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# Standing Committee on Environment and Sustainable Development

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**Tuesday, March 4, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Tuesday, March 4, 2008

• (1535)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** Mr. Cullen, I believe you have a motion you want to put.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Thank you, Chair.

I'd like to move that the Standing Committee on the Environment and Sustainable Development be authorized to continue its deliberations beyond March 5, 2008, and to present its final report no later than May 7, 2008.

The intention of the motion is to be able to extend hearings on this bill. We've had some delays and we've also had some good progress.

We're seeking to ensure that we report back to the House the best bill that we possibly can. The extension we're proposing is 30 days, if necessary. Ideally, we'd like to get through it today. We think we got through much of the bill in our last meeting. There are only four clauses left to go through, and I believe we can get it done today, if committee members are earnest and put their efforts towards it.

So I would like to move this motion.

**The Chair:** So that everyone understands the motion, obviously I need to report that back to the House by tomorrow at three o'clock. If we do require an extension, this would then facilitate 30 sitting days for us to deal with this motion, which I assume comes to whatever May date that was, Mr. Cullen.

Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Mr. Chair, I find it interesting that we had dealt with this motion. I spoke in good faith and presented this motion a few meetings ago, sharing with this committee that we needed more time. We heard from every witness group that we needed to have an impact analysis on this. I asked every group, and every group said, yes, we needed to have it.

Just thinking back to when Mr. Layton came...and I paraphrased him, I didn't give an exact quote, but if Mr. Cullen would like me to provide an exact quote, I will, because I have that in my package here.

At any rate, I was quite shocked when Mr. Layton said that Bill C-377 was presented to this committee as a dream but with no substance. It was a dream. He used the analogy of the railway, that they didn't know how they were going to build it but somehow, hopefully, they'd have it. He had no idea about the costing of this, about the impact analysis that we heard every witness group recommend.

What I did, Mr. Chair, was to recommend that we extend this. The committee said, no, they were quite sure they could ram Bill C-377 through with bare bones.

We heard that the federal government would receive these unlimited, unprecedented powers over all the provinces, and I was quite shocked to see that the Bloc supported that. We as a government respect provincial jurisdiction; no, they wanted to force Bill C-377 through as quickly as possible, without further consultation, when we were advised by these witnesses that there should be an impact analysis.

What I have to share in speaking to this motion will hopefully be quite thorough and will provide some direction to the committee in terms of where I'm coming from. I'm speaking to this motion to extend in frustration that this was not dealt with properly in the first place.

Mr. Chair, I was doing some research earlier today. I have a quote here from the Commissioner of the Environment, Madame Gélinas, referring to the Kyoto targets on climate change:

We expected that the federal government

—referring to the then Liberal government—

would have conducted economic, social, environmental, and risk analyses in support of its decision to sign the Kyoto Protocol in 1998...

Then she went on to say:

...we found that little economic analysis was completed, and the government was unable to provide evidence of detailed social, environmental, or risk analyses.

We all know what happened to the previous government's commitment to Kyoto. They signed on to 6% below 1990 levels. Did we achieve that as a country? No, we did not.

I believe the commissioner gave us some really clear direction on what we need to do as the Standing Committee on Environment and Sustainable Development. We need to provide that analysis; otherwise, we're doomed to repeat the same mistake made by the previous Liberal government. You have these lofty ideas...and I'm going to give them the benefit of the doubt that the motives were right, but without a plan, without knowing what it's going to cost, without a policy attached, whether it's done in a very short period of time or a long period of time, you will not be successful.

I take the issue of climate change and I take the issue of a warming climate very seriously, as I know the minister and the Prime Minister do. We have to present research. A costing, an impact analysis, has to be part of the equation.

• (1540)

By extending this for another few weeks, with no commitment from the NDP to provide the proper economic, social, and environmental risk analyses of Bill C-377, I'm concerned that we're going down the path to nowhere—with “nowhere” referring to where we will be at the end of the day.

We already have a very good plan, the *Turning the Corner* plan, from the government, which I'll share and elaborate on in a minute. Again, I just want to share with the committee how important it is that if we do extend it, that it be done with a plan, a commitment, that we are going to make sure that we have this analysis done that we heard about from every group.

Without it, as I said earlier, we're doomed to failure, as we saw with the Liberal Party. Their commitment was to 6% below 1990 levels, and we ended up being 33% above that target—not even close to the target. We see the same thing with Bill C-377. We have no bones; we have no policy, no costing, no impact. They want to move forward with an extension of a few weeks, but they do not want to consider the facts. They do not want to consider where this is going to take Canada and even if it is achievable.

We know that the plan the government has, with a target of a 20% reduction—an absolute reduction—by 2020, is achievable. It's been costed, it's planned, and there is a notice of intent and a gazetting coming. With the *Turning the Corner* plan we have a realistic plan and a further commitment of 60% to 70% absolute reductions by 2050.

Mr. Chairman, that is one of the toughest targets in Canadian history; it is the toughest target, and it's one of the toughest in the world.

**The Chair:** Mr. Cullen, on a point of order.

**Mr. Nathan Cullen:** Thank you, Mr. Chair.

I hate to interrupt the parliamentary secretary when he's in full flight about the thing he's been in full flight about for months now with no success.

The specific motion that has been put before the committee is a consideration of an extension. The parliamentary secretary is now talking about previous governments.

• (1545)

**Mr. Jeff Watson (Essex, CPC):** [*Inaudible—Editor*]

**Mr. Nathan Cullen:** I'm not sure if Mr. Watson is trying to contribute to debate by heckling, showing his grace and class, as always.

The exact commission of this motion is to see that the committee has afforded time, partly in reflection of the fact that the government has chosen to filibuster a previous committee meeting, and I'm now starting to get the sense that they're choosing to use the same tactic with this one. I hope that's not the case.

This motion speaks very clearly to the extension of the meeting. The parliamentary secretary asked for this, and I will remind him—just to make sure the record is clear—that at the beginning of these proceedings I committed to being open to an extension if, for whatever reasons, there were delays. That is exactly what's happened

here today. I'm not sure if the parliamentary secretary remembers that conversation, but that's how it came to be when we initially came to this calendar.

Now that we have arrived here, the government has wasted a meeting in the last week's session. It appears now that they're choosing to do it again. I would ask the parliamentary secretary, if he's supportive of this, to say so. If he's not, then say so, and then let's move on and hear other committee members and get to a vote.

**The Chair:** Mr. Cullen, I thank you for your clarification. I think everybody who was here remembers that we did talk about an extension and that you did commit that if we got down to the wire, we would in fact have a look at an extension at that time. Your motion is clear and you've clarified it.

I would again ask the parliamentary secretary to deal with this motion for an extension of 30 sitting days, which begin today. Could you just address that and deal with Mr. Cullen's motion, please?

**Mr. Mark Warawa:** Mr. Chair, I'm attempting to speak specifically to this motion and not go off topic. I'm sharing how important it is that we have a commitment to the petitioner of this bill, the NDP, that we are committed to a conclusion that will be good for the environment globally and for the environment in Canada. His motion is taking us down a pathway to nowhere by continuing to use Bill C-377 with no impact analysis. The NDP's plan is to continue with Bill C-377 as we see it being presented to this point. If it does not have what the witnesses say needs to be part of it, then whether we go through clause-by-clause and end today or end after a 30-day extension, the result will be the same: we will have a bill that will not reduce greenhouse gas emissions. It will not have the positive effect Canadians want.

