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Tuesday, May 29, 2007

—
Chair

Mr. Gary Goodyear

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• (1110)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let's bring the meeting to order today. We are starting this meeting in public—just so you know—but we don't have a specific agenda item today to deal with, although I will leave it to the committee.

We have a number of items that we have to deal with as a committee, and I want to remind folks that we have about four weeks left.

Colleagues, we ended the last meeting still discussing Bill C-415. If that's the direction we should take—and it makes sense, it's a piece of legislation and we might want to try to dispose of that—then I would request that we go in camera and deal with that first.

Are we going to get into a discussion on this?

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Chairman, you know that we're interested in looking to discuss other items, is that correct?

The Chair: Yes, please. Did we hand this out? Yes.

Colleagues, you have in front of you a list of outstanding issues that we need to deal with. We did not have a steering committee to help decide what priorities these are. Perhaps I could just ask the committee if we should go in camera to deal with Bill C-415 and then go back to deal with these issues after that. I'm open for suggestions on this.

Madam Redman.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Chair, thank you.

Just as a point of reference, why are we going in camera for Bill C-415? Is that not a motion before the committee right now? It's a public item.

The Chair: If we're going to go with Bill C-415, we'll stay in public. Does that make sense? To discuss committee business, what we might want to do is go in camera. So I'm open right now to see if we're going to deal with Bill C-415, and we'll stay in public to deal with that, then we'll discuss what items we need to discuss after that. Does that make sense?

Hon. Karen Redman: I won't make a motion, but it would seem to me that Bill C-415 was before us. I personally have no problem continuing with that, but I would be open, obviously, to the consensus of the committee.

The Chair: Okay.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): I think there are still things to be said on Bill C-415.

The Chair: Let's hope not.

Is everybody okay with that?

Mr. Reid, please.

Mr. Scott Reid: Sorry, I was like that guy in *Welcome Back, Kotter*. I got my hand up right away and I think I got ignored.

I don't object to going back to Bill C-415 either, but I'd like, if possible, the first item after that to be the motion that I had brought forward, not necessarily to discuss it in depth but to at least get it on the table. This is the motion relating to the retention by the Liberal research office of a number of documents, including my old personnel files, from back when I was working on the Hill. So that's just to mention that it was something the Speaker recommended be brought before this committee.

Thank you.

The Chair: As members will see with the sheet that I've handed out this morning, there were a number of issues. Mr. Reid, your motion is on there. I suggest that we will do exactly that.

I'm seeing that everybody's in agreement. We'll move to Bill C-415.

So why don't we stay in public? Is everybody okay with that? Did I see a hand go up?

Please, Monsieur Godin.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Are the items on this list in the order they were presented to the committee?

[English]

The Chair: No, this is just a summary list to help members remember that there are a number of motions that have come up over the last couple of weeks. Some of them are outstanding, in terms of being weeks old, and others are fresh and, as Mr. Reid pointed out, perhaps not yet tabled officially.

So this is just a reminder for colleagues that there are 5 or 10 or 12 items here, just a simple reminder.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, as you know, the Standing Committee on Official Languages is paralyzed because the government does not wish to appoint a new chair. It is therefore important to table the NDP motion relating to committee vice chairs as soon as possible.

The Official Languages Act clearly requires that this committee exist. The Commissioner of Official Languages has to report to the Standing Committee on Official Languages. He has tabled his report and must now appear before the committee.

If the government wants to go on boycotting this committee, I think we must—

[*English*]

The Chair: Well, that's duly noted. Again, as I say, let's deal with Bill C-415 first. That seems to be the will of the committee. And then we will come right back to this list and we'll debate that out as soon as that's done.

[*Translation*]

Mr. Yvon Godin: What is more important right now? Bill C-415 or the meetings this committee must hold under our Standing Orders?

[*English*]

The Chair: I appreciate your comments. However, I'm looking at the will of the committee. The committee is to go with a legislative bill that's before the committee and was not completely dealt with in the past.

As is historically the case on committee, we deal with legislation prior to motions—all of which are important, no doubt. But we'll go to Bill C-415 at this point and we'll stay in public for this discussion.

Mr. Lukiwski, I just saw your hand up. However, I have Mr. Preston and Mr. Reid on my list. Are those outstanding?

Mr. Joe Preston: I'll defer to Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Briefly. Probably much to the disappointment of Michel Guimond, I will not be speaking in depth about my family history this time.

But I do want to speak for a couple of moments on why I support the subcommittee's decision to rule that Bill C-415 is non-votable. That's the issue we're going to deal with and ultimately vote on here, whether or not we should uphold the subcommittee's ruling on bills that are considered to be non-votable, Bill C-415 being one of them.

Very briefly, this is, in my opinion, a bill that's incredibly similar to Bill C-257 and, I think, the nine or ten other bills that were presented before it over the last number of years. Probably more important than that is the fact that the subcommittee, in whom I hope every member of this committee has a lot of confidence, dealt with this issue extensively—I think they gave it the due diligence it deserves—examined the bill very carefully and determined as a subcommittee that this bill should be considered to be non-votable.

I'm sure there have been times, Mr. Chair, when the entire committee has overruled the subcommittee decisions, but I think that in many respects, if we do that, what is the reason for having a subcommittee to begin with? We put our confidence and our trust in

the subcommittee to examine matters like this. They came back with an obviously majority ruling, with representatives from all parties sitting on the subcommittee, and they determined that this Bill C-415 should be non-votable because of the fact that it is entirely similar to Bill C-257 before it.

That ruling, of course, following the correct procedures, doesn't mean that Bill C-415 or a bill almost exactly the same can't be reintroduced in the next session. They're simply saying that since there was already a bill, Bill C-257, introduced in this session, this bill is similar to that and it can't be reintroduced in this session.

We've obviously seen, over the course of the last five or ten years or so, bills dealing with the banning of replacement workers introduced—always defeated, but they're introduced one session at a time. I think that's the proper way; that's the way the procedures and Standing Orders were written. Therefore, I think it's very appropriate on this occasion that we honour that procedure.

As for doing the opposite, this committee voting against the subcommittee ruling, not only do I think it would be a fairly dangerous precedent to set, where an entire committee overrules the subcommittee that it has itself developed, but it would start getting into a very grey area of questioning how you can determine similarities between bills. It kind of opens up a floodgate, in the sense that if one private member's bill were defeated after a vote in the House of Commons and then another member could immediately introduce a bill similar to it, it would cause us to go through the whole process again. There is a reason the Standing Orders and procedures and practices were developed over the years, and I think we need to observe that.

Therefore, I would argue very strongly in favour of upholding the ruling of the subcommittee, and that ruling, Mr. Chair, is that this bill be deemed non-votable.

That's all I have to say. Thank you, Chair.

• (1115)

The Chair: Mr. Reid.

Mr. Scott Reid: Thank you, Mr. Chairman.

I was actually, of course, on the subcommittee, and the issue we were dealing with was the issue of similarity.

Mr. Yvon Godin: Be careful. That was in camera.

