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—
Chair

Mr. Bernard Patry

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• (1535)

[English]

The Chair (Mr. Bernard Patry (Pierrefonds—Dollard, Lib.)): I see a quorum.

On the agenda today is the legislative committee on Bill C-35, and the orders of the day are pursuant to Standing Order 103(3). It's an organizational meeting.

You've all received the orders of the day.

The first item on the agenda is the appointment letter of the chair by the Speaker of the House, and it's dated February 22, 2007: "Dear, Dr. Patry, pursuant to"—

Mr. Derek Lee (Scarborough—Rouge River, Lib.): We can dispense with that. We're happy to receive the letter.

I move that we receive the letter of appointment. All those in favour? All those opposed? It's carried.

Thank you.

The Chair: You're faster than I am.

You all have the routine motions. We have 11 routine motions.

The first one is that the subcommittee on agenda and procedure be composed of the chair and one member from each party. Is it agreed?

Some hon. members: Agreed.

The Chair: On the services of analysts from the Library of Parliament, that the committee retain, as needed and at the discretion of the chair, the services of one or more analysts from the Library of Parliament to assist it in its work. Is it agreed?

Some hon. members: Agreed.

The Chair: On a reduced quorum, that the chair be authorized to hold meetings to receive evidence—

Mr. Rob Moore (Fundy Royal, CPC): On a point of order, on the reduced quorum, I'd like to add "plus one member of the government", if that's okay with everyone.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): I have an amendment as well.

[English]

The Chair: Let me read it first.

Mr. Rob Moore: Sure.

The Chair: It is that the chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three members are present, including one member of the opposition.

Mr. Moore.

Mr. Rob Moore: Yes. I would like to add "plus one member of the government".

The Chair: Do you mean three plus one, or three including one member of the government?

Mr. Rob Moore: I mean "at least three members are present, including one member of the opposition and one member of the government".

The Chair: Okay, plus one member of Parliament. It's three, and it could include at least one member of government. That's fine.

Mr. Rob Moore: It's one member of government.

[Translation]

The Chair: Mr. Ménard.

Mr. Réal Ménard: Mr. Chair, first of all, congratulations.

We believe that if witnesses are travelling and if we go to the trouble of creating a legislative committee, the reduced quorum should be set at five. We are twelve in total, plus yourself, so it should be five, out of respect for witnesses. We are not against having government members, obviously, but we believe that three is not enough. We are proposing that the number of members required for the reduced quorum be set at five.

[English]

The Chair: Okay. I only want to tell Mr. Ménard that I'm not part of a quorum. It's to let you know that he wants five, and it doesn't include the chair.

[Translation]

Mr. Réal Ménard: I know.

[English]

The Chair: Are we all agreed on five, or do you want the number to be four?

Mr. Derek Lee: I'll make a point to Mr. Ménard.

On reducing the quorum, it's out of respect for the witnesses that we have reduced the quorum. When witnesses show up and members don't show up, we then show disrespect to witnesses.

I believe a quorum of three, plus the chair, is more than ample to accomplish the minimum quorum requirement. We can hear witnesses when we invite them and they show up, when members inadvertently fail to show.

[Translation]

The Chair: Mr. Ménard.

Mr. Réal Ménard: With all due respect, it is not a logical argument. First of all, the reason why we want five members of the committee to be present is precisely because we do not want witnesses to appear in front of an empty room.

Secondly, I am told that in all legislative committees that have been created since the beginning of this Parliament, we have always applied the rule of five. We can put this to a vote, but this is what we are proposing.

[English]

The Chair: First of all, I have an amendment by Mr. Moore asking to include one member of the government side. Are we agreed on this?

Some hon. members: Agreed.

The Chair: We all agree.

I now have a motion by Mr. Ménard asking that three members be changed to five members.

Mr. Derek Lee: It makes a total of six.

The Chair: I'm not included in the quorum, but it's my job to be here. It's five, plus me, which makes six.

