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—
Chair

Mr. Bob Mills

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•(0900)

[English]

The Vice-Chair (Mr. Mario Silva (Davenport, Lib.)): Good morning, everyone.

Before we start the meeting today, there are a few procedural things I'd like to suggest to members, if they are in agreement.

First of all, this meeting room was supposed to be televised. There's no need for us to televise this meeting, because it's mainly to deal with procedure. If members are okay with it, we'll have the cameras turned off.

Are members in agreement with that? I don't see any objections.

The second thing is that our meeting will terminate at 11 o'clock, given the fact that there's another committee meeting here. I wanted members to be aware of that. I do think we can manage to do things within an hour, at least I'm hoping to, since the only topic at hand is Bill C-288, and there are no witnesses before the committee.

As well, if the members are in agreement, I'd like to have ten minutes given to each individual, so that we don't go over the allotted time of two hours.

If members are in agreement with that, we'll proceed in that fashion. If there are any other questions, concerns, or motions, I'd like to entertain them. Otherwise, who would like to be the first to speak?

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Chair, I'd like to raise a point of order based on the ruling that was made at the last committee meeting to entertain this motion by Mr. Rodriguez today. Clearly, Mr. Chair, the protocol and procedures established by this committee more than suggested—confirmed—the fact that there is a series of protocols that must be followed to entertain, in this case Bill C-288.

This committee has determined, first of all, that motions should be given advance notice of 24 hours, although there is an exception to that, I understand. If the motion being presented could be considered business under review or current business, it could be entertained. But quite clearly, the protocol of this committee also suggests that motions must be given in writing in both official languages. This was not done.

Mr. Chair, if I may continue, I think it's quite clear that the protocol as established by this committee was not followed. From time to time rulings are made in committees that are in error, and I suggest this one was done in all good faith. There was quite a bit of confusion at the end of the meeting in which this motion was

entertained. Another committee was trying to get into the room, and this committee was just trying to complete its business. But all that being said, Mr. Chair, the end result was that a ruling was made to entertain Mr. Rodriguez's motion to start discussions on Bill C-288 when in fact his motion is, in my opinion, out of order because he did not follow proper protocol.

Mr. Chair, one may argue that protocol isn't that important to follow. I would suggest that in this Parliament, in this place, protocol is extremely important to follow. There is a reason, Mr. Chair, that under Westminster parliamentary procedures we have procedures and rules that all parliamentarians are bound to follow. The bible on procedures and practices, Marleau and Montpetit, is an extremely lengthy document, as everyone here knows.

An hon. member: I have a point of order, Mr. Chair.

Mr. Tom Lukiwski: I'm on a point of order, Mr. Chair. I believe my point of order takes precedence.

•(0905)

The Vice-Chair (Mr. Mario Silva): Let's hear him out on his point of order, and then I'll have to make a decision and ruling as well, so we can proceed.

Please.

Mr. Tom Lukiwski: Thank you, Mr. Chair.

The Vice-Chair (Mr. Mario Silva): Could you be brief, because we want to move forward, at least with a decision on how we're going to proceed.

Mr. Tom Lukiwski: Thank you, Mr. Chair. My understanding is that I have the floor and that I can speak to this point of order. I'm attempting to do that.

Marleau and Montpetit is the bible of this place. It is an extremely lengthy and well-researched document that all members from time to time refer to when disputes arise in the House and in committee. The Speaker of the House and chairs of standing committees refer to Marleau and Montpetit, because it is the principal reference on which dispute resolution is based. I would suggest, Mr. Chair, that if we start ignoring proper procedure and protocol, we put the entire parliamentary system in jeopardy. Therefore, I firmly believe that the ruling made at the conclusion of the last meeting, though apparently made in good faith, was certainly incorrect.

I have attended and have been a member of several standing committees. I'm not as long-standing a member of Parliament as some of the other members of the committee, but in the two-plus years that I have been a member of Parliament I've learned a few things. I've learned to respect the rules of this place and to hold them in high esteem. Yet it appears that in this case the very rules we are bound by, the protocols we follow, have been ignored.

From time to time there will invariably be differences of opinion. That is the nature of politics. It's the very nature of this place. As has been evidenced in both the 39th Parliament and preceding Parliaments, from time to time these differences of opinion can get quite heated. That's why the rules of this place, our procedures and protocols, are so vitally important. They ensure decorum and a proper working environment for all parliamentarians.

I would point out that the procedures, protocols, and practices of this place may from time to time irritate—perhaps even infuriate—some members. But they are available to all members, because they are the rules by which we operate.

I want to give an example or two of what is happening here and now. We have noticed that over the course of the last week or two, certain members of the opposition have resorted to a series of procedures and procedural tactics that are completely within their rights to use—concurrency motions. In my opinion, these members have consistently used concurrency motions to delay the proper functioning of this government.

• (0910)

I found it interesting that just two days ago the chief opposition whip delivered a concurrency motion on a report submitted by the Standing Committee on Procedure and House Affairs. In her introduction to this motion, the opposition whip stated...and as most members will remember, this was a concurrency motion dealing with a procedure and House affairs report on making the provisional Standing Orders, under which we had been operating, permanent.

In our introduction to this motion, the opposition whip stated that the Standing Orders are there for a very important reason. She illuminated a number of those reasons, but one of them, Mr. Chair, was that Standing Orders are there to allow the government to govern.

Mr. Chair, I would suggest that this is an extremely important provision of the Standing Orders because that's what Canadians do during elections. Whether it be a minority or a majority government, Canadians elect their representatives to this place to fulfill, among many other things, the campaign commitments made during the election process.

I would suggest, Mr. Chair, even though this 39th Parliament is a minority government, that the people of Canada who elected a Conservative minority truly want to see, or at least have the opportunity to debate, many of the legislative initiatives this Conservative government wishes to put forward. One of those initiatives, Mr. Chair, and one of the major initiatives most Canadians are aware of, is the Clean Air Act.

Mr. Chair, by listening to media interviews and panel discussions by members of the opposition, my understanding is that the opposition is not planning to allow the government to even introduce

that legislation for debate at committee. I've heard many members, some of whom are sitting in this room, state unequivocally that they plan to kill this bill, not even let it pass second reading, to prevent the Clean Air Act being presented to committee.

Mr. Chair, I assume—and I can only assume—this is the motivation behind the motion in question to which I am speaking, on why the opposition members, particularly from the official opposition, are attempting to introduce Bill C-288, a private member's bill dealing with Kyoto—

The Vice-Chair (Mr. Mario Silva): I don't mean to interrupt you, Mr. Lukiwski, but we mentioned at the beginning we would be sticking to 10 minutes, so your 10 minutes are up.

Mr. Tom Lukiwski: My understanding—and please correct me if I'm wrong, Mr. Chair—is that on a point of order there is no time limit.

The Vice-Chair (Mr. Mario Silva): You're absolutely right, there's no time order, but the chair can also make a recommendation. I heard no objection at the time I made the recommendation, so I'm sticking to 10 minutes—unless, at the time when I raised it, you objected to it.

I tried to let the committee know how we were going to proceed with this meeting and I heard no objection at that time.

• (0915)

Mr. Tom Lukiwski: Mr. Chair, I would like to challenge that ruling.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): It's a point of order. He can speak unlimited times.

The Vice-Chair (Mr. Mario Silva): I made a recommendation to the committee. There was no objection at the time the recommendation occurred.

Mr. Maurice Vellacott: Recommendations in respect to the length of —

The Vice-Chair (Mr. Mario Silva): No, I will respect the authority of the committee, if that is the wish of the committee. My understanding from the clerk is that I can do that.

Hon. John Godfrey (Don Valley West, Lib.): I think I'm next on the point of order.

The Vice-Chair (Mr. Mario Silva): The chair has been challenged, and so there has to be a vote. There's no debate on the challenge, so I will call for a vote.

I am operating within the information that was provided to me by the clerk and I am just stating the fact that this is what is. I put a proposal—

Mr. Maurice Vellacott: With respect to the comments you made about the 10-minute length of time, there is no challenge or necessity to challenge—

The Vice-Chair (Mr. Mario Silva): Sorry, there is no debate on the challenge. There's been a challenge of the chair, so we'll have to have a vote. Sorry, Mr. Vellacott, we'll have to have a vote. Let's have a vote.

