



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 030 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, November 21, 2006

—
Chair

Mr. Gary Goodyear

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

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

Standing Committee on Procedure and House Affairs

Tuesday, November 21, 2006

•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Good morning, members. I call the meeting to order. Thank you all for coming out this morning.

I wish to advise colleagues and witnesses alike that this meeting is being held in public. I would also advise the members that we have business to discuss at the end of this meeting. I will try to leave 15 to 20 minutes at the end of the meeting to do that.

Today we have three witnesses who were invited to appear before the committee based on their appearance in 1992 when the initial report was formulated.

The Honourable Senator Champagne is with us this morning. Thank you.

Ms. Dawn Black, thank you very much for coming.

Mr. Marleau, a former Clerk of the House from 1987 to 2000, it's a pleasure to have you here as well.

If the witnesses have opening statements, keeping them to five minutes or less will be very helpful. Then we will proceed with our usual round of questioning.

Ms. Black, would you like to start please?

Welcome.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Thank you very much, Mr. Chair.

Thank you to the committee for inviting the three of us here to go through a little bit of the history of why that committee was struck in the first place back in 1992.

What happened then was that a number of particularly nasty and vicious racist and sexist remarks had been hurled around in the House of Commons. My colleague Howard McCurdy, a black member of Parliament, was told to “Shut up, Sambo” in the House. Some of the women had been called the very demeaning “bitch”, and there were other sexist slurs.

The Speaker came to all of the parties represented in the House at that time and asked them to participate in an advisory committee to the Speaker. Each of the parties did put people forward to sit on that committee. Andrée and I were just trying to remember how many meetings we had, but I think it was four or five.

Every party was represented—the Conservatives, the Liberals, the NDP, the Bloc, and the Reform Party. The Minister of Status of Women participated in the committee. The committee was assisted by the Deputy Clerk of the House and also by the House of Commons human resources director. So there was some expert help to the committee members as well.

Each of you has seen the report and the recommendations, but since 1992, when that report was tabled to the Speaker, the Standing Orders have changed. I know they have changed over the years, and they have been amended in other ways. However, I believe the report is still relevant. We've had a number of incidents in the House of inappropriate gestures and sexist comments.

Amendments to the Standing Orders could be made quite easily I think to implement some kind of change that would help the Speaker. I think you're all aware that Speaker Milliken has asked members of Parliament, asked the House, to make things better for him and to give him the tools that would help him maintain decorum and order in the House.

In this original report that was done, a number of recommendations were made and changes were agreed to. One was that the Speaker could name a member and also suspend a member. There was a progressive measure of discipline, if you like, much like many of the large corporations or institutions in Canada have today in terms of human rights and anti-discrimination procedures and policies. Progressive measures of suspension or discipline were called for. The first was suspension for a day. If no apology came or there was no change in behaviour, there would be a suspension for five days, up to and including, finally, a suspension for 20 days.

We also talked a lot during those meetings about whether or not there should be a financial penalty. There was heated discussion around that, as I recall. In the end, we agreed that there should be, that for some people perhaps only a financial penalty would help them mend their ways.

The report adds a prohibition against racist, sexist, and homophobic language, which has not been in the Standing Orders.

I think we really need to move in some way. Whether it's this report or whether it's parts of this report incorporated into some changes to the Standing Orders isn't really that important; I just think it's very important that we do address this issue. Parliament is very negatively affected each time one of these incidents happens and is reported across the country. I believe very strongly that we as parliamentarians have a real responsibility to address this, to address the lack of decorum, to take some really effective action on changes that would increase the decorum in the House and give the Speaker the tools he says he needs.

In 1992 we had five parties in the House, and it wasn't particularly easy to get all-party agreement, but we did. I think this Parliament again could come to an agreement on ways to effectively improve the decorum in the House of Commons through the Standing Orders.

Thanks very much.

•(1110)

The Chair: Thank you very much.

Senator, please.

[Translation]

Hon. Andrée Champagne: Thank you, Mr. Chair.

When I was called to appear before this committee, it unleashed a flood of memories. I realized that I had managed to forget most of the unpleasant moments and remembered only the good ones. This is probably more understandable if I tell you that the six or seven years during which I shared the Speaker's Chair were part of another era. We are talking about 20 years ago, in the fall of 1986.

In 1984, when I arrived in the House of Commons, the House had just been through the horrors of the *rat pack* era. It was absolutely terrible. A certain measure of calm had returned with the arrival of Mr. John Fraser, the first Speaker to be elected by the House.

When I first occupied the Speaker's Chair, I must admit that as an actress who had spent the last 20 or 25 years of her life showing every emotion, I sometimes had a very hard time hiding my impatience with some members who made life hard for me. When a new person takes the Chair, they try to see how far they can push her, and believe me; they don't cut you any slack when you're a woman.

From 1984 to 1986, when Mr. John Bosley was Speaker of the House of Commons, naming a member who was behaving badly had become a very common practice. Mr. Marleau reminded me a short while ago that

[English]

John Bosley named more honourable members during that year and a half or two years than had been named since Confederation. It became an everyday affair.

When John Fraser arrived, he said to his three assistants that they were not naming anyone and they were not throwing anybody out. That was for one reason. When the members were thrown out, they would go to committee; they would go back to their office and make phone calls; and they would eat at the cafeteria, where it was much cheaper. They would still have all the advantages and none of the problems. More than that, they were sure to be on television that

very day, not only live in the House, but also on the news. So being named became,

[Translation]

a feather in their cap, and not a shame.

The only means at the Speaker's disposal was to refuse to recognize a member, which provoked endless questions of order. We witnessed the arrival of the first Bloc Québécois members, who were all defectors, except Mr. Gilles Duceppe. There was Mr. Jean Lapierre, who didn't give way any for anyone. He was a past master in the art of talking about anything else but the subject under review. When you tried to tell him he was supposed to talk about such and such an amendment, or bill, he would switch back to his subject in no time.

I remember during a plenary committee, I had to stop him at each amendment. It was pure hell. There wasn't much I could do, because he was trying to be obstructionist.

Some people gave us a hard time with their lack of courtesy. I remember Mr. John Nunziata, whom some of you may have known. We had decided that we would no longer recognize him, but all it took was for me to leave to answer an urgent call of nature for someone else to take the Chair and recognize him. There was nothing we could do.

I remember that once when John had been extremely brutal towards another member. I called him into my office, and he told me that when he was attacked, he would counter-attack even more brutally. I answer that the House of Commons was not a schoolyard and perhaps he should learn to act differently.

Don will surely remember the moment when a committee had recommended that Mr. Waddell be called to the Bar. It was a notable moment, an exceptional situation. Mr. John Fraser was surely the more uncomfortable of the two.

Robert, you could tell us a lot more than Mr. Waddell, who found the situation quite funny.

The advisory committee I chaired had no follow-up, because shortly afterwards, there were the 1993 elections.

•(1115)

[English]

Some of the suggestions that are in the report could be used. Please study them. Go slowly—not everything at the same time. But mostly I think that all parties must be doing something. It really is the responsibility of the whips, of the House leaders, because as long as it is something fantastic to be named and ejected from the House, and not shameful, this is not the way to go. So the communication people could be at work as well, because it is a shame not to act decently in the House when you represent people who sent you there.

Thank you for inviting me. I hope I can be helpful with answers.

[Translation]

I thank you and wish you courage. You have your hands full.

[*English*]

The Chair: Merci, Senator.

Mr. Marleau, please.

