cleary:** I understand better now.

[*English*]

**The Chair:** One example is the witnesses who come from very far away, let's say from my riding of Nunavut. If they flew all the way down here and we couldn't get a full quorum to listen to them, but we could get the three people here, then we could at least sit and allow them to give their presentation instead of waiting for the full quorum. We pay for these witnesses to arrive, and we don't want to withhold hearing from them just because the full committee did not make it to the committee room. This is so that we can still receive witnesses and provide the witnesses with the ability to give their presentation.

Ms. Barnes.

**Hon. Sue Barnes:** I understand that, and it is so that we do not inconvenience our witnesses. There are many times when people are sitting on other committees and they get taken out of here. We don't want our business to grind to a halt. Obviously, as a courtesy to all our witnesses, as many people as possible of our membership should

be in the room from the start of the meeting to the end. I know we'll try to do that. We also understand that some people have two committees that sometimes conflict, so it's not always possible. Often it is parties that...instead of two being constantly here, or four people, they might have a representative. It's to facilitate our operations as opposed to any comment on the importance of the testimony.

My substantive question to the clerk is that I don't see in this list here the regular quorum for taking decision-making. Where's the motion for that? I think we should be doing that right now. I think we should understand that.

[*Translation*]

**The Clerk:** That is what a quorum means.

[*English*]

It's in the Standing Orders. It's the majority of the members, so seven.

**The Chair:** I think Mr. Lemay had a question.

• (0935)

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Good morning. I'm an associate member of this committee and I represent the Bloc Québécois. My riding is Abitibi—Témiscamingue. It goes without saying that we are going to support the motion given that, as Madam Chair was saying, witnesses may come from far away, including my riding. Thank you.

[*English*]

**The Chair:** Does everyone agree with the motion?

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

**The Chair:** The next motion is on the time limits for witnesses' statements and questioning.

Mr. Martin.

**Mr. Pat Martin:** I would like to recommend a change to what we have listed here. I would like to recommend that we leave the nine minutes for the official opposition and seven minutes for the other parties, but make it clear that the order in which that questioning takes place should be: official opposition, Bloc, NDP, and then Liberal. I believe that's what we did in the last Parliament.

I'd like to add a further amendment. In the last sentence, where it says, "alternating between Government and Opposition parties", I believe the three minutes should be alternating between opposition and then government parties. In other words, when we go to the second round, it begins opposition, Liberal, opposition, Liberal.

Those are the changes I would like to recommend as amendments.

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** I am going to lay some other suggestions on the table. Again, everybody understands that the government is not in the majority here. I think the people who come to the committee meetings should have an opportunity to question. So I'd like to leave some discretion in the hands of the chair.

I don't think on this side we're going to care about the order as to who gets to speak in the first round. That's not going to be a big make-or-break issue.

I would suggest that we have two rounds. I suggest that we have up to ten minutes for the first round, at the discretion of the chair. Why I'm saying ten minutes as opposed to nine is that it does provide a chance for us to split those into two five-minute rounds if, for instance, one side shows up with four people and they're only going to get two presentations for all four people. Then there could be a second five-minute round that is not split. Again, at the end, I was going to suggest some discretion for the chair. If some people have left and there's one person on that side and three people sitting here or there's one person here and three people sitting there, it doesn't make sense to go back and forth with government, opposition, government, opposition on the second round. The idea is that we'll trust our chair to deal with it fairly with the people who are in the room listening to the evidence after the first round.

The first round would be a ten-minute round for everybody. It's not material to me whether I'm third or fourth. So I have no problem giving that up, so to speak, to Mr. Martin's wish.

But I do think that three minutes for a second round is a little short. To make up the time, I would suggest that presenters be given up to ten minutes at the discretion of the chair, with the idea that if we are hearing from only one witness, the chair could use her discretion to go a little over. But if we're hearing from three people and they each get 15 minutes, then 45 minutes of the two hours are gone. So I would say up to ten minutes, with the chair having the discretion to make the call on whether it's eight minutes or something else and to divide the time equally. There are only 12 of us on this committee. It's not the same juggling act we had to do when there were 18 of us around the table. The bottom line is it's unfair if three people sit here and three people sit there and it goes back and forth but somebody is getting all the time and the people here get no time or one party that has listened to the whole testimony gets no time.

So in the spirit of cooperation, I put that out there. I'm not going to do it as an amendment to a motion, Pat. I just put it out there on the floor. Depending on what everybody else says, hopefully we can come up with a consensus.

• (0940)

**The Chair:** On my list I have Mr. Lunn and Mr. Prentice.

**Mr. Gary Lunn:** I agree with Mr. Martin. The first round would be nine, seven, seven, seven, with all four parties.

One thing I want to make sure of, though, is that we reward the people who come to committee meetings. One of the problems I've seen in the years I've been here is that there are the regulars who come and people who don't come.

There are the first four questioners, and I agree with this order. It's convention that the opposition goes first and then the government. So the first round is nine, seven, seven, seven. Then, Madam Chair, you alternate between government members and opposition members for five minutes. You have to remember that includes the question and the answer. You have to leave time for the person to answer. Three minutes is too short. If you have a three-minute

question, you won't be getting an answer. So it's five minutes for any members present. If there are five members on the committee but only two people are here, you only get two spots. So you alternate, Madam Chair, until everybody has had a chance to speak. Then you go to the second round, just straight five-minute rounds back and forth, until everybody who wants to speak has spoken. Then you can go to the third round. If the opposition has only two people here and the government has five, the government is going to get five spots in that round and the opposition is going to get two—and vice versa. I really think it's important that each member be given an opportunity to speak if they want to.

So that would be my suggestion—Mr. Martin's nine, seven, seven, seven, followed by five minutes for questioning, straight through, round after round, each member, alternating with the government, and the order for the second and third rounds could be left to the discretion of the chair. If the Bloc Québécois brings forward a witness, you may want to go to them first. If the government has a witness who is really important in something they're doing, you may want to put them at the front end. So the chair would have a little discretion on that. That would be my suggestion for subsequent rounds.

**The Chair:** Thank you, Mr. Lunny.

Just on that point, I know you were going to speak, but Mr. Prentice is next.

**Mr. Jim Prentice:** That's fine. To you, Sue.

**Hon. Sue Barnes:** I don't understand—I've never seen it on another committee and I know it's been here—why the official opposition warrants more time than the Bloc, the NDP, or the government on the first round. I just want all of us to get ten minutes on the first round. I'll restate the reason I say ten. It's hard to divide nine minutes into two people taking questions and answers. It's to address the situation of having extra people here who don't get their time in.

**Mr. Gary Lunn:** My suggestion would have taken care of that, because there are other people here who are going to get on the first round, followed by five-minute questions. Everybody here would be on the first round. Nine, seven, seven, seven is for the first four questioners, and then anyone who is left gets to speak for five minutes, and then you go to the second round.

**Hon. Sue Barnes:** But I don't understand why nine minutes goes to one party and three parties have seven minutes. That's my point.

