



House of Commons
CANADA

Legislative Committee on Bill C-31

CC31 • NUMBER 001 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Monday, December 7, 2009

—
Chair

Mr. Andrew Scheer

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• (1735)

[English]

The Chair (Mr. Andrew Scheer (Regina—Qu'Appelle, CPC)): I see a quorum, so I'm going to call this meeting to order. This meeting has been called pursuant to Standing Order 113(3), which requires a legislative committee to meet within two sitting days of the adoption of the membership report.

By establishing a quorum and meeting today, we have complied with the standing order. Therefore, if it is the will of the committee, we can do basically one of three things.

We can simply adjourn until the call of the chair, fulfill the standing orders, and come back to this subject after the Christmas break.

We can pick a specified date for our next meeting.

Or we can consider some committee business, such as a timetable for future meetings, routine motions, and get into issues such as witness selection, deadlines, and whatnot.

I'll gauge the will of the committee as to how much they'd like to actually get into today.

Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Congratulations, Chair, on being chair and already raising the decorum of this place.

I think we probably don't want to get into specific witnesses too much. I'm hopeful that we can obviously have a good hearing on this bill. Three or so meetings on it would be my thought.

We could perhaps talk about what day would be good for people to meet. I know it's always hard to get a consensus. As I look around the table, I see that most of us are on the justice committee, which meets Mondays and Wednesdays from 3:30 p.m. to 5:30 p.m., if that helps.

If we could at least establish that, it would be great.

The Chair: Further to that point, since you brought it up, I have a bit of a roster of which times during the week members of this committee have available based on their current assignments to other committees. In coming back after the Christmas break, the Monday and Wednesday slot from 3:30 p.m. to 5:30 p.m. appears to be the only slot that all members of this legislative committee have.

• (1740)

[Translation]

After the Christmas holidays, the committee would meet on Mondays and Wednesdays from 3:30 p.m. to 5:30 p.m. in January, February—

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Do you mean in January?

The Chair: When we return from the break.

Mr. Daniel Petit: We're back on the 24th or 25th, correct?

The Chair: Yes, on January 25.

Mr. Daniel Petit: That's a Monday. Will we be having a meeting that week?

The Chair: That is for the committee to decide. I'm only talking about members' free time slots.

Mr. Daniel Petit: I understand.

The Chair: Go ahead, Mr. Lemay.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): As far as you know, Mr. Chair, at what time will the Standing Committee on Justice and Human Rights be meeting in January? We're not exactly next door.

The Chair: As far as I know at this time, that committee would be meeting on Tuesdays and Thursdays from 11 a.m. to 1 p.m.

Mr. Marc Lemay: I see.

What about the Standing Committee on Aboriginal Affairs and Northern Development?

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): The time slots allocated to all committees have changed.

The Chair: After the holidays, all of the committee schedules are changing.

Mr. Marc Lemay: What about the Standing Committee on Aboriginal Affairs and Northern Development?

The Chair: The Standing Committee on Aboriginal Affairs and Northern Development will meet on Tuesdays and Thursdays from 3:30 p.m. to 5:30 p.m. The 3:30 p.m. to 5:30 p.m. time slot on Mondays and Wednesdays is the only available slot for members of this committee. However, it is up to the committee to decide whether it wants to have one or two meetings per week. That is not the chair's call.

Go ahead, Mr. Moore.

[English]

Mr. Rob Moore: Mr. Chair, as I mentioned, I certainly don't think this is going to take weeks to go through. It's one bill. Most of us are probably familiar with the contents. I'm hopeful that maybe on the Monday we get back we could have representatives from the department to explain the bill. Maybe on Wednesday, we could have witnesses. On the following Monday, we could have perhaps an hour for witnesses and then an hour for clause-by-clause to get through it.

No one's thinking that this is going to be a permanent fixture on our calendars until the summer. I would think that we'd be able to get through this bill in three meetings.

The Chair: Mr. LeBlanc.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Chair, I would agree with Rob that this is an additional committee. Some of us are on one or two other committees and have other obligations. I don't think this should be allowed to go on in perpetuity for many weeks.

Speaking for myself, and for my Liberal colleagues, I think, one of the issues we're concerned about is this fingerprinting question before charges are laid. From my own perspective, that's the only issue where I'd want to hear from the police, for example, to understand why they think this is appropriate. I'd perhaps want to hear from the bar association on that issue, and from the Privacy Commissioner, as my colleague Madam Jennings has just said.

But I would agree with the general principle, Rob, that we can do it in three meetings. If we have to, we can have a fourth to do a clause-by-clause.

Mr. Chair, I think we should aim to be expeditious and thorough, and we should not drag this on for weeks and weeks to suddenly find that we have to look at one another four times a week for many weeks. That's not a desirable thing.