Mr. Robert Marleau (Former Clerk of the House of Commons, As an Individual): Thank you, Mr. Chair.

I don't have a lengthy statement to make. Clerks are mute in debate, and I haven't lost that habit, unfortunately, since I retired.

I thought what I would take is a clerk's tag and first advise that you proceed with caution, which are usually the first words a new Speaker hears once elected to the chair. In my almost 15 years at the head of the table I've seen the House collectively rise to unbelievable levels of humanity, dignity, and even solemnity. So we mustn't forget that dimension as you look at your rules in the context of disciplining one of your own. At the same time, I went home some nights quite upset at the comportment of few, who bring the institution into some disrepute—usually for a little while. You'll be going back to your ridings over the longer Christmas break, and you'll hear from Canadians then. By and large, they don't like the extreme partisanship. They certainly don't like the sexism and any of the antics that unfortunately human beings are capable of from time to time.

I'd like to position the Speaker in this discussion for you. The Speaker really has only two tools or two arrows in his quiver for maintaining in a disciplinary way decorum in the House.

[*Translation*]

To begin with, the Speaker must be diplomatic and courteous, or risk aggravating things when the temperature rises in the House.

The two instruments at his disposal are as follows—the first is the authority to recognize a member or not recognize him. The second is to name a member for misconduct. It is not the misconduct that is being punished when a member is named. In reality, the member is being punished for not recognizing the authority of the Chair.

• (1120)

[*English*]

The Speaker usually says, “I name you for disregarding the authority of the chair”, which is vested in him by the whole House.

In my view, both those powers have been diminished over the last 25 years.

It first began in 1980, when Madam Sauvé accepted a list for question period from the whips. I'm not blaming her; it was a collective decision.

Prior to that, all members rose and the Speaker recognized them in what appeared to be a random manner. It was actually quite scientific for most Speakers in terms of an impartial and balanced way to recognize members. But we had introduced TV three years before and all the members popping up and down didn't look good on camera. Furthermore, the thumping on tables, which was the tradition for applause, didn't look good on camera.

With the full interest of protecting the dignity of the House, Madam Sauvé, with the whips, agreed on a process whereby you

would give the Speaker a list, and, by and large, the Speaker respected that list.

I'm not advocating that we go back because I don't think we can. But you have to realize that if a member misbehaves in question period and the next day his or her party puts him back on the list, the Speaker has very little room to manoeuvre. That has happened and it will happen.

The second thing was the naming procedure that was changed in 1985. Madam Champagne alluded to the change that occurred prior to 1985 when Mr. Bosley named over 25 MPs in a span of 18 months. That was more than had been named since the beginning of Confederation. Why did it happen?

There was the conjecture in 1984 of the biggest Conservative minority in history, with the Liberal Party as official opposition, and the party tactic of the rat pack. The rat pack was very much a role that was leadership sanctioned, which made it very hard for the Speaker of the day, regardless of his qualities as a diplomat or a chairperson.

The McGrath committee tried to reinforce the Speaker's hand by giving the Speaker the power to unilaterally name a member. Prior to that, a motion had to be moved, usually by the government House leader, and the entire House voted on the conduct of the member. If the motion passed, the member was ejected. It was quite a significant gesture to vote against one of your own in your caucus to respect the authority of the chair.

There was an incident where Speaker Jerome in 1977 named the minister during question period for not withdrawing the word “lie”. He refused categorically. The government House leader was in a position of having to move a motion against his own colleague sitting right next to him. There was a long silence in the House. Ultimately, MacEachen got up and moved the motion. It passed, and Mr. Ouellet was ejected.

The House participated in the discipline. You now had the House as a witness to a struggle between the chair and a member, who sometimes was not even paying any attention to what was going on.

The intent of strengthening the Speaker in 1985, in my view, in fact weakened the Speaker. That's why Speakers since John Bosley reluctantly name, because they feel they're weakened. They have to at one point.

The member can leave, as Madam Champagne said, and go to committee, go back to his office, or get on an airplane and go home for the weekend, if it's a Thursday afternoon.

My comments to you are to say that there are two examples that I believe were well-intentioned changes but in fact reduced the authority of the chair in terms of disciplining members.

It's why I say, Mr. Chairman, proceed with caution.

The Chair: Thank you very much.

Colleagues, we'll begin our first round of questions. As a gentle reminder, keep your comments short and we'll have lots of time for questions and answers.

We'll begin with Monsieur Proulx.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chair.

[English]

Thank you, Ms. Black.

[Translation]

Thank you, Madam Champagne and Mr. Marleau.

Mr. Marleau, you are a specialist in procedure in the Parliament of Canada. Would you agree with me that the Speaker of the House has the necessary tools to interpret the rules so as to bring peace to the House?

Neither the Speaker, nor the new rules, nor the existing rules can prevent a member from standing up and doing things that are wrong, although the discipline imposed by the Speaker can certainly discourage misconduct and improper language.

Does the Speaker have sufficient tools to deal with the great majority of problems?

• (1125)

Mr. Robert Marleau: Mr. Chair, I'd say yes. I think the Speaker has the necessary tools to ensure that debates in the House of Commons take place with the greatest dignity possible. But this responsibility does not rest solely with the Speaker. He must act in partnership with the party leaders, the whips and the House leaders, who are, in my opinion, House officials. It is their duty to support the Chair within their caucus.

To get back to the rat pack mentioned by Madam Champagne earlier. That was a deliberate and political strategy adopted by an opposition party. Under such circumstances, the Speaker is badly equipped if the leader does not support him when he intervenes.

What are perhaps missing in this report are the consequences of the Speaker's actions. A member who is named can return to his office and work there; he is not obliged to attend the committee meeting his whip wanted to send him to, or he can take an earlier plane and go back to his riding. There are no Parliamentary consequences.

You could perhaps review some elements of this report

[English]

with caution, so that there is some consequence to the Speaker using the naming procedure.

[Translation]

Mr. Marcel Proulx: Isn't not recognizing a member already a major tool? I agree with you that part of this should come from the party leadership. However, the Speaker has the power to not recognize a member in the House, even if his name is on the list for Question Period or during statements. Don't you think it's already a lot?

Mr. Robert Marleau: It's a lot, but this power can't be exercised absolutely without the support of the party in question. I'll give you an example. I won't name the former member involved, because he's still around, and he could come back one day.

A member had accused the Prime Minister of being a liar. Mr. John Fraser, at the very beginning of his term, had decided that he would not name members, that he would bring back some degree of dignity through his exercise of impartiality and his sense of justice in the conduct of debates. The member squarely refused, and Mr. Fraser decided not to name him. He called me over, as you often see a Speaker do.

[English]

"Help, Monsieur Marleau. Please take your message to the House leader of that party and tell him that I will not be recognizing the honourable member in debate for as long as he chooses to not apologize to the House."

[Translation]

Two weeks went by. The member was present for Question Period every week, and his name was not on the party list, which created some brouhaha within the party in question. At the beginning of the third week, I received a message informing me that that day; the only name on the list of the party in question would be that of the member who had been suspended by the Speaker.

The message? The party no longer recognized the Speaker's authority to carry out such acts. I advised Mr. Fraser not to let the situation drag on indefinitely, because the right to speak in the House, which one earns when elected, is very precious.

Until what point can the Speaker continue to not recognize a member?

• (1130)

Mr. Marcel Proulx: Mr. Marleau, I hear what you're saying, but Mr. Fraser had the right to act in this way. This doesn't mean that all speakers have to do the same thing.

