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Chair

Mr. Bruce Stanton

Standing Committee on Aboriginal Affairs and Northern Development

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• (1530)

[English]

The Chair (Mr. Bruce Stanton (Simcoe North, CPC)): Good afternoon, members.

[Translation]

We are now starting the second meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

[English]

Welcome to our first session, where we'll be discussing committee business.

I'd also like to welcome Anita Neville to our committee. Other than Ms. Neville, all of the members of the committee were here in the second session. I understand it is not Ms. Neville's first time on this committee. She brings her experience from the 38th and 39th parliaments, if I recall.

Good to have you here, Ms. Neville.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you, Mr. Chairman.

The Chair: Members, before we start today's business—and we have two motions to consider—pursuant to an order made in the House when the committees were struck, the routine motions we adopted in the second session continue for this session. Of course, committees have the ability to make changes to them if they choose. If there are any amendments or changes to the routine motions, we should probably deal with them now before we begin any other business.

Do we have consensus to proceed with the same routine motions we adopted in the second session?

Some honourable members: Agreed.

The Chair: We'll proceed on that basis.

We'll start with Madam Crowder, who has two motions.

Madam Crowder, go ahead with whichever one you wish to deal with first. We'll deal with each one individually and then go from there.

You have the floor.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thanks, Mr. Chair.

I wonder if we could deal with the First Nations University first because there is some urgency around that. As I'm sure all committee

members are aware, the federal government announced they would be withdrawing the \$7.2 million that currently goes to the First Nations University. I'm bringing this motion before the committee so we can have an opportunity to look at the situation.

There certainly have been some problems with the First Nations University over a number of years. They recently did a significant amount of work to rectify those problems, including being in the process of developing a memorandum of understanding with the University of Regina that would have that university take over the management of their funding. It seems a solution has emerged fairly recently that would enable the First Nations University to continue to function and have some of that accountability for the funding put in place, because the University of Regina—of course, I'm assuming—has a stellar reputation around managing funds.

Part of the challenge we're facing with this is that if no agreement is reached by March 31, those students and faculty will not know their fate. I think most of us are aware that if you don't get early applications into other universities, at this late date it's going to be difficult for those students to get transferred into other universities. Certainly, for the faculty, many universities and colleges are already in the hiring process for the next school year, so it's a pretty urgent situation in terms of looking at the funding.

The second aspect of this, of course, is that we know that first nations students are underrepresented in the numbers who graduate from post-secondary institutions. The First Nations University provides a unique opportunity for students to get education that is supportive, culturally appropriate, and can deal with some of the aftermath of residential schools. A lot of these students would not have been residential school survivors themselves, but they come from family backgrounds where residential schools have been a huge factor.

I had the good fortune to talk to some of the faculty. I was in Saskatchewan a number of months ago, and they were talking about the unique situation, for example, where some of the health care graduates came from their home communities to the First Nations University; they returned to their home communities, and they are models of success in their home communities. They talk about how important that support is at the First Nations University.

So I presented this motion to the committee asking:

That the Standing Committee on Aboriginal Affairs study the circumstances of First Nations University of Canada and call representatives from the FNU student association, FNU faculty association, Federation of Saskatchewan Indian Nations, University of Regina, Canadian Association of University Teachers and province of Saskatchewan to explain their roles and governance changes that have been made; and that the committee report their findings to the House.

Mr. Chair, I move that motion.

• (1535)

The Chair: Thank you, Ms. Crowder.

We'll go to questions from members, and we'll

[*Translation*]

Let us begin with Mr. Lemay.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Chair, we are going to support this motion because it seems to us to be extremely important for the development of First Nations. I can understand the government wanting to cut the funds if errors have been made, if money has been squandered as the minister seems to be suggesting, probably with justification. It seems clear to us that errors have been made in the management of the First Nations University. Even the First Nations who are in charge of the project admit, as Grand Chief Lonechild has done, that there have been errors and there has been poor administration.

However, must we throw out the baby with the bathwater, as they say? Doing so would mean that the First Nations of Saskatchewan, and from outside the province as well, would lose the only university that provides them with a complete education and communicates to them through their culture and otherwise. A number of aboriginal communities go there, in fact, and send their students there to be educated.