[Translation]

Mr. Réal Ménard: He is not part of the quorum.

[English]

I suggest five.

The Chair: Okay. That's it.

[Translation]

Is it four, plus myself?

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): No, the Chair is not part of the quorum.

Mr. Réal Ménard: He is not considered as a member of the committee; five members of the committee must be present.

[English]

The Chair: Go ahead, Mr. Lee.

Mr. Derek Lee: This is getting very close to the absurd, Monsieur Ménard. The regular quorum for this committee is seven.

[Translation]

Mr. Réal Ménard: It is twelve.

[English]

Mr. Derek Lee: It's seven. You are urging us to make an amendment that would have a reduced quorum involving a total of six.

It's not much of a reduction, but I'm not going to argue anymore. Whatever your reasons are, I'm going to stand down and let the chair...[Inaudible—Editor]

The Chair: Mr. Hanger.

Mr. Art Hanger (Calgary Northeast, CPC): The regular quorum is seven. Why would we want to go outside the regular quorum?

Mr. Derek Lee: When members don't show up and witnesses do, it allows us to have a meeting. It's only for hearing evidence.

Mr. Art Hanger: I understand. There are twelve of us sitting here, so there's nothing wrong with seven.

The Chair: I think if you go to seven you will have problems, because you're already sitting on the justice committee and that's a heavy committee. I just want to let you know that.

To hear witnesses, it's less than seven out of twelve. Usually the seven out of twelve is to be sure you can vote on some of the articles. In my opinion we can do seven, but five is the minimum we should accept.

We have a motion for five at the minimum, with one from the governing party. Is it agreed?

Some hon. members: Agreed.

• (1540)

[Translation]

Mr. Réal Ménard: There will be three members of the opposition and two of the government.

[English]

The Chair: We didn't say that. It's five members, and there needs to be at least one member of the opposition and one member of the government. If they're coming four and one, we're going to start—that's the rule.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): There absolutely must be someone from the government—

The Chair: —and one person from the opposition.

[English]

If we have three and two, there will be too many problems.

On speaking time, witnesses will be given ten minutes to make their opening statements. At the discretion of the chair, during the questioning of witnesses there will be allocated seven minutes for the first questioner of each party, starting with the opposition parties. Thereafter, five minutes will be allocated to each subsequent questioner, alternating between opposition parties and government. Agreed?

Some hon. members: Agreed.

The Chair: The next motion is on witnesses' expenses that are requested for reasonable travel. Agreed?

Some hon. members: Agreed.

The Chair: There is a motion on distribution of documents by the clerk. Agreed?

Some hon. members: Agreed.

The Chair: Next is on working meals when necessary. Agreed?

Some hon. members: Agreed.

The Chair: On notice of motion, that there be 48 hours' notice of motion.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: Mr. Chair, given that the proceedings of a legislative committee are not lengthy, we are proposing that the notice be 24 hours rather than 48 hours.

[*English*]

The Chair: You heard the amendment by Monsieur Ménard. Are there any comments concerning Monsieur Ménard's proposition? He wants 48 hours' notice to be reduced to 24 hours' notice for any substantive motion.

Mr. Lee.

Mr. Derek Lee: Because we're a legislative committee, we'll get into motions...we may never. We'll only be amending the bill, and some of those motions can come up right at the time we're considering it. So this should be clearly understood as not applying to motions to amend the bill.

The Chair: That's understood. It doesn't apply when we're voting clause by clause and we have a motion from either side. It's for any other type of motion.

Mr. Derek Lee: That's understood, and I agree.

The Chair: Mr. Moore.

Mr. Rob Moore: I think 48 hours' notice is entirely reasonable, so people have time to fully consider it.

Mr. Derek Lee: In legislative mode, the committee has to be somewhat flexible in dealing with proposed amendments to the bill. We have not had a problem with this before. We always try to get our amendments in well in advance, but having a 48-hour rule would impair that.

