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—
Chair

Mr. Garry Breitkreuz

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• (1545)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): Colleagues, I believe we can start the meeting.

We have run into a little bit of a change of plans here. The delegation has left the building. They had a problem with our security system, so we will not be meeting them today.

We can take care of this one agenda item here, I believe, on how we will conduct ourselves when we have witnesses before the committee.

Let's take a look at Monsieur Ménard's proposal. If you have the piece of paper, it proposes that we change motion number 6 to the following:

That witnesses be given ten (10) minutes for their opening statement; that, at the discretion of the Chair, during the questioning of witnesses, there be allocated three-and-a-half (3½) minutes to the first questioner of each party to ask questions, starting with the Opposition parties; and that thereafter two-and-a-half (2½) minutes be allocated to each subsequent questioner, until each member has asked questions at least once.

If we agree to that, then we would go on to the second part, which is the part Mr. MacKenzie proposed, I believe.

Are there any comments or discussion on that first part?

Ms. Kadis.

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Chair, from what I understand, we're going to move potentially from five minutes to three and a half for the first...? Maybe you can just go through it very briefly.

The Chair: Monsieur Ménard, would you mind explaining your motion again? You might want to have that motion number 6 in front of you, and I don't have it in front of me.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Chairman, the first two paragraphs go together. The members who attended our last meeting understand that the purpose of the amendment that I am moving is not to limit the amount of time available to them to ask questions. On the contrary, they will be left with more or less the same amount of time. Moreover, they will in fact be guaranteed a reasonable amount of time to put their questions to expert witnesses. Because they know time is limited, witnesses unduly stretch out their answers during the first and second rounds of questioning, to use up as much of the time allocated to members and thus avoid having to answer more specific or embarrassing questions.

I'm not imagining things. Despite my limited experience, I've seen it happen here. Moreover, mention was made of this publicly in the newspapers in connection with hearings of the Public Accounts Committee into the sponsorship scandal. Witnesses were informed that they would be testifying, but that the process was not as complicated as actual court proceedings. They were told that they could take up to seven minutes to respond and that a member would therefore not have enough time remaining to ask another question.

I recall discussing this matter in committee. I'm bringing the matter up again for those who weren't here at the time. When we put forward this suggestion last year at a briefing session for new members, a House expert remarked that it was an excellent proposal because basically, that's what was in fact occurring.

I submit that in order to conduct a proper interrogation, nearly half of the time should be set aside for questions, and the remaining half for answers. That's why I'm proposing that the seven minutes be divided in two. That way, the first questioner of each party would know that he has a minimum of three and a half minutes to put his questions, while subsequent questioners would have two and a half minutes to ask their questions.

Because I feel it's important, I've included in the first paragraph of my amendment a reference to the fact that time is allocated to the first questioner of each party "to ask questions". For greater certainty, I've included the second paragraph which states the following: "The time provided for questioning in the preceding paragraph is calculated according to the time members ask questions [...]"

One criticism has been voiced about the rights of the witnesses being affected. With all due respect, I don't believe this should stand in the way of the adoption of my amendment. In actual fact, this amendment will ensure that the witness has even more rights than before. Moreover, if this amendment does not pass, the only person who could stop a witness who is deliberately avoiding having to answer questions or who moves on to another subject to avoid being asked questions, would in fact be the member asking questions or the Chair. If I were chairing the committee and wanted to be fair, I would let a certain amount of time go by before stepping in. Therefore, I'd be giving considerable latitude to a creative, experienced witness who's really trying to avoid answering questions.

My proposal might mean that some witnesses might try to stretch out their answers unnecessarily. If that happens, the Chair could interrupt them with greater confidence, because after all, he will have given them the benefit of the doubt. However, in so doing, he will also have given them considerably more time to speak. Would you not agree?

In my view, this proposal would really be to the advantage of committee members hearing from witnesses. Based on my experience, I know that some of the witnesses who have appeared before this committee are experts at this tactic. I don't want to name names, although I could. When they appeared before us, we knew in advance that they would avoid answering our questions, either by continually straying from the subject at hand or by providing very lengthy, convoluted answers.

This proposal would help put an end to this type of behaviour on the part of witnesses. It would treat all witnesses fairly, but above all, it would give committee members an equal opportunity to question all witnesses in a thorough, serious manner.