All those in favour of upholding the ruling of the chair? I said a 10-minute limitation for each person.

(Motion agreed to)

Mr. Maurice Vellacott: The very last was a point of order—

The Vice-Chair (Mr. Mario Silva): No, I mentioned it would be a 10-minute limitation.

Mr. Maurice Vellacott: [*Inaudible—Editor*]...you can't do that.

The Vice-Chair (Mr. Mario Silva): Mr. Vellacott, you just did, because we just voted on that motion.

Mr. Maurice Vellacott: I didn't vote on that.

The Vice-Chair (Mr. Mario Silva): You voted against it, absolutely.

Some hon. members: Oh, oh!

The Vice-Chair (Mr. Mario Silva): Okay, thank you. I'm proceeding with Mr. Godfrey.

Mr. Maurice Vellacott: You haven't heard all the issues in respect of—

The Vice-Chair (Mr. Mario Silva): Mr. Godfrey is next.

Mr. Maurice Vellacott: I have a point of clarification—

Hon. John Godfrey: There is no such thing as a point of clarification.

On the point of order, Mr. Chair, when the decision was challenged and your decision was upheld, there were a couple of principles operating. The first is that the committee is master of its own destiny. Second, the decision taken by Mr. Mills was taken on the advice of the clerk, so if there had been a problem with that decision at the time, the moment to make that point would have been to challenge Mr. Mills's decision, and that was not done. We are now in a position in which we are masters of our destiny; we have decided, through a challenge to you, Mr. Chair, to uphold the 10-minute rule, and now we must proceed with the matter at hand.

The Vice-Chair (Mr. Mario Silva): That's how we'll proceed. I'm taking lists of people who would like to speak.

Mr. Tom Lukiwski: I have a point of order.

The Vice-Chair (Mr. Mario Silva): Go ahead, Mr. Lukiwski.

Mr. Tom Lukiwski: My point of order, Mr. Chair, is that we have not yet had a full discussion and ultimately a ruling on my original point of order.

An hon. member: Yes, we had one.

Mr. Tom Lukiwski: No, no, we didn't. Quite frankly, Mr. Chair, originally you had said, in relation to discussion on the motion of Bill C-288, that there would be 10-minute rounds of discussion. That did not apply to a point of order.

Second, Mr. Chair, I would suggest that any point of order raised has to be ruled upon by the chair, which you have not done. The reason I would suggest you have not done that, Mr. Chair, is that I have not completed my point of order, and I would appreciate the chair's indulgence to allow me to continue making my argument in my original point of order, after which, ultimately, I would ask that the chair rule upon it.

This has been, in my respectful submission to you, Mr. Chair, a breach of protocol. I have not been allowed to complete my argument on my point of order, and we have not had a ruling from the chair, and I think that is a complete violation of procedures of this place.

With greatest respect, Mr. Chair, I would ask that I be allowed to continue my original point of order.

● (0920)

The Vice-Chair (Mr. Mario Silva): Okay, well, listen, we have to proceed with the meeting, whether we have a meeting or just raise points of order for the next two hours.

The reality—and you can take the *Minutes of Proceedings*—is that a motion was moved on Thursday, October 26, in relation to proceeding with Bill C-288. A question was put before the committee. Mr. Mills, who was the chair at that time, accepted it. It was adopted. We're meeting here based on the proceedings that took place in the meeting on October 26.

The motion is properly before us, and we will proceed in that fashion. Otherwise, we're just going to be debating about whether we should have the debate or not have the debate.

The fact of the matter is that the motion is properly placed before us. It has been voted on by the committee; it has been ruled on by the chair of the committee, and I'm also making the rule that it is properly before us, so we have to proceed.

Before you get to your point of order, the question is whether we are going to have a meeting just about points of order, or whether we will actually deal with the substance of the meeting. That's what I want to know.

Mr. Maurice Vellacott: [*Inaudible—Editor*]...could go on to business instead of points of order, respectfully.

The Vice-Chair (Mr. Mario Silva): It's not just my ruling. It's also the ruling of the chair, who at that time was Mr. Mills, that in fact the motion was properly before us, which was in the details in the October 17 meeting at that time. There was a ruling that took place, and there was a vote, so we have to proceed with the motion at hand, which has been properly placed before this committee and has been adopted as well by this committee.

You're not a member of this committee and you weren't there at that time, but I want to know whether we're only going to be entertaining points of order all day or whether we're going to get to deal with the real matter before this committee, which in fact has been approved by the committee to be here for discussion. Otherwise, the way we're proceeding is not productive.

Go ahead, Mr. Lukiwski.

Mr. Tom Lukiwski: Mr. Chair, the routine motions made at the beginning of the committee business at the start of Parliament do not provide for 10-minute restrictions on points of order. Therefore, as I mentioned earlier, Mr. Chair, I believe the point of order that I raised at the beginning of this meeting is still before this committee and I have not completed my arguments yet on that point of order. And I believe, with all due respect, Mr. Chair, that I should be allowed to continue making my arguments to this point of order.

I have stayed on topic. We're talking about procedures because this was a procedural matter, Mr. Chair. This was a procedural matter that I believe was frankly ruled in error by the chair of this committee.

I believe, Mr. Chair, it is something that is very relevant, because as I continue to say and underscore in my remarks, procedures and practices and protocols in this place are the rules under which we operate. Whether or not you determine in your role as chair that you wish to restrict comments on points of order to 10 minutes, the clear reality, Mr. Chair, is really that this is not allowed under the procedures under which we govern ourselves. I think that's an extremely important consideration.

Now, again, as I was stating, members opposite may not like this or they may be irritated by or, even worse, may be angry at the fact that I'm speaking to a point of order, but it is clearly within my right as a parliamentarian to do so. I would point out, as I was attempting to do before I was interrupted, Mr. Chair, that procedures, standing orders, are available for all members to access.

Hence, we have seen members of the opposition raise concurrence motions in this place that effectively have delayed implementation, discussion, and debate on government bills. This is something, frankly, Mr. Chair, that, yes, is infuriating at times to members of the government, because we wish to place our legislative agenda up for debate so that all parliamentarians and all Canadians can engage in that debate. This is why they elected members to this place, so that we would be able to bring forward legislation. Now, if legislation, Mr. Chair, after thoughtful debate and discourse, is rejected by parliamentarians, that's certainly within the purview of all members of this place. They can do so. That's why we have a Parliament; that's why we have rules in place.

So I would suggest, Mr. Chair, that you can't have, in essence, two sets of rules. You can't have procedures and practices under which the opposition members are allowed to participate, yet restrict the same procedures and practices for government members in this committee to participate. I think there has to be one set of rules, and they have to be adhered to by all, Mr. Chair, including committee members, including chairs of committee.

And that's all that we're attempting to do here; at least, that's all I'm attempting to do. I'm attempting to speak to the fact that I had a point of order that was duly recognized by you, Mr. Chair, at this committee.

There are certainly no restrictions on the length of time in which I can speak to this point of order, at least none that I can see in Marleau and Montpetit. I would stand corrected if someone could point out to me in the procedures and practices manuals, as written by Messieurs Marleau and Montpetit, where there is a restriction on

points of order to 10 minutes. If you could point that section of Marleau and Montpetit out to me, Chair, I would gladly stand down, but I don't believe there is any such statement in Marleau and Montpetit that restricts my ability to speak to a point of order to 10 minutes.

● (0925)

Quite frankly, Mr. Chair, I think I'm quite in order to continue making my argument. In seeing no objection from the chair, I will continue.

Mr. Chair, being a learned and knowledgeable parliamentarian, I'm sure my opposite member, Mr. Godfrey, my colleague across the floor, understands and appreciates the situation, as I am sure he has engaged in many points of order before.

Hon. John Godfrey: Actually, that's irrelevant. You'd better get back to the point.

Mr. Tom Lukiwski: I shall, and thank you for pointing out that I should get back to the point at hand. I appreciate the assistance in that regard.