**The Chair:** Mr. Prentice, and then Mr. Cleary.

**Mr. Jim Prentice:** Let me say at the outset that my experience in these committees is as a witness rather than as a parliamentarian.

It seems to me that what we are trying to do is build a consensus here. We could spend a long time debating how we divide these up. Frankly, what Mr. Martin has suggested isn't what we would have started with, but in the spirit of consensus we are trying to build on what I think is a good suggestion from Mr. Martin.

Nine, seven, seven, seven seems to make sense. I understand it's a convention that the official opposition gets a little more time. There is not much difference between nine minutes and seven. We are the official opposition. So that seems to me to make sense. I think Mr. Martin has tried to be fair to everyone with the suggestion.

On the second round, as suggested by Gary Lunn, building on what Mr. Martin has said, five minutes alternating back and forth takes account of everyone who takes the time to come and participate in the committee. So it's fair to the parties and it's fair to the members as well. I think it's a very good suggestion that we have as a compromise.

**Hon. Sue Barnes:** Perhaps I am not understanding Mr. Martin's second point. You wanted on the second round that it be government, government, opposition, with five-minute rounds?

**The Chair:** Mr. Martin, just to answer the question, and then to Mr. Cleary.

**Mr. Pat Martin:** The way I viewed it was the Liberals would be the last questioners on the first round, because the order would be official opposition, Bloc, NDP, Liberal. Therefore, when you begin the second round it should start opposition, government, opposition, government. That was what I originally recommended, but I am leaning towards what Gary had recommended as a compromise, that we leave the first part of my proposal as it was and adopt what Gary recommended as the second part. I think we have everybody satisfied.

● (0945)

**The Chair:** Mr. Cleary also wishes to speak, and then I think we'll try to get the clerk to summarize what we are hearing here.

Mr. Cleary, please.

[*Translation*]

**Mr. Bernard Cleary:** Personally, since it's a minority government, I feel that all of the opposition parties are extremely important. It's hard for me to understand why the Conservatives would get two minutes more. Instead, I think that every questioner should be given the same amount of time, as Ms. Barnes was saying. All three could be given seven minutes. That way, there would be no difference between us and the Conservatives. It's just as important for us to be able to state our positions as it is for them because we're all in the opposition. I know that the Conservatives are the official opposition, but we all know full well that what goes on behind the scenes can make one party just as important as another.

So we would be in favour of some form of equity. It could be something other than seven minutes, but we're not in favour of giving the official opposition party more time than the other two opposition parties.

[*English*]

**The Chair:** Mr. Lunn.

**Mr. Gary Lunn:** Madam Chair, just to respond to Mr. Cleary, the reason it's like this is that it's somewhat reflective of the makeup of the House. Just like you see in question period, five questions go to the opposition, and four to the Bloc. The makeup of the committee is proportional to the representation you have in the House. That's reflected in this committee and its membership as well. Government

has five members, we have four, the Bloc has two, and the NDP has one. That's why the questioning has been like that in the past.

Again, there's nothing unusual here. One could argue that the NDP are given seven minutes on the first round and they don't have that many members, but in the same breath, they're also official status. Had they not had official status, then that would be a whole different game in itself.

If you get through this first round, and then give five minutes to members, I would stand by that, and in subsequent rounds. That five minutes per member was reflective of the membership. More importantly, you're acknowledging the people who attend and come regularly. So it's only for those members present. I stand by the nine, seven, and seven, the original motion.

Is that your motion, Pat? You only dealt with the first round, correct?

**Mr. Pat Martin:** I actually had a recommendation for the second round, but I yield to your recommendation on the second round.

**Mr. Gary Lunn:** So I'd make a friendly amendment to Mr. Martin's motion, that the subsequent rounds would be five minutes per member, beginning with the opposition, alternating between the opposition and the government, for five minutes, for each member present, for each and every subsequent round.

**The Chair:** Just to clarify what you're saying, I guess that would depend on how much time we have. If we have this many people, we won't have the time.

**Mr. Gary Lunn:** We might get halfway through a round, but that's the way she goes.

**Hon. Sue Barnes:** I can go along with that if we give the final discretion to the chair, so that we're not squabbling with each other over it.

**Mr. Gary Lunn:** I agree. If there are only 15 minutes left and she is not going to get to everybody, the chair can say, come on, I will give each party two minutes to wrap up, or something like that.

**The Chair:** Mr. Prentice, I'll get the clerk to clarify what motion we have now, especially for the new members. I remember what it feels like to be a new member.

● (0950)

**Mr. Jim Prentice:** I think we have a bit of a consensus, but just as a point of clarification, you're saying that if we have too many members and not enough time, and we can't do the five minutes, the chair has the discretion to reduce it to whatever makes sense in the second round.



**Hon. Sue Barnes:** If one party starts bringing in new members, rotating the chair so that there's always a new member, that's not the intention of this situation.

**Mr. Jim Prentice:** No.

**Hon. Sue Barnes:** Right. The intention here is that the people who come get to ask questions, as opposed to the people who show up for five minutes, sit down, and say it's their time now.

**Mr. Jim Prentice:** No, no, you have to be here.

**Hon. Sue Barnes:** Okay. That's what I meant by at the discretion of the chair.

**Mr. Jim Prentice:** In closing, I would only say that I think we all have our own thoughts on it, but it seems to me it's fair to the parties, it's fair to the members, and it respects the convention we have in Parliament. So I think it is a good suggestion.

**Hon. Sue Barnes:** Could the clerk restate that, just so that I understand, and maybe some other people too?

**The Chair:** We're going to have the clerk let us know what we all agreed on.

**The Clerk:** That an organization be given up to ten minutes at the discretion of the chair for an opening statement; and that, at the discretion of the chair, during the questioning of witnesses, there be allocated nine minutes for the questioner of the official opposition, seven minutes for the questioner of the other parties, starting with the Bloc, the NDP, and the Liberals, and that in the subsequent round, five minutes be given to the other members, back and forth, from the opposition and then the government members present.

**A voice:** All members present.

**The Chair:** Excuse me, did we make it alternating between government and opposition party?

**Mr. Gary Lunn:** Yes, alternating, starting with the opposition, government, opposition, government. You'd be the last questioners in the first round, because then you'd come back to the opposition, then to the government, then to this, us—

**The Clerk:** And the last part, the second round would be at the discretion of the chair, if there's not enough time.

**Mr. Gary Lunn:** I think that the third and fourth and subsequent rounds would be the same. Subsequent rounds would carry on until you get to the end and there's not much time, and then the chair can just exercise discretion.

**Hon. Sue Barnes:** Just to make sure I'm clear, for clarity, in all likelihood we'll have ten minutes of witnesses, and if there are two witnesses, twenty minutes of witnesses. The first round we all understand. The second round is five minute rounds, and then if there's more time she's going to make up her mind between people in the room.

**An hon. member:** Time to go through a whole round.

**Hon. Sue Barnes:** If there's not, it might be that one of us wouldn't get a lot of time there.

And we're going to do two-hour meetings, right, normally?