But let's get back to the issue of party support for the Speaker of the House. Could this issue be resolved by rules? I don't think so. There must be a will on the part of all parties to ensure decorum and respect for the rules and the Speaker. What is currently being submitted to the committee is the work that was done then, which suggested that certain changes be made to the Rules of the House to resolve the problem.

Could the parties' support be set out in an amendment or addition to the Rules?

[English]

The Chair: I'm sorry, but we're out of time on that round, Monsieur Proulx. We're way over the seven minutes. Perhaps you'd like to ask that question or finish that on the next round.

Mr. Marcel Proulx: Merci.

The Chair: Mr. Hill, please.

Hon. Jay Hill (Prince George—Peace River, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for appearing today. At the outset, I would have to agree with Mr. Marleau's comment. Proceed with caution, I heard you say at the outset of your remarks, and then you laid out the two tools the Speakers do have. One is do not recognize a member, and the other is you recognize them, you name them, and eject them from the House.

I'm a little concerned with one of the clauses in these amendments in this proposal we're considering from the 1992 report, in that, "A Member who has been suspended from the service of the House shall be suspended...shall forfeit the right of access to the Chamber".

My concern with regard to that is it's very dangerous, and I'm specifically addressing this to Mr. Marleau as a renowned co-author of a book on procedure and process in the House of Commons. My concern is, in the last minority Parliament we ended up with a tie vote on a confidence measure where the Speaker had to, and rightly so, vote for the status quo, which is his role, and he maintained the government. The Speaker could find himself—especially in a minority situation, I would suggest—in a situation where if he were to impose that type of sanction to effectively disenfranchise a member, if he did it on the part of one opposition member, it's conceivable in that particular situation that the government would be maintained, or arguably, if it were a government member who was the problem and lost the right to vote in the chamber, then the government would fall, and it would be determined by the Speaker.

I would ask you to comment on that. When you say proceed with caution, I would think this is the one area you're getting at, if I could use that term and ask for your comments on that particular scenario. We were in that situation in the last Parliament and could easily be in it in this Parliament.

• (1135)

Mr. Robert Marleau: Yes, sir. If I had known I was going to be here today I would have kept my 1992 notes. As I recall, this particular draft, I think it's paragraph 11(1)(d)—I met with the committee and gave evidence—followed my recommendation. What it does is it simply—the first part, not the last part of forfeiting a monetary sum of some kind.... In fact, the practice right now, Mr. Chair, is that if a member is ejected from the House by the Speaker, he's out for the day; whether there's a vote subsequently or not, he's not to return to the House. That's just stating in the Standing Orders what the practice has been.

The point you make about minority governments is a very valid one. I can assure you that Speakers I've worked with would have it first and foremost in their minds on how to deal with such a situation, including taking the matter under advisement, which is the Speaker's prerogative, putting it over to another day, letting the member cool off, and maybe the next day the member is feeling a little bit better about it. So the Speaker has a mood management role as well in that situation. If he moves too fast, sometimes he makes the situation worse. In a minority context, I would say the Speaker would have that first and foremost in his or her mind.

Hon. Jay Hill: I appreciate that response.

I want to pick up on this idea that the first step for a Speaker—and when the Speaker appeared before our committee he referred to this as well, and he's used it quite effectively in the past where he didn't recognize a member. You can do that quite informally. You don't have to make a grand announcement to the chamber. Either the Speaker himself or one of his officials could talk to that member and say they weren't going to be recognized in debate. Obviously, that person would not be disenfranchised as far as his voting, but that person would not be recognized as far as debate or question period.

I want to pick up on your suggestion that to make it truly effective, what we would need is buy-in or support from the four parties, the whips, the House leaders, ultimately the leaders of those four parties, to say we will always support the Speaker in that ruling, and ensure that happens by not having the person on the list for question period, for example, and we will respect the Speaker's right not to recognize that person. Is that what you're getting at there?

Mr. Robert Marleau: That's what I'm getting at. And I would just couch it, in my words, a little differently and say that the leadership is supporting the authority of the chair—not necessarily the action the chair took in the particular circumstances, but the authority the House has vested in the Speaker in order to maintain decorum and dignity. And that's the fundamental issue.

In the Ouellet case of 1977—if you read Jim Jerome's memoirs—in that long pause, I think he says he was drafting his letter of resignation. If MacEachen, the government House leader, had not risen to support the chair, he would have had no choice but to resign the next day.

So I make that point that as a leadership, you're supporting the authority of the chair. The word used becomes almost—I won't say irrelevant, but secondary in the contest between the Speaker and the member.

Hon. Jay Hill: I just wanted to pick up on one point that was made by Senator Champagne, because we did discuss it privately, in camera, in the past, and that is this whole issue of it being the responsibility of the whips and the House leaders—not that I want to abdicate that responsibility. I know, working with the other whips, that we have tried to impress upon our caucus the need for improved decorum. I did make the point at that time, and I would ask for a quick comment, that really it comes down to self-discipline on the part of every one of the members of Parliament, regardless of party, and peer pressure from those around them as well. In a large caucus, in particular, the whip can only hear and see what is going on in the immediate vicinity, and it makes it pretty difficult to ride herd on somebody who is quite a ways down and might be making comments that you're not aware of. I just put that out there.

The Chair: Thank you very much.

Monsieur Guimond, you have seven minutes, please.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chair.

Mr. Marleau, I turn to you as the authority on Parliamentary procedure. Contrary to what my colleague Mr. Proulx stated, we aren't here to obtain peace in the House. I am taking it for granted that we already have it, but what we are looking for is more order and decorum. This is simply a nod to my colleague Marcel Proulx.

Research has prepared us a study on how things are done in other provincial legislatures. With a few minor differences, it's basically the same everywhere. This may be due in part to the fact that provincial legislatures, including the Quebec National Assembly, are all based on the British model, like this Parliament.

Have you ever had the opportunity to examine the issue of respect for order and decorum in other legislatures in Commonwealth countries, or do you not have any specific knowledge of the subject?

•(1140)

Mr. Robert Marleau: I couldn't quote you a section of the rules from the Barbados legislature, for example, but I can admit that the problem is a universal one in terms of the Speaker's position and human behaviour.

There is a saying in the Lac-Saint-Jean region to the effect that people will be people. There are no rules that can completely eliminate the human factor.

With regard to your research about the provinces, there are variations, but in some cases the motion must be moved by the House Leader, while in others, the House of Commons' practice was adopted immediately after 1985, at the same time as the practice of having the Speaker elected by a secret vote.

In Great Britain—which was the basis for my comments to the committee in 1992—, the member is expelled from the Parliamentary precincts. He cannot return to his office. He cannot attend a committee meeting. There is a consequence. If the sergeant-at-arms sends a message to everyone saying that the Speaker has expelled such and such a member, it's over for the day.

I don't mean to criticize the members. You have large ridings; some of them are far away. On Thursdays, a lot of people fly out in every direction across the country. The privilege of travelling on Thursdays should at least be suspended, so that a member cannot not simply contravene the Rules to get a longer weekend and leave the next day. In other words, a member who is excluded from the House is already punished, but is only pardoned the next time he appears in the House.

That's partly what inspired my recommendation in 1992: the British practice under which a member cannot return to the House or go to his office. In modern times, this could have unpleasant consequences.

Mr. Michel Guimond: You went so far as to talk about pay, I believe.

Mr. Robert Marleau: I don't have my notes with me, but as far as I remember, I didn't go that far. I don't know if Madam Champagne remembers.