I do not think that this decision puts the role of the First Nations University into question. It seems perfectly clear to me that what has come into question is the administration. Could the government not reconsider its position, given that the First Nations University will be under the administrative control of the University of Regina for the next five years? These are the questions that we are still asking and for which we have had no answer, hence our support for this motion. This is why there is some urgency. We feel that it is important to pass this motion as quickly as possible, to report to the House, and above all to hear witnesses, before March 31.

[*English*]

The Chair: Merci, Monsieur Lemay.

Now we'll go to Mr. Duncan, and he will be followed by Mr. Russell and Mr. Payne.

Go ahead, Mr. Duncan.

Mr. John Duncan (Vancouver Island North, CPC): Thank you, Mr. Chair.

I'd just like to say that I think the statements made by Jean Crowder, in respect of the status of the current agreement, were made with rose-coloured glasses on. I would also like to say, at the same time, that all of our statements have been consistent in stating that we'll ensure that the students are looked after.

I think we have to recognize that First Nations University has had declining enrolment. People have obviously been voting with their feet.

I have a concern about the motion from the perspective that it limits witnesses. I would say that the motion would be much more appropriate if we were to talk to people such as the chief financial officer and others who are familiar with what has really occurred in this circumstance. We need a realistic look at the circumstances of the situation.

I have another concern, which is process oriented. This committee has only so many meetings. We have a work plan. We've also had every indication that we're going to have some significant legislation. I think we keep entertaining these shorter looks at things. Generally, we've done it with consensus, but I believe that we're at a state now that if we're going to look at this before March 31, we should not do it during our regular proceedings on Tuesday and Thursday from 3:30 p.m. to 5:30 p.m. If we're really committed to this, then I think we ought to be able to sit outside of our regular committee time. If we're not prepared to do that, then I'm prepared to say that we're not really committed to the exercise.

Those are my comments at this time.

• (1540)

The Chair: Mr. Duncan, were you seeking, then, to amend the motion to add the chief financial officer of the university?

Mr. John Duncan: I think we should open it up. I don't want to limit the witnesses to those who are there. I'd like to ensure that we have an opportunity to designate some other witnesses, and I can't predict who they would be.

The Chair: Perhaps with our other interventions this afternoon, we could explore some ideas on how that might be done.

Thank you, Mr. Duncan.

Let's go to Mr. Russell.

Mr. Todd Russell (Labrador, Lib.): Thank you, Mr. Chair.

It's good to speak to this particular motion. Our party will be supporting this particular motion, acknowledging, of course, that some people may have some concerns about the particular wording, as enunciated by Mr. Duncan. I don't believe that we would have a problem having an extra committee meeting or meetings to deal with this particular matter. There are time constraints we are up against. There are some serious repercussions from the decision of the Government of Canada to cut funding to First Nations University. There are impacts upon students, upon their families, upon faculty, and of course upon the survival of the institution itself. If its doors close, will they re-open? There have been significant efforts made. Whether they're all one would want or whether they're 100% agreeable to every particular party, we do not know. But significant efforts have been made to deal with issues of governance and accountability and to help ensure that future funding is going to be dealt with prudently.

I think this is timely. I think we should deal with it. I acknowledge, of course, that the committee in the past has indicated, as have I, that our northern economic development study must continue as well. Given the time constraints on this, given the enormity of the situation, and the fact, too, that most of the information coming out to date has been only through media reports and one-on-one conversations, I think this exemplifies just what this committee is about. We try to explore issues that are of importance to aboriginal communities, and to first nations communities, specifically, in this instance. I think it's something we can certainly support wholeheartedly.

● (1545)

The Chair: Okay. Thank you, Mr. Russell.

Now we'll go to Mr. Payne, followed by Mr. Clarke and Madam Crowder.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chairman.

When I looked over the motion I was quite concerned that there was a list of witnesses here. My concern is that I'd like to see that opened up. If in fact this goes forward, I want to make sure there is a balanced view. I know there have been a lot of indications for a long period of time that the financial proceedings of that organization have not been in accordance with what we would expect.

I wanted to get that across. I think we need to make sure that if we do go ahead, it's opened up for witnesses. I want to make sure there is a balanced view in this whole process.

Thank you.

The Chair: Thank you, Mr. Payne.

Mr. Clarke.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

For me, the importance of education is the utmost. I attended post-secondary education, but not at a first nations university.