**The Chair:** Mr. Martin.

**Mr. Pat Martin:** Thank you.

The only question I have—and I'm not trying to complicate things—is that in the first sentence you said that an organization be given up to ten minutes, and my sheet says fifteen. I don't remember that being altered. Was that one of the recommendations of another party?

**A voice:** Yes.

**Mr. Pat Martin:** All right.

Sue, you kind of gave the idea that it would be ten minutes per witness. So if an organization shows up with six people, it's ten minutes per person.

**Hon. Sue Barnes:** Oh no. Just say we have two separate witnesses that day. It's not that they've come up with a delegation of six and all six speak. It's ten minutes.

**Mr. Pat Martin:** Okay, as long as we understand that.

**The Chair:** I believe the clerk was just going to repeat that in French. I think there was a misunderstanding there.

[*Translation*]

**The Clerk:** In English, it would read as follows: that an organization be given up to ten minutes, at the discretion of the chair, for an opening statement and that, still at the discretion of the chair, during the questioning of witnesses there be allocated nine minutes for the questioners from the official opposition, seven minutes for the questioners from the other parties starting with the Bloc, the NDP and the Liberals, and that in the subsequent round five minutes be given to the other members, back and forth, from the opposition and then from the government.

• (0955)

[*English*]

**The Chair:** Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** We are willing to accept those conditions.

[*English*]

**The Chair:** Are all agreed on this motion?

Sorry, Mr. Prentice.

[*Translation*]

**Mr. Jim Prentice:** I would like to clarify something: five minutes would be given to each member of the committee.

**The Clerk:** Is that for each member of the committee?

[*English*]

Is it for each member that has not spoken yet, or each member?

**Mr. Jim Prentice:** The subsequent round for each member to speak for five minutes. That was the original. I'm not changing it; that is what was originally stated by Mr. Lunn.

**The Chair:** Mr. Lunn.

**An hon. member:** What would happen to the NDP's turn, then?

**An hon. member:** Exactly; they wouldn't get a second turn.

**The Chair:** Mr. Lunn.

**Mr. Gary Lunn:** What we're proposing in the first round is one from each party, in the order we've stated: nine, seven, seven, seven. That's the first round. The second round is five minutes for each member, back and forth, for every member present. So there's the party round, when each party is going to get—

**Hon. Sue Barnes:** Are you cutting out the NDP?

**Mr. Gary Lunn:** No. Every person present will get.... You start the second round with the opposition, going back and forth. So every member present is going to get to speak. And each subsequent round will just carry on five minutes.

**The Chair:** Just a question here. In the second round, let's say you get five minutes, then Mr. Valley would get five minutes, Mr. Cleary would get five minutes, someone here—

**Mr. Gary Lunn:** Then Mr. Martin, and then you can come back to the other ones who haven't gone. Exactly.

**The Chair:** Okay, so we're all singing from the same songbook now, I think.

Any questions? I think we are agreed on this motion.

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

**The Chair:** Thank you.

The next one is the payment of witnesses' travel and living expenses.

**An hon. member:** I'll move it.

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

**The Chair:** The next one is the distribution of documents with translation.

**An hon. member:** So moved.

**Hon. Sue Barnes:** Could I just add something for Mr. Cleary's sake in particular?

Oh, go ahead.

**The Chair:** Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** I would like to move an amendment to the motion on the distribution of documents. The motion would read as follows: that the committee clerk be authorized to distribute to the members of the committee documents received only when these documents exist in both official languages and that no document provided by a witness be distributed without the clerk's authorization.

Perhaps I could take a couple of minutes to explain the purpose of my amendment. Very often, when people come and have a document in English only, they manage to get it distributed, although we want to have documents in both languages. So I think that authorization has to be given. Otherwise, a document in one language only could not be accepted. To me, that's fair. That's the usual way of doing it,

and it should be set out formally so that all available steps are taken to ensure that the documents are in both languages.

[*English*]

**The Chair:** Ms. Barnes, and then Mr. Valley.

**Hon. Sue Barnes:** Thank you very much.

I agree that documents like witnesses' statements and things like that obviously should be in both official languages when they come out. There are situations, for instance, with some of the organizations who may not have translated a booklet that we might want to look at because in their region French is not used. Maybe it's the plain-speaking language of a treaty that they might want to distribute to our offices—and I think there is one such document out there right now. Maybe that could be set aside on a table if it's not being given as testimony. That's another way people can distribute directly to members if they wish.

I have no difficulty with this as long as we also allow and recognize that there may be situations where this committee has invited a witness at the last minute and they haven't had time for translation, and we should add that with the consent of all members of the committee it will be allowed.

In other words, Mr. Cleary, say somebody shows up here with something not translated. They come in from B.C. or something and they have a document. This is fine with me except for the fact that I would still like the committee.... You could say on that day, "Oh, I really want to see this and I want this distributed". In other words, we could have a consent motion saying "Unless authorized by consent of the members present". So you would always have a veto, in essence.

But the idea is that our clerks and our translators move to get everything here on time. In a very practical way, Mr. Cleary, what I'm saying to you is sometimes they haven't, and if it's not done immediately, you would have the right to say no, but we could, with a unanimous consent motion.... There may be an occasion where you might want something yourself. It's just to leave that open for you, the general rule being this, unless we agree on consent. That was a motion that I had operating in a committee last year and it worked very well for those exceptions to the real situation, but again nothing could be done without consent.

• (1000)

**The Chair:** Mr. Valley.

**Mr. Roger Valley (Kenora, Lib.):** I just want to emphasize the point Sue made, and Mr. Cleary has already raised the point that people can travel a long distance. I think there has to be a mechanism so that we can get that information. I'm not sure how it's done, but we have to have some mechanism where we can receive information if they bring it in at the last minute. There has to be something in place for us.

**The Chair:** Thank you.

Mr. Lunn, and then Mr. Cleary.

**Mr. Gary Lunn:** I think, Nancy, you were with us on the fisheries committee way back when we first started, and I remember there were times when witnesses brought documents that were only in French.

I think a few points need to be emphasized. When the clerk invites witnesses to appear, every single time he must emphasize that all documents they bring must be in both official languages. That's critical. Invariably, witnesses will show up with something that is only in French, which has happened in the past, or only in English. In that case, I think it's important we give the chair the discretion to unofficially be able to give them to the members who wish them. The clerk will endeavour to get them translated quickly, whether it's the next morning or whenever it is. We don't want to tie their hands so that they can't be handed out. It might be something very important that we need to look at. Maybe we've brought a witness all the way from Quebec City and that person only has something in French. A lot of the members of our party can read that language. We may not want to tie our hands. I think there should be a mechanism that allows the chair the discretion to unofficially hand them out. I fully support that everything that comes in has to be in both official languages, but I promise you that there'll be the odd time when it won't, through no fault of ours.

**The Chair:** Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** I truly believe that the committee should set the rules, and that the rules should satisfy everyone. Obviously, there will always be exceptions. I too have participated in a number of committees in my lifetime. I used to do my writing in French. When I wanted those documents considered by federal committees, I used to either have parts translated before submitting the documents, or I would explain the content of those documents when I came here.