- (1550)
- (1555)

[English]

The Chair: Yes, Mr. Hawn.

[Translation]

Mr. Laurie Hawn (Edmonton Centre, CPC): As a rookie, I have a question. Is that three and half minutes for both the question and the answer?

Mr. Serge Ménard: No. Basically, that's the major change I'm trying to have implemented. The motion provides for seven minutes for the question and answer.

Mr. Laurie Hawn: I understand that.

Mr. Serge Ménard: When you have witnesses who stretch out their answers to avoid having to answer other questions, then this tactic becomes useless

Mr. Laurie Hawn: I understand, but we're talking here about three and half minutes for the question and the answer. Correct? Or would members have three and half minutes just to put their question?

Mr. Serge Ménard: Just to put their question. I endeavoured to make the proposed amendment as clear as possible. I believe that's how the text should read.

[English]

The Chair: Okay.

[Translation]

Mr. Serge Ménard: And I say it not once, but twice.

[English]

The Chair: I don't know if there's any further discussion. I almost am less clear now than I was before.

If the questioner asks a question for one minute and the witness replies for three and a half minutes, they are then done. If the questioner asks questions for another two and a half minutes, the witness has no opportunity to say anything, because they have used up their three and a half minutes. Is that what I am to understand?

[Translation]

Mr. Serge Ménard: No.

[English]

The Chair: Because then you go beyond the seven minutes.

[Translation]

Mr. Serge Ménard: To my mind, it's clear. Each person has three and a half minutes to put his question. The witness has a reasonable amount of time to respond. Once the questioner has had three and a half minutes to put his questions...Obviously, it means that someone needs to have a stopwatch or timepiece similar to the one used for sporting events where interruptions don't count. For example, in hockey - and I'm sure that there are a number of hockey enthusiasts here — when the referee blows the whistle, the clock stops and when play resumes, the clock starts up again. Here in committee, when a committee member has finished asking a question, the clock should stop and when he moves to another question, then the time should start counting down again, just like in a hockey game when the play resumes. That's how it would work for a period of three and half minutes.

[English]

The Chair: But sometimes the member does not ask all his questions in the first three and a half minutes. He may spend one minute asking a question, get an answer, and then he wants to have a follow-up supplementary question, depending on what the answer is. It may go back and forth several times.

I'm the chair, and I'm trying to figure out how I would ever have control over a situation like this, because you could go on for quite some time and go beyond the seven minutes.

[Translation]

Mr. Serge Ménard: A committee member could not go over three and half minutes.

[English]

The Chair: Am I not correct in the scenario that you would take one minute to ask a question, and the witness would then take three minutes, maybe, and then you want to come back and have another two and a half minutes to ask your questions?

[Translation]

Mr. Serge Ménard: Correct.

[English]

The Chair: But they have no more time to answer because the seven minutes are then used up.

[Translation]

Mr. Serge Ménard: No, the rules would change. No longer would there be seven minutes, as is now the case, for questions and answers, but three and a half minutes strictly for questions.

[English]

The Chair: The committee has to decide on this.

On the government side they may never get a question, because the opposition could actually use up the whole time in the scenario I've just described: you ask a question for one minute, they answer for two or three minutes, you ask another one and they answer for two or three minutes, and your seven-minute time limit is no longer—

[Translation]

Mr. Serge Ménard: There would no longer be a seven minute time limit. We would see things through, right up until...

[English]

The Chair: Yes, but it could go on for 15 or 20 minutes for the first person.

• (1600)

[Translation]

Mr. Serge Ménard: At that point, the Chair would intervene.

[English]

The Chair: I think this could be a very difficult situation, I'm not sure. You can keep discussing it, and I'm your servant here, but I can see this could make it almost impossible to treat everyone fairly, where everybody would get a turn.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): I think I understand what Mr. Ménard is saying. He wants it to be cumulative time only on the questioner, and then the stop watch, if you will, is the chair to keep the answers brief. I think what he's trying to overcome is when someone comes in here and, in an attempt to avoid all of the questions, uses up the time in a long answer. There are perhaps other solutions to it, but I think what he's trying to do is say that the chair then has to stop the answer because there's no clock on the person who's doing the answering. The chair would have to keep it very short. It may be difficult to do.