I find that a monetary penalty may have no meaning for some members, depending on their means, and be very important for others.

Mr. Michel Guimond: You also raised a pertinent question. I did not run for Speaker, I withdrew my name, so my comment here is very disinterested. It is my opinion, like Mr. Proulx, that the Speaker has—and I am not referring specifically to the current Speaker, Mr. Milliken—under the current Rules, all the necessary latitude to act.

I am very critical of Speakers who do not use the Rules enough.

However, you raised an interesting point, that there should be collaboration from the House leaders and whips, because they are responsible for discipline in the House, and collaboration from the party leaders. There should be complicity.

I remember raising the issue of repeated applause at the meeting of leaders and whips. In the end, because time is a variable that cannot

stretched or compressed, the small parties, the third and fourth parties, lose their opportunity to ask questions. I brought this up at the meeting of leaders and whips. The next day the situation was even worse. They stood up 11 times. It's as if raising the issue aggravates the situation.

What I learned from that is that achieving the collaboration that is needed is an exercise that requires a commitment from everyone.

•(1145)

Mr. Robert Marleau: May I make a comment? Perhaps Madam Champagne would like to add a few words, because she has more experience in the Chair than I do.

The matter of applause and ovations that replaced the thumping of desks, once the debates began to be broadcast, is another problem. This problem can be resolved quite easily by means of the Rules. If the government makes an excessive use of applause, you add time to Question Period. If the opposition is excessive, you cut time from Question Period. That is a technique rather than the Speaker's authority. The Speaker cannot make 150 members who are all standing and shouting sit down. He must wait for them to calm down before acting.

However, I am not here to defend the Speaker. Madam Champagne, who has first-hand experience, will perhaps want to add something.

Senator the Hon. Andrée Champagne: With regard to the various tools available to a Speaker, I was thinking of one thing. A long time ago, I found myself in a situation where it had been decided to not recognize someone until he apologized for using improper language. It was at the end of the second reading of a Bill, late in the afternoon. Everyone was getting ready to vote. It was the question and comments period, to be followed by the resumption of the debate. The only person to stand up was the person who could not speak.

[English]

"Is the House ready for the question?"

[Translation]

The points of order then began. Someone had stood, and I could scarcely say that I had not seen anyone. The Speaker must be given another tool than having to say that he or she has seen no one, when everyone watching on television could see the person standing. There is a problem. What is a poor Speaker to do? I experienced it, and I remember that I was quite uncomfortable.

[English]

The Chair: Thank you very much.

Monsieur Godin, seven minutes, please.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chair

I think that if I had been Speaker and the only person to stand up had been the one being punished, I would have continued and called for a vote, since all the other political parties could stand up. This means you did not have the support of the other political parties. Parliament was challenging the Speaker.

The current situation has become untenable: Canadians, and as well as teachers who come from everywhere to visit Parliament, say they no longer want to take children there. We have reached that point.

Mr. Marleau, I must say that I disagree with you. I will tell you on what point. You say that the Speaker has a list of names of the people who will make interventions and does not have the power—because of the list of political parties—to refuse anyone the right to speak.

In the meanwhile, in terms of statements, if a member stands in the House of Commons—he has not committed a crime, because he has not been sexist or done anything of the sort—and says he wants to recognize the presence of John Smith in the gallery, he is punished for 30 days. Yet, the political party gives the Speaker a list setting out who will make a statement in the House of Commons.

So how can the Speaker say that he has the power to prevent a member from making a statement for 30 days, but that during Question Period, because of a list provided by the political parties, he can't do so, and he has the same list?

Mr. Robert Marleau: I will refer to the decision made by Madam Sauvé in the early 1980s. She had said that she would accept a list for Question Period, but not for members' statements. This is a technical detail. With regard to the specific situation you bring up, I don't know.

• (1150)

Mr. Yvon Godin: So we should be prudent is what you're saying. I'm sorry, but the story of Mr. Jay Hill's vote is a problem for me. If the person who calls someone else by any name wants to vote, he or she should stand up and apologize. If this person makes the government lose the vote, it's up to the Prime Minister to reprimand him. He'll do his work after the fact. That way, we could perhaps do our work. It's that simple. We can't start insulting people and being impolite. The whip would have the power to suggest to a member that he or she go back to the House before the vote, call for a question of order and apologize, because his or her vote will be needed that night.

We believe the member should apologize. If he does, he can continue to carry out his duties. But if he says he will not apologize, because he wants to appear on television newscasts, in my opinion, let him. It doesn't mean that everyone in his riding will agree with him and he may have to pay a political price.

If he gets his name on the national news every week because he is unable to conduct himself properly and he insults people, he will pay the political price.

We keep passing the buck by saying we don't have the power, while the Speaker says it's the responsibility of the political parties to discipline their members. We are not the speakers of the House of Commons.

I have been president of a union. I had 1,000 people in a room, and if someone did not want to abide by the rules of the meeting, I would ask the sergeant-at-arms to throw him out, because the meeting had to go on. After being expelled once or twice, they did not want to get thrown out, they wanted to participate.

Being too polite is a crutch. It's reached a point where the people who come here wonder what kind of organization the Parliament is. We are supposed to be the leaders of our country, and people can't even bring students in to watch us. We've reached this point because we're too polite and we don't want to take action.

Madam Champagne, I have to say that when that person stood up, it was up to the other political parties to stand up. So you should have continued and put the question to the vote.

Hon. Andrée Champagne: That's what we did.

Mr. Yvon Godin: Perfect, there was nothing wrong with that.

Hon. Andrée Champagne: There were questions of order for a few minutes; there was nothing we could do.

Mr. Yvon Godin: That's not serious. If we decide to continue acting in this way, I assure you that Canadians won't accept it for long, because we are not running our Parliament properly. We have to get past the tempest of quarrels and fights in Parliament. I believe that in this way, we will be able to restore order.

Hon. Andrée Champagne: Mr. Godin, you say it's not serious that there were questions of order for 20 minutes in a row? If you're ever in the Speaker's Chair at some point, you will see that it may not be serious, but it's not pleasant, either for the Speaker or for the people who are trying to get something done in Parliament.

Mr. Yvon Godin: But in that case, don't you think, Madam Champagne, that this type of situation could force the political party to speak to its members and call them to order? It will become necessary if the political party wants to stop wasting time. Now it's too easy.

Mr. Robert Marleau: Mr. Chair, I would say to Mr. Godin that we are not in complete disagreement.

Mr. Yvon Godin: Thank you.

Mr. Robert Marleau: I'd say that you are using much more specific language than I am. I'm not criticizing you for adopting this position. On the contrary, I agree with you.

In the beginning, I believed it was a partnership between the Speaker and the leadership, and that if the Speaker made a decision about a political faction, the other political factions should support the Speaker's authority, instead of joining together, so that the Speaker—

Mr. Yvon Godin: But at the time, wasn't the Speaker in question appointed by the Prime Minister of Canada?

Mr. Robert Marleau: It was a vote of the House, a secret vote.

Mr. Yvon Godin: Let us imagine, for example, that the political parties abide by the Rules and the Speaker is given a list. If the latter has imposed disciplinary measures against a member and the latter is removed from the list, the Speaker can no longer say that the list is a problem.

Mr. Robert Marleau: It would be very easy to make a small change to the Rules and express that very idea as the will of the House.

Mr. Yvon Godin: : Do you think it would improve things?

Mr. Robert Marleau: I think it wouldn't hurt, but I must repeat: think twice about it before writing the rule.