I've made comments before about how important it is that our commitments, projects, products, and bills really address the issue of reducing greenhouse gas emissions. We've heard that Bill C-377 won't do that. So I'm encouraging the NDP, represented by Mr. Cullen, to provide clarity to this committee that Bill C-377 is a good bill.

We've heard from witnesses that it's not a good bill; it's missing what it needs to have to reduce greenhouse gas emissions, in the end. It's so vague that it's meaningless. That was in my beginning comments, when I shared what the commissioner shared. The commissioner said in a report to Parliament how important it was to have those parts of a bill. She said we need to conduct the economic, social, environmental, and risk analyses. Without that it will not be successful.

Just by the House of Commons passing Bill C-377 and moving to the House and then on to the Senate does not mean it will be successful at reducing greenhouse gas emissions, whether we have this extension or not—again speaking to the motion. What is critical for the success of Parliament and the environment is that Bill C-377 is dramatically improved so that during the extension period—if that's the will of the committee—we end up with a product that will do something.

At this point, our *Turning the Corner* plan gives that direction to Parliament. It includes the economic, social, environmental, and risk analyses the commissioner is recommending. So at the end of the day you already have in place the *Turning the Corner* plan that goes through the process of becoming a regulation. It's good and has what the commissioner is recommending; Bill C-377 doesn't.

So the extension that's being asked for by the NDP will not give us the end result. We heard very clearly from the witnesses that even with this extension, it will not give the results that Parliament wants and that the international community wants.

• (1550)

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** I'd like to call the question on the motion, please.

**The Chair:** I believe Mr. Warawa is dealing with his reasoning for appearing to oppose your motion to extend this. I've been listening very carefully to see if he's on topic. I believe he's staying on topic and talking about why he feels this should not be extended.

**Mr. Nathan Cullen:** I understand that perception. He may stay on topic and continue to filibuster and prevent the committee from moving on. If that is your ruling on his accordance, I'll challenge your ruling on this. There's no debate.

**Mr. Mark Warawa:** Chair, you haven't made a ruling.

**An hon. member:** He just did.

**The Chair:** I was prepared to let you carry on, Mr. Warawa. That was my ruling, because I felt you were staying on topic—and Mr. Cullen has challenged that ruling.

**Mr. Mark Warawa:** Chair, this is an abuse—

**The Chair:** That's not debatable, Mr. Warawa, so those who—

**Mr. Mark Warawa:** I have a point of privilege, Chair.

**The Chair:** Yes, Mr. Warawa.

It's not a debatable motion. We do need to vote on this motion.

**Mr. Mark Warawa:** But can I raise a point of privilege?

**The Chair:** After we have the vote.

Those in favour?

**Mr. Mark Warawa:** I just need a clarification on what the vote is.

**The Chair:** The vote is that—

**Mr. Mark Warawa:** That I cannot continue?

**The Chair:** I ruled that you were staying on topic, that the topic was the motion, and that I would let you continue. Mr. Cullen challenges my ruling; therefore, we're going to vote on that.

Is that clear to everybody?

**Some hon. members:** Yes.

**The Chair:** We'll get the right wording here: shall the ruling of the chair be sustained?

**Mr. Mark Warawa:** Chair, again, can I get clarification on what the motion is that we're voting on, because if it's that...?

**The Chair:** Just hang tough with me here.

Just to clarify this, everybody has heard the ruling. Mr. Cullen's motion is out of order, but I now ask you if my ruling is sustained, which means that if you agree with my ruling, the vote then would be yes. If you don't agree with my ruling, the vote then would be no. So the question will then be put.

Those in favour of sustaining my ruling?

**Mr. Mark Warawa:** I have a point of order, Chair.

Can we have a recorded vote on this?

**The Chair:** A recorded vote, please.

(Ruling of the chair overturned: nays 7; yeas 4)

• (1555)

**The Chair:** We now have a point of order from Mr. Warawa.

**Mr. Mark Warawa:** Mr. Chair, I'm looking at page 948 of my Marleau and Montpetit. And the point of order I'm going to be making is a true point of order, not an interruption as we saw just previously. The record will show that I was on topic, and the NDP tried to keep the truth from coming out.

Page 948 addresses the point that “All persons or bodies affected by a private bill should be heard and the need for the bill demonstrated”. This is exactly what I was speaking about. It says that “Since a private bill makes certain assertions which are put forth in support of the request for legislation, they should be proven before” court “agrees to enact the legislation being sought”. It also says that “The legislative function of Parliament demands that each measure be given due deliberation and orderly consideration”. I'm sure that didn't happen. The paragraph ends with, “The judicial-like proceedings surrounding private bill practice demands, in addition, that those concerned be heard, or at the very least be given the opportunity to be heard.” And that just did not happen.

I'll quote further from Marleau and Montpetit:

The decision of the House to give second reading to a private bill does not mean that the House has approved the principle of the bill as is the case for a public bill. Rather, the House has given the bill a second reading conditional upon a committee's finding that the assertions contained in the petition and repeated in the bill's preamble have been proven.

Now, we haven't heard that. It has not been proven. Again, we heard time and time again that Bill C-377 is a hollow, empty, hypocritical, phony bill.

The quote continues:

While a preamble is optional in a public bill, it is essential in all private bills. The procedure thus requires that a private bill be sent to committee so that opponents of the bill may be heard.

We have a number of members over there who just cut off people being heard and who did not listen to that, so I'll repeat this:

The procedure thus requires that a private bill be sent to committee so that opponents of the bill may be heard.

Well, that just ended a moment ago, Chair.

The quote continues:

Another reason why it is sent to committee is so that Parliament can satisfy itself that the matters raised in the preamble of the bill are true and that the provisions of the bill are a proper response to those assertions. The bill as reported from the committee, with or without amendments, may be said to be the committee's decision on a petitioner's request.

What we have seen on pages 948 and 949, Chair, is the importance—

**Mr. Nathan Cullen:** I have a point of order, Mr. Chair.

**Mr. Mark Warawa:** There is a point of order, and I have precedence.

I'm just going to finish—

**The Chair:** Mr. Warawa, I think his point of order is on your point of order, which he wants to clarify.

**Mr. Nathan Cullen:** The parliamentary secretary has chosen to reference private bills. This is actually a public bill. His references are not in order.

In our last ruling, in a motion of the committee, we chose to call the question. I believe we are seeking to call the question so that we can have the extension of this bill and then get back to work.

I don't think this is productive.

**Mr. Mark Warawa:** What happened here should not have been permitted, procedurally. I have the floor as a point of order, do I not?

**The Chair:** You do.

**Mr. Mark Warawa:** Thank you.

**Mr. Nathan Cullen:** He has the wrong reference. He doesn't understand what he's saying. It's a public bill.

**Mr. Mark Warawa:** Again we've had Mr. Cullen interrupt. He has tried to interrupt and he has tried to stop comment, which is totally against Marleau and Montpetit. I would encourage Mr. Cullen that he has to follow the rules. Just because the rules are not to his liking it doesn't mean he has to ignore them.