The Chair: Are there any other comments?

Mr. Hawn.

[Translation]

Mr. Laurie Hawn: I think the Chair will encounter serious problems when he attempts to limit the response of a witness.

[English]

It might cause a bit of combativeness unnecessarily between the chair and the witness.

[Translation]

Mr. Serge Ménard: If it only becomes a problem for the Chair, then already it's a step in the right direction. Right now, both the Chair and the committee member asking the question run into difficulty.

You'll see for yourself what I'm talking about when you come face to face with certain witnesses, as I'm sure you will. You'll see what happens when you ask a question and the witness goes on and on. We could always complicate matters. I'm proposing a fairly simple solution whereby witnesses would also have three and a half minutes to respond. I didn't want to get into specifics, but that can easily be done. All that's required is for the Chair, or most likely the clerk or

some other staff member, to keep a close eye on the clock, much like in a hockey game.

[English]

The Chair: Ms. Kadis.

Mrs. Susan Kadis: Thank you, Mr. Chair.

Wasn't the system workable and fairly successful in the previous committee? Are we aware of that?

The Chair: If you're asking my opinion, it worked reasonably well. There were a couple of times when—Monsieur Ménard is correct—there would be some witnesses who didn't really want to answer questions. I don't know if this will really solve it. Generally it worked quite well, and everybody usually got a turn within two hours.

Mrs. Susan Kadis: My experience in chairing the Standing Committee on the Status of Women is a little different. It wasn't exactly structured the same way in terms of who spoke when and we really didn't have any significant problems, but it was a different committee with different material, etc.

I think it's very much incumbent upon the chair to keep that control to ensure that it keeps flowing, people have equal opportunity, and the witnesses do not overextend. That applies to our questions and it applies to the witnesses. I think if it's chaired appropriately it shouldn't be a significant problem. It's not necessarily worthy of changing, even though I understand there were some issues and I'm sensitive to that. This way it makes it more challenging for the chair, but I think it's important that those issues are brought to the committee's attention. That was the experience.

The Chair: I agree with you. I don't know if there are any further comments, but I have found in my experience that if the questioner felt the witness was not answering the question they would say "point of order". They would appeal to the chair and say, "On a point of order, I don't think the witness is answering the question and I would like to explore this further." If you have a chair who's sensitive to the situation and fair, I think it can be handled that way.

Mr. Serge Ménard: He would be losing his time.

The Chair: The questioner is losing his time?

[Translation]

Mr. Serge Ménard: While the member is raising a point of order, he's wasting time allocated to him.

[English]

The Chair: Generally the point of order was not included in the time of the questioner, but there would be some leeway. Depending on what's happening, even the seven minutes is sometimes extended to eight or nine minutes. If it's a really good exchange and there is information being gathered, I don't have a problem with sticking to exactly the seven minutes, depending on what the situation is.

It's going to be really tough to make a rule that covers every problem we will encounter, I think. The rules generally work quite well. But I hear what you're saying, and it's up to the committee. It's whatever you wish. We have to play by the rules we make, and I just hope that if we make some new rules here it will not be a disadvantage to us.

•(1605)

[Translation]

Mr. Serge Ménard: We could test several approaches during the course of this Parliament. We could have a pilot project.

[English]

The Chair: Does anybody want to make a motion? How do we proceed?

Mr. Hawn.

Mr. Laurie Hawn: I move that we preserve the status quo.

The Chair: Do you second that motion?

[Translation]

Mr. Serge Ménard: I thought I had moved an amendment. Perhaps the best way to proceed would be to take a vote.

[English]

The Chair: Okay, I have circumvented the right order.... My apologies. Monsieur Ménard has his proposal before the committee, and it is a motion. Let's vote on that first, and then if that's defeated, we'll come back to your motion.

Mr. Laurie Hawn: Then nothing changes.

The Chair: Essentially, we would have to adopt Mr. MacKenzie's. It's more in line with the status quo.

(Motion negatived)

The Chair: The motion is defeated. Therefore, we will go back to more of the status quo situation—that is the other page you have—which is:

That the witnesses be given ten (10) minutes for their opening statements; that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner, starting with the Opposition parties;

—a member of each party would each get one—
and that thereafter, five (5) minutes be

I am reading the wrong one, sorry.