I do have some concerns over the wording of the motion. With my background, accountability is the utmost, and what I'm seeing here is financial fraud. What happens affects the students as a whole—where this money is going, where has it been spent, and who benefited.

My concern is that if as a committee we do sit down and talk about this to the witnesses, what types of legal proceedings will fall from it? In that sense, will these witnesses have to be subpoenaed or interviewed in case there's a Criminal Code investigation?

Also, I'm looking at the mandate of the wording here. When you say “province of Saskatchewan”, we have to work with the province. Are we looking at the ministers? We have to look at their timeframe too, because the House is sitting in Saskatchewan right now.

I'm looking at the timeframe of March 31. We're going to have to work with the province to bring the province forward and their staff members who will have to be witnesses. We have to take that into consideration, I think.

I'm hoping Ms. Crowder can find some way that we can work with the other governing bodies.

The Chair: Thank you, Mr. Clarke.

Just on that point, certainly witnesses have the same protections, privilege, as members of Parliament in terms of their testimony at standing committees. I don't confess to provide all the legal background behind that. These are sensitivities we would need to take into account and make sure those privileges are in place, if witnesses felt their testimony might in any way prejudice a legal proceeding in the future.

Before I go to Ms. Crowder, a couple of interventions have mentioned the issue of witnesses. Members might know that we are planning to have a subcommittee meeting immediately following this meeting, where we'll be dealing with the issue of the work plan. Ordinarily the subcommittee deals with issues both in terms of determining the work plan and schedule. It could also, as it has in the past, deal with issues around the selection of witnesses.

I offer that for the consideration of members, and then we'll go to Madam Crowder.

Ms. Jean Crowder: Thank you, Mr. Chair.

That's absolutely a place where we could deal with it, but I could also amend the motion by inserting “and any other witnesses deemed necessary” after “province of Saskatchewan”. That would address that.

I think the logistics around getting witnesses, given other legislative bodies' sitting schedules, can be accommodated by having people join us by phone. I know we've done that with witnesses in the past where travel was an issue. The committee staff are very good at working out details around logistics and they could manage that.

Because it is an extraordinary situation with the timeframe we're dealing with, I certainly can't speak for the other committee members, but I would be prepared to have a meeting outside of our normal meeting schedule.

I agree it's important that we understand the scope of the problem so the committee can have some comfort level that the remedy being proposed will actually address the issues that have been raised in the past. I think it makes perfect sense to hear from other witnesses and raise some of those questions.

I'm hopeful that members of the committee will support this motion and that we can fairly quickly have a meeting to deal with this urgent and pressing issue.

● (1550)

The Chair: Thank you, Ms. Crowder.

As members will know, the mover can't really amend their motion.

Hon. Larry Bagnell (Yukon, Lib.): I'll move it.

The Chair: Thank you.

It's been moved by Larry Bagnell that the motion be amended to add a comma after “province of Saskatchewan”, followed by “and any other witnesses deemed necessary”. Then it would continue with “to explain their roles”, etc.

That would be the amendment, so we would now proceed to debate on the amendment.

[*Translation*]

Mr. Marc Lemay: A point of order, Mr. Chair.

Could you repeat the amendment slowly?

The Chair: Yes, of course, but not in French.

[*English*]

Mr. Marc Lemay: No, no, in English. *Ça va*.

The Chair: The amendment moved by Mr. Bagnell is that in the last sentence, after “the province of Saskatchewan”, we would insert a comma and then “and any other witnesses deemed necessary”.

Now we'll move to debate on the amendment.

Mr. Duncan.

Mr. John Duncan: Thank you.

I have a couple of real concerns with the wording of the motion as it is amended. This goes back to the original motion.

First of all, we're trying to take the politics out of FNUC. That's what has been attempted for many, many years. I believe the selection of witnesses here is political in some instances. I also believe that the motion talking about “governance changes that have been made” predetermines something that has not been predetermined. If it has been predetermined, it's only in the media. We really don't know what we're talking about.

I consider this motion to be very encompassing of much more than we would like to assume. I actually think that what we need is to dumb it down, to say that we're going to call witnesses, study the circumstances, and report our findings to the House. To do anything more than that is going to lead us... Well, certainly on the government side, it creates a real problem for us.