I think that the rule should be firm. I don't want it to be so hard and fast that it's not open to discussion. I can tell you that if it ever does get discussed, it won't be easy to get an authorization out of me. Otherwise, we won't get the documents in French and we'll have to wait for them to be translated, which will slow us down in our work. I think that we need to alert people to the fact that documents must be presented in French too. They don't necessarily have to get them translated themselves, but they have to be organized enough to get them to us early enough for the committee to have them translated in time.

Personally, I would apply the rule firmly, but I would give people the means to obtain satisfaction. We're under no obligation to get entire encyclopedias translated. The idea is to get the right documents or parts of documents, and we can do that reasonably well. So we're just asking people submitting documents here to do what needs to be done for this to be done properly. We're not trying to make life difficult for people and we should give them the means to function adequately, but we shouldn't let anyone make life difficult for us either.

There are two official languages in Canada. Let's make sure that these official languages are respected at all levels.

• (1005)

[*English*]

**The Chair:** Mr. Smith.

[*Translation*]

**Mr. David Smith (Pontiac, Lib.):** I have a lot of respect for what Mr. Cleary is saying, but I wouldn't want the work of the committee to be paralyzed because of this rule. I wouldn't want this rule to prevent us from making an exception in order to see documents from people from Quebec or other regions.

Like Mr. Cleary, I think that the documents should be in both official languages. So we need to advise people who are going to be appearing before the committee that this rule has to be followed, but we have to give the chair the discretion to allow a document to be submitted even if it's not in both official languages. That would be the exception. The document could be presented to the committee and it will be translated into the other official language and distributed to those members who wished to have it in that language.

[*English*]

**The Chair:** Thank you.

I know we always have the option of asking for unanimous consent, but as far as I know, every document that is presented—and the clerks do have the obligation to tell every witness that it has to be in both official languages. Again, we'll have to take each situation as it comes and ask the committee how they wish to deal with certain documents. Legally every document has to be in both official languages, and whatever the clerk receives, he does have to get it translated.

The issue we're dealing with is when you would be allowed to distribute the documents, but legally they do have to be in both official languages before the clerk can ever distribute them. I'm not sure if discussion is settled on this motion or if you agree on this motion. I've heard some people talking about the discretion of the chair. Do we just leave that for each situation and adopt this motion? I'm not sure I'm getting a clear picture here. I think we all agree in principle that there will be some incidents that we will be asked to make a judgment on, depending on the witness.

Mr. Martin.

**Mr. Pat Martin:** Madam Chair, you have a very clear motion on the floor. I'd like to call the question on the motion and vote on it, with the understanding that there's always the opportunity for unanimous consent to deviate from our ordinary practice.

I'd like to say that Mr. Cleary has presented a very clear motion and we should vote on it as it stands, without any changes, and thereby establish the rules without any doubt.

**The Chair:** I believe Mr. Cleary wanted to be the last to speak on his motion, if there is no one else.

[Translation]

**Mr. Bernard Cleary:** As you so aptly put it, either it's legal or it isn't, but still, I would leave the door open just a crack. The idea isn't to make everyone unhappy and to hold the law over them. The idea is to prevent abuse. I would add—perhaps it could be included in the text if you wish—that it should be left up to the chair to present a topic to us, to show us that it's of vital importance and to convince us that we should study it immediately. We will still get the text translated as quickly as possible. That would open the door just a crack to exceptions that might crop up, but it wouldn't happen three times at every committee meeting. So it would be up to the chair, which is fully to be expected of a chair, to explain to us that it is truly an important subject, and I think that she would get a consensus. I would add that, but I would also like it to be clear that the documents must be translated and that few exceptions would be made to allow for departures from this practice.

•(1010)

[English]

**The Chair:** Ms. Barnes.

[Translation]

**Hon. Sue Barnes:** We will support that addition.

**Mr. Bernard Cleary:** We would agree with that.

[English]

**The Chair:** We agree that a line be put in so that it would read.... I don't read French, so I'll have the clerk read it. He doesn't have it in both official languages, so I'll have him read it.

**The Clerk:** I'll do it in French and then in English.

[Translation]

It is moved that the committee clerk be authorized to distribute documents received to the members of the committee only when these documents exist in both official languages, and that no document provided by a witness be distributed without the clerk's authorization, but at the chair's discretion, the matter will be submitted to the committee, which will make a decision.

**Mr. Bernard Cleary:** On the recommendation of the chair, we could agree to have the document translated later on, but with unanimous consent, since it will truly be an exception.

**Hon. Sue Barnes:** The exception would be left to the discretion of the committee chair.

[English]

**The Chair:** I didn't get a translation when he was reading it. I don't know if anyone else got the translation.

**Voices:** No.

**The Chair:** No, we didn't get the translation when he was reading the motion.

**The Clerk:** I'll do it in English. The motion is that the committee clerk be authorized to distribute documents received by the members of the committee only when these documents are available in both official languages; that no document provided by a witness be distributed without the clerk's authorization; and—correct me if I'm wrong—on the recommendation of the chair—

[Translation]

**Mr. Bernard Cleary:** And with unanimous consent.

[English]

**The Clerk:** —and with unanimous consent, the document could be distributed to the other members.

**The Chair:** Agreed?

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

**The Chair:** The next one is purchasing documents.

**An hon. member:** So moved.

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

**The Chair:** Next is working meals.

**An hon. member:** So moved.

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

**The Chair:** Next is staff attending in-camera meetings.

**Hon. Sue Barnes:** May I make a point there?

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** I know it's pretty obvious, but the staff attending in-camera meetings are also in-camera persons and cannot go and talk about the meetings outside. I think that's pretty obvious, but I just want to make that a firm point of understanding. And with that, I am in agreement, and my colleagues also.

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

**The Chair:** Next is in-camera meeting transcripts.

**An. hon. member:** So moved.

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

•(1015)

**The Chair:** The clerk advises me that the last part of the phrase, “and to be destroyed at the end of each session of Parliament”, is rather unusual. Any discussion on that?

**Mr. Gary Lunn:** Who put that in there, and why? Is there any reason to have them destroyed? Are you guys running out of space to keep this stuff?

I move to delete that line in square brackets.

**Some hon. members:** Agreed.

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

**The Chair:** Next is invitation to the minister and departmental senior officials.

**Hon. Sue Barnes:** Do we want it with officials televised, or just the minister televised?

**Mr. Gary Lunn:** Let's have the minister. Invite the minister and any relevant senior officials.

**Hon. Sue Barnes:** Okay, but it's when he's coming with them, not just if we have senior officials coming. The idea is that they're accompanying the minister, not if we just have regular officials that we're going to televise. The point is the ministerial televising.

**Mr. Gary Lunn:** It says “Invite the minister and any relevant senior officials”, whether at the same meeting or not. But a lot of it, as you know, Sue, depends on availability of rooms and all of that.

**Hon. Sue Barnes:** Yes, but just for clarity, the minister's visits are televised is what we're after here, right? She's yelling “yes”.