I'm not even sure that the 48-hour rule as written here would apply to amendments to the bill, because there's an exception for business that is under consideration, which may include the bill.

The Chair: This doesn't apply to the bill itself and clause-by-clause.

Madam Jennings.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Why couldn't the notice required for a substantive motion to be considered by the committee be 24 hours rather than 48 hours?

[*English*]

The Chair: Monsieur Ménard is requesting it. That's why we're discussing 24 hours instead of 48 hours.

Monsieur Petit, s'il vous plaît.

[*Translation*]

Mr. Daniel Petit: The 48-hours rule applies only in the case of a substantive motion that does not deal directly with the business then under consideration by the committee. In all other cases, it could even be introduced with a one-minute notice. It is only when the subject matter is not directly linked to the business at hand.

The Chair: Yes.

Mr. Daniel Petit: This is the reason why I think that it could be 24 hours, or even one hour; we could decide that the notice required be one hour only. We have the right, I have the right to introduce a motion—

The Chair: Yes indeed, except that if you give notice of a motion that is not related as such to the bill, a 24-hour period could be sufficient since this must be sent by the clerk. In such a case, we are asking for a 24-hour notice.

Moreover, since you have so many hearings to attend to, I would suggest, in a subsequent proposal, that the legislative committee should meet on Tuesdays and Wednesdays. Consequently, if the required notice is 48 hours, this could postpone the legislative committee's work for one week.

[*English*]

We have an amendment to 24 hours.

Mr. Moore.

Mr. Rob Moore: Just to be clear, the 48 hours' notice is required for any substantive motion, but that does not include amendments to the actual bill. Is that what you're saying?

• (1545)

The Chair: It doesn't apply to the bill itself.

[*Translation*]

Mr. Réal Ménard: Mr. Chair, we were talking about notices of motions that deal with routine proceedings and whose purpose is not to amend the bill.

The Chair: That is correct.

Mr. Daniel Petit: You still need 48 hours notice for other motions.

Mr. Réal Ménard: Because the others, in any event, will be—

The Chair: We will discuss other motions in committee.

[*English*]

Does everyone agree?

Some hon. members: Agreed.

[*Translation*]

Mr. Daniel Petit: We are not changing the text.

[*English*]

The Chair: Next is about in camera meeting transcripts and keeping one copy of the transcript. Is it agreed?

Some hon. members: Agreed.

The Chair: The next motion is on staff at in camera meetings.

[*Translation*]

Mr. Réal Ménard: I have an amendment to motion number 10.

The Chair: Very well.

Mr. Réal Ménard: I would like the motion to read:

That, unless otherwise ordered, each committee member be allowed to be accompanied by one staff person or one person from his or her party at an in camera meeting.

The Chair: When we say “one staff person”, that can include, in my view, someone from the party. It is either one or the other, providing there is only one person.

Mr. Réal Ménard: If everybody is clear about this, that's fine.

[*English*]

The Chair: It could be a member of your party or your assistant. Agreed?

Some hon. members: Agreed.

The Chair: The final motion is that amendments to Bill C-35 be submitted to the clerk of the committee 48 hours prior to clause-by-clause consideration. Agreed?

Some hon. members: Agreed.

The Chair: The next order of the day is a reminder about the documents that were sent by the clerk, Monsieur Dupuis.

[*Translation*]

Mr. Réal Ménard: Mr. chair, I had an amendment. I am sorry, it is my mistake. I would just like to clarify something.

We could add the words “without precluding supplementary amendments being tabled during the hearing”, pursuant to the rules of admissibility that govern our proceedings, to motion number 11, which reads:

That amendments to Bill C-35 be submitted to the clerk of the committee 48 hours prior to clause-by-clause consideration.

As you know, depending on the way our proceedings evolve, some amendments can be tabled during the hearing. I believe that there is no reason to deprive ourselves of this option.

[*English*]

The Chair: I don't see any problem. Do you all understand what Mr. Ménard said?