Mr. Scott Reid: I don't think that's a secret. It was in the Standing Orders.

It was in camera, Mr. Chairman. We were dealing with the issue of similarity. There were a number of issues, but I think we all know that similarity was the relevant consideration here.

It seems to me that it's possible to start getting some things mixed up in our discussions. In particular, it's possible to start mixing up the ruling of the Speaker, the ruling under which he was operating, and the less tight rule, vis-à-vis similarity, that governs our decisions. And it was the cause of the subcommittee ruling as it did.

Again, I'm being respectful of the in camera rule when I simply refer to the rule itself. It talks about substantial similarity, and a review of the two bills makes it clear that there is substantial similarity.

The Speaker's ruling against finding similarity according to the tighter criteria he was working with was based on having made, at an earlier point in time, a ruling that there was a substantial difference between having something that deals only with replacement workers and having something that deals with replacement workers with reference to an exemption for workers in essential services. And that was the distinction he made. He said, having it in a previous ruling, I would then have to follow through and keep that ruling consistent as I deal with the bill and the standing order on which I'm ruling—"I" meaning him.

In our case, we were looking at this without being bound by a previous ruling that we ourselves had made. As I say, we were dealing with a wider range of similarity. I want to point out that if you take a look at the two bills and you go through them, what you'll see is that most of the paragraphs are actually identical. A couple of clauses are different, but for the most part they are absolutely identical.

You can see that effectively this really is the same bill. People who doubt that this is the case I would invite to look at the legislation in the province of Quebec on the subject of replacement workers, which is essentially on the banning of replacement workers in Quebec. You can see that there really is a substantial difference between that legislation, although it's on the same general topic, and the legislation that was introduced in the House, whether it's Bill C-415 or the...I'm sorry, I've forgotten the number of the law.

It's Bill C-257.

You can see that there's a pretty substantial difference. There are many pages—I believe it's 80 pages, if memory serves, or thereabouts—of descriptions of the kinds of services that are exempt. There is great detail going into trying to ensure that the ban on replacement workers will exist while all the services that could be regarded as being essential for the function of the economy, for public safety, and so on, are dealt with.

Had a piece of legislation like that been written, I think it would have been pretty substantially different from either Bill C-415 or Bill C-257, and it might have received a very different reception from the committee. I can't say for certain, of course, because we didn't receive such a bill. But my inclination would be to think that it would be substantially different as opposed to being substantially similar. If you take a look at the two bills, and I have them in front of me, you'll get a sense of what I'm getting at.

The clause numbers are different, Mr. Chairman, in some cases, but often it's the same thing. You really have to look not at the clause numbers of the bill but at the sections and subsections of the Canada Labour Code that are being referred to. Then you get a sense of this.

I'll just look down here and try to find examples so you get the point. Just give me a moment.

• (1120)

In clause 2 of Bill C-257, it says that subsection 94(2.1) of the act is replaced by the following. I'm also referring to Bill C-415, clause 3. So far the wording is identical.

In Bill C-257 it says:

(2.1) Subject to section 87.4, for the duration of a strike or lockout declared in accordance with this Part, no employer or person acting on behalf of an employer shall

(a) use the services of a person to perform the duties of an employee who is a member of the bargaining unit on strike or locked out, if that person was hired during the period commencing on the day on which notice to bargain collectively was given under paragraph 89(1)(a) and ending on the last day of the strike or lockout;

(b) use, in the establishment where the strike or lockout has been declared, the services of a person employed by another employer, or the services of a contractor, to perform the duties of an employee who is a member of the bargaining unit on strike or locked out;

If you go back and look at the same thing in Bill C-415 you'll see very similar language in clause 3:

(2.1) Subject to section 87.4, for the duration of a strike or lockout declared in accordance with this Part, no employer or person acting on behalf of an employer shall

(a) use the services of a person to perform the duties of an employee who is a member of the bargaining unit on strike or locked out, if that person was hired during the period commencing on the day on which notice to bargain collectively was given under paragraph 89(1)(a) and ending on the last day of the strike or lockout;

(b) use, in the establishment where the strike or lockout has been declared, the services of a person employed by another employer, or the services of a contractor, to perform the duties of an employee who is a member of the bargaining unit on strike or locked out;

You'll notice here that on the surface these two clauses, if you're looking at them side by side, look more different than they actually are. If you put them right beside each other so you have the same language versions, you'll notice it's just the way they were drafted that gives a superficial appearance of greater difference. Underlining occurs to a larger degree in Bill C-415, where all the words in proposed subsection 94(2.1) from "Subject" all the way down to "Part" are underlined. You can actually see that the words that will appear in the act as rewritten will be identical.

Similarly—and I'm not sure I can tell you exactly why this is—the paragraph letter (a) is underlined in one and not in the other, but it's the same thing. The words "who is a member of" are underlined in one and not the other, but they're going to be the same when rewritten. In one you're talking about changing the wording and showing the detailed changes to the words. In the other you're simply showing the section as rewritten; you're eliminating the underlining. But they are in fact exactly the same thing. They're just different styles of legislative drafting. I suppose it would be an interesting matter to find out if the same legislative counsel worked on both of these together.

The use of that continues, with "during the period commencing" underlined in one and not the other, but the words are still there. The word "day" is in line 35 of Bill C-415 but not in the corresponding line 23 in the other bill—similarly the final words of this paragraph, "under paragraph 89(1)(a) and ending on the last day of the strike or lockout".

In legislative drafting, if you're adding a whole new paragraph, rather than underlining every line, which would make it hard to read, a line is put down the left-hand side to indicate the new material that's being put in. That was done in one bill but not the other.

•(1125)

In Bill C-415 this was done, but not in Bill C-257. But when you look at it, once again you see that exactly the same wording is in use. I mentioned proposed paragraph 94(2.1)(b) of the Canada Labour Code. Here you see all the same wording.

But again, superficially it looks different. You notice I was stumbling a bit at the beginning, trying to find the examples, because I myself was thrown off by the superficialities that have nothing to do with the substance of the bills but are in fact simply a question of the drafting style.

Not everything is identical. I don't want to leave the false impression that absolutely everything is identical here. If you continue, proposed paragraph 94(2.1)(b), as far as I can see, is identical. That's a paragraph I already read. But if you go to proposed paragraph 94(2.1)(c), there is at this point, I believe, a change. So there are some distinctions. I'm not trying to say that everything is identical, but the differences that appear on the surface are not as great as they might appear to be.

Looking ahead, here's another example: proposed subsection 94(2.4) is changed. It appears that in this case there is an alteration that is actually different. The two are substantially similar. They're not identical.

Proposed subsection 94(2.4) in one bill would read:

The measures referred to in subsection (2.2) shall exclusively be conservation measures and not measures to allow the continuation of the production of goods or services otherwise prohibited by subsection (2.1).

This actually is different. Excuse me for a moment. I think I have the right subsection. Yes, I do. Yes, they're quite different.

The other one reads:

The Minister may, on application, designate an investigator to ascertain whether the requirements of subsections (2.1), (2.2) and (2.3) are being met.