Now, he has brought up a very important point. On page 896—Mr. Cullen is not listening, so I'm speaking through the chair for Mr. Cullen's edification—it says that “Bills sponsored by private Members fall into two categories”, the public and the private. So what I'm reading from page 896 is specifically about private members' bills—

• (1600)

**The Chair:** Could I get the clerk to just clarify? I'll put him on the spot to just clarify this private, public, and what the rule exactly is.

**The Clerk of the Committee (Mr. Normand Radford):** Thank you, Mr. Chair.

It would seem, Mr. Warawa, that you are speaking about a private member's private legislation. An example of that would be that in years past people would seek divorce and it would have to be approved by Parliament. That was a private member's private legislation. This is no longer the case, of course, in Canada, whereas this bill is a private member's bill, but it's a private member's bill in a public domain.

Again, I'm simply referring to the issue that the chair asked me to clarify. I can't comment on your comments, sir.

**Mr. Mark Warawa:** Yes, on page 896 we have the private members' bills broken into two categories, both public and private, and it goes on. And it gives the process. As we move through Marleau and Montpetit, it has to provide guidance on private members' bills, as referenced on page 896—breaking them into two categories. It then follows in giving the process to deal with the private bills. Under private members' bills, there are public bills and private bills, and it gives guidance. What I was referring to on page 948 was how the private private members' bills are dealt with—the procedure. So what I had read into the record is referring to the private private members' bills. It's going to be one or the other.

So the process I'm reading is relevant, and it is a relevant point of order, Chair.

It happened previously in the choices of the witnesses. The government was not given an opportunity to speak and choose the witnesses. We've had a tactic of trying to keep the government from having an opportunity. We've now seen the NDP trying to cut out any criticism, and the end result is C-377. They're trying to move it forward and come up at the end of the day with an empty, hollow, phony bill that will not reduce greenhouse gas emissions. We've heard that from every witness.

So that's my point of order, Chair. I would ask, through you, for the clerk to just comment on that connect on page 896, how that process that is mentioned on page 948.... I think it is relevant.

**The Chair:** Can we just let the clerk try to explain this?

**The Clerk:** It's difficult for me to comment if the comments of the members are relevant or not. I can only explain the difference between a private member's bill and a private member's private bill, and I've already explained both those differences. So I don't have anything else to add.

**The Chair:** Mr. Warawa, do you take the clerk's point of view about the subtle differences between these two and that this is a public private member's bill as opposed to a private private member's bill?

**Mr. Mark Warawa:** No, I don't see that, but if that's your ruling, I will respect it. I definitely will not be challenging your decision, but what I would then do is ask for a point of privilege.

**The Chair:** A point of privilege.

**Mr. Mark Warawa:** Marleau and Montpetit provide a lot of guidance, so that the truth comes out. This refers to superseding motions, and it's on page 454:

A superseding motion is one which is moved for the purpose of superseding (or replacing) the question before the House.

We saw that this was not a superseding motion.

There are two types of superseding motions: the previous question and several motions known collectively as dilatory motions. While the text of an amendment is dependent on the main motion, the text of a superseding motion is predetermined and proposed with the intention of putting aside further discussion of whatever question is before the House.

Superseding motions can be moved without notice when any other debatable motion is before the House. The Member moving a superseding motion can do so only after having been recognized by the Speaker in the course of debate. It is not in order for such a motion to be moved when the Member has been recognized on a point of order or during the period for questions and comments.

And that's what happened.

It is not in order for such a motion to be moved when the Member has been recognized on a point of order or during the period for questions and comments.

And I was making comments. I was interrupted by the member on a point of order. That, according to Marleau and Montpetit, is not proper procedure.

With the exception of the previous question, superseding motions are not debatable—

That was brought up.

—and cannot be applied to one another.

So that's what happened. According to page 454, it should not have happened. The NDP attempted to stop discussion, to stop members of this democratically elected standing committee on the environment. They tried to stifle debate. It shouldn't have happened. It's not parliamentary. It's not democratic.

My father was one of the Canadians who fought for the freedoms we enjoy here in Canada. He served in the Second World War. He served overseas in England. He fought for those freedoms that we enjoy, and we dare not take those for granted. Freedom is being able to speak. The NDP, now, is trying to stifle our freedom and keep us from speaking.

There's another one on page 786. It has to do with “the previous question”. The motion, “That this question be now put”, which is what would happen, is referred to as “the previous question”.

The moving of the previous question is prohibited in the committee of the whole, as it is in any committee. Given that a bill is referred to a committee of the whole for clause-by-clause consideration, the moving of the previous question would prevent members from proposing amendments and considering the legislation to the fullest extent possible.

Its purpose, when moved and debated in the House, is to achieve one of two possible objectives, either to prevent any amendment to the main motion and force a direct vote on it or to delay a vote on the main motion by prolonging the debate. The moving of the previous question is prohibited in the committee of the whole, as it is in any committee. Given that a bill is referred to a committee of the whole for clause-by-clause consideration, the moving of the previous question would prevent members from proposing amendments and considering the legislation to the fullest extent possible.

As we've read in these two portions of Marleau and Montpetit, we had a decision that was not right. All the opposition voted in favour of stifling further debate. But just because they can do it doesn't mean it's right. That's why I look forward to a ruling from the Speaker.

One other point I would like to bring up is the right to speak. I've provided my heartfelt example of the freedoms that we dare not ever take for granted in Canada. Even though you may have the numbers to be able to stifle debate, you always have to give people the right to speak.

Marleau and Montpetit gives us that guidance. It says that members must be recognized by the chair before speaking. On occasion, committees place strict limits on the amount of time during which a given item will be considered. That's normal.

● (1605)

Unfortunately, what we've seen happening today in this committee was an unfair amount of stopping of opportunities and rights to speak. In other cases, committee members have been free to discuss a matter for as long as they have seen fit.

Members of the House attending committee meetings who are not committee members or substitutes may, at the discretion of the committee, participate in the deliberations. So other members can come and speak and ask questions. However, they do not have the right to present motions, to vote, or to be counted in the quorum, which is a very important point to remember. Although they ordinarily withdraw when the committee deliberates in camera, they are sometimes permitted to remain at an in camera meeting.

We are in a minority government. We have more members of the opposition than we do of the government. We have a similar situation in committee in that there are more members that are opposition members than are government members. If the opposition gangs together, they can outvote and stifle good debate. They can hijack the committee, and that's what we've seen happening, and it's what happened a couple of months ago, just before Christmas.

Also in Marleau and Montpetit is guidance on subcommittees. Subcommittees are to be made up of the parliamentary secretary...for putting together witness lists. I was making the point—and I was interrupted by Mr. Cullen—that it's very important that we have the right to speak. What is happening, and what we're seeing demonstrated by the NDP, is that they're trying to take away that right. It shouldn't be happening, Mr. Chair.

We've seen very clearly what I've shared with the committee from Marleau and , which is that we have a democratic right. According to our manual, our guidance book, we should be given the right to speak, and the truth needs to come out.