In any event, Mr. Chair, the point again is that we have to follow correct procedures in this place. Otherwise, the entire structure of Parliament will start to crumble. Quite clearly, Mr. Chair, by the rules and the protocols set by this very committee, proper procedures were not followed. Quite clearly stated, Mr. Chair, I would be pleased to quote—given appropriate time, perhaps I will later in my argument—the passages in which this committee determined their own fate.

As I believe the Honourable Mr. Godfrey stated, the committee is master of its own fate. In fact, when it comes to dealing with notices of motion, they agreed to a protocol that stated that all motions before this committee must be made, one, 24 hours in advance, and two, in a written form in both official languages. My understanding, Mr. Chair, is that those very protocols that this committee undertook and agreed upon were not met.

I'm quite sure, Mr. Chair, that this is an oversight. I believe it was merely an error made in haste at the conclusion of the last committee meeting, and that it was so made because the chair perhaps was not aware, in the confusion of the time, that protocols were being breached. But that does not excuse the fact, Mr. Chair, that protocol was breached.

Quite frankly, Mr. Chair, I would suggest that if members are concerned about getting on with the discussion on Bill C-288, this could be dealt with very expeditiously. Quite frankly, that could be done if the committee were to recognize that an error was made and the committee unanimously agreed to allow Mr. Rodriguez to submit his motion by following proper protocol. That would require, of course, 24 hours' notice and a motion in written form in both official languages.

Should the committee agree to that, Mr. Chair, then Mr. Rodriguez could certainly give notice today, submit his motion in written form in both official languages, and then after the 24-hour period, Mr. Chair, probably at the start of next week's committee meeting, Mr. Rodriguez's motion could begin to undergo vigorous, I'm sure, and healthy discussion and debate.

That's all that is really required here, Mr. Chair: an adherence to protocol. But, Mr. Chair, I am frankly quite surprised that members of this committee do not agree that they should follow their own protocols, which they themselves established.

Again, Mr. Chair, I reiterate that I think it's a situation that could quite easily be rectified. Just in case some members did not hear my earlier suggestion, I state again that if the members of this committee, who are, as Mr. Godfrey indicated, masters of their own fate, unanimously determine that protocol had been breached but wish Mr. Rodriguez to resubmit his motion, giving due notice and following the proper protocol in terms of a written submission in both official languages, this matter, this point of order that I have raised—quite correctly, I must add, Mr. Chair, in my view—could be dealt with very expeditiously. I'm sure this matter would be dealt with in a matter of moments.

The motion that Mr. Rodriguez has made and the bill to which he is referring could certainly be dealt with at the start of next week's committee meeting, and I think everyone would be happy. But quite frankly, Mr. Chair, it seems certain members of this committee wish to continue with what has been quite clearly a breach of protocol by ignoring the proper rules, procedures, and practices of this place, of this committee, rules we are all bound to honour and to respect.

● (0930)

Quite frankly, Mr. Chair, I think we're setting a very dangerous precedent by ignoring those very protocols and procedures. I hope not to overstate the situation, but in my view, it could quite clearly be the start of a very slippery slope. If this committee sets a precedent by which they ignore protocols that have been set by all members just because some members of the committee feel it to be more convenient, Mr. Chair, I think it will have a ripple effect on all other standing committees in this place, and in fact in Parliament itself.

Now, Mr. Chair, I'm quite sure that if we were able to take my point of order to an even higher court, if one were available, my point of order would be found in complete order, because I'm not raising a frivolous point of order here. I'm raising a very significant and substantive point of order that deals with the procedures and practices of this place. It is dealing with the protocol established by this committee.

Once again, I will state quite clearly that the protocols set by this committee indicated that all motions to be entertained should be given due notice, 24 hours in advance. There's one caveat for exception, but there is no caveat for exception based on how that motion should be delivered. That protocol, Mr. Chair, quite clearly states that motions must be delivered in writing in both official languages, and that clearly was not done in this case.

Mr. Chair, I would submit that there really should be no argument on that case. Therefore, I was somewhat surprised, Mr. Chair, when you referred to the fact that the motion that was accepted at the

conclusion of the last committee meeting was in order, because quite clearly it was not. I just don't think there's any argument about that.

Now, one might argue about why it is important that motions be delivered in both official languages. Well, Mr. Chair, I would suggest that it is a fundamental tenet of our democracy here in Canada. I have certainly been engaged in conversations and, frankly, some heated debates from time to time in other committees, Mr. Chair, in which a motion or perhaps even a piece of evidence given by a witness was not submitted in both official languages. In those instances, Mr. Chair, I can assure you that certain members of the opposition justifiably raised some very serious concerns.

We have an Official Languages Act in this country, Mr. Chair, and I know I can give you specific examples, dates, committee times, places, and the names of opposition members who have raised serious objections to the fact that, from time to time, documents have been delivered in only one language. Again, if members of the opposition justifiably raised concerns about the lack of submissions in both official languages at those times, we should be duly concerned—and rightfully so—about the lack of adherence to both official languages in submissions and motions at this committee. But it appears, Mr. Chair, that certain members of this committee wish to ignore that provision and attempt to move forward immediately with a motion that was made under, I would suggest, dubious circumstances at best.

Again I repeat myself, Mr. Chair, with something I said earlier. You can't have two sets of rules. For example, you can't allow opposition members to operate under a certain set of rules and procedures, and disallow other members, whether they be members of the government or other opposition parties, to operate or be forced to operate, I should suggest, under a separate set of rules. Rules are rules, Mr. Chair. They have been clearly articulated in Marleau and Montpetit and they should be observed, Mr. Chair, at all times.

● (0935)

Furthermore, Mr. Chair, I would suggest that if this committee chooses to ignore the very protocol and rules they themselves established, not only are they setting a very poor and I would suggest dangerous precedent for the rest of Parliament, but they would be setting a very poor example to members of the Canadian public.

The voters of this country, Mr. Chair, elected us as parliamentarians, elected us to observe proper rules and practices and procedures. Certainly they wanted to see us move forward and engage in meaningful debate and discussion on pieces of legislation or items of interest.

Members of the opposition, I am sure, would argue that the private member's bill Mr. Rodriguez has moved in the House, one which passed second reading in this Parliament, could be considered and perhaps should be considered one of those important pieces of legislation—in this case a private member's bill—and should be thoroughly discussed and debated. I have no argument with that, Mr. Chair.

My argument, Mr. Chair, is that this piece of legislation, or proposed legislation—it's a private member's bill, so clearly it is not legislation, or at least is not on the legislative agenda from the government—while it may be important for committee members and perhaps all parliamentarians to debate and to discuss, was not presented to this committee in a proper manner.

I have given this committee, quite frankly, Mr. Chair, I think a very reasonable opportunity to deal with it so that it would be dealt with in a proper manner, so that it could begin debate at this committee and allow all members of this committee the opportunity to express their views on Mr. Rodriguez's private member's bill.

Once again, Mr. Chair, I would suggest that, should members of this committee vote unanimously to follow the proper procedures and protocols, which would require Mr. Rodriguez to give 24 hours' notice in a written form, in both official languages, by the time this committee convened once again next Tuesday that motion, I would suggest, would be on the floor for discussion and debate.

Frankly, I think most committee members would welcome that debate, because at least it would have been undertaken in a manner that was consistent with the protocols they themselves established. Of that there can be no dispute.

I think, Mr. Chair, if you took a straw poll of every member of this committee and asked them quite sincerely whether they believe in following proper rules, I would like to think every single member of this committee would say yes.

I think rules are there for a reason and that it is important to follow rules. I have great respect for each and every one of these parliamentarians. I believe they would answer in the affirmative, that rules are to be respected, rules are to be followed, rules are to be honoured.

So, Mr. Chair, if we have unanimity from all members that rules should be followed, why, quite simply, don't we just follow them? Why don't we follow the rules that have been established for parliamentary procedure, as indicated in Marleau and Montpetit, but why also do we not simply follow the protocols and rules that have been established by members of this very committee?

● (0940)

I believe, Mr. Chair, that at the time the protocol for submitting motions was first discussed at this committee, all members had an opportunity to voice their opinions. My understanding is that at the conclusion of those discussions, all members—not just a majority, Mr. Chair, but all members—of this committee agreed that the protocol for submitting motions should be as follows: 24 hours' advance notice; written submissions, in both official languages.

