



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 035 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, November 30, 2010

—
Chair

Mr. Joe Preston

Standing Committee on Procedure and House Affairs

Tuesday, November 30, 2010

•(1110)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): We are back, and we are discussing the motion and the amendment to the motion.

Mr. Lukiwski, you still have the floor.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Mr. Chair.

I was just about to say, before we went public, that I appreciate where David is coming from. He didn't want to perhaps suspend all the discussion on Judy's motion on the Standing Order changes. And I agree with that. That's an important issue and we have to come back to it.

So if I may, Mr. Chair—and hopefully this will satisfy David and other members of the committee—I will move a subamendment to the motion, which would read:

...after the Standing Committee on Procedure and House Affairs completes its study on the matter of privilege referred to the Committee by the House on November 29, 2010....

In other words, that doesn't totally put Judy's motion away, it merely tables it—I suppose for lack of a better term—until after this committee completes its study on the breach of privilege motion.

The Chair: Since this is an amendment—

Mr. Tom Lukiwski: A subamendment.

The Chair: You can't tell the amendments without a program around here right now.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): What's the relevance to the motion?

It doesn't work. It's an indirect way of filibustering.

The Chair: I would say that it's a subamendment to the amendment to that motion.

Do you want to hear all three?

Mr. Randy Hoback (Prince Albert, CPC): Yes, please, if you would. I'm lost.

The Chair: The original motion states:

That the Committee recommend to the House of Commons that for the calendar year 2011 in the present Parliament, Standing Order 81(10)(a) be amended as follows:

“81.10(a) In 2011, seven sitting days shall be allotted to the Business of Supply in the period ending not later than March 26; eight additional days shall be allotted to the Business of Supply in the period ending not later than June 23; and seven additional days shall be allotted to the Business of Supply for the period ending

not later than December 10; provided that the number of sitting days so allotted may be altered pursuant to paragraph (b) or (c) of this section. These twenty-two days are to be designated as allotted days. In 2011, no more than one fifth of all the allotted days shall fall on a Wednesday and no more than one fifth thereof shall fall on a Friday.

For the period ending not later than March 26, commencing on the first sitting day of this supply period, no less than two and no more than three allotted days shall be designated in each ten sitting day period of the said supply period and for the periods ending not later than June 23 and December 10, commencing on the first sitting day of these supply periods, no less than one and no more than two allotted days shall be designated in each ten sitting day period of the said supply period, and for the period ending not later than March, except pursuant to paragraph (c) or section—

•(1115)

Ms. Judy Foote (Random—Burin—St. George's, Lib.): A point of clarification, Mr. Chair, if I could. I wonder if there was a typo in the original, because, “for the period ending not later than March” should not be there. It's not in the French version. I wonder if that's in what you have.

The Chair: In the second paragraph, “For the period ending not later than March 26”—

Ms. Judy Foote: Yes. That should not be there. That's a typo. If you look at the French version—

The Chair: You're right, it's not there in the French version, but it was there in the original motion that you handed us.

Ms. Judy Foote: We have copies here of the—

The Chair: This one still says, “For the period ending not later than March 26”....

It's the bottom part of the paragraph, not the top part of the paragraph. I'm just saying that didn't change.

May I start at the second paragraph?

Ms. Judy Foote: Thank you.

The Chair: Is it okay if I don't start back at the beginning? Nobody is stopping me.

For the period ending not later than March 26, commencing on the first sitting day of this supply period, no less than two and no more than three allotted days shall be designated in each ten sitting day period of the said supply period and for the periods ending not later than June 23 and December 10, commencing on the first sitting day of these supply periods, no less than one and no more than two allotted days shall be designated in each ten sitting day period of the said supply period, and for the period ending not later than March, except pursuant to paragraph (c) or section (11) of this Standing Order.”

and that the Chair report this recommendation to the House.

And then the amendment is that the motion be amended by adding after the words “Standing Order”, the following....

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Where is “Standing Order”?

The Chair: At the bottom of paragraph three on this motion.

Mr. Scott Reid: Sorry, there are two places where it occurs.

The Chair: So by adding the following words: “That the Committee carry out a study of the preceding motion and determine if it wishes to make recommendations to amend Standing Order 81 (10a)” and by deleting the words “and that the chair report this recommendation to the House”.

We now have a further subamendment, which states that “after the Standing Committee on Procedure and House Affairs completes its study” on the breach of privilege motion that was sent to this committee....

Mr. Scott Reid: Where is that ending? Is it right after the...?

The Chair: I would suggest that it go right after.... It's just that we do all of the above stuff after the procedure and House affairs committee completes its study on the breach of privilege motion sent here yesterday.

Mr. Scott Reid: Sorry, the exact wording was here, but it got taken up. Is it “after” or “immediately after”?

The Chair: Mr. Lukiwski, there's a question about whether you say “immediately after” or “after”.

Mr. Tom Lukiwski: “Immediately after” is fine, if that's a concern.

The Chair: “Immediately after” is fine, so “immediately after” this committee completes its study on the breach of privilege motion sent here yesterday....