Mr. Chair, I would like to hear from the clerk, through you, a comment on the points I was making.

● (1610)

**The Chair:** I think our problem, Mr. Warawa—and I'll try to answer this as it's been explained to me—is that we're talking about House rules and what happens in the House. As you well know, that does not apply in committee. Committees are masters of their own fate.

I believe you want to talk to this motion. We certainly want to vote on this motion as soon as possible, and we want to get on with getting back to clause-by-clause. But you do have the right to speak about this motion and your concerns about the extension, and why it should or shouldn't be. Certainly I've tried to give all the leeway possible to do that.

On the question of privilege, basically the concern is that you are referencing House rules as opposed to committee rules. I believe, as I say, that the committee is the master of its own fate. I would like us to get on with the motion, if we could refer to that, and ultimately the question.

**Mr. Mark Warawa:** My question, through you to the clerk, is whether he believes what I have read to this point is in reference to the process within the House itself and not in committee. Is that what I'm hearing?

**The Chair:** I think that's generally what we're saying.

**Mr. Mark Warawa:** I have one more reference. I thought that was sufficient. I would have thought that the principles of having an opportunity to speak would be maintained throughout Parliament, and not taken away because the opposition has more members.

What's happened to this point is very unfair. I'll give another example. There are so many that give us that guidance about the right to speak, that things should be done properly.

On page 85, it talks about physical obstruction and assault:

In circumstances where Members claim to be directly obstructed, impeded, interfered with or intimidated in the performance of their parliamentary duties, the Speaker is apt to find that a *prima facie* breach of privilege has occurred. This may be physical obstruction, assault or molestation.

On October 30, 1989, Speaker Fraser ruled that a *prima facie* case of privilege existed when Herb Gray from Windsor West raised a question of privilege claiming that an RCMP roadblock on Parliament Hill, meant to contain demonstrators, constituted a breach of a member's privilege by denying him access to the House of Commons.

On February 17, 1999, a number of questions of privilege were raised resulting from picket lines set up by the members of the Public Service Alliance of Canada at strategic locations of entry to Parliament Hill and at the entrances to specific buildings used by parliamentarians. Jim Pankiw, from Saskatchewan, in his submission, stated that the strikers had used physical violence and intimidation to stop him from gaining access to his office. You would have been around back then.

On this matter, Speaker Parent immediately ruled that there was a *prima facie* case of privilege. Mr. Pankiw moved that the matter of his molestation be referred to the Standing Committee on Procedure and House Affairs, and it was agreed to without debate. Again, he needs to have those rights to speak and to present his case, as that is referred to the standing committee. This is a standing committee, too. There are a number of standing committees. Those are committees that have to respect the rules and the rights of all parliamentarians.

●(1615)

My question, through you to the clerk, is, would you see this applying, in the spirit of guidance, to a process that will give members an opportunity to speak? Without that—I'm hoping that is the answer, that yes, this does apply, in principle.

**The Chair:** Mr. Warawa, on your point of privilege, I think all the members have been listening. The procedure now would be to ask the members of the committee if they deem that to be a point of privilege, to vote on that, and then report that to the House, that in fact your privilege was as you claim.

That would be the procedural way, if you want to proceed to do that—

●(1620)

**Mr. Mark Warawa:** Mr. Chair, I'm not done yet. I was asking for a response from the clerk, through you.

**The Chair:** This is where our discussions have gotten to that this is how this point of privilege will in fact be handled, because really what we've done....

You know, I did let Mr. Cullen make his motion. I made a ruling to in fact let you continue. There was a vote on that, and on that vote I was overruled.

I am now dealing with your point of privilege. The way we deal with that point of privilege is that everyone listens to your arguments, and that decision is made and reported to the House—

**Mr. Mark Warawa:** But I haven't finished making my point.

**The Chair:** No, I would ask that you conclude your point of privilege, ask the members to listen, and then we'll vote. We'll either report it to the House or we won't.

**Mr. Mark Warawa:** Okay, thank you.

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** You can make comments once Mr. Warawa is finished, before we vote.

**Mr. Mark Warawa:** Thank you.

So, Chair, I'm looking at the Standing Orders of the House of Commons, and, again, this is our guidance. We have Marleau and Montpetit for process and the Standing Orders.

The Standing Orders, on page 90, say

In a standing, special or legislative committee...

—and this is a legislative committee—

...the Standing Orders shall apply so far as may be applicable, except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches.

Chair, that's what I have brought: the Standing Orders and Marleau and Montpetit. The point of privilege I'm speaking to is the privilege that was taken away from me to speak on a very important topic, the freedom to speak on the environment.

Chair, as I in all sincerity shared what the commissioner was recommending to Parliament—many of us have met with the commissioner, many of us have listened intently to her previous critique, and I believe Thursday of this week the commissioner will be providing a new critique—there has been a legacy of inaction.

We heard from one of the witnesses, and it was a very concerning comment. This was from the advisors to the government at the Bali conference—no, I'm sorry, it was one of the witness groups. We heard that Canada has been embarrassed over the last 10 or 15 years by inaction of government and a lot of promises made, a lot of proclamations made. The commissioner has recommended some really clear guidelines that we go from rhetoric to action.

She, at that time, gave us a very, very clear recommendation of how important it is to conduct the economic, the social, the environmental, and risk analyses, the impact analysis, of any legislation that would guide Canada or that would even bind Canada, Chair, and I wasn't given the opportunity to share that. I was cut off.



That point of privilege I'm making is that it's important that we give everyone on this committee an opportunity to present what they believe is really important on Bill C-377, because that's the topic.

Regarding Bill C-377, as we have it before us today, Chair, we had a number of quotations from a number of people who raised concern.

Ms. Vicki Pollard was one of those, and she said,

Our own analysis shows that investing in a low-carbon economy would reduce global GDP growth by 0.19% per year up to 2030.

That is just a fraction of the expected projected annual GDP growth rate, which is 2.8%. It is 0.19% related to 2.8%, and this is without taking into account the associated health benefits, greater energy efficiency and security, and reduced damage from avoiding climate change.

Mr. James Hughes went on to share—

• (1625)

**The Chair:** Mr. Warawa, could you just maybe compress this? I would like to give the opportunity to others who would like to comment, and ultimately get on with the process.

**Mr. Mark Warawa:** Thank you, and I will. I'm doing this as quickly as I can, with that in mind.

Mr. Hughes said that clearly the IPCC report has provided us with evidence that clarifies that urgent action needs to be taken. Even if all greenhouse gas emissions stop tomorrow, we're already looking into further warming of about 0.6% Celsius over the next few decades. Clearly, if we don't soon review stated current emission projections and the level of greenhouse gases in the atmosphere, the greenhouse gases in the atmosphere are likely to reach 550 parts per million of carbon dioxide equivalent by around 2035. That would commit the world to at least a two-degree warming, and we all have heard, through the IPCC report, how damaging that would be to the global environment.