**The Chair:** Looking at the word “and” grammatically, “and” states that it would be the minister and then whoever else is with him, not that we would televise officials if they came by themselves. We're not obligated to televise the officials if they're not with the minister. That's my understanding.

Mr. St. Amand.

**Mr. Lloyd St. Amand:** Just a point for my own understanding, Madam Chair. The “if possible” phrase refers to the availability of a room, camera, etc. That's all it refers to?

**The Chair:** Yes.

**Mr. Lloyd St. Amand:** All right.

**The Chair:** As I was saying, we need a mover for this. We didn't get a mover for this.

Ms. Barnes moves it.

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

**The Chair:** Invitation to the Office of the Auditor General—any questions or comments?

**An hon. member:** So moved.

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

**The Chair:** Next is notice of substantive motions.

Mr. Martin.

**Mr. Pat Martin:** I'd like to speak to this. I'd like us to reconsider this. I don't have a firm motion to move, but I'd like us to spend a bit of time on this.

This motion was used to our disadvantage numerous times in the previous Parliament. Let me put it this way. We were stymied in our efforts at the committee numerous times due to notice rules. Some committees don't have a 48 hours' notice rule to entertain motions. We believe this has often been used by the ruling party to our disadvantage—for instance, when we were trying to get things debated longer at committee. Also, the notice rule interferes with our ability to block the government from moving closure or time allocation on committees. I'd like us to really think seriously about whether or not we want this 48 hours' notice to be the norm at this committee.

**The Chair:** I have Mr. Cleary and Mr. Valley on my list.

Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** I would prefer not having to give a 48-hour notice. I think that we need to maintain some flexibility. To do so, we must be able to quickly table motions if we need to do so. Moreover, the world will obviously not fall apart in 48 hours. We could move in that direction.

For example, what is the point of waiting 48 hours to debate the motion that I am going to table on Kanesatake, when we can deal

with it now and take action quickly? We can always wait 48 hours, but a lot of time has already gone by. Since the committee was not sitting, it's not the committee's fault. However, the committee is sitting today. So why wait 48 hours? I think that giving 48 hours notice handicaps us. I would prefer being able to table a motion and for people to take 30 or 48 hours to come back to it, rather than closing the door on that possibility. When we close the door by establishing very strict rules like that, we deprive ourselves of flexibility that could make the committee more efficient.

• (1020)

[*English*]

**The Chair:** Next is Mr. Valley, followed by Mr. Lunn.

**Mr. Roger Valley:** The point was made that in the past the committee may have been stymied because the government was in a majority position. We're not in a majority position now. We're a minority. The committee has a majority over us. So I'm not sure that's relevant right now.

**The Chair:** Next is Mr. Lunn, followed by Ms. Barnes.

**Mr. Gary Lunn:** I was just speaking with Mr. Martin, and I wish to move an amendment to this. If there's a motion on the floor, I move the exact same wording except that notice be given before any substantive motion is considered by the committee and that the motion be filed with the clerk of the committee and circulated to the members in both official languages as long as the clerk has received notice of that motion prior to the commencement of that committee hearing. In other words, if the committee meeting starts at nine, as long as we give the clerk notice of the motion prior to the meeting, then it could be dealt with at that meeting.

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** I am going to have to appeal to you. We have meeting times on Tuesdays and Thursdays. That's basically 48 hours between those meetings. That's one meeting's notice. Getting any notice to a clerk ahead of the meeting isn't notice to the members of the committee. We all know what life in Parliament is like. We come in here, we're not sitting in our offices, we're not gathering stuff in there. When the notice goes in it doesn't get out. Even if he immediately sends it to us, we're not going to receive it. That's the reality of life on the Hill.

We're doing serious business here, serious business of Parliament. I need to inform myself of a position, get some information, some understanding of any notice. Forty-eight hours is not a long time.

I'll just repeat what Mr. Valley said. We're not in a situation where we can do closure. That just can't happen. The government is going to work cooperatively with all the parties to try to improve the lives of aboriginal Canadians through this committee. I cannot do my job responsibly if I don't gather some information before I vote on something, and I don't want to be put in a situation—and I'll be serious with you—where we have to leave the room because we don't want to vote on something. I would rather be there prepared to vote on something with the proper information.

This is not a “gotcha” Parliament. It can't operate that way. We're going to have to work together, and working together means giving people notice so they can inform themselves as to what their positions are. A couple of minutes' notice to a clerk isn't my homework, and I would hope that none of the members come and vote according to an uninformed position.

So I really think 48 hours' notice, with the way this committee meets...we're just talking one meeting, and I think that's pretty important.

I've said my case, and I appeal to you, because you don't want to be using tactics to avoid a vote. You want to be able to be at the table, able to discuss. You're a meeting away. I think we're being a little fine-pointed here.

Thank you.

• (1025)

**The Chair:** I have on the speaking list Mr. Lunn, Mr. St. Amand, and then Mr. Lemay.

In your friendly amendment you said prior notice, and I wasn't sure who would qualify, what prior notice was.

**Mr. Gary Lunn:** Basically, what I was suggesting was instead of 48 hours, as long as the clerk receives a copy of the motion prior to the commencement of the meeting—in other words, before you call the meeting to order—that's the notice. Madam Chair, it can literally be going up and giving the clerk the motion that you'd like to move before you start the meeting, but you can't do it after this meeting starts. So if we're in debate, if you're in the middle of a debate and you want to put a motion on the floor, you have to wait till the next meeting.

That's the motion I'm putting forward.

I'd like to address the issues Ms. Barnes has raised.

Number one, no one is trying to play any shenanigans or pull any fast ones. At least I'm not. I know Mr. Martin very well from the last seven years, and we have some new members here and they seem very sincere. There are no circumstances where we're trying to use procedural tactics to get stuff through, to pull fast ones on the government. Absolutely not. That's not the intention. But I will say that in the last seven years there have been a number of times where we've had our hands tied by this notice of motion.

Number two, if any member from any side needs more time, if we have a motion on the floor and they want to go back, they want to speak to the leader, they want to speak to their party, they don't feel that we can deal with this, any member at any time has the opportunity to put a tabling motion on the floor. A tabling motion is

non-debatable. It's votable immediately and we can defer the vote until the next meeting.

The intention here is not to try to use procedural tactics. We're not interested in that. I can tell you that my interest and our leader's advice has been to make this Parliament work—and part of it is committees—and make it work for a long time. But I'm trying to keep the flexibility. In the past, because we haven't had the votes, it's been quite frustrating from our side.

So I would leave my motion as it stands. Again, for example, if Ms. Barnes came forward and said, listen, this is a pretty tough issue, we're going to need some more information, I would be willing to look at a tabling motion. But at least it's on the floor. We can talk about it. We can look at it. So I would leave my motion as it stands.

**The Chair:** I have Mr. St. Amand and Mr. Lemay on my list.

**Mr. Lloyd St. Amand:** I know that we all want to deal with matters in a thoughtful, careful fashion. I know that every one of us is here for that purpose.