I gather at this point that we have concurrence that we'd like to do this outside of our regular committee meetings—I think I heard that—and that we would like to keep this as something we can accomplish by March 31. I don't see that happening with the current wording of the amended motion—at least for being able to complete this. There are far too many groups involved, and I think there's the appearance of some predetermined outcome. I could propose an alternate motion, but that's not what we're debating.

• (1555)

The Chair: Yes, you're right. We are just debating the amendment at this point. You could propose a subamendment, but only to the amendment that we already have in play. So if your interest is in making more substantive proposals to the motion itself, we'll have to get through this question first, and then we can consider that.

Monsieur Lemay, *vous pouvez procéder*.

[*Translation*]

Mr. Marc Lemay: Mr. Chair, we do not want to get bogged down in procedure. This motion deals with the current situation of the First Nations University in Regina. The university has a problem, and it is not complicated. After March 31, they will have no more money. We want to know why. We would also like to know if the government is willing to reconsider its decision, given everything that the First

Nations University has already worked out, with the oversight of the University of Regina. That is it.

With all due respect to my colleague opposite, the government has already made its assumptions. There was embezzlement and it has been admitted. Funds were misused, and there is no point in going over that again. Everyone admits it, including, clearly, the department. As members of Parliament, we want this university to continue the exceptional work that it has done for First Nations—at least, as Bloc Québécois critic, I do. There is a clear problem with the administration. I do not want us to be debating whether \$40,000 or \$50,000 were spent at a casino. We know that that kind of problem existed. Clearly, money was embezzled. We will not be looking for the guilty. That is not the goal of the committee.

Let me digress a little. I am not sure that we have to have additional sessions or add an hour to meetings. Do not forget that it was not we who prorogued the session. With all due respect, I propose that we pick up our work carefully and sensitively. I hope that the government is not going to come charging in on every occasion saying that we need to add this, that or the other. If we can pass this motion, we will then get together and see how we can deal with it during our committee meetings. We could start as soon as next Thursday or at the beginning of next week.

I want to focus the debate onto one question. I am perfectly in favour of the amendment that says we want to add witnesses. The question is whether the government agrees to reconsider its decision to cut the funds. If not, why not, and if so, how? What are you waiting for if the issue is whether this extremely important university survives or ceases to exist after March 31? That is what this debate comes down to.

The Chair: Thank you, Mr. Lemay.

We now move to Mr. Rickford, on the amendment.

[*English*]

Mr. Greg Rickford (Kenora, CPC): With respect to the proposed amendments, Mr. Chair, not much changes for me. I have serious questions and concerns about this. I understand to a certain extent the significance of a deadline, but this problem has been around for quite some time. I think if this committee is really going to sit down and discuss this and listen to witnesses, a number of things are going to be required.

First of all, there are six organizations listed in the original amendment. There is a proposed change to that amendment that would open it up to at least, I would think, another perhaps equal number of organizations, in the spirit of fairness. I'm assuming there would be one, if not more, per organization, and I'm not sure that any of us is going to have the time by March 31 outside of regular committee—even in regular committee, given the number of meetings we have—to do a thoughtful investigation of this or do an analysis by the committee.

We don't understand—and I think this has been shared by all members—the size and scope of this problem; we have not had a pre-emptive briefing on any dimensions of this problem historically, on how and why we're at this juncture right now. With respect to that, and as much as I respect his opinions often at this committee, I don't buy Mr. Lemay's prorogation argument, but he tried his best. As one counsel to another, it didn't work for me.

This proposed change to the amendment lacks focus; it lacks discipline. We do not have a clear objective as to how we can actually help the students. This government has already put forward in the House a plan to deal with certain parts of this problem that it feels it has a role in. I would suggest, with the greatest of respect, that we take a serious moment to pause about what we're going to do here and how we're going to do it, because we only have 14 more days.

• (1600)

The Chair: Thank you, Mr. Rickford.

We are moving on, time-wise, so I'm going to go to Mr. Clarke. We'll hear from Mr. Clarke; then we'll see at that point whether you wish to have the question on the amendment or, alternatively, you want to suspend momentarily so that you can compare some notes.

Let's go to Mr. Clarke, to see where we end up.

Mr. Clarke.

Mr. Rob Clarke: Thank you, Mr. Chair.