As Ms. Pollard said—and these are, again, the comments of Mr. James Hughes—that we need to see emissions peaking in 2020, and we need to see those reductions in the order of between 60% to 80% by 2050. Well, the government's *Turning the Corner* plan's share is 60% to 70% by 2050, so we're right in line with what Mr. Hughes is suggesting, and we agree with the science. That's why any piece of legislation that is passed has to be real. It can't be just empty, phony window-dressing; it has to be real. That's why I feel so passionate about this, Chair.

Vicki Pollard went on to say:

The EU's position is that we want to see a comprehensive agreement with broad participation—

—as do we Chair—

that we're not asking for developing countries or emerging economies to take on the same sorts of commitments that we do, because we think they need room for development. We reflect the same thing in our effort-sharing within the European Union. We look at levels of GDP per capita in sharing out the efforts, but we're also clear that there has to be differentiation between developing countries.

She went on to say that they see it more as a question of “if we can show we can do it, we can persuade them to take action”—referring to developing countries.

**The Chair:** Excuse me, Mr. Warawa.

We're talking about your point of privilege and trying to clarify this for the members so they can vote. I think you're getting quite a long way from your point of privilege in terms of telling us what the committee heard.

So could you try to talk about your point of privilege? There is at least one other member who has a comment. I don't know if anyone else does, but I do have to invite comments on your point of privilege before we vote on that point of privilege, which we then report to the House.

**Mr. Mark Warawa:** I appreciate that, Chair, and I will try to stay on the point of privilege, which is why I'm speaking.

On the point of privilege, I believe I did not have a chance to share some very important facts for the committee because I was cut off by Mr. Cullen and his motion. That privilege that was taken away from me was to share very important comments by some of our witnesses, which they provided as written comments.

Vicki Pollard went on to say:

By taking action, which also involves investment in their countries through mechanisms like the CDM, we help demonstrate clean technologies and engage them in innovative policy instruments to show them what can be done, to help them get experience of doing this, and we can help move them along that path towards taking the action or increasing the action they're already taking to the levels to which it needs to be taken.

Again, it is very important that this committee hears this testimony and is reminded of that important testimony. It has been a few weeks since we heard them, and the actions we've seen from the NDP, trying to cut off the debate, have taken away the privilege of us speaking. It has also confused some who may have forgotten the important testimony that we heard from the witnesses.

Vicki Pollard went on to say:

From the European Commission perspective, all legislation that we adopt is associated with impact assessment. The extent of impact assessment depends on the nature of the provisions in that bill.

We heard time and time again how important the impact assessment is, from the commission, and I shared that with the committee and they didn't want to hear that; from Vicki Pollard, one of the witnesses, and they did not want to hear that. But again, that was another recommendation of how important an impact assessment is.

She went on to say:

An impact assessment that looks at the net economic cost of costs and benefits but also social and environmental...

James Hughes went on to say, as Vicki had mentioned:

Here in the U.K. all new regulations in Europe have to go through, as Vicki has mentioned, an impact assessment, and the impact assessment that would be required here would include an assessment of the costs of that policy as well.

What we're seeing in the NDP's proposal is to put the cart before the horse. We have Mr. Layton saying, "Well, I want the government to find out what the impacts of this legislation will be; I want the government to do the costing of the plan." That's putting the cart before the horse. It doesn't make sense.

Jim Hughes went on to say:

We think there needs to be an international agreement that includes all countries, including all the major emitters as well. And we feel they need to be involved—

• (1630)

**The Chair:** Mr. Warawa, could you just summarize this? There are three other members who have asked to speak about this. It's your point of privilege. I'm trying to let you make that point of privilege as extensively as you can and try to convince all your colleagues here to vote for you on this. But if you could just summarize your last comments, we can get on.

Mr. Watson is next to comment.

Mr. Godfrey, I'll put you on the list.

**Mr. Mark Warawa:** Chair, I appreciate the patience of the committee and I will try to conclude as quickly as I can.

A point of privilege is very important, and I want to share a couple more quotes before I conclude. James Hughes said:

We think there needs to be an international agreement that includes all countries, including all the major emitters as well.

We heard, Chair, how important it is that we have all the major emitters involved, and we heard that right now under the Kyoto agreement we have 30% of the emitters who are part of the solution. We were told how important it is to have everybody involved, and particularly with the G-8 plus five—remember that?—the idea was, if we had the G-8 plus five committing to accept those reductions in greenhouse gas emissions, we'd have 80% of the major emitters involved with reducing greenhouse gas emissions. Without having a commitment from all the major emitters, we will not have a solution of reduced greenhouse gas emissions.

We advocate an important role for municipalities, provincial governments, and the federal government. We do our work in that way because different scales of effort matter in different issues. This is certainly one of those areas where that is true, where efforts by some of Canada's big municipalities are important, as well as the efforts of provincial and federal governments.

Chair, I want to take this opportunity to share with the committee what's happening in my riding. I've tried to share that before, but it's very important. In my riding of Langley we have two local governments—the Langley city and the Langley township. The township bought a new building, and it was a building that was only half or three-quarters completed. They put geothermal heating into it. The operational cost for heating and lighting this beautiful new municipal building is incredible.

Each of us can do that. I've made that commitment personally, Chair, to reduce the amount of greenhouse gases our riding office uses, and it's quite interesting. We have fluorescent lighting that we see in this office here, but these are 40-watt light bulbs. You can reduce energy dramatically by changing four light bulbs into the 32-watt—the new technology. And it's been a wonderful privilege to

reduce my carbon footprint. Also, the electricity bill for my riding office has dropped dramatically; it costs fewer taxpayers' dollars to heat and light that office. So it's exciting.

We also heard the constitutional problem with Bill C-377 is that it leaves the reduction of greenhouse gas emissions solely to the regulation-making power vested in the executive. That is a big concern. The only direction given to the Governor in Council as to the nature of the regulations is that they must be to carry out the purpose and provisions of this act and to ensure that Canada fully meets its commitment under section 5 targets for 2020, and there are later targets as well.

This extraordinarily broad and sweeping regulation-making power purports to authorize any regulation that would have the effect of reducing greenhouse gas emissions. Such regulations could potentially reach into every area of Canadian economic and social life. The bill enacts no restrictions as to the kinds of laws that are contemplated or the kinds of activities that can be regulated. Such a sweeping grant of authority to the executive is unprecedented outside of wartime and should be a matter of political concern quite apart from the constitutional issues. Who said that? That was Professor Peter Hogg. I was very, very surprised that this privilege of sharing with the committee, how concerned I was that the Bloc—

• (1635)

**The Chair:** Mr. Simard.

**Hon. Raymond Simard (Saint Boniface, , Lib.):** Mr. Chairman, whether or not it's a point of privilege or a point of order, the member has to be relevant to the topic. If I'm not mistaken—and I came here a little bit late—his privilege to speak was taken away. Now he's talking about carbon dioxide or something. He is way, way off topic. He has to be relevant to that topic. At one point, you've got to make a decision on this.

**The Chair:** Because it's his point of privilege, I have let him take as much latitude as possible.

**Hon. Raymond Simard:** But it has to be relevant, Mr. Chair.

**The Chair:** And I have reminded him of that several times.

I am going on. I have four other speakers now who want to comment on this. Then it will ultimately go to a vote of the committee. The vote then will be reported to the House. Then we'll come back to the original motion. So we have two votes basically and we have a vote on the extension, which is Mr. Cullen's original motion.