Now, Mr. Chair, I see no disagreement on that very basic fact. So once again, it is confusing to me why, after having previously given

their unanimous consent to follow a certain set of protocols and procedures, these same members now wish to ignore those very protocols that they themselves have established. It is, frankly, beyond my scope of comprehension why they would want to do that.

I would also suggest, Mr. Speaker, as I have earlier, that I believe there was an error made by the chair of this committee at the conclusion of last week's meeting. But why compound that error by making another error? That's what this committee would be doing if we tried to move forward with Mr. Rodriguez's motion today.

We could quite simply correct the error that was originally made. We could rectify it in a heartbeat, Mr. Speaker, by having this committee recognize the fact that an error was made and agree to follow the proper protocols that were established by this committee.

Once again, I would suggest that if that were done, this committee could very quickly get on to debate and discussion of Mr. Rodriguez's private member's bill at the start of next week's committee session. That's all it would take. Yet it appears, Mr. Chair, that certain members of this committee do not wish to observe proper protocol.

I will not debate the merits of Mr. Rodriguez's private member's bill. I think that's worthy of debate within this committee. But I think without question there is indisputable proof that protocol, in this case, has been breached. And I would like to think, Mr. Chair, that all members of this committee, who I'm sure have taken either a private or public pledge to honour and respect the practices, conditions, and conventions of this place, would do so now. There's nothing more basic. There's no more fundamental tenet to this place and to the operations of this place than following the rules.

I'm sure, Mr. Chair, that in all walks of life all parliamentarians, in their former lives, whether in professions or trades or in business, recognized the need to follow the rules as established by the environment in which they worked. That's one of the basic tenets not only of this place, Mr. Chair, but also, I would suggest, of society, that rules have been set for very good reasons. Rules have been set to be observed. Rules have been set to make sure that there's some coherence and some sense, some place of order in our lives and in our workplace.

Well, Mr. Chair, in this place, which, frankly, I would suggest is a showcase for democracy...any parliament in western democracy, Mr. Chair, is a showcase not only for democracy, but also for rules and practices and for the ability of its members to provide the proper direction under a certain set of rules and practices.

I would humbly suggest, Mr. Chair, that if members of this committee find it convenient to ignore those very rules and practices that guide us in everything we do, they would be setting an extremely dangerous precedent, one that I don't think any member of this committee would want to set.

● (0945)

Frankly, Mr. Chair, I would suggest that I doubt that any member of this committee would want to be named as a member of a committee that ignored practices and protocols of this place. I would like to think that no member of this committee would want to be named in a document that said there was a breach of protocol and here were the members present who agreed to that very breach. Quite frankly, I think most members of this committee, if put in that position, would say no, I don't want my name to be placed in that regard.

I absolutely believe, Mr. Chair, that every member of this committee honours the procedures and practices that have been set down by Marleau and Montpetit. I also suggest to you, Mr. Chair, that members of this committee feel very strongly about the fact that the very protocols that they themselves set down should be respected to the highest degree. Again, it is something that baffles me, frankly, because of the integrity I believe members of this committee have for the procedures that govern their very actions. It puzzles me why they would now determine that they should ignore those very practices, those very protocols.

Mr. Chair, I would suggest that what we need to do—and I would certainly cede my time should there be some show of unanimity on this—what this committee very clearly needs to do is recognize the fact that there was a breach of protocol. Unintended as it may have been, there was a breach of protocol. That is the first step to rectifying the situation that I think, Mr. Chair, needs to be rectified.

Unfortunately, Mr. Chair, it appears that no one on this committee, at least no one on the opposition side, seems to be willing to entertain what is in my view such a very simple solution, a solution that would accommodate the very wishes of Mr. Rodriguez, would accommodate the protocols of this committee, and would accommodate what I consider to be some ongoing spirited and meaningful debate on the merits of Mr. Rodriguez's private member's bill. But, Mr. Chair, again I have to reiterate that I do not believe that even Mr. Rodriguez would want to see his private member's bill entertained in a manner that some would suggest would be inappropriate in reference to protocol.

My understanding of private members' bills is that once they reach the committee stage after they have passed second reading, which this bill has done, they have 60 days in which they can be debated and discussed, so given that, frankly, I see that there is no mad rush to have this debate stated today when it could be started as early as next Tuesday. A breach of protocol then would be averted. It could be rectified, Mr. Chair. I'm sure that you, as vice-chair, and also the current sitting chair of this committee would agree that you would want to see, every time you are in the chair, that proper procedures and protocols are followed. That's one of the fundamental tenets of a chair, to ensure the proper dealings with committee in terms of protocol.

I would like to believe, Mr. Chair, that you and every other chair of any other standing committee in this place feel a great obligation to follow the procedures, practices, and protocols that have been previously established. I would not like to think that any chair would deliberately contravene accepted practices and protocols for partisan

purposes. Certainly, I would not like to see any chair even engage in that discussion let alone action.

● (0950)

So with that in mind, I think it would be incumbent upon you to agree with my argument. Since a breach of protocol has been committed—and I have yet to hear a cogent case made to the contrary—the correct course of action is to rectify it.

We all make mistakes, Mr. Chair. I have great respect for the chair of this committee, Mr. Mills, who is not with us today. I have respect for his integrity and his judgment. Unfortunately, in this case, even though he's a colleague of mine, I believe he was guilty of a serious lapse of judgment when he entertained a motion that was not forwarded in a proper manner.

This is not a criticism of Mr. Mills, merely an statement that a mistake has been made. Mistakes, of course, are quite common. We're only human. But the best way to deal with a known mistake is to admit to it and then do whatever needs to be done to correct it.

I'm sure that all of us, in our upbringings, when we were going through school or just dealing with family matters, were taught by our parents, either directly or by example, that mistakes will invariably happen from time to time. But when mistakes happen, admit to them. Be an adult. Stand up to your mistake. Admit to it. Then, even more important, try to correct that mistake. This is the proper course of action.

I'm sure that members around this table could give us many examples of mistakes that, quite frankly, cannot be rectified. Some mistakes are serious, egregious even, to the point where a corrective course of action cannot be taken. But that is not the case in this instance.

There has been a clear violation, a clear breach of protocol. A mistake has been made. But all we need to do, really, is take corrective action. What is that corrective action? Again, it is quite simply this: allow this committee, Mr. Chair, or perhaps direct it in your capacity as chair, to take corrective action. Should you do so, you would be applauded by all those who watch this place in action, who read transcripts, and who study parliamentary procedure.

These people would applaud your actions, Mr. Chair, because they would know that you have done the right thing. You would have ensured that the protocols of this committee are being followed correctly and to the letter. Anything less would diminish your role as chair of this committee. Moreover, it would diminish the respect in which all chairs are held. However, to see a wrong and move to correct it is commendable. How could anyone argue with a course of action that corrects a mistake? That's all that really needs to be done, Mr. Chair.

There are more reasons for entering into a discussion on this matter than the mere fact that a mistake was made. Mr. Chair, there are always reasons for which rules are put in place. Never, at least in this place, have rules, practices, procedures, or protocols been established that did not have valid reasons behind them. I would suggest, Mr. Chair, that the protocols we're discussing in this point of order have those reasons behind them. Let's examine again what those reasons are.

●(0955)

Originally, Mr. Chair, as you well know, there was a 24-hour provision given when setting the protocol for submitting motions. Why was there a 24-hour notice, Mr. Chair?

I would suggest that during committee discussions you determined that 24 hours would be an adequate amount of time to allow committee members to duly consider the motion that was being presented. I think quite frankly, Mr. Chair, that was a wise decision of this committee. I know other committees have given or established protocols that suggest a 48-hour notice of motion be given, but I think that in any event, Mr. Chair, the rationale behind the advance notices is to allow committee members the opportunity to carefully consider the motion being presented.

I don't think, Mr. Chair, that it would be appropriate or fair for any committee member or any member of Parliament to be subjected to a motion on which they were purported to give intelligence discourse without due notice.

In other words, Mr. Chair, I think that the 24-hour notice is a very important part of the protocol established by this committee. It allows all committee members a 24-hour period in which to examine the motion, to consider the motion, perhaps to consult with other colleagues on the motion, and Mr. Chair, more importantly, it gives them the ability to return to the committee and engage in intelligent, productive, and fruitful discourse and debate on the motion.