With respect, what Mr. Lunn is proposing is really a distinction without a difference. The logic of the clerk receiving a motion at 8:55 on the morning of a committee meeting and potentially our being required to vote on it several minutes later without any forethought and careful discussion or consultation with colleagues escapes me when at 8:55 on the morning 48 hours hence we'll have had adequate, if not abundant, time to speak to it carefully with colleagues and others. We are dealing, as I understand it, with substantive motions and not frivolous ones.

**Mr. Gary Lunn:** Just out of curiosity, what would you recommend as reasonable notice?

**Mr. Lloyd St. Amand:** Forty-eight hours. With respect, I don't know why that's in any way burdensome, knowing that a motion filed on a Tuesday morning can be dealt with definitively by week's end. Certainly, as I said at the beginning, we all want to do things in a careful, deliberate fashion. I well accept, Mr. Lunn, that your party is not prone to shenanigans, and I understand that on behalf of the NDP and the Bloc as well. But having said that, let's not risk it. Let's do things carefully.

• (1030)

**The Chair:** On my list are Mr. Lemay, Mr. Cleary, and Mr. Martin.

[Translation]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** My suggestion is that we meet half-way and go with 24 hours notice. If we have 24 hours, we can at least prepare a motion, especially when we're talking about substantive motions. We are not talking about minor details, but real issues.

If my colleague agrees, I will suggest that we adopt a motion to provide 24 hours notice, which would leave us enough time to work, since it would be between two meetings.

[English]

**The Chair:** Next is Mr. Cleary, followed by Mr. Martin.

[Translation]

**Mr. Bernard Cleary:** First of all, this is not some kind of trap. The idea was not to try and catch people off guard. I like the Conservative suggestion. If we had to provide 24 hours notice, for example, people would at least have time to examine the motion. I'm thinking about the members on the government side, who have to consult. If we decide that we must inform the clerk officially at least 24 hours in advance that we want to move a motion at the following meeting, I think that would solve your problem. You would have time to do the checking you need to do, which is legitimate. Whether we like or not, a government is a government. I would agree with adopting that procedure. We will not be setting a direct deadline, but an indirect one, by giving people notice with the necessary details so they can do the work they need to do. That approach would suit me.

[English]

**The Chair:** Next is Mr. Martin, followed by Mr. Smith.

We're speaking on Mr. Lemay's amendment.

**Mr. Pat Martin:** It's two amendments then, subamendments. The original amendment was Mr. Lunn's, there's a subamendment to 24 hours, and I'd like to speak to that.

First, I want to thank everybody for entertaining this idea and for giving it such full consideration, because I didn't raise it in any mischievous or frivolous way. We who have been around here a while have been hit on the head by this for eleven years straight—seven years for me and Mr. Lunn. This is now a minority government, and getting hit in the head for seven years straight, we want some recognition that this is a minority government. This is one of those ways. We want some flexibility and movement on what we see, or have seen, as a real barrier for getting our issues put forward.

The only legitimate point that you've raised, Sue, is that this could interfere with your ability as a parliamentary secretary to steer the agenda of this committee, which is exactly why we don't want parliamentary secretaries on committees. On behalf of the minister, you want your agenda to run smoothly through here, and there are many legitimate points on your agenda that I want to see dealt with too. But I also want to see the majority of this committee have an opportunity to have our legitimate views put forward. I can guarantee you that there will be no mischief or frivolous use of that power. Once you have the power, you have to use it sensibly and in the best interests of the people we're here to serve.

I like the amendment of 24 hours, with the qualification that when you have to give the 48-hour notice to the journals people, to introduce a private member's bill, for instance, they read that as two sleeps; they don't read it as 48 hours exactly by the clock. In other words, your 24-hour rule would suggest that it has to be in by 9 a.m. the day before. The way we're viewing a one-day notice rule would be the previous business day. In other words, perhaps two o'clock that afternoon might be reasonable, to have it dealt with at 9 a.m. the next morning. We're talking about one day's notice, and that would give adequate time for the clerk. If it was by 2 p.m. the day before, that would give adequate time for the clerk to have it translated and e-mailed to all of the offices and serve notice that at 9 a.m. tomorrow, Mr. Cleary is going to introduce a motion.

So it is one day notice as a concept, recognizing that practically, that means the day prior, and we suggest 2 p.m. as a cut-off line.

•(1035)

**Mr. Gary Lunn:** I think it could even....

**The Chair:** I have a speaking list.

**Mr. Pat Martin:** I would like to make that a subamendment to the subamendment. I don't know how far we can go in that regard. With cooperation, perhaps, as a friendly amendment, I think the compromise should be—and I'll say it clearly—that a notice of motion should be given to the clerk the day before the motion is to be dealt with, prior to two o'clock in the afternoon.

**Hon. Sue Barnes:** Why? That's not even 24 hours.

**Mr. Pat Martin:** That's one day. It isn't 48 hours with the journals branch either. If you talk to any clerk down at the journals branch, I can come running in at 5 p.m., two days before I stand up at 10 a.m. to introduce a private member's bill. So it's not by the clock, it's by the sleeps; that's the way they talk about it down at the journals branch.

**An hon. member:** Why don't we just get it in by 9 a.m.?

**Mr. Pat Martin:** That's not fair. It's not easy to get it in at 8:55 a.m. the day before. We have agreed to 2 p.m. We believe we've come a long way, frankly. I'm not convinced of your arguments, but I'm willing to yield to your arguments this far. We suggest 2 p.m. the day before.

**The Chair:** My understanding is that we have another subamendment by Mr. Martin that has been introduced.

I have Mr. Smith, Mr. Lunn, and Mr. Valley.

[Translation]

**Mr. David Smith:** Madam Chair, with all due respect for my colleague, Mr. Martin, I would say that we should not forget that a number of individuals around this table are part of our political history, because they were here before me. However, we must also remember why we are here. We are here to represent people and communities that need our help. I was raised in Maniwaki, close to the Kitigan Zibi reserve. The Lac-Rapide reserve is also part of my community and my riding. I am here to defend and support these people in their demands and to meet their needs.

For example, if I were unable to be here one day for whatever reason, for family or other reasons, well let us imagine such a scenario. If it happens to me, the same thing will happen to other members around this table. I am wondering how we can do this within 12 hours. An email can be sent here and there, of course, but my riding covers an area of 31 000 square kilometres. In some areas, I do not have access to either e-mail or cell phones. That is the situation, and in light of that, I should at least be able to get the information and consult with people around me, people in the community and in my organization, to see how I could react to an amendment.

I can understand that the people in the opposition sitting on the other side of the table who say that 48 hours is too long. We are discussing the fact that it is not 9 a.m. but rather 2 p.m. So there's no longer a 24-hour period. If the committee sits at 9 a.m., that is the time we should take as the beginning of our committee's day. So if we are talking about a 24-hour period, from 9 a.m. to 9 a.m. the next day, I think that is reasonable for everyone here. We should not forget why they are here. We are here for those people. I sincerely believe that the amendment should say 24 hours, beginning at 9 a.m., rather than 48 hours. I think this would be reasonable and that everyone here would show their good faith by accepting that.