So I am asking Mr. Warawa again to talk about his point of privilege, please. Then I'm going to Messrs. Watson, Harvey, Vellacott, and Godfrey.

**Mr. Mark Warawa:** Chair, the interruption from the member shows the seriousness. He said this meeting has something to do with carbon dioxide. Well, Chair, I'm not sure what committee he's just come from, but this is the environment committee. We're talking about Bill C-377, and that's exactly what this is about. It's reducing greenhouse gas emissions. Carbon dioxide is one of those.

**The Chair:** Excuse me.

Yes, Mr. Simard.

**Hon. Raymond Simard:** If I'm not mistaken, the point of privilege is on whether or not he should be allowed to speak, not on the environmental portfolio at all. Am I correct or not?

**The Chair:** You are correct.

**Hon. Raymond Simard:** So why is he talking about the environment committee?

**The Chair:** The point of privilege is that he was interrupted from speaking about what he wanted to speak about.

**Hon. Raymond Simard:** But he has to prove to other members that he has a right to speak right now, not on whether or not the environment—

**The Chair:** Well, that's what we are going to vote on.

Again, the clerk advises me I can cut you off. I've been attempting to make it as open as possible, as always. But I have asked you a number of times now to stay on topic and come to the point. Perhaps you could do that, and then we'll go to Mr. Watson and the others.

**Mr. Mark Warawa:** Okay.

Chair, I do appreciate that. I'm concerned that the privileges I have, according to the Standing Orders and Marleau and Montpetit, were taken away by the NDP, who did not permit me to share the concerns I have about Bill C-377. I share with Mr. Simard the concern that this is a very important issue, and that we have regulations and legislation in Canada that will accomplish something. That's why the *Turning the Corner* plan, Chair, under which you have absolute reductions of 20% by 2020 and 60% to 70% reductions by 2050, is important. And we have that in the works. It's done by regulation. We're moving from voluntary, which we had with the previous Liberal government, to mandatory, which will affect every industrial sector in Canada, Chair. We didn't have that with the Liberals. With Bill C-377, we don't have that.

Chair, the NDP took away or attempted to take away the privilege, so as not to permit members of this committee to be able to share those concerns. One of those concerns came from Mr. Peter Hogg. Chair, Peter Hogg is a professor at Osgoode Hall. He's the dean of the Osgoode Hall Law School of York University. He's a well-respected person, and he came with huge concerns about Bill C-377.

He said:

Bill C-377, the Climate Change Accountability Act, First Reading October 31, 2006, is a bill with the purpose of reducing Canada's greenhouse gas emissions (s. 3). By s. 5, it provides that the Government of Canada "shall ensure" that Canadian greenhouse gas emissions are reduced to 25 per cent below 1990 levels by 2020 and to 80 per cent below 1990 levels by 2050. The Bill itself makes no provision for the achievement of these targets...

That was my very point. The NDP wanted nobody to know about that, but Mr. Hogg picked up on that right away.

The Bill itself makes no provision for the achievement of these targets, leaving that entirely to regulations to be made by the Governor in Council. Section 7(1) provides that "The Governor in Council may make regulations for carrying out the purposes and provisions of this Act". Section 7(2) provides that "The Governor in Council shall make regulations to ensure that Canada fully meets its commitment under s. 5".

Mr. Chair, he went on to say:

Putting the Government of Canada's obligation under s. 7(2) into a realistic context, I note that Canada signed the Kyoto Accord in 1997 and committed to reducing greenhouse gas emissions down to 6 per cent below 1990 levels by 2012. At the time of signing, Canada's emissions levels were already 13 per cent above 1990 levels. I am reliably informed that the level of emissions is now 33 per cent above 1990 levels.

And he's quite right.

He went on to say:

Canada's economy and population continues to grow, increasing the demand for energy. Obviously radical changes in the behaviour of Canadians would be needed to take the level of emissions down from 33 per cent above 1990 levels to 25 per cent below 1990 levels by 2020.

That's only 12 years away.

He also went on to say:

Since government incentives and exhortations to voluntary reductions have not halted the trend of rising emissions, very severe and [persuasive] regulatory restrictions on activities that produce emissions would be necessary to actually reverse the rising trend and reduce greenhouse gas emissions sharply enough to reach the Bill C-377 target for 2020.

The need for strong and [persuasive] regulations to meet the Bill C-377 target for 2020 is especially the case since Bill C-377 is not a tax measure and does not authorize the imposition of carbon taxes.

● (1640)

Many economists have advocated the view that taxes are the most effective means of changing behaviour to reduce greenhouse emissions. Economists point out that carbon taxes could be revenue neutral by being balanced with cuts in income taxes (or other taxes). The Parliament of Canada has unlimited taxing powers, and so this would raise no constitutional issues. However, no taxes are authorized in Bill C-377, none were proposed by the previous Liberal government and none have been proposed by the present Conservative government.

He's quite right. We believe that Canadians are overtaxed, and we believe in lower taxes. For Liberals, on the other hand, there isn't a tax they see that they wouldn't like to raise.

The Parliament of Canada has two heads of legislative power that might be invoked as the authority to enact Bill C-377. One is the criminal law power and the other is the peace, order, and good government power. In my opinion, neither of those powers will support a law that is as broad and vague as Bill C-377. I will briefly discuss each of these powers in turn—

● (1645)

**Mr. David McGuinty (Ottawa South, Lib.):** A point of order, Mr. Chair.

**The Chair:** Yes, Mr. McGuinty.

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, this has descended into farce. I really would ask you to exercise your authority now as chair. Mr. Warawa has been filibustering now for exactly 29 minutes. He has had 32 minutes, in fact, on this point of privilege. He doesn't have 32 minutes. He doesn't have the right to speak for 32 minutes, Mr. Chair, on a point of privilege.

You have not exercised your authority. I think what I would request is that we put this matter of point of privilege to a vote.

**The Chair:** I have to hear other comments, Mr. McGuinty.

I think we have heard enough, Mr. Warawa. I think you've made your point of privilege, and I would like to go on to Mr. Watson, Mr. Harvey, Mr. Vellacott, and Mr. Godfrey.

**Mr. Mark Warawa:** Chair, is there a time limit on the amount of time I have for a point of privilege?

**The Chair:** It's a matter of staying on the subject, I believe. It's a matter of a point of privilege, and we're going to vote on it. Everybody has heard the point of privilege, and I think we're now into testimony. This is the sort of thing that would fit into debate on the bill, but I'm not sure it does on your point of privilege.

What I would like to do is hear what Mr. Watson has to say about the point of privilege and try to focus on that.

**Mr. Mark Warawa:** Mr. Chair, I have a lot more to share, and if the committee is not wanting to hear more, and if there will be further opportunity to speak, I'll be glad to share that later on and allow others to speak. Thank you.

**The Chair:** Mr. Warawa, certainly within the context of the amendments, you'll be allowed to speak and speak to those amendments. There are a number of other amendments you may have difficulty with.