Mr. Rob Moore: I want some clarification. If it says 48 hours, then it's 48 hours.

The Chair: If any party has an amendment and the other one agrees with it but wants to make a subamendment to your amendment, according to this it cannot do that. That is what Mr. Ménard just pinpointed.

[*Translation*]

Mr. Réal Ménard: I am not talking about subamendments.

The Chair: No, but it could be an amendment. During the course of the discussion, you want to be able to introduce other amendments.

Mr. Réal Ménard: Pursuant to the rule that the committee is always the master of its own destiny, we accept, for planning

purposes, that there be 48 hours notice because the clerk must organize them and rule on their admissibility.

However, it could happen, in the course of our proceedings, that someone wishes to introduce an amendment during the hearing. I believe that all committees are working in this fashion and that we should not deprive ourselves of this possibility.

The Chair: Mr. Petit, you have the floor.

Mr. Daniel Petit: I agree, but when an amendment is tabled during the hearing—I have seen it done in other committees—, it must be written in both languages because we are studying a bill, and that is very important.

We should not have to rely on the interpreter; we need a translator. There is a difference between the two: the interpreter translates what we are saying in spoken form, but the translator translates a text written in legal language, because this is what we will be voting on.

Consequently, if an amendment was introduced, the Chair would have to have a real legal translator certify both the French and the English versions.

[*English*]

The Chair: Okay.

All the amendments that the clerk will receive in the 48-hour time limit will be in both official languages, there's no doubt about that, but usually when an amendment comes on the floor, it's very difficult to have both languages ready at that time. What we are doing in many committees that I chair is this. We have the amendment itself, we have the translation, and at that time we want to be sure that it's perfect, and this is left to the chair at that time to verify that everything is *juridiquement* all right, correct.

• (1550)

[*Translation*]

Mr. Réal Ménard: Do you understand? This is similar to what has happened during the examination of Bill C-30, Mr. Chair. I believe that parliamentarians still have happy memories of that bill.

During the course of our proceedings, our inventive genius and our inspiration can suggest to us some amendments, including in the course of conversations that are uncensored and flowing freely.

The Chair: The amendment reads:

That amendments to Bill C-35 be submitted to the clerk of the committee 48 hours prior to clause-by-clause consideration, without precluding the introduction of additional amendments.

Mr. Réal Ménard: The words “during the hearing” should be added.

The Chair: Correct.

Mr. Réal Ménard: It seems to me that it is plain common sense.

[*English*]

The Chair: Yes, Mr. Moore.

Mr. Rob Moore: If you want some clarification on that, we're talking about subamendments but not a substantively new amendment.

The Chair: They would be substantial amendments, not just subamendments. We're talking about amendments—subamendments are included—but it could be a new amendment to the bill, a new clause in a bill.

Mr. Rob Moore: Then why do we have it that amendments should be submitted 48 hours prior if now we're saying amendments can be submitted at any time?

The Chair: The reason for that is there are many amendments, and it gives the clerk a chance at that time, and the people working with the clerk, to prepare everything in a ruling. If all the amendments are coming on the floor right away, it's going to take a long time, because sometimes we need to consult with the clerk and with the lawyers who are with the clerk at that time.

Yes, Mr. Moore.

Mr. Rob Moore: I don't agree with that amendment to the routine motions, because we'll need time prior to the clause-by-clause to consider amendments. I understand in the course of clause-by-clause that sometimes a subamendment will come forward, but what I understand Mr. Ménard to be saying is that he wants to be able to introduce, with less than 48 hours' notice, a substantial amendment. If there's a substantial amendment to move, you should be able to move it with the 48 hours' notice. I don't see why he'd want to move one right before clause-by-clause.

[*Translation*]

The Chair: Ms. Jennings.