Mr. Chair, I would suggest that without the 24-hour advance notice provision, as contained in this particular protocol, members would be at a severe disadvantage. They would be expected to engage in debate, in discourse, and in discussion, and perhaps even ultimately to make decisions based on a motion which was, in effect, sprung upon them, that was given to them with no advance notice. So, Mr. Chair, I think, very frankly, that alone should be reason enough to recognize the fact that there is a breach of protocol.

Now, my understanding, Mr. Chair, is that there was a caveat attached to the protocol regarding submission of motions. That caveat basically stated—and I will paraphrase somewhat, Mr. Chair—that if the motion is considered to be on the agenda or is a current piece of business, advance notice need not be given.

I know there would be a point of debate, quite frankly, Mr. Chair, and that might be for another point of order on whether the chair ruled correctly that the motion that Mr. Rodriguez had submitted was actually a current piece of business.

I know that the argument that Mr. Rodriguez made is that since future business was on the committee agenda for discussion as an agenda point, and that since in fact Bill C-288, his private member's bill, had passed second reading and so could be considered, in effect, future business, it should be considered current, and advance notice of motion need not be given.

And I understand that was the argument presented by Mr. Rodriguez. That was the argument that was considered by the chair of this committee, and in fact, having given due consideration to that argument, my understanding is that the chair then concurred with the argument that was advanced by Mr. Rodriguez, and in fact made a

ruling that advance 24-hour notice in this particular case need not be given.

●(1000)

Mr. Chair, I would suggest that it again seems to be in some conflict with the spirit in which this provision was first made.

Mr. Chair, I suppose one could technically argue that if agenda items state that future business is up for discussion and the private member's bill under discussion is actually a part of future business, it could fall under this caveat that disallows or forgives the 24-hour notice period.

But I think it is important, Mr. Chair, to look back at the spirit in which the protocol was made. The spirit in which the 24-hour notice provision was agreed upon by all members of this committee was to allow committee members the opportunity to examine and consider the motion in question before engaging in debate. Well, if that is the spirit of the bill, or I should say the spirit of the protocol, Mr. Chair, then I would humbly suggest that spirit should be honoured and observed.

In this place, we understand there are sometimes nuances and sometimes grey areas. But I think the authors of Marleau and Montpetit did an exemplary job in crafting the procedures manual and eliminating most of what I would consider to be the vagaries of language. I think that in most cases, in most areas of the manual of Marleau and Montpetit, they have done an excellent job and a commendable job in clarifying even the most minute portion of that book in terms of black and white.

But I also think, Mr. Chair, there are always cracks in which certain things can fall between, and I think this is one of them. I think the technical argument made by Mr. Rodriguez with respect to bypassing the 24-hour notice provision in the protocol established by this committee is a bit of a grey area. I think it totally ignores the spirit of that protocol.

Once again, the spirit of the protocol was to give 24-hour notice to allow all committee members the opportunity to examine, to consider, and to consult. Mr. Chair, that was clearly not given.

Mr. Chair, once again, given the circumstances in which this private member's bill has been submitted, and given the circumstances in which we have a 60-day window to discuss and debate this private member's bill, I would go back to a suggestion that I forwarded earlier, which I think is an extremely simple solution.

I frankly think that as I have been debating this very important point of order, the member opposite, Mr. Rodriguez, could have been writing this motion and getting it translated in both official languages. This could have been submitted as I speak. Then, quite frankly, Mr. Chair, regardless of your ruling on my point of order, at the very least, Mr. Rodriguez's motion would be accommodated inasmuch as it would be debated at the start of next Tuesday's committee meeting.

Yet I see no activity on behalf of the member opposite to do that very thing and to observe the very protocol that he himself had agreed to. I find it puzzling, Mr. Chair. I don't understand that.

I understand that Mr. Rodriguez may disagree with my interpretation of the protocol, although for the life of me I don't know how he could find any dispute in the argument I'm raising, because it is quite clear and it's basically written in black and white. All members were here for the discussion when the protocol was established. I believe all members agreed to that protocol. Why Mr. Rodriguez would want to ignore the protocol, which he had a part in developing, is beyond me. Again, the very fundamental notice provision of that protocol has been ignored, and I can't understand why.

• (1005)

But there's more than just the notice provisions in that protocol, Mr. Chair, and I know you're fully aware of that. Again, while we can debate whether or not the 24-hour notice was excused for proper reasons—and I would suggest that proper reasons were not given and would argue, perhaps even in a second point of order, that this particular point of protocol should be corrected, or at least, Mr. Chair, should be clarified, to the point of this committee's engaging in debate as to what constitutes due and correct and proper notice....

In other words, Mr. Chair, if on the committee agenda, the sheet of paper that is handed out at the start of each committee, there is one line item that says "future business", is that so broadly based and so all-encompassing that future business can really mean anything that might come before this committee?

If that is considered to be future business, then under the interpretation given by Mr. Rodriguez, this should mean that absolutely nothing requires a 24-hour notice. Well, I don't think that's the spirit of the protocol that was agreed. I don't think any member of this committee would agree that it is the spirit under which this protocol was entertained.

I think that's one item, Mr. Chair, that clearly this committee needs to discuss, and perhaps you, Mr. Chair, in your capacity as vice-chair could undertake those discussions and examinations, because I think it's, quite frankly, one of those grey areas I alluded to of which, while not many in Marleau and Montpetit, there are a few that we have, today at least, discovered which should be considered grey areas and should be clarified.

I think, quite frankly, that if this were clarified, then Mr. Rodriguez would have known in advance very clearly that he would not have been able to advance his argument that his motion would not require a 24-hour advance notice period.

So I think that quite clearly, Mr. Chair, this committee needs to examine that particular provision in the protocol they established and determine, at least to have some consensus if not unanimity on the question, whether the spirit of the protocol was to give members advance time to consider a motion. And if that spirit was in fact broken, then this gap should be filled in.

I would suggest to you, Mr. Chair, that the particular argument Mr. Rodriguez advanced, while a laudable one—and quite frankly, perhaps if I were in his position I would have advanced the same argument.... I know this is a private member's bill that holds a great amount of importance to Mr. Rodriguez and, I'm sure, to many other members of the opposition. Yet while I do not debate the merits of his bill and will not debate whether or not his bill in fact even should

be debated, I will argue, Mr. Chair, that unless you follow proper protocol, everything else falls by the wayside.

There can be nothing else as important as following the rules, and I've yet to hear at any point in parliamentary debate, whether at committee or in the House of Commons, any member of this place stand in his place and argue that rules are meant to be broken.

Now, if someone could make an argument, a cogent argument, that persuades me that rules of this place are made to be broken, I would love to engage that member in debate, because I just do not believe that debate, quite frankly, is sustainable. Rules are there for a reason. They are meant to be observed. In this particular instance, clearly rules have been ignored, and protocols that have been established by this committee have been breached.

• (1010)

So, Mr. Chair, I honestly believe we cannot ignore the fact there has been a breach of protocol, and this committee should take it extremely seriously.

The 24-hour notice period, Mr. Chair, we discussed at some length, but there are more provisions to the same protocol that bear examination, because as I mentioned earlier, rules are always made for a reason, and usually very good reasons. I don't think the authors of the *House of Commons Procedure and Practice*, Messieurs Marleau and Montpetit, would have made any of their recommendations without a good rationale behind it.

I would suggest, Mr. Chair, that everything contained in that very august book, if I could call it that, those rules and Standing Orders and practices and procedures have been done for a reason. I would also suggest, as I mentioned earlier, Mr. Chair, that the practices this committee follows, the rules this committee follows, the protocols this committee established were also done for very good reasons. If there were reasons, Mr. Chair, why aren't the rules themselves being followed? And what motivated the protocol that was brought forward by this committee with respect to this particular provision of submitting motions?

One of the provisions of that protocol was that the motion should be in written form in both official languages. Why is that? Mr. Chair, one would ask why do motions have to be in written form and why do they have to be in both official languages? I have my own opinions on that. I would suggest that if you do not have a motion in a written form, there could be some area of dispute. Even though these committees have recorded transcripts, and one could argue that verbal motions are sufficient because the chair or other members could always consult with the recorded transcript, I would suggest that written motions are important because they leave absolutely no doubt as to the intent of the motion of the individual member who advanced that motion.