Mr. Yvon Godin: If we have to think twice about everything that goes on in the House, nothing would get done.

[*English*]

The Chair: Okay.

Thank you very much, colleagues. That ends our first round.

We're going to move to the second round, which is five minutes. Again, just a reminder to keep your comments short; you'll get better answers.

Madame Jennings first, and then Mr. Lukiwski.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you, Chair.

Monsieur Marleau, in response to some of the questions, you said on the one hand that you believe the Speaker has more or less sufficient authority to deal with almost all situations of misconduct, but that in some instances there are no consequences to the authority exercised by the Speaker. You gave the U.K. as an example. When the Speaker expels a member of Parliament from the chamber of the House of Commons there, that member of Parliament is excluded from the entire parliamentary precinct. Is that something you think this committee should think seriously about—the wisdom of possibly adding that as a consequence to expulsion from the chamber?

● (1155)

Mr. Robert Marleau: I think it would add meaningfulness to the consequence of being suspended. It's less than it was at one time, but there's still an incestuous relationship with the media. It used to be a good way to get the headline. But I think it would add some meaningfulness to the decision the chair has made on behalf of the House.

Hon. Marlene Jennings: I have another question, and you may not be in a position to answer this, but it was mentioned in passing by some of the members who were asking you questions. The Speaker can hear and see certain things that are happening, either during debate or during QP, but not necessarily everything that's happening in the House. Therefore, there can be certain types of conduct that happen during the proceedings of the House that the Speaker, himself or herself, is not an ocular or a hearing witness to.

If it's brought to the Speaker's attention, the Speaker then speaks to the MP who's been identified, and then it's primarily, according to the honesty and integrity of that MP—if in fact he or she committed what's being alleged—to own up to it and withdraw it, apologize for it, or whatever.

I've been a witness in the nine and a half years that I've been here. In most cases when there has been a complaint made about the conduct of a particular MP, that MP has actually risen and apologized or has withdrawn the comment. But I have witnessed, on at least one occasion, when everybody has also witnessed it, that the MP in question refused to admit to the alleged misconduct. And the Speaker was basically stymied, notwithstanding the fact that there were members of that individual's own party who were clearly witnesses to what happened. Not one of those MPs stood to say, "I heard it. I saw it."

So it's not just from party to party; it is within the party itself. When we talk about parties having to show their support to the Speaker, we mean that individual members have to have sufficient integrity and strength of character to be able to stand and say, "No, I'm sorry, I heard it", even if it's their own colleague.

Do you see any means with which the Speaker can deal with that? Or the Speaker is just in a position of saying, "Well, it's been denied. I didn't see it. I didn't hear it. Therefore, the matter is closed."

Mr. Robert Marleau: There is a very long tradition in Commonwealth parliaments to accept an honourable member's word, however doubtful you might be, when he or she delivers it.

Hon. Marlene Jennings: I'm going to interrupt you for a second.

We have a specific case. There were sworn affidavits on the part of some, saying that they saw and heard the alleged misconduct, or unparliamentary conduct. The individual, whose conduct was the object of the complaint, denied having done it. What does the Speaker do then? He's got a series of MPs who have sworn under oath that they were witnesses and the one who's the object swearing that it didn't happen.

● (1200)

Mr. Robert Marleau: I don't know how you would write a standing order that would cover integrity and honesty, to be honest.

Hon. Marlene Jennings: That's my point exactly. We can't cover everything through Standing Orders.

The Chair: Thank you, Madam Jennings. Your time is up.

The next questioner is Mr. Lukiwski, please.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Mr. Chair, and thank you, panel.

I think I'll start with Ms. Black. You seem lonely up there. You're not answering too many questions.

I would like a quick response from you and Ms. Champagne and Mr. Marleau, since you were all here in 1992, and then I have a specific question.

I'd like a brief comment on whether you believe the decorum in today's House is as raucous as it was in 1992. My understanding is that some of the incidents of racism and sexism, which you related in your opening remarks, precipitated the report that you filed. I wasn't here in 1992, so I'd like to get your opinions as to whether you think it's any better now than it was in 1992 or if it's about the same.

More specifically, I'd like to know, since it was an all-party committee that wrote this report and came to agreement, which was probably a monumental task at the time, why it wasn't implemented. If this was a report that all parties seemed to agree upon, and it's been kicking around for 14 years, why has it never been implemented?

Could I have your comments, please?

Ms. Dawn Black: In comparison with the nineties, I don't think the decorum in the House now is worse; however, it's a lot louder now, I notice, than it was before. I don't think the individual comments and the kinds of remarks that are hurled about are worse, but it's a heck of a lot louder.

I've thought about that and wondered why it's so much louder now. Maybe it's because we're in a minority Parliament and the official opposition and the government are almost equally balanced. I don't know whether that's an answer or not, but it's definitely louder, and it's harder to hear different members when they're speaking, if you're not using your earpiece.

I don't think the way members refer to each other or the respect they show each other has gotten better, though.

I'm a parliamentarian, but I'm also a mother. I learned very early on when I was raising my children that there had to be consequences for bad behaviour. I think we know that throughout society. Teachers know it, and people who work with young people know it. In any facet of society, we know there have to be consequences for repeated bad behaviour.

I think that's what's lacking right now. In the court of public opinion, our Parliament does not have the respect it had many years ago, perhaps; I don't know. Maybe it never had it, but it seems to me I get more comments now, from people in my community and in the travelling I do, that they feel discouraged and disillusioned a bit about the kind of behaviour that goes on in Parliament. I really think we have a responsibility to deal with this, because it's dangerous for society in general and for the health of our own democracy.

Hon. Andrée Champagne: Maybe I will go to the second part of your question.

The report was *consultatif*. It was given to the Speaker, obviously, at the end of June; that was just before the summer recess. We came back, and I guess we were all hoping things would finally be a little better, as we were all talking about up-and-coming elections and hoping to look better for our electors-to-be.

I was defeated in 1993, along with—

Ms. Dawn Black: Almost everybody.

Hon. Andrée Champagne: —all but two of my party, so I don't know what happened then with the report. I was surprised to see it late last week.

Mr. Robert Marleau: My understanding is it went to the House leaders. The Speaker passed it on to the House leaders. Since the Speaker himself or herself cannot initiate amendments to Standing Orders, it became a leadership issue as to whether they wanted to follow up.

Mr. Tom Lukiwski: Thank you.

Let me make a quick comment, and you can certainly respond if you wish.

One of the things I've heard time and again here, and that was certainly mentioned by Speaker Milliken when he appeared before us, and which I still think is probably the most effective way of discipline, is for the Speaker to consider an individual member to be invisible. We've talked about consequences and all of that, but I just don't know, for the life of me—and Marlene was mentioning it here, too—what could be done by way of putting into Standing Orders consequences that would cover all situations. It involves personal integrity and personal respect and all of that type of thing.

I'm really not sure there's ever going to be a set of rules, procedures, SOs, that would cover everything, but the current Standing Orders and the tools the Speakers have are, in my own opinion, sufficient if they're properly enforced.

My comment is just that I think causing a member to become invisible to the chair is probably the most effective way.

• (1205)

The Chair: Okay, thank you. We just ran out of time there.

Madame Picard, please.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): My comments come in the wake of Ms. Black's. I have been here for 13 years and I find that as time goes on, it is getting harder and harder for visitors to hear anything, especially during Question Period. Whether it is someone from our ridings, members of our families or friends, they describe it as a joke or a circus, and I could add several other negative terms. I find it a shame. We work very hard and this single one-hour representation discredits us and devalues our work. I am one of those who believe that things must change.