There is a point of order.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Chairman, I understand what the Conservative Party wants to do. However, with all due respect, I would say that you shouldn't allow this amendment because its purpose is not to discuss a motion that is before you.

The Conservatives should have changed the order of precedence during scheduled discussion of committee business.

Mr. Chairman, you decided to go back to the agenda and to discuss this motion again. I don't believe we can terminate discussion on this motion. You should reject this amendment which Mr. Lukiwski has introduced because it should not have happened here. I say that with all due respect.

I repeat, Mr. Chairman, that I understand what the Conservative Party wants to do. I understand that they want to amend the orders of the day, but they had to do that during the discussion of committee business. They missed their chance.

Today, I believe we have to discuss the amendment, and the subamendment that was introduced is not admissible because its purpose is to prevent debate on the motion that the committee has decided to discuss.

I would ask the clerk for advice, but, in my view, this amendment should be ruled inadmissible.

• (1120)

[*English*]

The Chair: I have to rule that the amendment is in order. It's simply putting a time limit on the debate. That subamendment can be used.

Mr. Reid has a point of order.

Mr. Scott Reid: I appreciate what you're saying, and what I say is meant respectfully and advisedly, but you're not really ruling on this. Rulings are made when there's a dispute about the meaning of the rules, and the rules are black and white. You're simply restating them. It's an important distinction.

The Chair: We're discussing the subamendment.

Mr. Lukiwski, you still have the floor.

We'll take speakers on the subamendment to the amendment to the motion.

Mr. Tom Lukiwski: Let me try to explain. Whether people believe what I say to be the truth or not is for them to determine, but in all honesty, I'm not trying to do anything to avoid discussion of Judy's motion.

Obviously, if the opposition parties are all in favour of changing the Standing Orders with respect to supply days, and it comes to a vote, they will have their way. That's obvious.

I know there are still discussions and negotiations going on with the House leaders about this. All I'm saying is that we ought to let this subamendment pass so we can deal with the breach of privilege. Once the breach of privilege study is complete—I'm not sure how long that will take—then we can go back to Judy's motion.

I've given a commitment to David that I wouldn't filibuster on it. It would be a straight up and down vote.

We had discussions at the House leaders level that suggested this would be the course of action we wanted to take. But that's up to this committee, I suppose.

The Chair: I have a number of speakers on my list, so let's go to the next one.

We'll go to Mr. Reid.

Mr. Scott Reid: Given the circumstances, maybe I'll pass.

The Chair: You'll defer. Okay.

Monsieur Proulx.

[*Translation*]

Mr. Marcel Proulx: I'll give up my turn.

[*English*]

The Chair: He passes.

Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): I'll pass too.

The Chair: You will pass also.

Mr. Hoback.

Mr. Randy Hoback: I'll pass.

The Chair: He passes.

Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): I shall not pass.

I hear what Tom is saying. Not that his word isn't golden, but the fact remains that we're coming off this main motion, and the government did enter into a filibuster. I haven't checked this, but I think if you just look at the blues, you will see that Tom, as the deputy House leader, made it clear that they didn't think it would necessarily be all that controversial, since it was a matter of what we had been doing in practice and were now codifying. Given the fact that the government started down the road of filibustering that motion, which is their right, I'm looking at this, and all I'm seeing is a willingness to go back, notwithstanding the words of the member, to a scenario in which we could be into a filibuster.

I like playing politics above board as much as possible. As long as I get a commitment that we're going to have a vote on this before we rise, I'm game. But left sort of bare-arsed like this, where we could just return to the mess we were in last time, I'm sorry, it's just not good enough for the NDP, Chair.

The Chair: We'll go to Mr. Szabo.

Mr. Paul Szabo (Mississauga South, Lib.): Thank you, Mr. Chair.

The matter of the main motion and the proposal that it be recommended to the House and be reported to the House stands on the merit of all the work the committee has done so far.

I know we're debating the subamendment, but I have some concern about the amendment, in that it now questions the whole idea of whether we have had enough discussion on this matter. Obviously, there has been a lot of discussion, and it has prompted a recommendation that the committee is embracing and that I'm sure it will want to report at some point.

Mr. Chair, I guess the question is whether the amendment has in fact changed the fundamental nature of the motion before the committee, beyond the scope of what's necessary. Mr. Chairman, if you don't like what a motion is saying, you can't amend it to change the fundamentals of the motion. You just defeat it and then make a new motion. So that amendment is probably the area that's problematic.

Now, the parliamentary secretary to the government House leader has indicated that it's certainly his intent to deal with the other matter referred to the committee. Right now, it would appear that the nature of the motion now before the committee is very time sensitive. It would appear that should the committee proceed down this route of doing a study, it basically is saying, "Let's defeat it." I urge the committee to reconsider the route we're on right now, because it could very well frustrate both items. And I don't think that's the intent of all honourable members. If there's not a clear consensus that the recommendation is worthy to go to the House, I would appeal to members to simply vote on it and have it defeated by those members who feel that way and vote against it.