• (1745)

The Chair: I sense a general agreement that Mondays and Wednesdays from 3:30 to 5:30 will be the time that this committee will meet.

Monsieur Petit.

[Translation]

Mr. Daniel Petit: We are all members of various committees. Personally, I sit on two or three committees. Did everyone check their schedule before agreeing to the Monday and Wednesday time slot? Everyone did? Fine then.

[English]

The Chair: Yes. Further to this, is there agreement that the next meeting will be the Monday upon our return, the 25th? Okay?

The chair will go ahead with that as a guideline.

Madam Jennings.

Hon. Marlene Jennings: When the Department of Justice officials are invited to come, could a specific request be made that they come with an actual statement on the fingerprinting issue and whether or not it meets the charter case law that would back up the position they've taken? It would definitely save time. Because if we have to ask them the question, and they say they have the

information but they don't have it with them, that could impose several additional meetings.

So if they come with the documentation.... In fact, if they get it to the clerk beforehand so that it's distributed to all members beforehand, then we'll all be singing from the same page in the book. We might not all be in tune, but at least we'd all at least be on the same page in the book.

The Chair: Is there general agreement with that principle? Okay. That's agreed. The clerk will contact the department, then, and arrange for that presentation with a specific focus on the fingerprinting issue for their appearance.

Since we're talking about future meetings, there are a number of routine motions that most committees adopt. Is it the will of the committee that we adopt those motions? I have them here. So I'll just quickly read through each one and seek the committee's approval for each motion. These are fairly standard motions that most committees operate under.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): You want to read them first and then ask if anyone has any comments. Is that correct? Is everyone fine with that?

[English]

The Chair: Sure.

For those of you who might not have heard, there was a question about what a normal date would be for a cut-off for suggestions for a list of witnesses. The clerk has informed me that in order to facilitate the workings of the committee, three or four days in advance of our first meeting back here would be helpful to him so that he can make arrangements.

Madam Jennings.

• (1750)

Hon. Marlene Jennings: I was going to suggest Monday, January 4. If at that point members have further witnesses they want to propose at a later date, then...ideally, January 4. We're now at December 7 and we're giving everyone a month. I understand that Christmas holidays intervene, but still, there are quite a few working days engaged.

If push comes to shove, if the light bulb goes off on January 15 and members suddenly think about someone, then they can put it through.

The Chair: I'll take that as a motion that the lists of witnesses be provided to the clerk no later than January 4, 2010.

Monsieur Lemay.

[Translation]

Mr. Marc Lemay: You are suggesting that we have a meeting when, in fact, we are leaving on Thursday. I was not advised of this. Now you're asking us to put forward the names of possible witnesses. You're telling us that we need to have this ready for January 4, when, in fact, everyone is leaving for the holidays. I'm not in favour of this. I would suggest January 15 instead.

[English]

The Chair: Order, please.

There seems to be agreement that January 15 will be a suitable date for the committee. Is that agreed?

Some hon. members: Agreed.

The Chair: Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay: Mr. Chair, I want to state for the record that this kind of situation must never happen ever again. At our last meeting, we heard from 10 witnesses, which did not leave us enough time for even one round of questions. In addition, I would like the speaking order to be respected.

If we are to hear from witnesses, we need to take the time to ask them questions and to listen to what they have to say. I want this message to be conveyed clearly to the members sitting opposite. They were responsible for the fact that we had 10 people on the witness list and that's unacceptable. I hope that this won't happen again. Even if it means we have to hold one or two more meetings, we need to do our job properly, as far as Bill C-31 is concerned.

The Chair: I understand.

Mr. Ménard.

Mr. Serge Ménard: Now that we've read this, may we make another suggestion? First of all, the spelling should be corrected. In the amendments, at the beginning, the "l" should be deleted. Moreover, this bill is several pages long. It's possible that further to our discussions on the initial amendments, we might want to move some subamendments. For that reason, I suggest that amendments to Bill C-31 be submitted to the clerk 48 hours before they are scheduled to be studied.

[*English*]

The Chair: Sorry, but I believe it's...unless I misheard...

[*Translation*]

Mr. Serge Ménard: If we begin the clause-by-clause study on January 30 and continue during the first half of February, according to what I'm reading here, all amendments will have to be ready 48 hours before January 30 and no additional ones could be moved thereafter.

[*English*]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): You can move amendments from the floor. Nothing restricts you from moving amendments from the floor.

• (1755)

[*Translation*]

Mr. Serge Ménard: When amendments are moved during debate, we do not have time to review them. Having 48 hours' notice would give us time to reflect on them a bit.

[*English*]

Mr. Brian Jean: But if new ideas come up, you want to be able to move changes to them.