When the Speaker rises and says "Order", the members are so used to hearing him that they no longer obey. They simply shrug off the Speaker. When I first got here, I was told that when the Speaker rose, everyone had to shut up and sit down. Now people stand up, they remain standing and they keep on shouting. I find that there is now some laxness in people's behaviour. I have seen a Speaker who, after saying "Order" twice without managing to quiet the bedlam, remained standing until everyone sat down and calmed themselves.

When the Speaker is standing during Question Period, the clock is ticking and time is being lost. Can he really remain standing for 15 or 20 minutes, until calm returns? Does he really have that power?

Mr. Robert Marleau: Yes, I'd say that he does. In the past, there have been long interruptions. It has even happened that work was suspended for 20 minutes, until the House came to its senses, so to speak. The fact is that in a debate, after 3:30 p.m., it's less serious. During Question Period, delays caused by the Speaker have consequences, and it's often the third or fourth parties that pay the price. It should also be noted that it's to the government's advantage, because there is less time and therefore fewer questions.

In the early 1990s, Mr. Fraser would add five to seven minutes to Question Period because he found that ovations of the Prime Minister were excessive. I should add that the House leader at the time—I won't name him because he's still a good friend—would get away with murder when it came to questions of order and private interventions.

As for the control that a Speaker can exercise, that's another story. I agree with you that it is too bad that all the attention is focused on that one hour. It tarnishes the debates and especially the work being done by members on committees. Be that as it may, it is difficult for the Speaker to remain standing for 15 minutes during Question Period.

•(1210)

Hon. Andrée Champagne: : House leaders say that one is too strict, another lets too many things go by, and so on. I sat in the Chair for almost seven years, and I can state that we can never please everyone.

“Damned if you do, damned if you don’t”, just about sums up the situation. So you do the best you can, according to your conscience, and you hope that the House will give itself a stricter code of conduct or will come up with rules that the Speaker can more easily apply. That’s what I’ve come to think, looking back on it.

[English]

The Chair: Merci.

Monsieur Godin.

Mr. Yvon Godin: Madame Jennings says we will not be able to cover everybody, that the Speaker, who is at the end of the House, cannot hear what happens, so how can he cover it? Well, I think the incident she was talking about, though she didn’t name it, was very close to the chair.

At the same time, though, if we had a rule that in cases where the Speaker heard...I think the person making the comments would not think, “Am I going to get caught by the Speaker or not?” He would know there would be consequences, and just because of the shame of it, it would be like not giving him any tools.

[Translation]

You’re right, there will be no way of covering them all. But the fact remains that before making a comment, the person must know that there is a possibility the Speaker will hear him, and there will be consequences. I believe the rules must be applied. After all, we are talking about the Speaker of the House of Commons here. If we take away his power to govern the House and demand respect, it won’t work. You were there in 1992 and things weren’t going well at that time. We now get the impression that the situation is even worse.

It’s not just issues of sexism and racism, but everything that happens in the House. Michel did a study that was released two or three weeks ago. It showed that since September, the party in power has stood up 63 times, the Liberal party 33 times, I believe, the Bloc Québécois 3 times and the NPD 4 times. There is a problem: we no longer have a Question Period.

It was also mentioned in the report that salaries could be cut. At the time, if my memory serves, there was the member’s salary as such and payment for House-related duties. A member who did not appear in the House was not paid. Now there is a fixed salary. In the past few years, salaries have changed.

Hon. Andrée Champagne: Salaries were definitely not as generous as they are today.

Mr. Yvon Godin: But it must be admitted that the cost of living wasn’t as high.

Hon. Andrée Champagne: Perhaps. A member earned around \$66,000 and had an additional budget for expenses, which is still the case today. I don’t believe salaries were split up in 1992. Everyone said that members earned a lot of money.

Mr. Yvon Godin: Mr. Marleau, you spoke of the possibility of a member who did not want to apologize being excluded from the House of Commons. That person could take the plane and return home. Having been excluded from the House, he could not take part in committee work. That may be an advantage for him, but the political party, the whip, would no longer have any representatives on committees. This would oblige him to tell the member to apologize. There are repercussions you may not be aware of.

Mr. Robert Marleau: : I’ve experienced this type of situation from both sides, I assure you. A member who was the main critic for a bill being studied by a committee was excluded from the House during the final hours before the vote on the bill in question. He could not be present, which seriously penalized his party.

Ms. Black says she finds it noisier now. I can tell you that in 1984, the evening when the amendment to the Constitution was adopted, it was very noisy. The Speaker was under assault and had to show extraordinary dignity to overcome this crisis.

•(1215)

[English]

On Black Friday, in 1958, when the Speaker reversed his ruling on the TransCanada pipeline, mayhem broke out in the House; fist fights broke out in the House. The next day the Speaker faced a motion of censure.

We can pick incidents from our history. This is a very intense place, and I’m not for a moment condoning the wrong or bad conduct of any member, but I think you also have to think of the context from the Speaker’s perspective. When there’s an issue before the House, how does he mood manage his way out of it without making it worse?

The Chair: Thank you.

I’m sorry, your time is up.

For the third round, please, we’re going to move down to three minutes now.

Mr. Hubbard.

Hon. Charles Hubbard (Miramichi, Lib.): Thank you, Mr. Chair.

I’m sitting in today at the committee, but it appears that most of this is around question period. That is the big sporting event that we display to the nation. People back home turn on their TVs at two o’clock, or whatever, depending upon where they are, and they watch this event. We get a lot of criticism as members: “How do you behave? If you were children in our school, we would have to close the place down.” We do get a lot of very derogatory comments about members of Parliament, and only a few probably cause most of the difficulty.

Mr. Marleau, with the setting we have, with the TV that we’ve brought in, the so-called cabinet ministers are under attack. It’s like dealing with a hunting game. They never know who is going to be asked a question; they don’t know what the question is about.

I would like to ask Mr. Marleau just to comment in terms of other legislators and other parliaments.

How can we improve the setting if we can't have the proper outcomes? We are talking about discipline. How do you discipline?

I was a school teacher for about 30 years. It depends upon the teacher, the setting and the environment, and what the lesson is.

What would improve the setting to make sure we don't get involved in this sporting activity, which is a hunting game to take some minister to task?

Mr. Robert Marleau: Although I am no longer clerk of the House, I am still an honorary officer of the House. I have always been very careful not to criticize question period too much because it is a very powerful exercise in accountability. It is very powerful, bar none, in the Commonwealth.

The Prime Minister comes for 15 minutes once a day in Great Britain, in that great mother of Parliament. All of the cabinet ministers have notice of the questions, or at least notice of who will be asking the questions. I'm not advocating that as something you should consider.

If you want to tone down question period, there is a draw for questions at the end of the day. Members file their notice for a question and the clerk shuffles them like a bunch of cards and then he turns them over for the first thirteen, and that's what's printed on the order paper. That tones it down a bit because the ministry can get ready in terms of some of the answers coming their way. It does take away, which they don't have in Great Britain to this day, the total party control of their membership in the line-up of question period. The member in Great Britain is far more independent. If he gets in the draw to get his question, it has nothing to do with his party. It may have to, in terms of the content and the policy and that sort of thing, but it has nothing to do with his party leadership. He's there because as part of the process he has been selected.

There are techniques you could look at. Notice is one, but it does diminish the power of question period to ask a question on any matter of public administration within the government's responsibility on any day, at any time. We're very demanding in Canada in asking the Prime Minister to be there most days, and the entire cabinet would be in attendance.