Mr. MacKenzie, rather than the chair going through it, why don't you explain to us what you have here.

Mr. Dave MacKenzie: Basically, first I would strike out the ten minutes in the second line and just use seven minutes for the first questioner of each party, so that the first round is seven minutes and subsequent rounds are five minutes. All this does is put the rotation into writing.

The Chair: Stroke out the ten minutes....

Mr. Dave MacKenzie: Yes, and just make it seven minutes during the questioning of the witnesses on the first round, and have the order of questioning by party, and then the second and subsequent rounds would be five minutes. Again, it lists the order of questioning.

The Chair: Is there any further discussion before we ask for a show of hands here?

Monsieur Ménard.

[Translation]

Mr. Serge Ménard: It was my impression that when setting down the rules for a committee, it was important to avoid naming political

parties, because the rules are valid for a certain period of time, and changes within political parties are always a possibility. As we have seen in the past, representation in the House can change. I thought the objective here was to decide on the order of questioning for government representatives, representatives of the official opposition and representative of other parties, not, for instance, to specifically mention Bloc representatives.

Mind you, I have no objections to proceeding either way. I understand that amongst ourselves, we refer to specific parties. It's simpler and quicker and there's no confusion. That's why when I was asked by Mr. McKenzie to put forward his idea, I suggested two different wordings, one where the names of political parties were mentioned — that's what you would like to see - and another where no names are mentioned. Obviously, these suggestions were based on the first scenario, but they can easily be adapted to the current situation.

The approach advocated by Mr. McKenzie is difficult to set down in writing, but can easily be adopted in practice. In committees, the Chair begins by recognizing representatives of the opposition, following by government representatives. What Mr. McKenzie wants, and what I want as well, is for the member representing the party with the fewest members to have an opportunity to ask questions.

It was my understanding that we were proceeding in the same order, beginning with the official opposition, followed by the second opposition party, then by the third opposition party, before going to a government representative. However, during the second round, there are fewer questioners, because there is only one representative of the last party on the committee. Therefore, the Chair should recognize a representative of the official opposition, followed by a representative of the second opposition party, but not ultimately the representative of the last party, so as to be certain that all committee members have an opportunity to speak. The final person to be recognized would be a government representative. I believe this conveys the opinion expressed by Mr. McKenzie.

I share Mr. McKenzie's objective. You stated that even NDP members would have an opportunity to put their questions, as indeed would all committee members in the course of the first round of questions.

I thought that I had come up with the appropriate wording:

The Chair asks the first questioners to ask their questions within [...]

The total elapsed time would be seven minutes.

[...] in the following order: representatives of the Opposition parties in the order of their representation in the House of Commons, followed by the first representative of the Government, and finally, other members who have not yet asked questions, to do so within [...]

They would have five minutes.

[...] in a similar but not identical order, given that not all parties have the same number of members on the Committee.

We could keep the words “until every member has asked questions at least once”.

After reflecting long and hard on this, I concluded that this a similar approach. The Chair proceeds in a similar order, skipping over those parties whose members have already asked questions, to recognize parties with many members.

• (1610)

However, I'm not convinced that by proceeding in the suggested order, the desired results would be achieved. You name the political parties. In our proposal, we felt it was best to proceed in the order mentioned. However, I've observed that this is generally how the Chair proceeds. You begin with the official opposition, followed by the Bloc Québécois, then by the other opposition party and finally by the government party. Then you go back to the opposition until...

• (1615)

[English]

The Chair: For clarification, your main concern is that the parties are actually named here. The chair would essentially follow what's been proposed here, but you're objecting to the parties actually being named.

Some of us have sat on committees where they are named. As the Speaker says, every committee is master of its own destiny, so if you have a problem with this wording we can reword it. It would mean essentially the same thing, without using the names of the parties.

Mr. Chan.

Hon. Raymond Chan (Richmond, Lib.): I am a neophyte to this game. I just want to make sure that if you name the political party, the frequency of the parties being able to ask questions will be proportionate to the number of members in the committee. Is that right?

The Chair: Right.