**Mr. Mark Warawa:** One closing comment, Chair, is that I would not have used my point of privilege if I hadn't had the NDP use the tactic of trying to close off debate. So I had to then invoke the point of privilege to share some very important.... Because, Chair, whether it's Bill-377 or any piece of legislation, it has to be a piece of legislation that has substance.

**The Chair:** Excuse me, Mr. Warawa, Mr. McGuinty has another point of order.

**Mr. David McGuinty:** Thanks, Mr. Chair.

Can I get clarification from you and the table here? I raised a point of order asking to call the vote on this point of privilege. You're suggesting that we have to hear from other interveners who want to address this point of privilege. Once the request is made to call the vote on this point of privilege, doesn't that supercede this notion of having to hear anybody else and any other MP on this issue? That's a point of procedural clarification.

• (1650)

**The Chair:** Mr. McGuinty, just to answer, and I think we've clarified, again, we have gotten into the committees being master of their own fates. What happens in the House is something quite different.

When we had the vote rejecting my decision, I did make that decision as the chair to listen to Mr. Warawa's point of privilege. I think, however, he has more than made his point of privilege. So

what I would rule now is that we go to the other people—and I ask them to be very brief—on the point of privilege, that at ten after five we vote on this point of privilege and either report it back to the House or not, and then we vote on the original motion, Mr. Cullen's motion, which is that we extend this for 30 sitting days, and we then go and vote in the House.

**Mr. David McGuinty:** Mr. Chair, is that a proposal you're making to the committee members?

**The Chair:** That's what I'm suggesting. That's what I'm ruling we do. Of course, that can be challenged, but that's what I'm ruling. That way, we complete today and we can carry on tomorrow.

**Mr. David McGuinty:** Why don't we just simply see the clock at 5:10 p.m.?

**The Chair:** Can I see the clock at 5:10 p.m.? I'm happy to see the clock at 5:10.

**Mr. David McGuinty:** Do you want a motion to that effect?

**The Chair:** It's your decision. It's the committee's decision. If you want to go to the vote, we can see the clock at 5:10.

Mr. Watson wants to speak.

**Mr. Jeff Watson:** On a point of order, Mr. Chair, I believe you made a ruling, and I have the floor next, not Mr. McGuinty for another question. I believe that's the proper order.

**The Chair:** Mr. Watson, very briefly, on the point of privilege....

Let's carry on. Let's do it that way.

**Mr. David McGuinty:** I just need to know, then—and I was on a point of order, as a matter of fact, Mr. Watson—is it possible, Chair, through you to the clerk, that this committee sees the clock? Can I put a motion now to see the clock at 5:10 p.m.?

**The Chair:** You're on a point of order. You can't move a motion on a point of order.

My proposal or my ruling is that we carry on, that we have these four speakers—I'm not sure, Mr. Godfrey, if you're still on this list, but we have three speakers—and that when we get to 5:10, we have two votes and we're done.

Mr. Watson.

**Mr. Jeff Watson:** Thank you, Mr. Chair. In that spirit I will keep my remarks as brief as possible.

I think Mr. McGuinty's interventions underscore that there's discretion, as far as the chair goes, and where there's discretion there's debate. It's not as ironclad as it might suggest.

The question is on a question of privilege. Standing Order 116 lays out that in a standing committee, "the Standing Orders shall apply so far as may be applicable, except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches". There is no effective limit on the speaking time, Mr. Chair. I think this comes to the original contention of Mr. Warawa. Of course, I know that our colleagues opposite would rather have limits on speeches.

I'd like to carry on here. I'd like a little bit of attention here, if I could, and a little bit of respect from the members opposite.

The rules exist. We have Standing Orders. We have Marleau and Montpetit. We have books that go into great depth about the rules. The overwhelming import of having rules is to facilitate debate, not to shut it down.

I understand that our colleagues opposite may not like what we want to debate. They may not like our viewpoint in debate, but that's what debate is for. Debate is to counter bad argument with good argument. If you think our argument is bad, you don't counter bad argument by closing down argument. There are hundreds and hundreds of pages and books upon books. We don't even have the exhaustive volumes here. But the rules exist to facilitate debate. That's what separates us from other nations in the world. What makes our country good is that we encourage debate.

We howl in the House if the government brings forward a motion on closure, because that shuts down debate and everybody gets their hackles up about that. But at committee we seem to use points of order—not even valid points of order—to call for the question or to put motions forward. That represents an abuse of the privilege. I know it exists as a loophole, but points of order like that to seize the floor and shut down debate run counter to the spirit of the rules, which exist to facilitate the debate. I think that's the point of privilege that the member is raising here.

I defend it jealously. We're in a minority government and we are certainly in a minority position at this table. The opposition clearly agree on a number of things. My rights, being on the minority side of the table, are important.

These rules would be as important if we had 307 seats out of 308 seats in this Parliament. The one lone opposition member would deserve the same rules and rights to continue debating at the table. That's why these rules exist. That's what's supposed to separate this country from other countries. We're not a junta and we're not a totalitarian dictatorship in this country. That's what makes our country better. Our privileges are very important.

I know Mr. Regan wants to laugh. He's chortling over there with Mr. Simard across the table. Maybe they don't care about their privileges as members of Parliament. That's up to them.

This is an extreme privilege, Mr. Chair. I came from the assembly line right to the House of Commons. I remember my swearing-in ceremony. I took an oath to the Queen and I took a real seriousness about the job ahead of us. I remember the first time they threw open the doors of the House of Commons after my swearing-in, and I had one of those gasping-of-breath moments because I recognized the significance. Very few people get to do what we do in this country.

I know Mr. McGuinty is in tears over there, but they're tears of laughter, unfortunately. He's not taking this seriously.

Every time I stand at the bus shelter beneath the Peace Tower and look up at the flag flying over the Peace Tower, these are important things. We have an extreme privilege to be selected by people to come here and carry their voice to debate.

• (1655)

It's fair enough if they think they have the votes around the table to carry their will. That's fine, but it doesn't mean that people back

home who elected me should somehow be silenced at this table. That's why we have the rules.

Raising points of order that are not points of order so they can challenge the chair because they know they can overrule the chair is an abuse of the rules to end debate. I don't know if that's the so-called new democracy of the New Democratic Party, but that's not the kind of democracy I believe in. They can disagree with us—I've disagreed with Mr. Cullen many times—but that's what debate is for, and we have every right and every privilege. We have very jealously guarded privileges in this House to be able to sit at a table or rise in the House and speak.

In the House we have a different set of rules, obviously. We have rules that will limit how many times you can speak or what the length of your speeches are. But the point of his privilege is Standing Order 116. Committees are very different in that regard. What we've seen is the abuse of a tool in order to close down debate, and I think that's a shame. I will be supporting this point of privilege going forward.

It's not only my privilege sitting here. It's Mr. Cullen's privilege, whether he respects it or not. It's Mr. Godfrey's privilege, whether he respects it or not. It's Mr. McGuinty's privilege, whether he respects it or not. It's Mr. Simard's privilege, whether he respects it or not. It's Mr. Lussier's privilege, whether he respects it or not. It's Mr. Bigras' privilege, whether he respects it or not. And I fight jealously for those privileges.

Mr. Chair, I'll be supporting the point of privilege when it comes to a vote. I will cede the floor to others who need to speak to this, because it's their privilege as well.