But even here, we find that there's a great deal of similarity. We're just continuing. You'll see that largely this is the result of a renumbering of proposed subsections in one compared with the other, which I suspect is the reason for the line down the left-hand side showing that sections have been replaced.

Proposed subsection 94(2.5) in Bill C-257 becomes proposed subsection 94(2.4) in Bill C-415, where you'll immediately see that the wording is actually identical. Once again, I myself, when trying to make the argument that these are similar, was thrown off and was indicating that they're more different than they actually are.

Here's what proposed subsection 94(2.4) of the one bill says:

The Minister may, on application, designate an investigator to ascertain whether the requirements of subsections (2.1), (2.2) and (2.3) are being met.

It changes, in the other bill:

The Minister may, on application, designate an investigator to ascertain whether the requirements of subsections (2.1), (2.2), (2.3) and (2.4) are being met.

It's the fact that (2.4) is removed from one and is included in the other that gives the impression that all the other paragraphs are actually different, when in fact just the numbering is being changed.

Then we go back. There's proposed subsection 94(2.5) in the one bill; that's in Bill C-415. Now we're back to being identical, word for

word, with proposed subsection 94(2.6) in the other piece of legislation:

The investigator may visit the work places at any reasonable time and be accompanied by a person designated by the certified trade union, a person designated by the employer, and any other person whose presence the investigator considers necessary for the purposes of the investigation.

It's absolutely identical, word for word.

Proposed subsection 94(2.6) in the one is identical to proposed subsection 94(2.7) in the other. I think the rule of thumb to follow here is that for this part of the bill, Bill C-257 has one number extra, one more proposed subsection than Bill C-415. So proposed subsection 94(2.6) in Bill C-415 is proposed subsection 94(2.7) in Bill C-257.

•(1130)

Again, identical:

The investigator shall, on request, produce identification and a certificate of designation signed by the Minister.

It's the same thing with the next clause:

The investigator shall, immediately after completing the investigation, make a report to the Minister and send a copy of the report to the parties.

And you can see the next paragraph, where you have identical wording again, it's clause 2.8, and then the other:

The investigator has, for the purposes of the investigation, all the powers of a commissioner appointed under the Inquiries Act, except the power to impose a sentence of imprisonment.

With regard to clause 3 of Bill C-257, we see that it's essentially identical to clause 4 of Bill C-415.

The point I'm making is reasonably clear. I can continue and go through the entire bills—they're not long bills—but nonetheless I think the point is made pretty clearly, Mr. Chairman.

The other thing I wanted to draw to people's attention—as we work together and often agree with each other, particularly in the same caucus—is that I'm not as worried as Mr. Lukiwski that a dangerous precedent could be set if we overruled a previous ruling of a subcommittee, particularly when that subcommittee has met in camera. Unless we go in camera ourselves, we don't have full access to what was discussed and it seems reasonable to have to make certain assumptions. So I would differ with my colleague on this point.

But I think we would be setting a dangerous precedent—and here I think he would be in agreement with me—if we were to try to make our vote on this bill contingent on any consideration other than what the rules say. And if anybody here is voting based on the merits of replacement worker legislation, whether there should be such legislation or, if there is such legislation, whether or not it should make provision for essential services, these are questions of policy and they are utilitarian questions, the kinds of questions that as parliamentarians we are asking ourselves all the time, because our goal is to make good laws for the governance of the country.

In this committee we have to act much more as a court acts, not as utilitarians but as *contienes*, looking at what the rules say, what our prime directive is. And our prime directive is ensuring that the Standing Orders are followed as closely as they can be, without regard to the actual merits or demerits of specific pieces of legislation, but rather with consideration of the relevant rule and the relevant mandate we have. And that mandate is to make sure any bills that are substantially similar to other bills that have been before the House not be permitted to move forward; and of course, that if they are not falling afoul of that rule or the other rules that govern our actions, we allow them to go forward.

So I urge all members of this committee to base their votes on the facts and on our mandate to follow the rules laid out under the Standing Orders.

Thank you very much, Mr. Chairman.

● (1135)

The Chair: Mr. Preston, please.

Mr. Joe Preston: Thank you, Chair.

I believe that in the last meeting of this committee I discussed a great deal of what we needed to talk about for this bill, so I'll try to be far briefer and succinct today and get to where we're headed.

First of all, I want to thank the subcommittee, and Mr. Reid, of course, as part of it, and Madam Picard and some others, for doing the work that we've done on this bill, and on whether it's votable or non-votable. Mr. Reid has pointed out, in his conversation just now, the similarities between these two pieces of legislation, Bill C-257 and Bill C-415. I think he's done it in as fine a way possible, comparing clause to clause. Really, as a committee, we were faced with simply trying to determine the votability based on the similarities of the two pieces of legislation.

That's what the subcommittee was faced with. That's what we looked at. It isn't about content. This bill could have been about anything, but if it had already been voted on in this House....

At that same meeting, we did rule another piece of legislation non-votable because it had already been voted on in this House. It was very clear. It came through. It was similar to another piece of legislation that had already been voted on. That has not come back to this committee and this committee is not discussing that today, because it was found to be substantially similar and had already been voted on in the House. Therefore, it met the criteria.

I guess the real piece that I would like to point out and really emphasize again is that non-votable does not make it non-debatable. Non-votable does not mean that this piece of legislation is killed. It simply means it's not voted on at the end of the day. It can still be debated in the House and brought forward. We often look forward to our time in presenting a piece of private member's legislation and getting a point forward that we really feel deeply about and getting it discussed in the House.

Non-votability is not the end of it. Non-votability is, at this level, simply one more step along the way. It can be appealed a different way. It can be brought to the House as a non-votable piece of legislation. There are still plenty of other opportunities there. So I

challenge this committee to remember that and look at it from that point of view.

I'm also reminded at this point of Ms. Bell and her bill, which was ruled to be substantially similar to Bill C-257, the original piece of legislation that we're comparing Bill C-415 to. This is as much a triangle as it is two bills being ruled substantially similar. We've already been faced with two bills being substantially similar before this.

On the two bills, Bill C-257 and...I'm sorry, I cannot remember the number of Ms. Bell's bill, but her bill was on the use of replacement workers and the Canada Labour Code. I wonder how she would feel if we now changed our minds and found another bill to be votable. We went through a great deal of trouble to discuss her bill, and to make it...that may be Ms. Bell now, wanting to know why we ruled her bill non-votable.

On one hand, the subcommittee brought forward a recommendation on hers that it was non-votable, and it was accepted well. We were charged by the Speaker then to come up with some remedy for her, as to what we could do differently. She in fact was able to put in another piece of legislation. Since this was her first one, perhaps she felt pretty dearly about it too. We really did end up telling her she couldn't do it. It was non-votable because of similarities.