Hon. Raymond Chan: I just want to make sure.

The Chair: That is the goal of what we've been trying to do here.

Hon. Raymond Chan: Right, and whatever we change cannot deviate from that principle, because I don't want to play games here.

The Chair: No, and we try to make it absolutely clear as to who would have....

Mr. Ménard says that maybe things will change. If the proportion of members in the political parties changes during the length of this Parliament, we can always revisit the issue. In fact, on the justice committee, which I was a member of last time, we actually adopted this system near the end of the Parliament.

[Translation]

Mr. Serge Ménard: That was not the case in the last Parliament.

There is considerable animosity within parties when some members break away to form new parties. Under such circumstances, it's extremely difficult to bring in equitable changes. However, if we follow the lead of other committees on which I've served and set down rules at the beginning of the session and if we proceed according to party representation in the House, rather than actually name the parties, we will ultimately operate in a manner that everyone will consider equitable.

Remember when some Conservative Party members broke away to form the Bloc Québécois. I don't believe the atmosphere at the time was conducive to a change in committee operating rules.

[English]

The Chair: I'm hoping that doesn't happen.

Mr. MacKenzie, can you enlighten us here? And maybe in your remarks you might want to explain to us if what you have proposed on this second list is any different from what was in the original motion we had.

Mr. Dave MacKenzie: The intent of the motion was to simply list in order so that nobody lost a turn, and to make it clear how the whole thing would flow—not to be political, partisan, or whatever. I understand what Mr. Ménard is saying, but there's nothing intended in that.

The only thing is that when you look at the original statement in the routine motion that was presented to us, I don't think the subsequent rounds are listed particularly well. What we were trying to do was just clarify....

It is obvious how we would go in the first rounds, but when you look at the subsequent rounds, do you just go down the table or do you alternate by party? So we were trying to say that we will alternate by party so that everybody gets a chance.

If you take number 6 the way it's written, I would agree that the opposition parties would all go first and we would go fourth. But then in subsequent rounds, perhaps you could just start and go down. I'm not saying anybody would, but we were just trying to make it clear how it would go.

• (1620)

The Chair: Maybe, if you're all in agreement, we can simply add to the original motion that led to all of this debate, and say that parties take turns until everyone's had an opportunity to ask questions.

Mr. Dave MacKenzie: That will do, as long as everybody's clear and understands how it's going to work so the chair can follow some system.

The Chair: Right. Is that agreeable?

Yes, Mr. Chan.

Hon. Raymond Chan: Mr. Chairman, I think we all agree on the principle, and if you add the statement of the principle in the amended version, I think that would clarify it, and it would give people confidence.

The Chair: Okay, let's do that. The suggestion here is that we add to the part near the end, where it says, "be allocated to each subsequent questioner, continuing with the opposition going first until every member has spoken once". Can you all live with that?

Mr. Dave MacKenzie: Can it somehow say that it goes back and forth?

The Chair: Okay. What we've added here is "and alternating between the government and opposition parties". Okay?

Are you willing to withdraw your motion and have this become our new motion? Okay. I think we're ready for the vote, if there's no more discussion.

(Motion agreed to)

The Chair: Thank you very much.

Let me just say that if at any time you feel I am not following the guidelines, you can put your hand up on a point of order and correct the chair, if I'm not following what you think we have agreed on.

Is there any other business that we have to...? Oh yes, there's one thing we have to confirm, and that is that the meeting times be Monday and Wednesday from 3:30 to 5:30. We did not really officially approve that.

Yes.

Mrs. Susan Kadis: Yes, Mr. Chair, I so move.

The Chair: Okay. It is moved by Mrs. Kadis that we meet Monday and Wednesday from 3:30 to 5:30, generally in this room. Is there any discussion on that?

(Motion agreed to)

The Chair: I need to inform you that on Monday the Finnish delegation is not available to come at 3:30. They can't come until 4 o'clock. So the meeting would then be from 4 o'clock until 5 o'clock, if that's all right with all of you.

If there's nothing else on the agenda for Monday we can schedule the meeting for the subcommittee on agenda and procedure for 5 o'clock, right after the Finnish delegation leaves.

Is there anything else? There is nothing else.

This meeting is adjourned.

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