• (1700)

**The Chair:** Mr. Harvey.

[*Translation*]

**Mr. Luc Harvey (Louis-Hébert, CPC):** Mr. Chairman, I am very surprised to see this kind of debate unfold here today. Let me review the facts briefly for you.

Following a 10-minute presentation by the parliamentary secretary, Mr. Cullen tabled a motion to the effect that the parliamentary secretary's comments were not relevant to the business of the day. However, the chair disagreed and maintained that the parliamentary secretary was on point, that there was no repetition or anything of that nature. An attempt is being made to muzzle him. This is important to people like Mr. Lussier, Mr. Bigras and Mr. Cullen who represent parties that will never be in a majority situation here. The NDP, in any event, has been in a minority position for the past 45 years.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** It is a matter of democracy.

**Mr. Luc Harvey:** Precisely, Bernard. Our role here is to ensure that democracy is upheld and that everyone is treated in a democratic fashion. I can easily imagine Bloc members wringing their hands outside this room and complaining that they have been muzzled.

[English]

**The Chair:** Mr. Harvey, I would remind you to talk about the point of privilege and not....

Mr. Bigras will fill him in on what happened after.

[Translation]

**Mr. Luc Harvey:** I am talking about what is going on here right now. I would also point out to Mr. Cullen that we were respectful of a bill tabled by his leader. It was short on content and anti-constitutional, but we debated it. Today, you are coming forward with a bill, and you are attempting to muzzle the government while the parliamentary secretary is speaking. That is unacceptable, to my mind.

In the two years that I have been here, I've been told on a regular basis that a parliamentarian has first right. I'm not talking about a privilege, but about a right. It goes beyond the Charter of Rights and Freedoms. A parliamentarian has the right to express himself, to issue opinions in this forum, in Parliament, and to be respected. I find it despicable to see the opposition take advantage of its majority position. You have defied the chair's ruling to the effect that the comments of the parliamentary secretary were relevant to the issue at hand. You all raised your hands to vote against his ruling.

This behaviour is unacceptable, especially coming from parties like the Bloc and the NDP. For 45 years, the NDP has always been respected and has always had the right to speak. It is unacceptable for this party to move this kind of motion today. This is a direct assault on democracy and on everyone here who has already been heard. You may be laughing today, Bernard, but when the day comes that you experience a similar fate...

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I wish to remind you that members of this committee must speak through the chair. If Mr. Harvey wants to play that game and you allow him to do so, you'll find out that I can play the game as well. So then, I ask that he speak through the chair, otherwise I will get involved. Until now, I've remained calm, Mr. Chairman, but if you want me to play the game...

[English]

**The Chair:** Mr. Bigras, I admire your patience.

I would like to remind Mr. Harvey that Mr. Vellacott would like to speak. We have about four minutes left, and we are going to vote in four minutes.

[Translation]

**Mr. Luc Harvey:** Mr. Chairman, I don't care of this debate last four minutes, or all night, because the first duty of a parliamentarian is to protect his right to speak. I'm not even close to the four-minute mark. I am prepared to defend my country, my province, my family and my rights.

We have just witnessed an attempt to make of mockery of the rights of a member of Parliament. This is very serious business. Frankly, I would like the House or another competent body to review this incident. What happened here is unacceptable.

Thank you, Mr. Chairman.

● (1705)

[English]

**The Chair:** Thank you, Mr. Harvey.

Mr. Vellacott, please.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Thank you very much, Mr. Chair.

In my engagement in the last few minutes that remain here, I want to just remind you or reiterate in summary—because we've had some good debates, some good points made, from Standing Orders that are pretty clear, and there's no vagueness or ambiguity about it—that I support you in terms of your considered and very good judgments along the way here.

I just want to say it's one thing to overrule a chair, and some of us have been involved in those settings in committees and so on, because his judgment is off or maybe the Standing Order is vague, as sometimes is the case. But just because you have the numbers, that's a clear abuse of democracy.

So I bring this back to the Standing Orders, and I cite them for the record as we close here. Standing Order 116 is very, very explicit; there's no vagueness or lack of clarity about this one. Mr. Cullen has really assumed that it would be an abusive process, real chaos if we were to follow this kind of a mode in the future. It says here, and it goes on to say:

In a standing, special or legislative committee, the Standing Orders shall apply so far as may be applicable, except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches.

In fact, there could have been more speakers on this.

The Chair [...] shall maintain order in the committee, deciding all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House, on receiving a report thereof.

Particularly, then, I will move on to a very weighty volume here called the *House of Commons Procedures and Practice*, by Marleau and Montpetit. Specifically where you based your judgment, on page 456 here, it says very, very pointedly—and it's footnoted as well—that “The previous question cannot be moved in a Committee of the Whole nor in any committee of the House.” This, in fact, is where we went wrong here today, where your ruling was correct—absolutely and to the nth degree. “The previous question cannot be moved in a Committee of the Whole nor in any committee of the House.”

I ask all the members to consider this: why do we have any of these volumes? We might as well pitch them all out and just start like the wild west, a total recipe for anarchy and chaos. As I said, it's one thing when it's vague and ambiguous. Mr. McGuinty knows that, and it'll come back to bite Mr. Cullen sometime too. When you have very clear instructions here in any of these procedure books and you're going to totally ignore them and fly in the face of that when there's nothing imprecise about it, then it's ludicrous.

If you have any books like these on your shelf, Mr. Cullen, Mr. McGuinty, or anybody else opposite, or any of us here, for that matter, you might as well pitch them in the garbage as you walk to your office later on in the day.

**The Chair:** Mr. Vellacott, could I ask you to just come to a conclusion so we can get to our vote, please?

**Mr. Maurice Vellacott:** I will summarize. Absolutely.

My only point—and obviously in irony and with the height of sarcasm here—is that these books have no meaning whatsoever. They are totally insignificant and without any value. If in fact we just make it up arbitrarily from day to day, it's a totally chaotic situation.

There are other isms around the world that would maybe follow in that mode, but in a democracy, in our country, we choose not to. So again I cite, in closing, very clearly from Marleau and Montpetit, from the *House of Commons Procedure and Practice*, on page 456 and from footnote 56 there as well, that “The previous question cannot be moved in a Committee of the Whole nor in any committee of the House.”

While Mr. Warawa's privileges were violated, Mr. Cullen perpetrated upon this whole committee an abusive process in a very significant way today.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Vellacott.

So we have two votes. The first vote is on the point of privilege placed by Mr. Warawa, which basically says his privileges were violated. A vote in favour of that would require, then, that I report it back to the House and they deal with it. If it's defeated, of course, it's defeated and we move on to the second vote.

**An hon. member:** A recorded vote, please.

(Motion negated [See *Minutes of Proceedings*])

● (1710)

**The Chair:** There's no question of privilege, so we'll move on then to the extension of this for 30 sitting days. That will then be reported back to the House by me at three o'clock tomorrow if that in fact passes.

(Motion agreed to)

**The Chair:** So I will report that back, and we then have 30 working days. We meet tomorrow at 3:30. Have a nice day.

The meeting is adjourned.

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