We move forward now to another piece of legislation that's saying exactly the same thing, substantially similar to one that's been voted on, Bill C-257, and here we are. We're going to say something different. Mr. Reid said it very clearly and succinctly, so I think I had better say it again. This isn't about the content of the bill. This isn't about changing legislation, whether we're for or against whatever the content of the bill is. This is simply us being held by our own regulations, our own rules, our own Standing Orders, in determining what is votable and what is non-votable.

There we go. That's what it's truly about.

● (1140)

We've had other cases already in this Parliament—for instance, the case of Mr. Benoit. His bill was ruled non-votable. He came forward and appealed it to this group. This committee upheld the rulings of the subcommittee at that time and said the subcommittee did its work well and diligently, and we were correct.

In the case of Ms. Bell, this committee said the same thing. This committee did its work well. The subcommittee did its work well. I don't understand why, in this case, we're suggesting that the subcommittee somehow has had some sort of inability to do its work. What we're really saying here is that the subcommittee has said it's followed its own procedures. It got this far, and it came to the conclusion under our own Standing Orders that this bill was non-votable, and that's where we are.

So we're here today at that point. We have to eventually come to the conclusion that we are now at the point where this committee has to back up the work of the subcommittee and suggest that either it's followed through on the job it was given or it has not.

Mr. Chair, I think I can say pretty clearly—we spoke at length the other day on this—that we're at the point now where all has been said that needs to be said on this bill. I see the bright eyes across the room when we make a statement like that. But I think we're truly at the point where this committee needs to stand behind the subcommittee, which did hard work and did what it was supposed to do, and clearly asks itself what its purpose is if indeed we're not going to support the recommendations or follow the Standing Orders or do what we're supposed to do.

Mr. Chair, I'll end with that and say, as the chair of the Subcommittee on Private Members' Business, that we work hard against a certain set of criteria. In this case, we believe we've done our job properly.

I would then move the second report of the Subcommittee on Private Members' Business, moving this item, a piece of legislation, that Bill C-415 is non-votable. I would move this report to this committee and ask for its acceptance.

The Chair: All right, that sounds like a motion to me. I'll just clarify so we're very clear on the rules, and then we'll continue.

There is a motion now on the floor for this committee that the report of the Subcommittee on Private Members' Business be now concurred in.

I will just repeat for clarity that the second report of the Subcommittee on Private Members' Business be now concurred in. That's the motion, and we're going to continue with debate on the motion.

The next person on my list is Monsieur Godin, and then I have Monsieur Guimond, but if anybody else wants to get on the list, please raise your hand so I can see it.

Monsieur Godin, please.

• (1145)

Mr. Yvon Godin: Even if I could understand what Mr. Preston and Mr. Reid were saying, and even Mr. Lukiwski has spoken about it, that when a subcommittee makes a decision this committee should approve it just like that, I would tell you that I have never liked to be used as a rubber stamp. We're not rubber stamps, and I don't take it lightly when we say that simply because a committee has done something, we must go that way. That's why we have a subcommittee to look at it and then bring it back. And it will not take away from us the opportunity to look at it more deeply and find out if it's right or not.

If we were to take for granted, as the Conservative government is saying, that because it went to the subcommittee we have no choice other than to respect their decision, it is as I said: we'd be just like a rubber stamp. I have never taken this place to make me become a rubber stamp.

The other thing is that the two bills look the same. I question that too. That's where the position of supporting the bill to go to....

First of all, we have to remember I was probably the one who argued the most that all bills should not all be automatically voted in. I remember the Conservatives when they were the opposition—I think at that time it was the Canadian Alliance, I'm not sure, and then

they became the joint Conservative group together—they wanted every bill to be votable—members should have that right; we are in a democratic country, and let's leave those members' votes. Now I want to put it straight and not let it look like the opposition are the bad guys today. They are the ones who, when they were in opposition, wanted all the bills to be votable. Today, it seems to me that when they got into government, they became like little mosquitoes flying around and, ping-pong, they changed their minds and became something else.

I only want to say that when you look at the two bills, yes, maybe they look the same, the language looks the same and everything. If you were to have a bill to say we want the Department of Transport to make a new four-lane highway from here to Bathurst and then the bill doesn't go through, and then I have a bill that says I want a two-lane highway instead—the same language and everything except it's a two-lane highway instead a four-lane highway—I think the bill has changed. Something has changed in the bill and, I think, changed enough.

Mr. Preston has his interpretation of what's changed in the bill. We surely have our interpretation. I have my interpretation.

I don't want to take more time than that, but I wanted to go on record that there's a difference.

[*Translation*]

There are steps to be followed. One of them is that members of the subcommittee have the right to meet to review the contents of a bill and decide whether it is similar to another. This bill can also be sent to the standing committee whose members can be of a different opinion. The Speaker decided to send us the bill to see if we have another point of view.

The committee is not here to rubber-stamp the subcommittee's decisions. Otherwise, the subcommittee would have reported directly to Parliament. But this is not the case. The standing committee does not have to accept the subcommittee's decision. We are entitled to change it. Democracy must prevail in the Standing Committee on Procedure and House Affairs. We did not give a free hand to the subcommittee. The final decision is ours.

Sometimes, in the Senate, committees are used as rubber stamps because senators are not elected. We are elected. So there is a difference.

As I said, when reviewing a bill before us, we could think of another bill asking, for instance, that a four-lane highway be built. That bill may be rejected by the Standing Committee on Transport, but another member may table another almost identical bill asking for a two-lane highway. That would be a different bill.

I did not want to speak but I did. This leaves the impression that the conservative government is doing the right thing and that opposition members are the bad guys. I simply want to repeat that almost all of these people were here during the last Parliament, when Liberals were in office. They were the ones who insisted that all bills be votable. Finally, you are reaping what you have sown. I was one of those who opposed the idea of making all bills votable. As a matter of fact, I was probably the member who argued the most against it. However, that decision was democratically made, and you wanted it really bad.

Now, I think it is up to Parliament to decide democratically by a majority vote.

Thank you, Mr. Chair.

• (1150)

[English]

The Chair: Mr. Lukiwski, and then Madam Redman.

Mr. Tom Lukiwski: Briefly, Chair, in response to what Mr. Godin was saying, I just want to get it on the record that even though I might have inferred this, or perhaps I even misspoke, I don't want to let Monsieur Godin think that I'm suggesting we rubber-stamp any of the subcommittee's decisions. But I do agree with what Mr. Reid was saying. I think it's imperative that this committee as a whole not vote on the subcommittee decision based on whether they like the bill or not. That would be a very dangerous precedent.

The subcommittee made a decision. They examined both bills—Bill C-257 and Bill C-415—extensively and diligently. They came to a conclusion that there was sufficient similarity that Bill C-415 in this session should not be voted upon because of the similarity concerns. So I think it would be highly inappropriate if this committee decided to reverse that decision just based on the fact that they like the bill, that they like a bill dealing with the ban of replacement workers.

That's not what we're here for. We're here just to determine whether or not the subcommittee's decision was an appropriate one, because there's always an opportunity for this same bill to be introduced in the next session. But our job as parliamentarians—and as commented on by Mr. Reid—is to respect the Standing Orders.