Clearly in this case, Mr. Chair, and Mr. Rodriguez would admit this, there was no written submission. There was a verbal submission, complete contravention of the protocol. I see Mr. Rodriguez is feeling poorly about that, and I know he wishes he could have done the submission correctly, and I empathize with Mr. Rodriguez, I truly do. But again, this could be rectified now. As I am speaking, Mr. Rodriguez could be writing this motion and getting it translated and having it submitted to the chair. And then, Mr. Chair, I would submit that Mr. Rodriguez' private member's bill would be ready for discussion and debate at the start of next week's meeting. I think, Mr. Chair, that would satisfy his concerns, because it would still give ample time for discussion and debate on his bill.

Mr. Chair, I see no evidence, nor do I think members on this side of the committee table see any evidence, that there is a written submission of this very motion. Therefore, Mr. Chair, I only have the word of Mr. Rodriguez, one whose words I have great regard for and great respect for, but I only have his word and transcripts of the previous committee in which, quite frankly, Mr. Chair, there was ample evidence to suggest that, due to the confusion of the time at the moment of that meeting, perhaps this motion should not have even been accepted for discussion.

Mr. Chair, I would submit to you quite respectfully that any motion brought forward to any committee by any member of Parliament is worthy of consideration. Although I could stand to be corrected on this or proven wrong, I do not believe that any member of Parliament would entertain or submit what I would consider to be frivolous motions. I have too much respect for the members of this place to suspect that would happen.

• (1015)

So I truly believe that Mr. Rodriguez's motion, which would see a fast track given to his private member's bill.... It was given, it was submitted in all due conscience....

While one could debate whether or not that particular private member's bill should be given a fast-track provision, I would submit there cannot be any debate on the fact that proper practices, proper protocols need to be observed. Yet clearly, Mr. Chair, that did not happen in this instance.

Now, Mr. Chair, not only were protocols breached in terms of advance notice not being given to this committee.... I was beginning to discuss why the written submission was so important, as opposed to a verbal submission, and I think that's apparent. I think, in order to avoid any confusion, written submissions are the proof positive that the intent, the spirit, the motion itself is being considered in its entirety...and without any discussion as to whether the member really meant this or perhaps meant something else. That's why motions are given in a written form.

Clearly, that protocol was breached in this case. There was no written submission from Mr. Rodriguez. I'm sure that was just an error. I'm sure in his exuberance to get his private member's bill before this committee for discussion and his desire to have a meaningful debate on his private member's bill, he merely forgot the very protocol in which he was a part of forming.

Again, a mistake made, Mr. Chair. I certainly have no problems with any individual making a mistake. It happens all the time. And

I'm not being critical of Mr. Rodriguez for entertaining or submitting a submission or a motion that was basically done in error, in contravention of protocol. A simple mistake was made. And I'm quite sure that my colleague Mr. Rodriguez would be the first one to admit that a mistake was made.

Well, you have to give credit to any member who stands in his place or stands up and says, do you know something? I made a mistake, and in this case, I'm man enough to admit it.

Why don't we deal with the subsequent act, the consequential act? If a mistake was made, why don't we merely correct it? Why don't we merely correct it? I think not only would that satisfy members of this committee, Mr. Chair, it would certainly satisfy, I'm sure, the desires of our constituents, those people who elected us to represent them in this place.

Again, Mr. Chair, I underscore the importance of the integrity of this place and the ability for members to go back to their constituents and say, "I have followed the correct rules". Some of these rules and procedures and practices may seem somewhat arcane to many members of the voting public, yet they are there for a reason. I can assure you, as a constituent, as someone who has voted for me, that I have followed them diligently, with respect.

In this case, Mr. Chair, unfortunately, members of this committee would not be able to make that conclusion, would not be able to make that statement to constituents when asked, "Why did you start debating that bill when I understand there was some dispute as to whether or not it was entertained, or at least submitted in proper form?"

In all good conscience, if they were being truthful to both themselves and their constituents, a member of this committee would have to admit that, well, do you know something? We just ignored a protocol that we ourselves established. In other words, we just thought it was more convenient to deal with this and to heck with the rules. We just thought in this one small instance it would be okay to ignore the rules.

• (1020)

I would again submit to you, Mr. Chair, that it is not okay to ignore rules, to disregard procedures and practices and protocols. Those are the very fundamental tenets, the underpinnings of this place and this committee.

I would strongly suggest to you, Mr. Chair, that in your capacity as chair, that in Mr. Mills' capacity as chair, you should absolutely observe all proper protocols and procedure, because it is easy at times in this place to become distracted, and I think that's what happened at the conclusion of the last committee meeting, that there was a distraction, there was some confusion, and an error was made. These things will happen. I'll be the first to admit it.

I can assure you, Mr. Speaker, that I have made many mistakes in my past, and I certainly believe I'll be making many mistakes in my future, but I would hope, although I cannot absolutely confirm that I have corrected past indiscretions, that in the future I will have enough integrity and honour to stand in my place and say, you know something? I admit I made a mistake. I apologize. But even more important, Mr. Chair, I hope that I will be able to say I have found a corrective course of action to remedy the mistake that I myself have made.

My apologies, Mr. Chair, for referring to you as Mr. Speaker. I suppose I am used to the norm of speaking of issues and subjects in the House of Commons, but I will try to correct myself and refer to you as the chair as much as I can.

I would suggest to you, Mr. Chair, that in this particular case we have to, as a committee, admit that a mistake was made. I think it's incumbent upon all of us to recognize the fact that a protocol was breached, inadvertently perhaps, perhaps, as I say, from the perspective of Mr. Rodriguez. Perhaps from his perspective, because of his enthusiasm to bring his private member's bill before the committee, he didn't even know that he was breaching his own protocol, but I think there can be no dispute, Mr. Chair. I think there can be, frankly, no argument that there has been a breach of protocol, because it's there for everyone to observe. This was the committee that established the protocol.

So while it is not unusual for mistakes to be made, Mr. Chair, I think it is only proper that all members of this committee admit that a mistake was made and take corrective action. After all, Mr. Chair, if the committee, in its wisdom, determines that Mr. Rodriguez's bill is worthy of fast-tracking, if I can use that term, worthy of getting speedy passage and examination through this committee, if that is the determination of this committee, then that is their right to do so, and I have no argument with that.

I would suggest that no member of the government side of this committee would have any argument with that. The argument, quite clearly, Mr. Chair, is it has to be done in a proper form, full stop, period. You don't need to go any further than that, and that protocol was not observed. We did not, Mr. Speaker—and I say “we” in the royal sense—did not observe proper protocol.

I believe also, Mr. Chair, that it's important to note that not only was the motion submitted by Mr. Rodriguez not submitted in written form, it was not done so in both official languages.

● (1025)

And I can assure you, Mr. Chair, as I started to mention earlier, on other committees on which I have served as a proud member, when that oversight has occurred—and I refer to these things as oversights, because I don't think anyone has ever done a deliberate act to deliberately ignore one of our two official languages—I have seen members of the opposition become quite agitated and upset. They take that as a personal affront in some cases, particularly, Mr. Speaker, if they feel that this has come from a member who in the past, in their opinion, has not rightfully observed the linguistic dualism of this country.

So I would suggest, Mr. Chair, that particularly given the fact that Mr. Rodriguez is fluently bilingual, that there would have been no

problem for Mr. Rodriguez, obviously, to get his submission translated into both official languages. In fact, that is a service provided to us by officials of this Parliament. Mr. Chair, I would think that since Mr. Rodriguez is fluently bilingual, that he would be thinking first and foremost that any submission should be in both official languages.

Mr. Rodriguez, many times in the House, has presented questions or arguments or debates in both languages. He has done so very well. To forget, perhaps, that he needed to do so when submitting a motion of this importance in both official languages is something that I can only suspect would be an oversight. Yet again, it's somewhat puzzling to me why someone who is as fluently bilingual as Mr. Rodriguez wouldn't have that first and foremost in his mind when considering a submission of his motion.