[*English*]

Hon. Marlene Jennings: I've sat on legislative committees before, I've sat on numerous standing committees of the House, and we've virtually always had the possibility, because of the experience, to be able to present an amendment on the floor while we're doing clause-by-clause. It meant there usually was a vote of the committee to say yes, they would allow it, but it was something that was permitted. It didn't happen all that often, but the reason it really did happen was there was usually virtually unanimous consent of all of the members, including government members. Everybody had come to a realization once we received all of the amendments that there was something that wasn't covered that had been recommended, and everybody was pretty much in agreement about it.

Mr. Rob Moore: We can still do that, Chair, by unanimous consent, but I think we should stick to the rule of 48 hours for substantial amendments. If we want to do something by unanimous consent, we can always do that.

[*Translation*]

Mr. Réal Ménard: Mr. Chair, we should understand two realities. First of all, this bill is not very long. As well, all of us, as parliamentarians, make an effort to plan our amendments, out of respect for the clerk.

The amendment has the same purpose as that introduced on the bill about same sex marriage and other bills. And I do not recall that there had been a vote beforehand.

However, it may very well happen during the discussions with officials from the Department of Justice or with our colleagues that we think about a possible amendment. In such a case, we should not be hindered by the 48-hours rule.

I agree with the interpretation given by the chair and the parliamentary secretary: we should plan our amendments as much as possible. On the other hand, if it is not possible and if inspiration dictates to us some improvement to the bill and if we want to bring forward an amendment immediately, I believe that we should not be precluded from doing so.

I was a member of the legislative committee that examined the bill on same sex marriage, and there was no vote taken before the tabling of amendments. So the amendment is introduced and if we do not agree, it is rejected. This is not contrary to the 48-hours rule.

For example, if Mr. Moore was saying that we will table the amendment because the government wants to examine its scope, we could do so. However, let us not deprive ourselves of this creative spontaneity that makes us parliamentarians able to apprise ourselves of any new reality.

Let us not be too conservative or too strict.

• (1555)

[*English*]

The Chair: Are there any other comments?

Mr. Art Hanger: I can see why Mr. Ménard gets into so much trouble, because he is so spontaneous.

There has to be some flexibility on the amendments issue. I've sat in the position that you are in, Chair, and I know it doesn't always work out that you have 48 hours, for whatever reason. Sometimes an amendment may be brought forward. If it means that the general rule of 48 hours is required to assist in moving things along, all the better. If the exception becomes the rule, then that's a problem for the committee.

Mr. Lee has chaired numerous committees. I would assume he would have an opinion on this as well.

Mr. Derek Lee: It's the same way.

Mr. Art Hanger: Yes, so the committee chair and the committee need a little bit of flexibility, I believe. The general rule of 48 hours is good, with some flexibility.

Mr. Réal Ménard: You support my motion, though, don't you?

Mr. Art Hanger: I support your motion.

The Chair: Is it agreed?

Some hon. members: Agreed.

Mr. Réal Ménard: Thank you, Mr. Hanger.

The Chair: As I said, you all received the documents sent by the clerk.

S'il vous plaît, allez-y.

[*Translation*]

The Clerk: Two days ago, I have sent to you the usual motions that you have examined, as well as an explanatory document on legislative committees.

I have also sent you a note indicating the names of staff members who will be able to help you during the clause-by-clause study of the bill. You will find in that note the name of the legislative clerk, Mike MacPherson, who is sitting beside me, as well as the name of the legislative counsel who will be helping you write your amendments.

I have also sent you the legislative summary as well as briefing notes that were prepared by our analyst, Dominique Valiquet.

Finally, during the Easter adjournment, you will receive the briefing book from the Department of Justice.

[*English*]

The Chair: Thank you.

The appearance of the Minister of Justice is item number 4. Do you all agree that the Minister of Justice will be the first witness?

Some hon. members: Agreed.

The Chair: On the choice of lists of witnesses, I will ask all the members to provide their lists to the clerk. I have nothing to do with the lists. I'm not choosing. Please provide him a draft of the list as soon as possible.