With respect to Monsieur Godin's suggestion that the former Alliance Party had said that all bills should be voted upon, what they had said was—and we certainly supported that—that all private members' bills should have the ability to be voted on, but still respecting the Standing Orders, which say except in the case of two bills being so similar that only one can be debated and voted upon per session. We're still consistent with our position on that. We're just saying that this is too similar to Bill C-257. It is too similar to Bill C-257, and that is the decision the subcommittee came up with.

We charged the subcommittee with the responsibility—and I know they took it seriously—of examining those bills that were similar in content to determine whether or not they should be votable or non-votable. That's what I think we need to respect, not whether the content of the bill is something that I approve of or disapprove of.

So with those two points on the record, I'll turn it over to Ms. Redman.

The Chair: Madam Redman, please.

Hon. Karen Redman: Thank you, Mr. Chair.

I just wanted to lend maybe a different perspective on the fact that it's a legitimate discussion to be having at this committee, despite the fact that the subcommittee has spoken. I wouldn't want any members here, or other colleagues who represent parties on that subcommittee, to think that this in any way is a critique of their work.

When people come to see me in my riding, I always encourage them to take any appeal process possible, whether it's with the Revenue Agency or whether it's through Immigration and Citizenship or applying for their Canada Pension disability. We always suggest that people take every avenue for appeal possible.

I would point out that this subcommittee has made a decision that the proponent of the bill has come to appeal, and this committee has either chosen to take a different point of view or to uphold the findings and the recommendations of the subcommittee. But it is a very legitimate thing for this committee to do, and that's in no way meant to comment on the work of the subcommittee, or even the process, because indeed this is the process. People do have the right to appeal, and it was appropriate that Mr. Silva came before us.

I continue to look forward to the debate by my Conservative colleagues.

• (1155)

The Chair: Thank you.

Mr. Reid, please.

Mr. Scott Reid: Thank you, Mr. Chairman.

I'm following up a little on the discussion we've just been having here. There have been some discussions on analogies to four-lane highways and so on. The bills are, I would think, closer in kind to each other than a two-lane highway is to a four-lane highway. It seems that analogy is clearly out there in the minds of some people. I just want to talk a little about that without regard to the merits of drawing one from Bathurst to Cambridge. I'm not sure that would ever make sense, unless it went through Carleton Place and Perth first.

There actually is a four-lane highway being built right now from Kanata to....

The point is that the analogy is being made about how, essentially, a four-lane highway and a two-lane highway are similar enough. First of all, I don't agree that the destinations being the same amounts to similarity. The building of a four-lane highway, in the case of the one to Carleton Place, because there had been a number of fatalities on the two-lane highway that already exists, serves a very significant and different purpose from the two-lane highway. The two-lane highway is to get you from point A to point B. The four-lane highway is not only to get you from point A to point B, but also to ensure that the fatalities will go down. We've had a large number of these fatalities. This is the very first issue I addressed as a member of Parliament. I was elected on November 27 and on November 28 I was talking about this in the early morning with the CBC about the four-laning of Highway 7 to Carleton Place.

If you take that analogy and you go back to the bill, what you see is that the two-lane highway and the four-lane highway are, in many respects, quite different in what they're trying to achieve. This bill is trying to achieve the same thing. It's just trying to achieve it as a slight problem dealt with. It feels like a burr that was under the saddle dealt with, but it's still a saddle on the horse. That's just an analogy to keep in mind right now. It's still, essentially, the same thing, which is a bill to ban replacement workers.

As I went through the bill and demonstrated in my references earlier, they really are very, very similar—a good deal more similar than, frankly, a four-lane highway is to a two-lane highway. I can get from Carleton Place to Ottawa by a variety of different methods. Every so often, when there's been one of these crashes, I have had to take detours. You go off the Cemetery side road and you come along through to Ashton and then turn north and drive up onto Highway 7, missing the spot where the accident has been. Sometimes, when Highway 7 is jammed up, what I've done is I've taken Highway 29 up to Almonte and driven along March Road and come in through Kanata.

My point is that you can get to the same place by things that are similar. These things are, of course, less similar than these two bills. These two bills are really the same thing with the same objective. They're not different things.

With regard to the issue that Mrs. Redman had raised, and Mr. Godin had also.... We seem to have lost both Mr. Godin and Mrs. Redman. It's too bad, because what I'm going to say is, I think, very germane to what they are raising. They are both quite right to raise the concerns they have, that we would never want a decision made by a subsidiary body to effectively be seen as binding on the body that gave it power. Just as we would never want to say, well, the Standing Committee on Procedure and House Affairs has ruled, therefore the House has no business overturning that decision, overruling it, changing it. By the same token, that's even more true for a subcommittee.

I was just involved last week.... In fact, I missed this meeting on Thursday of last week because I was—

Mr. Joe Preston: It was a special meeting.

Mr. Scott Reid: I've heard that. I can only imagine how special it was. Actually, Mr. Preston was talking for two hours.

●(1200)

Anyway, we were talking for five hours, and we had witnesses, and it was because the steering committee had met in camera and had made a series of decisions as to witnesses we were going to see and the order we'd see them in. It was a decision I disagreed with quite strongly and didn't get a chance to look at until we were in that committee meeting.

The argument then was, look, we've got witnesses here, and one of them has a bad leg, and the other one's mother is ill and he wants to get home and take care of her, so let's just do it. But it didn't make sense. There was a problem, in my view, with what the subcommittee had decided. We had to have, I believe, witnesses in a certain order, because we were dealing with secret documents that could be leaked and we had to determine what documents we could and couldn't look at and whether we could look at them in camera or not.

One of the first problems we ran into in dealing with this was the fact that the steering committee, the subcommittee, had met in camera, so we weren't privy to the discussions that had occurred at the subcommittee or steering committee level. Indeed, I had not known until I walked in the door about one of the witnesses being there. It wasn't until we were about two hours into the meeting that someone inadvertently blurted out...well, not inadvertently, it was

actually quite deliberate, but the point is they acknowledged that the House legislative counsel, Mr. Walsh, had been at the subcommittee and given some advice. But of course we still weren't privy to what his advice had been.

After that long meeting was over, I then went down and visited the clerk's office. Of course you're allowed to examine the minutes of in camera meetings as long as you don't take verbatim notes, so I sat down and went through them and made mental notes of what I had seen. At last, long after the initial meeting had occurred, I had a chance to determine with a great deal more insight how I ought to be behaving, but I hadn't had any of that available to me at the time of the previous meetings. So I just basically said that we were not going to be bulldozed into accepting effectively a secret report based on rationales to which we weren't privy, to which we couldn't be privy under the Standing Orders because of the rules about in camera meetings and their secrecy.

So it was completely legitimate for us to resist going in that direction, which is essentially what both Madam Redman and Monsieur Godin have been saying with regard to the subcommittee for this committee, which met in camera and made what I thought was a very intelligent and actually fairly collegial decision. I don't think I'm giving anything away when I say that, because that has been the nature of the subcommittee. In fact, it's been the nature of this committee in this Parliament. It's been very collegial and cordial.