Perhaps, Mr. Chair—and this, I guess, is the only thing I can think of—this was almost an afterthought for Mr. Rodriguez. I would suggest, Mr. Chair, that if Mr. Rodriguez had planned to make a submission on his motion, he would have come prepared to this committee. He would have come with a written submission in both official languages.

So I can only surmise, Mr. Chair, that perhaps Mr. Rodriguez, during the course of the committee meeting in question, thought that this was an opportunity to make a motion to get his private member's bill discussed and on the agenda a little quicker than normal. Perhaps Mr. Rodriguez had an epiphany during the middle of that meeting, Mr. Chair, and thought that he could make a technical argument that would allow his private member's bill to come forward without following proper protocol. Why else, Mr. Chair, would his motion have been submitted in such a fashion? My understanding is that Mr. Rodriguez is fully knowledgeable about and conversant with the protocol that was established by this committee. My understanding is that Mr. Rodriguez was part of the discussion that took place in establishing the protocol.

If that was the case—and I would suspect, also, Mr. Chair, that Mr. Rodriguez has a very good memory, perhaps even an exemplary memory—and he can recall that a protocol was established by this committee, including him, that required advance notice of 24 hours and that a motion be submitted in written form in both official languages, then why, one has to ask, Mr. Speaker, did Mr. Rodriguez not follow the proper protocol?

● (1030)

It had to be an oversight or, as I mentioned a few moments ago, Mr. Chair, perhaps it was because Mr. Rodriguez had an epiphany. He had a thought. He had a brainstorm in the middle of the committee meeting, and he thought he might be able to advance his motion verbally and somehow get the committee to accept it.

I can draw no other conclusion as to why he would advance his motion in such a manner. It is quite clear by the very protocols established by this committee that all motions, not some motions but all motions, Mr. Chair, must be submitted in written form, in advance, and in both official languages.

So how in the world would Mr. Rodriguez, who I am sure is a very highly intelligent man, conclude that a motion that was so clearly out of order possibly be accepted by members of this committee? Not only was the motion accepted in a manner that I consider to be completely out of order, Mr. Chair, but basic protocol would indicate that the discussion of his motion should have been ruled out of order.

Why do I say that, Mr. Chair? Well, as we determined at the outset of this meeting, points of order take precedence over all other committee business. The motion in question was presented at the committee and then a subsequent point of order was made by Mr. Warawa.

Mr. Warawa's point of order stated that Mr. Rodriguez submitted his motion in an inappropriate fashion. Mr. Warawa, in my estimation at least, had a very legitimate point. As I have illuminated this morning, the motion that was submitted was out of order. It did not follow proper protocol. This was the very point that Mr. Warawa was arguing at that committee.

However, Mr. Chair, I would point out, and the transcripts support my contention, that the chair overruled Mr. Warawa's point of order. He allowed the motion to be voted upon. Mr. Chair, quite clearly, as we have established in today's meeting, points of order take precedence over any other committee business. Mr. Warawa was within his right, and it was within his purview, to forward his point of order in a manner that he felt comfortable. Frankly, Mr. Chair, he should not have been restricted in his comments.

We have determined at this meeting that a point of order takes precedence. While I am sure it was in all good faith, Mr. Chair, that you tried to restrict the length of time in which I could present my argument on my point of order, it was finally determined that I frankly had as much time as necessary, as much time as I wanted, to present my point of order.

Well, Mr. Chair, it is quite apparent from the transcripts that with the point of order that Mr. Warawa was making at the committee meeting in question, he was not given proper time to advance his argument. In fact, the chair allowed a vote to be taken on Mr. Rodriguez's motion and that in itself is out of order.

As a matter of fact, Mr. Chair, I would like to read the transcripts from that meeting that again underscores to what I am referring.

• (1035)

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Point of order, *monsieur le président*.

Mr. Tom Lukiwski: Mr. Chair, I believe I still have the floor.

Do I still have the floor?

The Vice-Chair (Mr. Mario Silva) Yes. My understanding is that if you have raised a point of order, you have the floor. You can continue.

Mr. Tom Lukiwski: The transcripts clearly indicate that Mr. Warawa was absolutely correct in objecting to the decision made by the chair of the day. I quote from the official transcripts of the committee meeting in question.

After Mr. Rodriguez made his verbal motion—which in itself, as I have discussed at length, should have been ruled out of order at the time.... After the motion was made verbally, the chair responds, “We have a motion, but we need to vote on it.”

To that Mr. Warawa, who was in the middle of a point of order, responds, “On a point of order, Mr. Chair, Bill C-288, as I said.... Mr. Chair, I have the right to speak on a point of order, do I not? Are we at the end of our time?”

Then the chair says, “We are at the end of our time. I believe we have a motion.”

Mr. Warawa says, “Mr. Chair, then to do this properly, it should be dealt with at the next meeting. Otherwise, Mr. Chair, I have the right to continue.”

The chair responds, “We have a motion on the table. The clerk tells me we have to deal with that motion.” To that Mr. Warawa responds, “The motion is not in order. I'd like to share the reasons why, if I have your permission.”

Mr. Chair, I don't think I have to go on beyond that. The fact is, as indicated quite clearly in these transcripts, that Mr. Warawa was in the middle of a point of order, and when one is discussing a point of order, one has the floor and one can discuss that point of order, Mr. Chair, for as long as the member wishes. But in the case of Mr. Warawa and the chair of the day, his point of order was interrupted, and that in itself is out of order, Mr. Chair.

That is further demonstration, further proof, to underscore and augment the arguments I'm making to you this morning, that the motion presented by Mr. Rodriguez in and of itself was out of order. The business being conducted at the time the motion was submitted, Mr. Chair, was handled—unquestionably from an inadvertent standpoint—incorrectly, and was procedurally not in order.

The transcripts again, Mr. Chair, I submit, clearly show that Mr. Warawa was in the middle of a point of order, yet was interrupted, and that is against the rules, procedures, and practices of this House. He must be allowed—he should have been allowed at least, Mr. Chair—to continue.

So what do we have, Mr. Chair? We have a number of examples in the case of this particular motion in which protocols have been breached. We have the fact that due notice was not given. That is quite apparent, since the transcripts indicate that this was a verbal motion. The chair admits there is no evidence that a written submission was given, certainly not in both official languages, and in fact the manner in which the verbal submission was entertained, Mr. Chair, was out of order, since Mr. Warawa, as is clearly demonstrated in the transcripts of that last committee meeting, was in the midst of a point of order.

Mr. Chair, that means there have been several breaches of protocol, several breaches of accepted conventions, practices, and procedures that have guided this place for literally hundreds of years.

Do I consider this to be a serious piece of business that needs to be discussed and debated? Absolutely. How can any member think otherwise? Have we not been guided efficiently and effectively in the tradition of the Westminster Parliament for the last century? Of course we have. Why have we been guided by such? Because we have followed the rules of the day.

Now, from time to time, Mr. Chair, rules can change. I understand that. In fact, we just saw an example of it within the last couple of days, wherein certain standing orders of this House were altered. They can be altered at any time. Parliamentarians can change the standing orders. Parliamentarians can change and, in effect, make some of the very rules to which they are bound to adhere.

•(1040)

But, Mr. Chair, the point remains that once rules and protocols have been established, they need to be observed. They have to be followed, because what happens if they're not followed? Would it be the slippery slope?

Some may argue, Mr. Chair, that in this particular case, if this one little thing could be accommodated, if we could just ignore this one little protocol, what harm would it do? After all, there will be 60 days in which this bill can be debated, so who cares? Who cares if we didn't observe proper protocol? Who cares if we got this bill before the committee a day before it was supposed to appear?

Mr. Chair, I would suggest that I care. I would suggest that every member of this place should care, because we are bound not only by convention but by the very rules that guide this place.

I would hope, Mr. Chair, that we would present ourselves as parliamentarians, as examples to the general public of how democracy should work and how parliamentary function should work. Therefore, Mr. Chair, if we choose to ignore protocol, even one little protocol in the minds of some that wouldn't really matter at all in the larger scheme of things, if we just ignored that, what would be the result? I would suggest to you, Mr. Chair, the result perhaps would be one small chink in the armour that we like to think encompasses this very place.