You have received the schedule of meetings. I understand the justice committee is meeting every Tuesday and Thursday morning from 9 to 11, if not more than that. I would suggest that we could meet on Tuesday afternoon at 3:30 and Wednesday afternoon at 3:30. That will leave those people who want to leave on Thursday afternoon free to do so. I have no problem myself. I live an hour and a half from here, but for people living out west.... Do you agree with this?

Some hon. members: Agreed.

The Chair: Fine.

Mr. Moore.

Mr. Rob Moore: Just for flexibility, that's fine, the Tuesday and Wednesday. For the first meeting, if the minister was unable to be here on the Tuesday, would it be okay to have that meeting on the Monday?

The Chair: I have no problem at all. I think if it's for the minister—

Mr. Rob Moore: There's a chance the minister won't be able to be there on the Tuesday, so we can get started Monday afternoon.

The Chair: That's fine.

Madam Jennings.

Hon. Marlene Jennings: Would it be possible for members to be able to get back to you by the end of the day? I don't have my agenda in front of me, and I would like to be here when the minister is here. So allow me the time to check to make sure that I'm not already committed on Monday afternoon. If I am, give me the time to see if I can shift it to be available for this committee.

•(1600)

Mr. Rob Moore: I'll get back to the clerk by this afternoon on whether the minister can be here on the Tuesday, and then if it's the Tuesday, that will work out fine.

The Chair: Okay. It's fine like this.

Mr. Art Hanger: If not, it will definitely be a Monday then, I gather, for the first appearance.

The Chair: It's just for the first appearance. The minister is coming, and I know he is very busy.

On item number 7, this is a legislative committee, and there is already \$50,000 in the budget. Without going to the Board of Internal Economy, we have \$10,000 in the bank, just for people who are travelling from outside Ottawa, if they need to come here. It's very likely that it's done with every committee. It's just to let you know about this.

Are there any other comments?

A voice: I move to adjourn.

The Chair: All agreed?

Mr. Moore.

Mr. Rob Moore: On the estimated number of meetings that we think we're going to need for dealing with this, I have an idea in my mind, but will we leave that to the steering committee?

The Chair: The way I scheduled it, apart from the minister, if we have a meeting, let's say, on a Tuesday afternoon for two hours, I would like to have in the first hour two witnesses and in the second hour another two witnesses. That means four witnesses per day. Calculate the number of witnesses you feel you could have. It's not a big bill.

I'm not a justice man, in a sense, but I know the Canadian Bar and this type of association would like to appear. You know more than I do how many witnesses you would like to have. It could go pretty quickly, but in a few weeks in a sense.... We don't want to go too fast either.

Mr. Rob Moore: That's a good approach. I think—

The Chair: That's my approach, but if you have any ideas, I'm willing to accept them from anyone.

Mr. Rob Moore: Well, I guess until we know the number of witnesses that people want to see appear.... In a panel we usually have more than two witnesses at a time, but I guess that's up to the steering committee. Usually we have four—

The Chair: Yes, we can discuss it in the steering committee also. That's it? Fine.

Mr. Lee.

Mr. Derek Lee: We actually didn't crystallize the steering committee, but we can do it.

The Chair: It's going to be one member from each party.

Mr. Derek Lee: That's great if your party just has one member. All right, that's fine, but we'll sort it out.

Perhaps I could just make a comment. I found in one of the other bills that the justice committee was doing we were very accommodating to witness requests. We're inviting witnesses who have comments on what's in the bill, because the House has already adopted the bill in principle, and it's not always useful to have a witness come solely for the purpose of saying yes, we support the bill. You can have a bit of that, but a witness who simply supports the bill can write to us and say, we support the bill.

So the focus should be on the technical and other components of the bill, if I could suggest that.

Mr. Art Hanger: You're going to be on the steering committee, Derek?

Mr. Derek Lee: I don't know yet.

The Chair: The meeting is adjourned.

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