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Chair

Mr. Kevin Sorenson

Standing Committee on Foreign Affairs and International Development

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• (0900)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good morning, colleagues.

This is meeting number 46 of the Standing Committee on Foreign Affairs and International Development, on Thursday, December 10, 2009. Our orders of the day are to return to committee business. We welcome you here.

Mr. Goldring, I think when we last left, you had the floor.

Mr. Peter Goldring (Edmonton East, CPC): Thank you, Mr. Chairman.

I still have a few words I would like to say to express my concern about Mr. Dewar's motion. To bring everybody up to date, I'll read the motion put forward by Mr. Dewar:

That, in the context of its study on the treatment of Canadians abroad, the Committee report the following recommendations to the House of Commons calling on the government to:

Recognize its constitutional duty to protect Canadian citizens abroad;

Enact legislation to ensure the consistent and non-discriminatory provision of consular services to all Canadians in distress; and

Create an independent ombudsperson's office responsible for monitoring the government's performance and ordering the Minister of Foreign Affairs to give protection to a Canadian in distress if the Minister has failed to act in a timely manner.

I have concerns with this motion on multiple levels. I'm trying to review the Constitution. We want to follow through on the Constitution to be sure there is not a reference in there that Mr. Dewar is pointing out. I don't believe there is. In due course, we'll be able to go through the various papers that channel through to the Constitution.

The Chair: We have a point of order.

[Translation]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Goldring is speaking about the motion of—

[English]

The Chair: Just hang on here.

I always get the first little bit, but...

[Translation]

Ms. Francine Lalonde: Mr. Goldring is referring to Mr. Dewar's motion, but Mr. Dewar isn't here. Should we not move on to other topics and to my own motion?

[English]

The Chair: He is coming. But on the committee business, which was on the agenda for today, we can go back to that.

Thank you.

[Translation]

Ms. Francine Lalonde: Fine.

[English]

The Chair: We can do that without him here.

Continue, Mr. Goldring.

Mr. Peter Goldring: Thank you, Mr. Chairman.

I repeat again that I have strong concerns about—

Mr. Paul Dewar (Ottawa Centre, NDP): I'm totally engrossed, as you can imagine, Mr. Goldring, but I'm just wondering if I can move to adjourn debate on this motion. It's pretty obvious what the government is doing.

Mr. Peter Goldring: You...

Mr. Paul Dewar: It's not a real interest in—

The Chair: I'm sorry, that's out of order.

A motion to adjourn debate is out of order, but you could withdraw your motion.

Mr. Paul Dewar: Why is it out of order?

The Chair: I'll refer to the clerk.

Mr. Paul Dewar: I don't know our new clerk. Hi, how are you?

Mr. Jacques Maziade (Procedural Clerk): Good.

My name is Jacques Maziade.

Mr. Paul Dewar: Hi, Jacques.

Mr. Jacques Maziade: I'm replacing Carmen this morning.

You cannot put the question. You could do it in the House, but in committee you cannot.

Mr. Paul Dewar: If it's the pleasure of the committee, we can do as we wish. I'm talking about the debate, to move to adjourn debate on the motion.

• (0905)

The Chair: You could withdraw your motion.

Mr. Paul Dewar: We did that at the last committee meeting, Chair.

The Chair: I'm told that if you wish to withdraw your motion, that's acceptable, but to adjourn debate, no. You need unanimous consent.

Mr. Paul Dewar: Let's go over the facts. You were saying I couldn't. Now I see we can if we have unanimous consent.

Mr. Peter Goldring: Which you do not.

Mr. Paul Dewar: To get this committee moving, I'm trying to establish rules. Sometimes they're vague.

The Chair: You can withdraw the motion, but unless you have unanimous consent—

Mr. Paul Dewar: I'm offering to defer the motion, to bring it back later. I'm being reasonable with the government.

The Chair: Reasonable though it may be, it's not procedurally possible. So we'll continue.

Mr. Paul Dewar: It requires support from the government.

The Chair: I appreciate that.

Mr. Paul Dewar: You don't want to—

The Chair: It requires support from everyone.

Mr. Paul Dewar: —filibuster.

The Chair: We're going to speak on the motion you brought forward, unless you want to withdraw your motion, which would effectively end the debate.

Mr. Paul Dewar: Well no. It requires support from the government to actually refer it or defer it—

The Chair: Yes.

Mr. Paul Dewar: And they don't want to.

The Chair: Yes, there is no....

Mr. Paul Dewar: Thank you.

The Chair: Continue, Mr. Goldring.

Mr. Peter Goldring: Mr. Chairman, not only do I agree that it's out of order, but it would be very disappointing if I wasn't allowed to continue here.

Certainly my concern on this motion goes much further than just the words that are written here on the motion itself and the implication here that it's somehow constitutionally affecting.... My greater concern is that we're seeing before the committee here a number of motions, a number of bills, that are put forward by the opposition parties. I just have great fear that motions like this will somehow be brought forward and voted on, because they have the tyranny of the majority over there—and brought forward without regard to what they are really doing by putting forth such a motion.