Thank you.

[English]

**The Chair:** Mr. Lunn, and then Mr. Valley.

**Mr. Gary Lunn:** I support Mr. Martin on his friendly amendment, or whatever we're doing. I guess we're trying to reach a consensus here.

By 24 hours, in effect you are saying two days, because if a committee is on Thursday, then you're going to have to have that in by the close of business Tuesday night. By 2 p.m. the day before it still allows you to submit a motion the day before and it gives the clerk time to distribute it to your offices by e-mail, which everybody has, and you can deal with it.

Absolutely, if the concern is that someone is going to start using procedural tactics.... It gives you all the opportunity in the world to talk to your House leader, to talk to your whips, to talk to your party leaders if you need to know what's coming at us, and we can deal with it.

I agree with Mr. Martin. I have been here for seven years as well, and unfortunately this rule has tied our hands so many times. I can tell you we are all here in the most sincere, genuine way. I think 2 p.m. the day before any committee meeting is a very reasonable compromise and one that I would be happy to support.

• (1040)

**The Chair:** Mr. Valley, and then Mr. St. Amand.

**Mr. Roger Valley:** I have heard three or four times that this has tied your hands in the last seven or eleven years. We all know reality has changed. I mentioned it earlier. You are experienced politicians. There are some new people like myself who want to make sure they do this job right. We need the time to get the information. We need time to talk to our colleagues. With all your experience in the past, I think you have to realize that we are a little overwhelmed with some

of the stuff we deal with. We need some time to deal with these issues.

You mentioned 24 hours, as brought up before. That's half of 48. You have to realize that at two o'clock in the afternoon we're sitting in question period and we have other things on our plate. I think we need time to deal with this. You wanted to talk about 24 hours. That seems more realistic than two o'clock; that's just not right. As new members we are inundated and we need time to deal with these issues.

**The Chair:** Mr. St. Amand.

**Mr. Lloyd St. Amand:** Mr. Lunn, no disrespect, but you have gone full circle. A half hour ago, when we started, your motion was clearly contemplating filing a motion with the clerk by 8:55 on a given day. Now we're hearing from Mr. Martin, agreed to by you, that that is too burdensome, that it's not easy to get a motion filed by 8:55. We're saying it is, and you agreed a half hour ago that it is capable of being done. We're simply indicating that 24 hours should mean in fact 24 hours. Mr. Martin indicated that you have come a long way. Well, if the convention, as I understand it, has been 48 hours, we're going a long way in suggesting that that be fully halved, not just fractionalized but fully reduced by half, which I think is a very fair compromise.

**The Chair:** Mr. Lemay is next, followed by Mr. Cleary.

Mr. Lemay.

[Translation]

**Mr. Marc Lemay:** I prefer the 24-hour period. At 2 p.m., we are at question period. Consequently—and this is important, because it will happen rarely—I agree with my liberal friend on this point. At 2 p.m., we are at question period, at another committee meeting or travelling to Ottawa, because most of us do not live close to Ottawa. Consequently, I would prefer the 24-hour period. For example if we submit our notices of motion at 8:45 a.m., we are sure we will be able to discuss them the next day. So we would not have 48 hours, but exactly 24 hours. I prefer a 24-hour period for notice of motions. That would give us enough time. I think 48 hours is really too long.

[English]

**The Chair:** I think we should deal with Mr. Martin's subamendment. Then we can go back to Mr. Lemay's subamendment and take it from there. I'd like to limit the discussion to Mr. Martin's subamendment. Is this on Mr. Martin's subamendment?

**Hon. Sue Barnes:** I understood that before Mr. Lunn, Mr. Cleary had made it 24 hours. I can live with 24 hours. That has cut it down by 100%.

**The Chair:** Do we have consensus on the 24 hours?

Do you want to speak on this, Mr. Cleary?

[Translation]

**Mr. Bernard Cleary:** There's no need for me to add anything. I was just going to say that we should stick to 24 hours, as my colleague mentioned.



•(1045)

[English]

**The Chair:** I understand the consensus is 24 hours' notice instead of 48.

(Subamendment agreed to)

**Hon. Sue Barnes:** That's 24 hours' notice to the clerk, with the understanding that the clerk will e-mail us all at our Hill offices as soon as he receives it.

**The Clerk:** As soon as possible.

**Hon. Sue Barnes:** Thank you.

**The Chair:** That would be the process anyway, if it were 48 hours.

Mr. Cleary.

[Translation]

**Mr. Bernard Cleary:** I just want someone to explain to me again what this motion contains. I was talking about submitting notice before the end of the 24-hour period. Is that it? There was a kind of amendment moved to the effect that members should give 24-hour notice of a notice of motion. Is that what we are talking about? Fine.

[English]

**The Chair:** Mr. Martin.

**Mr. Pat Martin:** I just wanted to know what time we can start contacting the clerk. Do you come to work at 8 a.m.?

**The Clerk:** Yes.

**Mr. Pat Martin:** So between 8 a.m. and 9 a.m. we can reach you with a motion. Very good.

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** As I understand it now, we've done the 24-hour thing on consensus. Just for Mr. Cleary's information, I wanted to make sure.... The practical effect of this compromise we've all reached is even though we're still going to be dealing with the motion when it's given proper notice at the next meeting of the committee, essentially—the Tuesday-Thursday thing—what's changed here is instead of finding out two days ahead of time, it's just 24 hours now. So with 24 hours between every meeting, we have the potential of being aware of a motion.

As a point of conversation—and I don't care if we adopt this formally—in other committees I've been on, when we had a motion and we had witnesses, we always dealt with our motion at the end of the witnesses. In other words, if we've just paid thousands of dollars to get witnesses to Ottawa to give testimony, sometimes you get into motions that you end up having long conversations about. If there are witnesses present, you deal with your motion at the end of the witnesses. I put that out here. Is that how we're going to handle these things, or are we going to be dealing with motions whenever they arise at the beginning of a meeting?

I'm thinking of courtesy to witnesses. I'm not trying to be smart procedurally here. When I chaired committees I always took care of my witnesses' testimony and dealt with them, and then at the end.... I guess it's going to be up to the chair how she deals with this, but I just wanted to put it out there and maybe we could think about that a little bit, because you don't want a situation where a motion goes on

for a long time and we've just spent \$3,000 bringing in a witness from a treaty negotiation and they don't get to be heard. I don't think that's great for the committee's reputation.

**The Chair:** Mr. Lunn.

**Mr. Gary Lunn:** I think we have to leave that up to the chair. When there's a motion on the floor, she has to deal with it and then she can ask for the consensus of the committee—"Listen, can we deal with this afterwards?" Most of the time committees will say yes. Maybe someone will say "No, we're losing some members to other business", or whatever.

That's up to the chair. She has to deal with the motions as they come forward.

**Hon. Sue Barnes:** I just wanted to raise it because of the courtesy. Courtesy is really important to me with witnesses.

**The Chair:** Mr. Cleary.

[Translation]

**Mr. Bernard Cleary:** I think that goes without saying. Obviously, if the witness is not before us, we cannot discuss the motion. In some cases, 24 hours' notice to invite a witness might seem very short, but in this case there is nothing else we can do.