We decided, based on criteria, on our decision that's in our report. But the committee as a whole doesn't have access to everything, so it's entirely legitimate to overrule. Obviously you can guess that I would be voting in support of the initial decision—I made that clear—but there's nothing inherently wrong with voting against that decision, based on the merits of the case as restated.

If anything, the problem here, Mr. Chairman, is that these subcommittees do meet without having direct access to the MPs who have presented the private members' bills or motions in order to hear their cases. The rules don't make explicit provision for that, so it's not our fault that we didn't, as a subcommittee, summon Mr. Rodriguez to present his bill and give the explanation as to why he thought....

I'm sorry?

An hon. member: Mario Silva.

Mr. Scott Reid: Yes, I'm sorry, Mario Silva. I do that all the time.

We didn't give Mr. Silva the opportunity to come before the subcommittee because no provision was made for that in the rules. I'm not so sure that as we move forward we should not give serious consideration to some kind of change perhaps to the Standing Orders, or perhaps simply the practices of the subcommittees when dealing with these matters.

Looking back to the previous Parliament, I had a motion that had gone before the subcommittee. I was selected high enough in the order that my motion got dealt with and it was brought before the subcommittee. They had questions, not on whether it was similar to a previous motion on the order paper, but on the subject of whether it was unconstitutional, that is to say, outside of federal jurisdiction. I learned about this because the subcommittee sought additional information from the researchers at the Library of Parliament. Therefore, there was a second meeting specifically on the subject of my motion.

• (1205)

I was alarmed by this, unnecessarily, as it turned out. I thought that perhaps they weren't going to give it a fair hearing, and I felt, incorrectly, at the time that this might be like a closed court of star chamber where I would not have a chance to defend my motion. So I actually came to the meeting and sat in on it. As it turned out, it was a very brief meeting. They just dealt with it. They had a report back to the library that said they thought this was constitutional. They then said to let it go forward.

So there's no provision that says you can't come and sit in. I'm not sure I could have sat in and asked to be a witness. That might have gone too far. But that is what has happened because we've gone in camera.

What used to happen with the subcommittee, under the old rules—this is going back to the 37th Parliament—was a very different process. At that time, you had to convince them to make your bill or motion votable. They were all automatically non-votable, something the Canadian Alliance, of which I was then a member, did not support. I think Mr. Godin actually recalls this with some accuracy. I don't know if we wanted to make everything votable under all circumstances; we certainly wanted to narrow the criteria by which something could be designated non-votable, and of course we wanted to reverse the onus. It would be votable unless deemed otherwise.

But at that time there were five criteria, one of which was, effectively, that this item might bring the House into disrepute by its very consideration. That, of course—we're turning now to the theme that Madam Redman was discussing earlier—is where you can see the danger that's involved if you start having a subsidiary body, in this case a subcommittee, effectively determining.... The very consideration of this would lead our parent body to fall into disrepute.

I think we can, in a mature manner, deal with any question whatsoever without falling into disrepute. It's the manner in which we deal with it that could cause us to fall into disrepute; it's not the actual fact that a question was brought before the House of Commons. We are a sovereign body, and in this country we have chosen to hedge ourselves around with a written Constitution that prohibits us from passing certain pieces of legislation that might be unconstitutional, or rather, forbids those pieces of legislation from standing. They could be struck down as being without force or effect. We've also limited the items we've split our sovereignty under. It's classic federalist theory. The provinces are sovereign bodies over many important issues—health care and so on.

Nonetheless, we are a sovereign body. We come from a body, the House of Commons at Westminster, or more correctly, the whole Parliament at Westminster, which is itself an absolute body with absolute authority without any constraints whatsoever other than its own functions. And that body has ruled in that capacity and without any restrictions on it, at the very least, since the glorious revolution of 1689. And it has given the longest period of stability, quite literally, of any country in the world. That suggests that it's a pretty good model.

Other countries, like ours, have put some limits on themselves, but not all countries. New Zealand has governed itself with an absolutely sovereign parliament and has shown itself able to do so.

So it's the manner in which we deal with the questions rather than the questions themselves that is the area that could be potentially problematic. But I don't think there's any need for us to worry about any mandate to be excessively deferential to any subcommittee.

I would suggest here that we could have people come to present their cases to the subcommittee. It might actually give additional authority to the subcommittee's hearings. It also has the advantage that the individual could come, then—if we stuck with the current rules—as Mr. Silva did, before the full committee and represent the case. It might actually be helpful to them to have a sense from the earlier meeting as to what the objections were. I remember that Mr. Silva had, I thought, a perfectly valid point when he said that he didn't really know what the charges against him were. This had been dealt with at a subcommittee and he hadn't been at that subcommittee. Its meetings were held in camera, so he hadn't been able to review the minutes.

I'm not actually sure. It would be an interesting question as to whether Mr. Silva, who is not a member of that subcommittee, could have gone and examined the minutes of the subcommittee meeting in the manner that a member of a committee that has been in camera can examine them after the fact. It would seem to me to be logical that such a right be given in the future so that individuals can come and make a more fulsome presentation before the whole committee of their case.

• (1210)

That's something perhaps for future consideration for this committee; we could consider making a report back to the House on that particular subject as we go through the process of making this process into a more perfect process, to borrow the words from the American constitution, which talks about making its own constitution amendable in order to create a more perfect union in the future. The same rule can apply to how we govern ourselves. That's very important.

The whole process we have here means we go from the subcommittee, in which we meet by one process in camera, to an open meeting of the committee as a whole, which deals with things by a majority vote. We then go to a very different process. We go to the House of Commons. It indicates just how solicitous the previous Parliament that changed these rules was trying to be of the rights of individual members. We go to a vote in the House of Commons, assuming we can get the support of members of at least, in our case, three parties—a majority of the parties in the House of Commons. You have to have at least five MPs sign on, not to show that there's there's a massive level of support, but that there is some support. These are people who are willing to publicly identify themselves with...not necessarily the bill, but with the merits of the consideration of the relevant bill, based on the Standing Orders.

The chairman was just pointing out relevance, and I'm just trying to indicate the nature of the discussion here. It deals not so much at this point with Bill C-415, but with the admissibility of Bill C-415.

I think you're right, and that I've gone a bit roundabout in my discussion, but the whole question of admissibility and what we do here is not necessarily the final decision. I think that indicates the degree to which one can vote in this committee with complete confidence that the vote you're making is on the merits of the bill itself—or rather, of the process; it's not on the merits of the bill, but whether or not it conforms with the rules we are forced to deal with and contend with, which in this case mean its similarity to other bills.

That process can actually be appealed from here. We are not the final word. It then goes to the House. It goes in a way that is very respectful of Mr. Silva's rights. He can then go to other members, if he can get five members from three parties; the committee's ruling is then effectively and automatically challenged in a very particular way. It's going to be challenged by means of a secret ballot vote in the House of Commons, which means there can be no pressure from whips, no party pressures, and none of the pressures that would tend to focus on whether it's policy the government approves of, or that the Liberals, the NDP, or the Bloc approve of. It is purely based on the considerations that individual members are making.