When you start dealing with the Constitution, and as I talked about at the previous meeting too.... This Constitution has had a lot of work done on it over the years, and very good work. It is very complete. It is well-worded. When you see a motion like this that can somehow impact on it, can set a precedence for the Constitution unfairly and with the wording it has.... I have very great concern for the wording here.

I also refer to a previous bill that is before the committee; the wording in that bill is, in my humble opinion, very damaging towards the extractive industry right across Canada.

I have a great concern that we're not showing the proper amount of respect, not being careful enough in how we wordsmith our motions and our bills to do the right thing. Ultimately, at the end of the day, what we wish to do in this committee is move bills forward that are a benefit to Canadian society, that will not harm certain segments of Canadian society. When I see a motion such as this, I'm seeing just a repetition of it.

So I would be very much against just simply withdrawing the motion. I think we have to have a wholesome discussion on what we're doing by putting forward motions and bills that impact other issues. In this particular one here, it is so poorly written that it implies that the Minister of Foreign Affairs can be ordered to give protection to a Canadian abroad.

I use but one example here. For example, when I was in the military I tried to transfer to Vietnam. There are other Canadians who are in the military. Maybe they're fighting with the United States in Afghanistan. Maybe they're fighting in Iraq, but it could be anywhere in the world. You can just imagine if one of those Canadians, after he signed up, decided he really didn't want to do it and tried to call on his Charter of Rights and Freedoms and brought the complaint back. The minister of National Defence would be compelled by this to go to Washington, to go to the Pentagon, to stand up for this Canadian soldier who really put himself in this position on his own. You can just hear those peels of laughter coming from the Pentagon all the way here to Parliament Hill, and indeed worldwide. I mean, it's just absolutely ridiculous in the absurd that you could compel a minister to follow up on constitutional provisions that are not there. They are not there. The absurdity of it is to suggest that we can implant our laws in the United States. They'll have a big chuckle over that one too.

I'm trying to decide here, how did this happen? I'm sure we all know Mr. Dewar, and we know that he wouldn't intentionally mislead this committee, but where would this idea have come from, this constitutional provision? We know that Mr. Ignatieff spent 20 or 30 years in the United States, and I could expect that he might have a little confusion and think that the Constitution of the United States might apply here in Canada too.

Then we see Mr. Dewar, and we know full well that recently Mr. Dewar was in Washington, was with NDI doing election monitoring, and he might have very well run into the Constitution of the United States there too. Is it in there? I rather doubt that it is. I would think that maybe when we've gone through our Constitution, it might be of interest to others, too, to just take a look into the American Constitution and see if it's in there. I don't believe it would be, but certainly as a follow-through on this, just to be sure....

I have a concern when bills are written, when motions are written, that they're not thought out as to how they cause and effect other issues and other things. They're not being carefully thought out enough. They have to be actionable. They have to be reasonable for a government to be able to implement them. That's the whole idea of our Charter of Rights and Freedoms and the Constitution of Canada; that it is actionable. Yes, we know of countries around the world, some of the countries that have the most problems in their civil society, that also have constitutions. But if we really looked into it, we would probably find out that they really don't action their whole constitution. We have the luxury of actioning it here.

● (0910)

I would certainly want to say that we should not be fooling around with our Constitution, backdooring constitutional change by precedent-setting motions. If Mr. Dewar really wishes to have these provisions put into the Constitution, he should approach it properly. Hopefully in a few minutes I'll be able to get to the point in here where it says exactly how he can do it. If he really wants to have these constitutional provisions put in, so be it; bring it to Parliament in the right fashion and go with it according to how the Constitution itself says you can make these changes.

With the many motions and bills we're seeing coming across through this committee meeting, I would really caution all of the members that certainly we want to bring motions forward and certainly we want to bring bills forward, but please take a look at them and see if they are going to impact badly other forums in our government, if they are going to be able to be actioned, if they are going to be an embarrassment to us on an international stage—in other words, give them a lot more care and attention.

That's the reason that, even if Mr. Dewar were to say he'd like to table it or withdraw it, I'd say, no, let's have this discussion here, because maybe somewhere in here there is this constitutional reference. As we go through it section by section, we'll be able to get down to it and see if that constitutional reference is there. If it is, then I guess I'm going to owe Mr. Dewar a big apology.

We'll work our way through it. We left off at section 20, and I'll just reiterate that section so that we get a good standing and a good start on where we left off before.

Subsection 20(1) says:

Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

- (a) there is a significant demand for communications with and services from that office in such language; or
- (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

And under subsection 20(2), of course:

Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

That, I would suggest, is a distinctly Canadian section. To suggest that somehow that can be extended extraterritorially, I don't know how it can be. Certainly nowhere in that section do we find any referencing that it compels recognition of the constitutional duty to

protect Canadian citizens abroad. So we're still not able to find that in here.

We'll go on here to the next section, section 21, which says:

Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

That probably underscores the importance of why we have to go through this in a little bit of depth, because where it is referring here to other sections in the Constitution, it rather compels us that if we really want to be thorough on this—and I really believe we should be thorough—we should chain through on the Constitution and finish the job at hand.