I would like to support this motion, but I still have problems with the wording myself. Mr. Lemay was talking about accountability and about the financial fraud. When I read the wording here explaining their roles, I think the underlying issue that is going to come back, for me—for curiosity or for the integrity part—is to find out the underlying causes of the fraud and what steps or mechanisms are going to be in place to prevent such a thing from happening again. Right now, the province is still sitting down with First Nations University and with the chief to discuss this. This is still in negotiations, and I don't want to step on someone's toes right now when negotiations are still going forward.

If there's any way we can amend this further... I have some suggestions, which I'd like to bring forward. But at this point, this motion just doesn't meet the scope of this committee.

The Chair: We'll take the question now on the amendment.

(Amendment agreed to)

The Chair: The motion before us is now amended to include the phrase, as we said earlier.

Mr. John Duncan: How will that be recorded? It will be carried?

The Chair: The amendment is carried by a show of hands.

Mr. John Duncan: Could I suggest that it was carried on division?

The Chair: Well, that would be—

Mr. John Duncan: It's okay.

The Chair: —the effect of it, certainly.

If you wish, members, to have a recorded vote on these decisions, by all means just signal me or the clerk. We'd be happy to accommodate you, of course.

We have an amended motion. Is there any other debate on the amended motion?

All those in favour of the motion, please signify. Those opposed, please signify.

• (1605)

Mr. John Duncan: I'm opposed, and I'll ask for a recorded vote on this.

The Chair: Okay. We're partway through.

Mr. John Duncan: I can ask for a recorded vote at any time.

The Chair: In the spirit of accommodating the Standing Orders, let's have a recorded vote.

We'll do this again. I'll give it, then, to the clerk.

(Motion as amended agreed to: yeas 6; nays 4)

The Chair: Thank you, members.

Just before we leave this subject, as was discussed, we will be meeting, with whatever time we have left for our subcommittee, and the subcommittee will consider how this study will be accommodated and the logistics around calling witnesses, and so on.

Ms. Crowder, you have the floor *encore*.

Ms. Jean Crowder: Mr. Chair, as you're probably aware, this is a motion, which has been rewritten, from before prorogation. From my working with the clerk and others, the motion has been more narrowly focused.

I think you're all aware that we had the correctional investigator before the committee back in November. I won't repeat his testimony, but it was clear that there are a number of issues facing aboriginal offenders, both men and women, that have not changed significantly in 35 years, except to get worse.

Given the seriousness of the situation and the overrepresentation of aboriginal offenders in the prison population, I'm proposing...

I won't read the entire motion. I don't think I have to read it into the record, do I?

The Chair: No. It has been circulated.

Ms. Jean Crowder: In light of the fact that there doesn't seem to be any movement—of course, this is not a partisan comment, because there's a long history of many different governments that have been involved in this—I'm proposing that we look at a couple of the specific recommendations and that we report this back to the House.

We know that in some provinces aboriginal offenders make up well over half the prison population. As well, part of the objection to this in the past was that it was outside the scope of Indian and Northern Affairs. In fact, what we've done is identify a horizontal initiative on urban aboriginal strategy that involves Indian and Northern Affairs, Corrections Canada, and the Department of Justice. There is a history of Indian and Northern Affairs dealing with issues with these two other departments that are directly implicated in the correctional service.

I'm encouraging members to support this motion so that we can have some attention drawn to the overrepresentation of aboriginal populations in prisons.

The Chair: Thank you, Ms. Crowder.

Members, you'll recall that we received a motion on the same subject in our last meeting of the second session. In fact, it truly was the last meeting for us in that session.

I want to compliment the author for attempting, at least, to draw that connection. We had discussions on how this motion might come to be admissible, might have a connection to more directly link it to the mandate of the committee. She's done this through the reference to the horizontal initiative under the urban aboriginal strategy.

I've reviewed that program, which was referenced in the motion. Although it's laudable in its goals and would undoubtedly result in preventing aboriginal people from falling into criminal activity and by extension incarceration, the program does not relate directly to the substance of the motion.

• (1610)

[*Translation*]

This motion calls for the implementation of eight of the 19 recommendations of the Correctional Investigator from his 2008-2009 annual report to the Minister of Public Safety.

[*English*]

Each of the recommendations calls on the service, either Correctional Services Canada or the Minister of Public Safety, to take measures to address the issues cited by the report. Notably only one of the recommendations, that being number 12, is specific to aboriginal corrections. That recommendation directs the Minister of Public Safety to direct that CSC appoint a deputy commissioner for aboriginal corrections.