What happens in Great Britain with notice is, well, we know today it's only going to be on defence and social affairs, so only those ministers show up.

There are two ways of looking at it.

Hon. Charles Hubbard: Thank you—

The Chair: I'm sorry. I don't mean to cut you off. We're just trying to keep to a schedule.

I do not have any other members on my list for questioning. I'm going to assume the questioning is over.

Thank you, colleagues.

I would like to express the gratitude of the committee to the witnesses coming today. Thank you again for being here and for being so kind as to answer our questions. Even though you didn't get many, in some cases, we certainly appreciate that you were available. I now dismiss the witnesses from the meeting.

Colleagues, we will just give the witnesses a moment to step away from the table and then we will continue in public and see where we are going from this.

Okay, colleagues, let's get back to business on this issue. I would like to take just a brief moment to discuss what we want to do next on this particular topic. Obviously, there are some options on how we can move forward on this topic. I would like to hear from the committee as to where we think we should proceed on this issue.

Madame Picard, please.

• (1220)

[*Translation*]

Ms. Pauline Picard: Mr. Chair, I'd like to respond to a comment from Mr. Marleau to the effect that to be positive and achieve something, it takes the participation of the whip, the leader and the parties.

I don't know if you would agree, Mr. Chair, that we should return to our respective caucuses to talk about this discussion and share our thoughts about decorum in the House with our colleagues, and return to this committee with the comments gleaned from members. I think it would be the best solution, because I too am convinced that the Speaker should not be alone in having to act as judge and dispenser of justice and to punish the guilty. It also takes the participation or will of all members of the House to respect order and decorum.

[*English*]

The Chair: Merci.

I saw Monsieur Godin's hand go up next. Could we keep our comments to maybe two minutes? Then we'll go to Mr. Lukiwski.

[*Translation*]

Mr. Yvon Godin: Yes, Mr. Chair. I have listened to what my colleague said and I believe that when we listened to the witnesses who were here this morning, some said we should be prudent. At the same time, they recognize that there is a problem and it is not a recent one. It will not be resolved overnight.

So, in light of what we have heard, I would second that suggestion. We should go back to our respective political parties and share with our colleagues what we have heard from the witnesses, including Mr. Marleau, and that we then meet again to discuss the subject so that everyone, after having the opportunity to speak to his or her colleagues and see if they too recognize that there is a problem within their party, can make their recommendations. Some of the recommendations we have heard could be made, but we could discuss them with our colleagues.

[*English*]

The Chair: Merci.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: I don't have a problem with what Madame Picard and Monsieur Godin are saying, to consult with the caucus, inasmuch as I think we've all agreed that so much of this decorum issue has to be self-imposed. We have to determine ourselves whether or not we want to play nice with others.

But I have a point of clarification, Mr. Chair, and I'm a little confused on this. Were we here to ultimately vote on whether or not the 1992 report should be accepted, or what was the purpose of this?

The Chair: We were asked to continue this, not to vote on the report. Ultimately, it was technically never entered as a motion, and the motion that we did have that was not technically tabled is not relevant anymore because the date is wrong. We did agree to have a meeting on this issue to discuss it further and to decide. Where we are right now is we're simply having consultations with the caucuses—that's the consensus I'm hearing—and we'll potentially, at some point in the future, report back as a result of those discussions. That might lead to a letter of support to the Speaker, or it may simply mean that everybody has the message.

But there's no vote on this motion.

• (1225)

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

The Chair: Could I just ask if there are there any comments over here, before we start repeating speakers?

Madam Jennings, two minutes, please.

Hon. Marlene Jennings: We are as well in favour of going back to our caucus, reporting what we've heard here, and then coming back to share.

The Chair: I hear a consensus here, Mr. Godin. Do you have something further?

Mr. Yvon Godin: I know that you want to go to something else, and I respect that.

The Chair: That's fine.

Mr. Yvon Godin: I just want to make sure you understand.

The motion came from us, right?

The Chair: Right.

Mr. Yvon Godin: I think right at the beginning we were clear. What happened in 1992, in the report, is the work they have done. Let's look at that and ask if it's something we could do today. Do we recognize that there's a problem in the House, and what can we do? It was not that the report had to be voted on and that's it or nothing else; it was not that.

That's what it is, to look at it, and by looking at it, see what we can do to help have better decorum in the House and have people feel good about it.

The Chair: Okay.

Colleagues, thank you very much. I think we've had an extremely productive conversation this morning, and I appreciate the consensus we're hearing around the table. It demonstrates significant cooperation and a need to do better.

What I'm understanding, just for the record, is that this will be discussed amongst the individual caucuses in some matter of seriousness, and that at some point in the future we'll put it on the agenda. My guess is that it might be February, but let's see how things go. If it's not going to take too much time, we could have a brief discussion about the results of those discussions at caucus here at the meeting, and then decide how further to deal with it, if at all.

Is there any confusion on that? Are there any questions? Okay, perfect. Jamie, we'll mark that down for some future date. We're good to go.

Ladies and gentlemen, what I want to remind members is that we do have before us now Bill C-31, which is, of course, as a direct result of our report from this committee. That will be coming before this committee on Thursday. Regrettably, we're putting the conflict of interest code on the back burner, so to speak, for a little while, as legislation takes precedence.

Members, I just want to remind you that, at the very most, we have seven meetings left before the Christmas adjournment. Before you, you should have a blank calendar. I would certainly like to have a discussion now about what witnesses we need. We have some already. We need to schedule the witnesses, and if necessary—hopefully it's not necessary—I would like to have a brief discussion about the possibility of extra meetings so that in fact we can get our work done prior to the Christmas break.

What we know so far, colleagues, is that on Thursday, Mr. Nicholson will be appearing before the committee—that's confirmed—to begin the discussions. He has been invited. He has agreed, of course, to come.

There are some other witnesses here, I can tell you, who have requested to appear, but also, before I forget, I want to make sure that we agree, as a group, on notice for any amendments. We did agree prior, when we were studying Bill C-16, to 24 hours' notice for any amendments. First of all, can we get that out of the way? Is that acceptable to members, that there be 24 hours' notice for any amendments?

I'm seeing nods around the table. Okay, then we can just record that that will be the rule with respect to that. The witnesses who we feel that at this point we need to hear from, and as well have asked, are the B.C. Civil Liberties Association; and Duff Conacher, who is the coordinator of Democracy Watch. We have an individual request that I'm not 100% sure of, from an individual named Tina-Marie Bradford, from British Columbia. She's a lawyer. She has requested to come before the committee.

As well, we had requests from our friends in the Bloc to have folks from Quebec in to discuss the issue of bingo cards. My thinking is that Quebec might be able to offer some insight as well on how they have managed the issue of folks who are homeless, how they've dealt with it.

And then, of course, Mr. Kingsley will be appearing—Mr. Shapiro may want to appear, but I don't see the relevance.

May I just suggest as chair, to lead things along, that we have Mr. Nicholson coming in on Thursday. So next Tuesday, might I suggest that we invite our colleagues from Quebec and the B.C. Civil Liberties Association via teleconferencing? Obviously, I will leave it to the committee to agree to that. I have no position on Mr. Conacher or the individual from British Columbia, the lawyer, so I would leave that to members, if they choose, but my thinking is that we get them all in here on Tuesday, November 28.

Thursday, November 30, is adjourned out of respect for the Liberal leadership campaign. We could reschedule that to a Wednesday night, but let's see how many witnesses we come up with.