The Chair: I should mention to the committee that we can do whatever we want with these routine motions and make some changes. We can change it to 48 hours' notice before an amendment or subamendment is tabled and not pick a specific date for a deadline, but if a member wants to submit an amendment or

subamendment that there just be 48 hours' notice in general. That would solve the problem if we are into clause-by-clause and it takes a few days; amendments and subamendments would still be able to be moved, provided there is notice. That's one suggestion.

[*Translation*]

Mr. Serge Ménard: That is what I'm proposing. I think we need to draft this as a proper motion.

[*English*]

The Chair: Go ahead, Mr. Jean.

Mr. Brian Jean: Maybe the clerk can confirm this, but my understanding is that amendments can be moved at any time during clause-by-clause consideration. My understanding of this particular clause in the routine motions is that substantive amendments be moved 48 hours before the committee's clause-by-clause consideration so that... They know the general direction of the other committees and can propose responses.

I'm not suggesting that 48 hours before is a bad amendment, but I don't want to be restricted on the basis that an amendment has been moved and a subamendment or a friendly amendment might have to be moved to deal with that particular issue. You're not precluded, I think, from the normal practice, which is to move a subamendment during clause-by-clause consideration. I do it all the time.

Mr. Rob Moore: Then it must be okay.

Mr. Brian Jean: It is. I'm sure. I've never been ruled out of order so that's a good sign.

Thanks for all the support on that one, Rob.

[*Translation*]

Mr. Serge Ménard: We agree. To make this a formal motion, the text should read "that amendments be submitted to the clerk 48 hours before they are scheduled to be studied".

[*English*]

The Chair: I'll take the direction of the committee. If the committee wants to have a requirement for notice, the wording suggested is that there be 48 hours' notice before that amendment is moved.

We'll go to Madam Jennings.

Hon. Marlene Jennings: I would not have a problem with that as long as the procedure we adopt also makes it clear that while we're in clause-by-clause, members can submit subamendments and amendments without prior notice.

The Chair: Is that agreed?

Some hon. members: Agreed.

The Chair: Maybe the chair will direct the clerk to leave this part out of it. We'll come back to the committee with some wording to that effect. The will of the committee is that when we're in clause-by-clause, notice will not be required for amendments and subamendments. Prior to that, there would be 48 hours' notice for substantive amendments.

Is that agreed?

Monsieur Petit.

[*Translation*]

Mr. Daniel Petit: The motion could read as follows: “that amendments to Bill C-31 be submitted to the clerk 48 hours in advance during clause-by-clause study”. Isn't that what we just said? Would you prefer to have them sooner?

That isn't quite the proper wording. I agree we should go with something else.

Hon. Marlene Jennings: Let's trust the clerk on this.

[*English*]

The Chair: Go ahead, Mr. Fast.

Mr. Ed Fast (Abbotsford, CPC): Are we settled on the notice provision?

The Chair: I believe so.

Mr. Ed Fast: I'd like to move on to one other very minor item, which is, “That the Committee's meetings be televised”. Is that mandatory or permissible? What if television isn't available? What if we're in West Block?

The Chair: Legislative committees take precedence over other committees.

Mr. Ed Fast: In terms of televising?

The Chair: In terms of everything.

Mr. Ed Fast: Really? I wasn't aware of that.

The Chair: It's up to the committee as to whether or not to keep that in, to change the wording—

• (1800)

Mr. Ed Fast: That's fine. So all the meetings will take place either in this room or the one across the way.

The Chair: Yes, if that's what the committee finds expedient.

Mr. Ed Fast: All right. Thank you.

Hon. Marlene Jennings: I'm fully in favour of having our hearings televised.

Mr. Rob Moore: Could someone move adoption?

The Chair: Sure. Why don't you do that with the caveat that we're going to come back with the...?

Mr. Rob Moore: Yes, save and except the paragraph on amendments, I move adoption of the routine motions.

[*Translation*]

The Chair: Is everyone agreed? Is everyone also in agreement on January 15 as the deadline for submitting the witness list?

[*English*]

Is that agreed?

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: One of the motions that was just adopted under routine motions is that the Subcommittee on Agenda and Procedure be struck and be composed of the chair—me—and a member of each party. I would just ask each party to provide the name of who will be on the steering committee so that we can be in touch with each other if need be.

Is it Mr. Murphy for the Liberals?

You get access to the Deputy Speaker's hospitality budget for—

Some hon. members: Oh, oh!

The Chair: I'm just kidding.

For the Conservatives...? You don't have to tell me now.

Mr. Rob Moore: We're fighting over it, but we'll come up with a name.

The Chair: All right. Is there any other business?

An hon. member: I move that we adjourn.

The Chair: Is that agreed?

Some hon. members: Agreed.

The Chair: The committee stands adjourned until Monday, January 25.

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