While it's understood that the Department of Indian Affairs and Northern Development and the Minister of Indian Affairs and Northern Development represent the lead ministry for aboriginal policy and programs across the federal government, the motion before us only recommends action by a specific minister and department, which lies outside of this committee's mandate. I would like to take a moment to explain that.

Our committee is empowered by the House in accordance with the Standing Orders, specifically sections 108(1) and 108(2), to take on certain activities, but those powers are not without limits. It is true that we are considered to be masters of our own proceedings, but we're obliged to stay within our mandate.

Standing Orders 108(2), at page 960, in the English version of O'Brien and Bosc states:

The Standing Orders set out a general mandate for all standing and standing joint committees, with a few exceptions. They are empowered to study and report to the House on all matters relating to the mandate, management, organization and operation of the departments assigned to them. More specifically, they can review:

the statute law relating to the departments assigned to them;

the program and policy objectives of those departments, and the effectiveness of their implementation thereof;

the immediate, medium and long-term expenditure plans of those departments and the effectiveness of the implementation thereof; and

an analysis of the relative success of those departments in meeting their objectives.

[*Translation*]

I will continue:

In addition to this general mandate, other matters are routinely referred by the House to its standing committees: bills, estimates, order-in-council appointments, documents tabled in the House pursuant to statute, and specific matters which the House wishes to have studied. In each case, the House chooses the most appropriate committee on the basis of its mandate.

[*English*]

Members, as we see in the mandate, our committee also has the opportunity to make our work known to our colleagues in Parliament, and to the public, by reporting to the House on our findings and recommendations. These rules respecting reports to the House are spelled out in O'Brien and Bosc, at page 985 of the English version.

In order to carry out their roles effectively, committees must be able to convey their findings to the House. The Standing Orders provide standing committees with the power to report to the House from time to time, which is generally interpreted as being as often as they wish.

A standing committee exercises that prerogative when its members agree on the subject and wording of a report, and it directs the chair to report to the House, which the chair then does.

Like all other powers of standing committees, the power to report is limited to issues that fall within their mandate or that have been specifically assigned to them by the House. Every report must identify the authority under which it is presented.

In the past, when a committee has gone beyond its order of reference or addressed issues not included in the order, the Speaker of the House has ruled the report, or a specific part of the report, out of order.

Members, it is here that I have the greatest difficulty with the motion, since it compels action by a ministry and department of the government that is not assigned to us.

The motion has no recommendations to the Minister of Indian Affairs or the Department of Indian Affairs and Northern Development, or its agencies, so if this motion were adopted by the committee, we would be unable to cite an authority under the Standing Orders to which this report is provided or pursuant to.

●(1615)

[Translation]

In the past, when committees have reported to the House on matters outside of their mandate, the Speaker has been quite clear that those reports, and the recommendations they give rise to, are indeed out of order. I would like to recite two such instances that were quite recent.

[English]

This is from the Commons debates, page 5925, on May 15, where the Speaker said:

Hon. members will recall that the issue of the mandate of the Standing Committee on Access to Information, Privacy and Ethics was raised just a few weeks ago and was dealt with in a ruling that the Chair gave on March 14, 2008. I wish to quote again, as I did in that ruling, from *House of Commons Procedure and Practice*, at p. 879:

That would be Marleau and Montpetit.

Committees are entitled to report to the House only with respect to matters within their mandate. When reporting to the House, committees must indicate the authority under which the study was done (i.e., the Standing Order or the order of reference). If the committee's report has exceeded or has been outside its order of reference, the Speaker has judged such a report, or the offending section, to be out of order.

The Speaker continued:

As mentioned by the hon. Secretary of State and Chief Government Whip in his remarks, Mr. Speaker Parent offered clear guidance in the matter before us in his ruling given on page 5583 of the Debates of June 20, 1994:

He said:

While it is the tradition of this House that committees are masters of their own proceedings, they cannot establish procedures which go beyond the powers conferred upon them by the House.

[Translation]

The Speaker went on:

This is a reality that continues to this day, a reality that cannot simply be set aside because of existing circumstances in another committee, or by invoking the urgent need to address a subject, or by arguing the gravity of that subject.