Amongst other things, Mr. Chair, this Parliament was built on tradition, was built on a sense of respect, and was built on a sense of order. Mr. Speaker, I do not believe that at any point in time, any parliamentarian should ignore those very tenets of this Parliament.

If at some point in time, Mr. Chair, protocols, practices, and rules were avoided or ignored, due to a simple error and not corrected, I suppose that's something that we could all live with.

But in this particular instance, Mr. Chair, the error has been pointed out. In fact, Mr. Chair, the error was identified at the very time the submission was being made. This isn't a case, Mr. Chair, where we checked the records three weeks later and said, oh my God, you know something? We missed something there. We ignored protocol; we breached protocol; I didn't realize it at the time, but I realize it now. What, if anything, can we do?

That isn't the case here, Mr. Chair. At the time Mr. Rodriguez was submitting the motion, his verbal submission, there was an intervention. There was a point of order made by Mr. Warawa—a very legitimate point of order, because Mr. Warawa correctly

identified that what was happening was in breach of protocol, that Mr. Rodriguez was in breach of protocol, because he was not allowed to verbally move the motion he submitted.

Yet what happened subsequent to that, Mr. Chair? Due to the confusion—and I can only attribute the course of actions that followed Mr. Warawa's intervention as due to confusion—the chair of the day in effect overruled Mr. Warawa's point of order and allowed the motion not only to be submitted and entertained, but he allowed it to be voted upon at the time.

•(1045)

The subsequent vote, as indicated, of course, was that members of this committee would hear and start discussion on Bill C-288 the next sitting day, the next committee sitting day.

Yet that is the whole reason behind my intervention this morning, that that was completely out of order, that Mr. Warawa initially should not have been interrupted. Mr. Warawa, as the transcripts clearly show, was indicating to the chair that he had much more in terms of his argument to present to this committee. That's why he raised the point of order.

Yet unfortunately, and I would suspect inadvertently, Mr. Chair, he was overruled, in effect. That in itself should be reason enough for your ruling that Mr. Rodriguez's current motion is completely out of order. That in itself should be sufficient for committee members to understand that there was a breach, because we have, I would suggest, some very experienced parliamentarians sitting around this committee.

I do not know when everyone was first elected. I believe my colleague Mr. Vellacott was first elected in the mid-1990s.

Mr. Maurice Vellacott: 1997.

Mr. Tom Lukiwski: Okay, 1997. I believe Mr. Godfrey was first elected sometime in the 1990s. So they have been here a number of years.

I cannot and will not conclude that the incorrect rulings by the chair were done because members did not understand the rules of this place. In fact, I would suggest that the chair of the day, Mr. Mills, who is a very experienced parliamentarian, knows the rules, understands the practices and procedures of this House.

Therefore, I can only conclude that the ruling given by Mr. Mills was done because of the confusion of the time, because of the fact that there was another committee trying to enter this room, the committee room, and there was some jostling. But that's all right.

The fact is, though, that since we identified the fact and since there is proof positive, both in the transcripts and in the argument that I have been presenting, that there had been a breach of protocol, since we have identified without dispute—there is indisputable proof, in other words, in my view, that there was a breach of protocol—since we know that to be true, then we need to take corrective action. That's simply all I'm suggesting here, that we need to take corrective action.

I suppose there are some who again would take the line that, well, what's done is done; let's not rehash it. That is absolutely the wrong attitude to have in this case. I would suggest, strongly suggest, that as parliamentarians we all need to hold ourselves up to a higher standard in terms of how we conduct ourselves.

We clearly don't have a dispute with the fact that Mr. Rodriguez wants to bring his bill forward, but I do want to suggest—and I made these points, I believe, earlier in my commentary—as evidenced by the concurrence motion brought forward by the official opposition whip, that one of the provisions in the standing orders that guide us in this place is that while it gives, certainly, opportunities for all members to observe the procedures and practices that guide this place, it is also quite clear in both the spirit and intent that the government should be allowed to govern.

One of the offshoots of this motion is in fact that, if this motion was discussed, and I don't see how it can be discussed today because of the inappropriateness of the motion itself, the government would not be allowed to govern.

● (1050)

What we need to be doing, what we should be doing, in my humble view, is dealing with the piece of legislation known as Canada's Clean Air Act, brought before this committee. That is the issue, as far as future discussions are concerned.

That said, what we have is a private member's bill. This has been something where, frankly, on this Kyoto plan, or so-called plan, many witnesses have come forward and discredited the fact that targets are unachievable, it's an obsolete plan, and we need something new and different and fresh, something that's made in Canada. That's certainly something that the government wishes to pursue, but what we are doing here is discussing the fact that a motion to discuss a private member's bill, which basically was supposed to revert this Parliament back to a Kyoto plan, one that has been widely panned and discredited, should be discussed and debated at this committee.

The member certainly is within his rights and within his purview to submit any private member's bill. That's again one of the fundamental tenets of Parliament, that private members have the ability to bring forward private members' bills, bills that they feel are of importance either to themselves or their constituency or Canada. In this case, Mr. Rodriguez has brought forward a bill that would, in effect, if it were passed into law, revert Canada's environmental plan back to observation of the so-called Kyoto plan.

Even though I have serious reservations personally about the so-called Kyoto plan, even though I strongly believe that the targets established in the so-called Kyoto plan are completely unachievable, I would suggest to you that it is the right of the member to bring it forward, and I have no argument with that. In fact, I sincerely wish that I would have an opportunity, and perhaps I will in the future, to engage in debate with Mr. Rodriguez on the merits of his bill. But the fact of the matter is that while it is certainly within his parliamentary rights to bring a bill forward to the House, which he has done—and I would suggest, so far quite successfully, since it did pass second reading—therefore, while it is his complete right to have it introduced at the committee level, to which it has been referred, and that is this committee, of course, the environment committee,

while it is his perfect right to do that, I would suggest that it should be so done in a manner that is consistent with the protocols that have been established by this committee. That is the point in question, that the protocols that this committee itself has established have not been observed.

I fully agree with the fact that Mr. Rodriguez is enthusiastic. Due to comments I've heard from members of the opposition, I am fully knowledgeable of the fact that, after careful examination and full debate on Mr. Rodriguez's private member's bill, the majority of committee members will, I suspect, probably vote in favour of his private member's bill and try to get it back to the House for third reading as quickly as possible. I have no doubts that that will happen. So I can understand the enthusiasm that Mr. Rodriguez has in his attempt to get this before the committee as quickly as possible. I'm sure his feelings are that the sooner he can get it before this committee, the sooner it will then be back before the House. So I can understand the motivation behind his enthusiasm to bring it before this committee.

● (1055)

I have no problem with that enthusiasm. In fact, I applaud that. Even though we may disagree, I have great respect for Mr. Rodriguez. I think his thoughts on the environment are a little misguided, but I respect the fact that he has them, and part of the democratic process we have in this place is our ability to agree to disagree. That will always be the manner in which this place and business within this place is conducted.

Mr. Chair, there will always be the adversarial component to this place. Frankly, this place would be a boring place to do business in if we did not have, from time to time, competing views, and at times, I would suggest, competing interests.

The fact of the matter is that while I respect the ability of any member to bring forward an idea or a proposed bill—

The Vice-Chair (Mr. Mario Silva): Excuse me, I don't wish to interrupt you at this time, but I want to let you know there are two minutes left in the meeting, and we will be adjourning at 11 o'clock.

Mr. Tom Lukiwski: I'll see if I can wrap up quickly, Mr. Chair.

Some hon. members: Hear, hear!

Mr. Tom Lukiwski: Mr. Chair, I hear calls for more, and I appreciate the enthusiasm with which all members have listened to my argument this morning. But again, the basic principle that we're debating here, or at least discussing—or at least one of us is discussing—is that there was a fundamental breach of protocol. There is nothing more than that at stake here. And while I appreciate the fact that Mr. Rodriguez wants to have his bill brought before this committee as quickly as possible—and I'm sure there are other members who would like to debate the merits of the bill that Mr. Rodriguez wants to bring forward—the fact is that it has to be done within the confines of the protocols established by this committee.

● (1100)

The Vice-Chair (Mr. Mario Silva): I want to thank you very much for being here at today's meeting.

The meeting is adjourned.

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