So I really encourage and thank you, Mr. Chairman, for allowing me to do so. I might say, at present, I'm at section 22, and just to give you a timeframe on what this might mean, there are some 55 sections in the charter and 155 in the Constitution, and there will be approximately the equivalent of 50 to 100 in the other pre-constitutional documents that I'd like to go through.

● (0915)

As a feeling for time here, it probably would be in the neighbourhood of maybe 50 or 60 hours. I don't know, but as we get closer, I'll have a better idea.

The Chair: Mr. Goldring, you did make mention of the American Constitution. I probably would rule that out of order, just in case you try to flip over to the American Constitution. Stick to the Canadian one.

Mr. Peter Goldring: It would be interesting to find out, if it's not in the Canadian Constitution, whether other countries have extraterritorial protection in their constitutions.

Mr. Paul Dewar: Germany—it's in theirs. And the Americans have regulations.

Mr. Peter Goldring: This particular motion is referencing the Canadian Constitution, I expect. I'm sure it doesn't reference the German Constitution. So for the time being, we'll stick to the Canadian Constitution and be very thorough about it.

Mr. Paul Dewar: Chair, we'll withdraw the motion. They have no interest in this, so I'll withdraw the motion. Filibustering is not good. Taxpayers' money is being expended here, and filibustering is not what they want to see on this motion. It's a serious motion.

I'll withdraw the motion.

Mr. Peter Goldring: Mr. Chairman, I would object to that very much. The premise here is not simply on this motion, which is badly written. The whole object of my dissertation here—

Mr. Paul Dewar: On a point of order. The motion is withdrawn.

The Chair: You've moved to withdraw the motion.

Mr. Paul Dewar: I'm withdrawing the motion.

The Chair: That requires unanimous consent.

On page 54 of the O'Brien and Bosc book, it says that to withdraw a motion that has already been moved would take unanimous consent.

Do we have unanimous consent?

Some hon. members: No.

The Chair: All right. Continue, Mr. Goldring.

Mr. Paul Dewar: To be clear, the government doesn't like this motion—

The Chair: We're clear.

Continue, Mr. Goldring. You have the floor.

Mr. Paul Dewar: I have a point of order, Mr. Chair.

The government is saying it wants to continue even though it doesn't like the motion. Is that what we're hearing?

The Chair: What we're hearing is that we had committee business on the order paper today, and Mr. Goldring was prepared to speak to this today. We haven't got witnesses. We have no other points on the agenda for today.

Are you saying we should adjourn?

Mr. Paul Dewar: I move to adjourn then.

The Chair: We have a motion to adjourn.

Mr. Paul Dewar: We can actually vote on that one.

The Chair: All in favour of adjourning?

(Motion agreed to)

The Chair: That's carried.

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): I just want to get a point of clarification.

If Mr. Dewar sent that to the clerk and advised that he is removing it, that would be over.

Hon. Jim Abbott (Kootenay—Columbia, CPC): No.

Mr. Bernard Patry: Yes, if he sent it to the clerk.

The Chair: It's already been moved.

Mr. Bernard Patry: I mean if he sent it to the clerk outside of the meeting. He's sending advice to the clerk.

The Chair: We'll have to check.

Mr. Bernard Patry: I think so.

The Chair: Our understanding here from the clerk himself is that it would take unanimous consent.

Mr. Bernard Patry: I disagree.

The Chair: It's a moved motion, but that's something we will double-check.

Mr. Bernard Patry: I mean if he sent it to the clerk.

The Chair: That may be different.

● (0920)

Mr. Bernard Patry: Can you come up with this advice?

The Chair: We will definitely do a little more checking. We'll check on that.

Mr. Goldring.

Mr. Peter Goldring: Mr. Chair, I have a comment on that.

As I've said by going through all these constitutional matters here, my concern is on multiple levels. It's not just on the motion that's put forward, which I really disagree with, but my concern is that we're putting these motions forward, and we have a majority in the opposition parties. There's a very high risk that these motions will be just signed straight through.

The Chair: Order.

On that, Mr. Goldring, the question I have, and we will double-check.... Our clerk has great experience and I trust his decision on that. You can't have a vote to withdraw a motion. But when the mover withdraws the motion and then submits to the clerk that they want their motion to be withdrawn, could it go on ad nauseam and we would keep debating it? Or do they have the prerogative to withdraw their own motion? According to this.... We will double-check.

That's a good point, Mr. Dewar. Thank you for that.

Mr. Paul Dewar: Thank you.

The Chair: I think it's also fair that we maybe just assess, although we do have a motion to adjourn, which means that I can't—

Hon. Jim Abbott: It's not debatable.

The Chair: It's not debatable.

Merry Christmas, everyone. I hope we all come back in good spirits. When we do come back on Tuesday, it is my intention that on that first Tuesday we move to clause-by-clause. About five minutes ago we received some amendments for Bill C-300, so we would then move to proceed with Bill C-300 on the Tuesday.

The meeting is adjourned.

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