Take the motion that I would like to move. If we wait 24 hours, that means the witness should be here next Thursday. If we have not checked or obtained the information we need, and if we think we can do so without any problems, we can post the notice quickly. That would mean we would be able to hear the witness at the very next meeting. Without the witness, we could not discuss this issue. That goes without saying.

In this particular case, we know that the witness, James Gabriel, is ready to appear as quickly as possible. So we could invite him to appear within 24 hours. If he was unable to come on such short notice, we would schedule him when he was available.

•(1050)

[English]

**The Chair:** Ms. Barnes.

**Hon. Sue Barnes:** The whole point of what we just went through was to say that you give your notice now—I presume that you will be giving that notice now—and we will deal with the motion on Thursday. It's not that we've decided the motion; it's just that we're dealing with it. That is standard procedure around here. It's not a matter that the motion has been agreed to; it's that we're going to discuss that motion down the road. That's just basic procedure.

Perhaps our clerk, when hearing comments like that, could help to explain them. I don't think it should be my role to do that, as Mr. Martin said. I am trying to help out here as much as I can.

I do have one other point on procedure that I'll raise. There was a motion in this committee that was brought up when we were at a situation that I hope we never come to, quite frankly, and that's a filibuster situation inside committee.

This committee had adopted, if I recall, a motion that where there were amendments, people could only speak for ten minutes on each amendment. We all, in this committee, agreed to that—all parties. And correct me if I'm wrong—some of the members were here....

**An hon. member:** We didn't all agree to it.

**Hon. Sue Barnes:** Well, it was agreed to at committee. I don't think it was every party, but it was agreed to at the committee.

There was time allocation on speaking to amendments, but there was no limit on the number of people who could speak, if I recall. So it still went on.

**Mr. Pat Martin:** One party, one speech each—absolutely. They moved strict time allocation. You could only speak once on each motion, except for the mover of the motion, who got to have a five-minute closing. It was a ten-minute limit.

**Hon. Sue Barnes:** Ten minutes.

**Mr. Pat Martin:** It was moving closure and time allocation at committee, a very rare precedent, which I hope we don't see repeated here. I didn't see it in the orders; therefore, it doesn't exist unless we choose to adopt it.

**Hon. Sue Barnes:** I'm raising it because it was in this committee last time.

**Mr. Pat Martin:** That died with the 37th Parliament.

**Hon. Sue Barnes:** That's right.

**Mr. Pat Martin:** We just created the rules under which we'll conduct ourselves at this committee, and it doesn't include time allocation or closure. Prefabricated closure on the government's part is what that was.

**Hon. Sue Barnes:** I'm going to say that if nobody is interested in talking about that, I've raised it because I looked at the old rules and I saw it there. Is anybody interested in that rule? Seeing no takers, we won't even bother to discuss it further.

**The Chair:** Mr. Martin.

**Mr. Pat Martin:** I do have another. In the same vein, I'd like to raise an issue that we passed unanimously at the last meeting, I believe, of this standing committee. I'll have to look at the minutes. That was that when this committee is dealing with legislation, we expand the membership of the committee to include representation from first nations, Métis, or Inuit, depending on who the legislation affects, with a voice but no vote representation on the committee. This was unanimously adopted. It will be a motion that I'll be bringing forward again. The precedent is the Penner report from 1983, etc.

This swept across the country like wildfire through Indian country. They have never been so flattered and so complimented, and welcomed this idea. Rather than them having to come as witnesses and having ten minutes to talk about their issue, they will actually be members of this committee, with voice but no vote.

I simply serve notice that was the breakthrough we made in the last Parliament. We would like to see that entertained again as a gesture toward first nations. Rather than a bunch of white guys in suits dealing with aboriginal first nations issues, we'll have at least representation at this committee.

• (1055)

**Mr. Gary Lunn:** And a couple of ladies. Let's not forget the ladies.

**Mr. Pat Martin:** Yes, and even an Inuit woman.

**Mr. Gary Lunn:** Are you giving notice of that?

**Mr. Pat Martin:** If we're just at the conversation stage, with Sue sort of reliving old memories from the last Parliament, I'm just serving notice that is something we'll be bringing forward. Never mind the closure; we did some positive things in the last Parliament too.

**The Chair:** Mr. Smith.

[*Translation*]

**Mr. David Smith:** If I may, Madam Chair, I would like to comment on the statements made by Mr. Martin. This Aboriginal person, who has no status, is of course wearing a suit. But generally, when he's not in Parliament but in his community, when he's at home in Maniwaki, where he was born, he does not wear a suit. In my riding, there are 15,000 to 20,000 Aboriginal people who are not status Indians.

The voice of Aboriginal people is heard here. I imagine that all those sitting here around the table represent the Aboriginal people in their community, their province and their country.

With all due respect to Aboriginal people in Canada, are we going to ask farmers to sit on the Standing Committee on Agriculture and Agri-Food so that they can have their voices heard? Some colleagues around the table should perhaps do more in their own communities and be more visible on reserves.

I can assure you that I communicate regularly with people in my communities, and my region. These are the people from my riding. I am here, on this committee, to represent them. Thank you.

[*English*]

**The Chair:** I see it is almost eleven o'clock. Maybe one suggestion would be to give notice of your motions, to be dealt with at the next meeting.

I will give Mr. Lunn a few minutes to debate.

**Mr. Gary Lunn:** I think there's a lot of merit in what Mr. Martin is saying, although we should probably save that discussion for another day when the motion is actually on the floor. I do understand the merit of what he's talking about, and it is significant. We'll have that discussion another day, Madam Chair.

**The Chair:** Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** I think that this issue is too important to be settled in a few minutes. I would be much happier if we came back to it at a later meeting. That's not because I don't want to discuss the issue, but because I very much want to discuss it. This issue has been put before me and there is a great deal to discuss there.

I can read the motion that I wanted to move. It would read something like this: that the clerk begin the work of the committee by inviting James Gabriel, Grand Chief of Kanesatake, to meet committee members to discuss the elections.

That is all we need to talk about. I don't want us to deal with the whole Kanesatake issue, but just with the elections, which are somewhat problematic.

We would therefore ask Mr. Gabriel to come talk to us about the elections and clarify this matter. His input may be helpful in our deliberations.

*[English]*

**The Chair:** Thank you. I take it that you're giving notice of your motion.

**Hon. Sue Barnes:** Isn't it supposed to be in writing to you in both official languages?

**The Chair:** You will be giving it to the clerk in both official languages.

●(1100)

**Mr. Pat Martin:** On a point of order, I don't think a notice of motion has to go to the clerk in both official languages. I think the clerk has to distribute it to committee members in both official languages.

**The Chair:** Thank you, Mr. Martin.

**Hon. Sue Barnes:** Can I make a motion to adjourn? I've done my two hours of work here.

**The Chair:** Thank you very much. The next meeting is 9 a.m. Thursday.

The meeting is adjourned.

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

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