I suspect that the logic of that ruling—and this is very important to the point I've been driving at, Mr. Chairman—is that here in the subcommittee, and again in the full committee, we are trying to decide specifically and exclusively whether this matter violates any of the four conditions of charter compliance or is *intra vires* as opposed to *ultra vires*. The one that's relevant to us, of course, is whether it's similar to a previous bill or one under consideration. Those are the considerations we are looking at, and that's all we should be looking at.

When you get to the House, I think it's not illegitimate for people to say at that point that yes, it's similar to something that was before us at a previous point in time, but I don't regard it as a waste of our time, which is the real reason for objecting to having consideration of similar items. I'm using this special procedure of a secret ballot vote to say that notwithstanding the fact that this item is similar to a previous bill, I think it deserves consideration again, because I think it's a good piece of legislation, as many members might say, and at that point the ruling.... That would apply if it was something else—even if it were a piece of legislation that was *ultra vires*, let's say.

I think it's so important that we need to deal with it, even though strictly speaking it is outside the jurisdiction of the House of Commons and is really within provincial jurisdiction. I'm aware of the consequences: we might deal with it in the House, and then it might be struck down in the courts. Then it will, in a sense, have been a waste of the House's time, but it will have been an important process in, let us say—to follow that analogy—trying to demonstrate that the federal government has a legitimate role in legislating in this particular area. That might start the process of leading to a further amendment to the Constitution, for example, that would expand federal powers. These are legitimate things.

●(1215)

I think the process on the whole, which was designed in the 37th Parliament, is just an excellent process. I encourage all people on this committee to keep in mind the whole picture, if you're looking at it, and not to make that internal decision, which I worry that some people may have made, of looking at the bill and saying, I think it's a pretty good piece of legislation, I'd like to see it go forward, I think it's a more nuanced piece of legislation than the previous piece of legislation. All of these are considerations that are important from a policy point of view, but not important from a procedural point of view.

Really, Mr. Chair, I've gone on at some length to make this point, but I think it is critical to our understanding to perceive to what degree the policy considerations are protected and also that the rights of private members like Mr. Silva are protected by this process. I think the other thing is to indicate the degree to which it is possible to appeal our decision on other grounds if this decision is found, for policy reasons, to not be appropriate. I think, certainly for procedural reasons, it's pretty good.

Mr. Chair, I appreciate the fact that everybody has given me so much attention. I'll complete my comments there. Thank you.

The Chair: Thank you, Mr. Reid.

Mr. Preston, please.

Mr. Joe Preston: I believe we've said it all, Mr. Chair. I think I should ask for a vote on the motion.

The Chair: I still have people on the list. I'm sorry, I can't move to a vote right now.

Mr. Lukiwski.

Mr. Tom Lukiwski: That's fine, Chair. I have no further comment.

The Chair: I have no one left on my list. Is the committee ready for the question?

It appears we're ready for the question on the motion. I'll read it to you once again. Colleagues, we're voting on the following: "That the second report of the Subcommittee on Private Members' Business be concurred in." For further clarity, we're voting that Bill C-415 be designated non-votable.

It's always difficult with these double negatives, but it looks as if everybody understands. I'll read it again, and then I'll ask for the vote.

Colleagues, all in favour that the second report of the Subcommittee on Private Members' Business be concurred in.

(Motion negated)

Mr. Tom Lukiwski: On a point of order, can we make that a recorded vote, please?

The Chair: I have no problem doing that.

Mr. Yvon Godin: On a point of order, is that not normally done before the vote?

The Chair: I would suggest that it's done beforehand.

Mr. Yvon Godin: It's already done.

You're not fast enough this morning, Tom.

The Chair: Thank you.

The motion is defeated. I'm going to take 30 seconds to defer.

Madam Redman, go ahead, please.

Hon. Karen Redman: Thank you, Mr. Chair.

Can we take from that that the report would then say that the committee supports Bill C-415 being votable?

Thank you.

Mr. James Robertson (Committee Researcher): In accordance with Standing Order 92(3)(b)—and I'll read it—Where the Standing Committee on Procedure and House Affairs, following proceedings pursuant to section (2)

—which is where the sponsor has the right to appear and argue that it be made votable—does not concur in the report of the Subcommittee on Private Members' Business and is of the opinion that the item should remain votable, it shall report that decision to the House forthwith, and the report shall, upon presentation, be deemed concurred in.

We have a draft report that uses the wording of that, which the chair will have.

The Chair: Are you clear on that, Madam Redman?

Hon. Karen Redman: Thank you very much. I am.

The Chair: I just want to make my colleagues on the committee aware of a situation here. Could the analysts and clerks listen as well to make sure I'm saying this correctly?

It's my understanding that this bill is slated to be discussed and debated this afternoon. Given that the bill is now deemed votable—and that should happen—I will need to table this report today. I will need consent of the committee to table in the House. I will need unanimous consent of this committee to table that report today. I'm assuming the clerks can get this done.

• (1220)

Mr. James Robertson: We have the report for you. You will need unanimous consent of the House to allow you to revert to routine proceedings at three o'clock in order to table that report.

The Chair: And the permission of this committee to table it today. Is that agreed?

Some hon. members: Agreed.

The Chair: Mr. Reid, did you...?

Mr. Scott Reid: Oh, yes, sorry. I'm so used to thinking along the lines of Bill C-415, it has occupied all of my brain. It has left little space for other thoughts.

Mr. Chairman, I wanted to bring forward a motion that I had given to the clerk a while back. I'm assuming that the clerk has copies of it and has distributed it. I would like to move the motion, then speak to it.

Perhaps we could ask the staff to distribute copies of the motion.

The Chair: Yes, we could do that. Of course we can.

As members know, there is no notice of motion for this committee, so Mr. Reid is putting on the table his motion. He has requested that we debate that motion next, and I'm at the will of the committee to do that. I have no problems doing that if the committee so wishes. However, might I draw to the attention—and Mr. Reid, with your permission—

Mr. Scott Reid: Yes.

The Chair: Perhaps I could divert for two minutes, to draw to the attention of committee members the agenda items for this committee. You will see a number of motions that have come before this committee over the last several weeks. There are two opinions I would like to offer members for consideration.

One, a number of these motions do seem to deal with altering and changing the Standing Orders. A number of these motions do appear to require some in-depth debate, some research, potentially some witnesses, and certainly some research by our analysts on what decisions have been made in the past.

Looking at this list, it seems daunting. However, if we group them into sections where we might need reports and witnesses, with the committee's permission, a suggestion of mine would be to try to get these motions researched at once and submit papers to committee members, including the one that Mr. Reid is now tabling.

As well, colleagues, if you were watching yesterday, we have a piece of legislation coming before this committee again. It is the Conflict of Interest Code that the subcommittee has completed. These are issues that we can't lose sight of simply because we have allowed members to submit motions at any time.