[English]

The Speaker continued:

As hon. members know, and as explained in *House of Commons Procedure and Practice* at page 857, decisions of committee chairs may be appealed to the committee. However, as hon. members may recall, in my ruling of March 14 last, I raised serious concerns about committees overturning procedurally sound decisions by their chairs and the problems that may arise from such actions. I find it particularly troubling in this instance that the committee chose to proceed as it did with the clear knowledge that what it was doing was beyond the committee's mandate.

Another instance of the same issue occurred just last year, and this is taken from the debates, pages 2301-2302 on April 2. The Speaker said in his ruling on a point of order raised by the parliamentary secretary to the government House leader in regard to the admissibility of the second report of the Standing Committee on Finance:

[Translation]

I am sure that hon. members would agree that the work of committees is vital to the functioning of the House and of Parliament. Because of their importance, the House has taken great care to define and differentiate the responsibilities of its committees, particularly where there might at first glance appear to be overlapping jurisdictions. While it is true that the House has given its committee broad mandates

and significant powers, with such power and authority comes the responsibility of committees to respect their mandates and not exceed the limits of their authority.

[English]

The Speaker continued:

Thus, it is expected that committees will be judicious in the exercise of their mandates so as to avoid bringing disputes to the House for the Speaker to adjudicate.

As explained in *House of Commons Procedure and Practice* at page 857, decisions of committee chairs may be appealed to the committee. However, as I noted...on March 14, 2008 and May 15, 2008, committees that overturn procedurally sound decisions by their chairs and choose to present procedurally unacceptable reports to the House will have them declared null and void.

Members, accordingly, I rule that the motion is inadmissible due to its reach beyond the mandate of this committee.

●(1620)

I might suggest to Madam Crowder that she could consider taking this motion to her colleagues on the Standing Committee for Public Safety and National Security, where it would most definitely and most certainly be admissible.

Members, that is the decision. I appreciate your patience. I understand there were comments to the contrary in our last meeting. Members will know that the ruling is really not debatable, so we will proceed from there. There being no other business for this committee, we can move.

I see I have points now from Madam Crowder. We'll hear from Madam Crowder first, and then Mr. Bagnell.

Ms. Jean Crowder: Mr. Chair, given that you ruled it inadmissible, I don't know if at this point I can withdraw the motion. I certainly brought the motion before the committee with good intentions. In part it was due to a great deal of frustration, because we've had correctional investigative report after report highlighting the very serious problems within the penitentiary system with first nations. Some of that frustration came through the correctional investigator's report last time around, where he talked about the widening gap between aboriginal and non-aboriginal offenders.

Although it was outside of his mandate to comment on the conditions that led to people becoming incarcerated, he acknowledged that there are serious problems with poverty, social conditions, education, housing, and all of those kinds of things that are factors that can contribute to people becoming involved in the criminal justice system. So although the correctional investigator couldn't deal with the things that INAC is responsible for, those are some of the motivating factors in bringing this before the committee. There are some things that INAC can do prior to people being incarcerated.

Again, I don't know if I can procedurally withdraw it at this time, but I certainly won't challenge the chair.

The Chair: You can withdraw it with unanimous consent.

Is there unanimous consent to have the motion withdrawn?

Some hon. members: Agreed.

The Chair: Thank you, Ms. Crowder.

Mr. John Duncan: You see how agreeable we are, Jean.

Ms. Jean Crowder: Then do something about the prison situation.

The Chair: Larry.

Hon. Larry Bagnell: This probably goes without saying, but just as guidance to the subcommittee, I'm assuming that some time you will continue our report on economic development in the north. We spent hundreds of thousands of dollars on it.

The Chair: Mr. Rickford, do you have something else?

Mr. Greg Rickford: In support of what Mr. Bagnell has said here and in light of this other motion, I want to make sure we are clear that the other motion did not contain any consensus to meet outside of regular committee hours for additional work that the motion might

produce, and that furthermore, given the resources that have been spent on that economic study, we remain committed to following through on that.

The Chair: I'm sure the subcommittee will take those comments under advisement. I know they will be working diligently to accommodate the work of the committee.

There being no other comments, we'll be back here Thursday afternoon for the supplementary estimates (C). We'll have the minister with us for that meeting.

Subcommittee members, stay here.

Thank you very much. The meeting is adjourned.

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