I suggest that Tuesday, December 5, which would be the next meeting, we have Mr. Kingsley in for at least the first half of that meeting to answer any concerns we come up with as a result of the witnesses.

I remind colleagues that we've had many witnesses on the report that we tabled. Much of this is going to be repetitive, but in all due process and with respect to colleagues here who may have questions, I will now open the floor for comments on who the witnesses should be.

•(1230)

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, unless I am mistaken, I had the impression that we would only deal with that next week. However, you are right, the bill has precedence. That is why we will discuss it on Thursday.

[*English*]

The Chair: We will be proceeding with this on Thursday.

Mr. Yvon Godin: That's what I said.

The Chair: I'm sorry. I misunderstood you, Monsieur Godin.

Mr. Yvon Godin: I said I was under the impression that we would deal with it next week. But you are right that a bill takes precedence and we'll be dealing with it on Thursday.

[*Translation*]

For all these reasons, I'd like to see if other witnesses could be added to those you have named, with respect to the study of this legislation. For me, this bill is just as important as any other.

I simply wish to make a comment. Usually, when a committee tables a report in the House of Commons, it gets back a government response to the report rather than a bill. In this case, I consider that the government has acted quickly. The government has been very efficient in presenting a bill. When we prepared the report, it was an internal report, but now that Canadians know that there is a bill, they are interested in saying that the bill is important. We must therefore give everyone a chance to have their say and we must make sure the committee is not barking up the wrong tree.

I don't want to rehash the report we have prepared, but some people didn't see where we were going. Although it does not cause problems in my riding, it may in others that I don't know about, and my party may have every reason in the world to say that it is concerned, because citizens are concerned.

We will therefore submit a list of witnesses to you.

As Mr. Marleau said this morning, we must be prudent. A bill is a bill: when it is adopted, it becomes law.

[*English*]

The Chair: I have absolutely no problems. In fact, if members have any witnesses, make sure you submit their names by the end of

the day on Wednesday so they can be put on the list, contacted, and coordinated to get here. That might be pushing it a little, but obviously we will have time for that.

Can I have comments on the British Columbia Civil Liberties Association? Is that a group members want to have before us? I'm seeing nods everywhere.

The British Columbia folks would be by teleconference. Is there any reason we would not have them? I'm not seeing any reasons, so we'll put them on our witness list for now because we've agreed to that.

What about Mr. Duff Conacher of Democracy Watch? You're in agreement. Mr. Conacher is apparently in Ottawa, so he will appear in person.

I don't have a lot of information about the lawyer from British Columbia. It's an individual and I can't offer any more information. It was just submitted to us at their request.

James, do you have more to offer?

Mr. James Robertson (Committee Researcher): In her e-mail to the clerk she indicated that she coordinates a group of lawyers who assist people who are homeless; if they do not have sufficient identification, she and her group facilitate their voting in elections. She asked to appear before the committee.

•(1235)

The Chair: Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Although I'm sure she'll have some civil liberties concerns to express, I'm under the impression that her presentation might be technical in nature and she'll want to demonstrate how they go about filling out forms on behalf of people, which suggests there'd be some documentation. Given our requirements that all such items be submitted in both official languages, I wonder if she can be contacted ahead of time, asked if there's anything she wants to submit in writing, and be made aware of the restrictions we have.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: My question might have been partially answered by Scott. I was just wondering what the content of her presentation would be in comparison to the B.C. Civil Liberties Association. It seems that they will both be speaking on the same issue, and I don't know if it's going to be redundant or not.

The Chair: I regret that I don't have that information. I'm not sure what it is she would be presenting to us. I suppose we could ask for something in writing prior to that, and then the committee could decide whether they want to invite her.

My only thinking on that, Mr. Lukiwski, is that we're trying to set up a teleconference with the British Columbia Civil Liberties Union. It makes efficiency sense to have it all at the same time. That's my comment. I'm not making a decision; it is only a comment.

Madam Picard, and then Ms. Redman, please.

[Translation]

Ms. Pauline Picard: I don't know if I'm off-topic, because I had to leave, but I'd like to get back to the November 28 meeting on electoral reform. You spoke of the bingo cards and the fact that you were interested in asking people from Quebec to appear.

Were you thinking of the Quebec Director-General of Elections?

[English]

The Chair: My apologies, Madam Picard. I've lost translation.

Could you repeat that?

[Translation]

Ms. Pauline Picard: O.K. I would like to get back to the November 28 meeting on electoral reform. We also wanted to explain what we mean by "bingo card". You wanted to call witnesses from Quebec.

Had you thought of the Quebec Director-General of Elections?

[English]

The Chair: Yes, absolutely. That was the next question on the list—representatives from Elections Quebec.

Ms. Redman.

Hon. Karen Redman (Kitchener Centre, Lib.): My apologies for having to leave for part of this, Mr. Chair. We would like to reserve the right to add people to the list. This isn't a definitive list, because we would like to consult some of our members too.

The Chair: No problem. I'll simply repeat that if we can get those lists of members as quickly as possible, I would love to have them by the end of Wednesday. I know that's pushing it a little bit, but if we could possibly do that, then we could organize it. My concern is that we only have seven meetings left before Christmas. I don't want to start scheduling extra meetings, but we'll do whatever we have to do to make sure everybody is happy.

Mr. Proulx, and then Mr. Godin.

Mr. Marcel Proulx: It is in regard to witnesses for November 28. May I also suggest, again, that we invite somebody from the City of Gatineau in regard to the election process? They have been using... call them bingo cards or whatever you want, but they've been using them for some time now.

It's easy. I'm repeating myself, but it's only across the river. There are no expenses. It would be a pleasure for me to invite you to my riding. I would even consider buying lunch.

The Chair: Done. We'll accept that. Thank you.

Mr. Godin.

[Translation]

Mr. Yvon Godin: Mr. Chair, as you said, tomorrow is Wednesday. It's true that time is a bit short, but we will do our best. However, we must keep in mind that as our work progresses, some witnesses may lead us to call others. I want to leave that door open. I'm not talking about exaggerating and calling witnesses until next year, I simply mean that we shouldn't close the door to that possibility.

[English]

The Chair: Let's be very clear. I have no intention of doing that. I don't even have the authority. However, I have learned, in working with this committee, that this is the most efficient and effective committee on the Hill, and I suspect we can get this done without any problem.

So we do have an agreement on Elections Canada representatives. We have an agreement on teleconferencing with the British Columbia Civil Liberties Union and potentially getting this individual to submit something, and we'll get it in both official languages. Is that okay?

● (1240)

Hon. Marlene Jennings: We'll see what it is she's after.

The Chair: Then if anybody else wants to have witnesses, we can get it to the clerk, if at all possible, by Wednesday evening.

Following the witnesses, does the committee feel that it's the right idea to then have Mr. Kingsley in to sort of wrap up any loose ends? We'll schedule Mr. Kingsley for the end of the witness list, so to speak, and then we will start clause-by-clause and we will be done prior to Christmas break.

Hon. Marlene Jennings: I'm assuming you're going to provide us with popcorn and pop when Mr. Kingsley comes, because it's so much fun.

The Chair: Popcorn and pop? No, we will be going to a very, very good quality Chardonnay.

Now, ladies and gentlemen, I think that's all the business we have for today. It doesn't appear that we have to worry about evening meetings, at least right now. So that's tentative agreement on our scheduling, and that pretty much wraps it up.

Is there any other business the committee wishes to deal with today?

Seeing none, the meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

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

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.