I'm sort of appealing to the committee that, one, there is historical direction by all committees to deal with legislative issues before motions, which would mean Thursday's meeting would deal with Bill C-54. Colleagues, I'm simply appealing to your sense of fair play, that we would need to inform the Chief Electoral Officer. My understanding is that the minister is prepared to be here on Thursday, but we would need to give the Chief Electoral Officer, who makes sense to have as a witness, some forewarning.

I wonder if the committee would allow that these motions be divvied up and perhaps not debated at this time, but deferred to some future meeting, which would likely be the case anyway, given our time. But I'm simply throwing it out there, that we have only four weeks left and we seem to be getting a lot of business all at the last minute.

Having said that, Mr. Reid, could I have your opinion on that suggestion? Then we can deal with you, then Madam Redman—same opinion, please.

Mr. Scott Reid: Sure. I think it's actually a very good way of going about doing things. I want to make sure you're suggesting that the motion I proposed be placed with the other motions. Are you sending them to a subcommittee? Is that what you're suggesting?

• (1225)

The Chair: No, not at all. I only think that rather than debate this out today, where we don't have potential witnesses and we don't have research papers, you table the motion and it goes on the agenda.

I might further suggest that we deal with the motions in the order they came in. I recall your mentioning this motion...it must be a month ago, six weeks ago, perhaps.

Mr. Scott Reid: I gave the notice on May 10, of course, yes.

The Chair: Correct.

And we have a motion on in camera proceedings by Mr. Preston. There are various motions that I'm not sure I want to mention out loud in public.

But members, you have in front of you a list from all parties, frankly, that we need to deal with. Perhaps the steering committee might want to choose in which order, but I suggest that they all be sort of looked at by our analysts, that potential lists of witnesses be drawn up, that briefing papers be written up, and that members be thoroughly prepared to debate these in a proper and thorough manner; and having said that, that we move on Thursday to legislation, Bill C-54.

Following the completion of that sort of precedent-setting legislation over motions, we move back to these motions in an order that, hopefully, the steering committee will have met and decided upon. No subcommittee whatsoever, just ultimately time—

Mr. Scott Reid: I misunderstood that. Thank you, Mr. Chairman.

Mr. Tom Lukiwski: On a point of clarification, Mr. Chair—

The Chair: I'm going to go to Madam Redman first, because I saw her hand up.

Hon. Karen Redman: Thank you, Mr. Chair.

I would agree with that. I think you're very correct that legislation should supersede motions. I would certainly support your suggestion.

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Just for clarification, I agree with what you're saying, but I'm saying there are, as you rightly pointed out, motions from all parties on this committee. Perhaps you could ask those who presented the motions individually if they're comfortable with doing what you suggest. I know Monsieur Guimond is not here, but Monsieur Godin is here and he has a motion, or at least his party has a motion, before us.

The Chair: That's a great suggestion. Obviously that's what I'm looking for right now. Monsieur Guimond is not here and he has three motions on the table. Perhaps someone in his party can speak for him after Mr. Godin speaks.

[*Translation*]

Mr. Yvon Godin: Thank you, Mr. Chair.

I would like to confirm that the New Democratic Party is withdrawing the motion by Libby Davies about changes to the Standing Orders. We are withdrawing the motion.

[*English*]

I would like to say that at this time the NDP is withdrawing the motion by Libby Davies to change the standing order.

The Chair: I appreciate that. Since that motion never made it to an actual movement, we don't need unanimous consent for it to be withdrawn, but let the record show that it's been withdrawn.

Are there any final comments?

Is that acceptable to your party, Madam Picard?

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Yes, we have no problems with this.

[*English*]

The Chair: Okay.

Well, is there another point? I'm sorry, I want to make sure I have everybody.

All right. Having heard that—and I appreciate that, colleagues; I think that's the most productive and efficient way to move—then I would suggest that at this moment in time the meeting is finished for today because we are moving to legislation, Bill C-54. We will in fact listen to any members. You can contact me. We'll make sure that we are prepared to deal with your motions when in fact they come up.

Is there one final comment?

Mr. Joe Preston: On a point of clarification, Chair, are we suggesting that Thursday's meeting and Tuesday's meeting would be on Bill C-54? Is that where we're headed, at least two meetings, or are we taking more?

The Chair: Let's hope that's all it takes.

Mr. Joe Preston: But I'm suggesting at least those two.

The Chair: Just for my colleagues' information and perhaps others, I will openly admit that I have thought about calling extra meetings. We have four weeks left. As is the case, sometimes we have a week go by where we really don't have too much to do, and as is the nature of Parliament, sometimes we get quite a demand before us.

At this point in time, I'm just going to wait to see how it goes. It certainly seems that it would be Thursday and Tuesday, potentially next Thursday as well. If it looks like it's that tight, I will make a suggestion that we hold an extra meeting or two, just to see if we can get done the business that we need to get done for Canadians.

Since we're going to Thursday right now, does anybody else have any other ideas for witnesses for Thursday? Right now I'm suggesting the Chief Electoral Officer. Of course the minister will be here at the beginning of the meeting and the Chief Electoral Officer for the second half. Is there anybody else? Perhaps you could contact me and we'll make sure that....

My suggestion is that this is what we'll do on Thursday, and on Tuesday we'll go into debate on it.

Is there any further business from colleagues? Mr. Reid, please.

• (1230)

Mr. Scott Reid: Mr. Chair, there was a letter submitted to all members of the committee, I think today—am I right?—a draft letter to Mr. Mayrand from us.

The Chair: That was distributed at the last meeting.

Mr. Scott Reid: Has that been dealt with?

The Chair: No.

Mr. Scott Reid: Could we not simply either agree to deal with it or make amendments and then get it on its way?

The Chair: Could I ask if members have a copy of that? I'm hearing that some members do not have that copy with them today. If everybody has a copy of it in both official languages, I'm more than happy to deal with it. Otherwise, Mr. Reid, perhaps we could deal with it first. Does everybody have a copy of this letter? Okay, then shall we deal with it?

Please, Mr. Lukiwski.

Mr. Tom Lukiwski: Mr. Chair, just quickly, you had asked a few moments ago whether we had any suggestions for further witnesses. I hadn't really thought of it, frankly, until now. Could we, say, have a deadline of one o'clock or three o'clock or four o'clock, sometime this afternoon, to let me think about whether...? It seems appropriate right now that just those two witnesses would be fine, but....

The Chair: That's a reasonable suggestion. Thank you.

The suggestion is that we go with the Chief Electoral Officer and the minister for Thursday. If anyone wants to submit any witnesses, we can deal with that on Thursday for Tuesday's meeting. That way we'll all be here.

On the letter to Monsieur Mayrand, are there any comments, or do I have permission to send it out?

Some hon. members: Agreed.

The Chair: Thank you very much.

For the record, we have permission to send this letter as it is, and we will do that today.

Is there any further business?

Seeing none, thank you, colleagues. We'll see you on Thursday.

The meeting is adjourned.

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