I raise this, Mr. Chair, because you asked whether there was a technical reason. There may not be a clear technical reason for it not

being admissible, but there certainly is a "best interest" matter specifically related to the time-sensitive nature of the original motion.

● (1125)

The Chair: Thank you, Mr. Szabo.

Mr. Reid, I have you next, and then we have Mr. Lukiwski.

Mr. Scott Reid: I just wanted to come back to something I raised earlier when we were working out the exact wording. You may have noticed, in the course of this debate, Mr. Chairman, that I've tended to be a stickler for exact words. I think precision always behooves us. That's why I asked if the word "immediately" was there. It seemed to me if the word "immediately" weren't there, and we just said "after", it could mean months after—not that it would be the intention, but it was certainly a possibility.

Once you get into these lengthy debates, similar to the one we are currently engaged in...I think I'm only stating an obvious fact when I say that suspicion of each other's motivations tends to rise, and therefore so does the need for precision in order to demonstrate goodwill. That was the purpose of putting "immediately" in, to make sure we understood that we would be moving back to this matter "immediately" after we dealt with the matter of privilege that has come before this committee.

I want to point out a couple of other things that I think are related to this. The first is that while we're dealing with the other matter, the matter of privilege, it's entirely conceivable, and in fact I think it is likely, that the matter of the actual substance of the motion will be dealt with through the original means by which it was dealt. That is to say, it will be dealt with through the normal means of dealing with such proposals, through the meetings of the House leaders of all the parties, one of which takes place this afternoon immediately following question period, as it always does on Tuesdays. That process was the one we started using initially.

This motion was brought before that group by the Liberals. The normal process of looking at, first of all, whether or not there was all-party consent... I say this because that is a consensual body, unlike parliamentary committees, which operate ultimately as majoritarian bodies, which necessarily include, although don't require, the possibility of tyranny of the majority as a matter of practice. Consensual bodies don't allow for that. They assume the potential for, I suppose, a veto on the part of those who are in the minority on any given question. But at any rate, they certainly assume a degree of negotiation that, unfortunately, doesn't really seem to be at work here.

I think part of the reason for that is that not all of the relevant players are really present in this committee, which also tends to freeze our flexibility. If we get our marching orders from our House leaders—who perhaps get their marching orders from their party leaders, or from whatever body it is that meets collectively in each party to make those decisions—we are, at least at one remove, and possibly at two removes, from that decision-making position and simply have to defend our entrenched positions. That leads, unfortunately, to the war of attrition we've seen happen on more than one occasion since I started serving on this committee back in 2004, I guess it was.

So we really are not ideally suited to doing this. By way of demonstrating this, from recent memory of this committee—indeed, from our last meeting this Thursday past—I tried to sense out whether or not there was a willingness to look at flexibility on this. The response I got from two of the parties opposite was, “Well, let it go to a vote and you’ll find out.” This reminds me a bit of how you bid when playing bridge. When playing bridge, you send very clear signals to your opponents through that process. What I got out of it was that it was going to be a situation where, “You’re probably not going to like what you find out, because we would send you a clear signal that you’re going to like the result, if it were our intention to follow through with that.” I suppose the members opposite could have given very encouraging and completely dishonest signals, but that isn’t the way people around here actually are.

• (1130)

Everybody recognizes that their credibility with their own colleagues and with their opponents in future negotiations depends on actually giving signals that have some validity to them, and one thinks very carefully about being dishonest to one’s opponents. I have been on a committee where a member actually—and the case I’m thinking about involves a member from my own party—has given, frankly, a very dishonest signal about what was going to happen. Doing so was not helpful to him on future occasions when he needed the goodwill of opposing parties for reasons that I think are relatively obvious.

Mr. Marcel Proulx: I was under the impression that I heard Mr. Lukiwski saying there would be no filibustering.

The Chair: That’s not a point of order, Mr. Reid.

Mr. Scott Reid: No, but there is a reasonable way to respond to this. The word “filibuster” is not necessarily one that means something bad in all cases. All parties have engaged in it when they have believed that procedures were not being used correctly. Sometimes it’s appropriate to do that. It’s also a matter of definition as to what counts as a filibuster and what doesn’t. But I think we need not, if we know the history of, for example, the free trade negotiations or the GST debate, think that it has only been the Conservatives who’ve engaged in this practice and who have thought it reasonable when the circumstances have warranted. That’s just a general observation on filibusters.

At any rate, going back to the original process, this is a process that is very likely to happen once it becomes apparent that the process of rushing something through in this committee isn’t available. That really is the point of what I’m doing here today, and I think what all of our colleagues on the Conservative side are doing, as we express our views at some length. That’s hopefully a message that our esteemed opponents on the other side are picking up on.

Having said that, I wanted to come back and deal a little bit with the question that we are suggesting, through this subamendment, ought to be addressed first by this committee, and that is the question of privilege. We were all either present in the House when the ruling was made yesterday... I certainly listened with considerable attention both to the Speaker’s ruling and to the response. I have to be honest; I’m not sure if there was more than one response, but I listened to the response of Mr. Mulcair of the New Democrats.

There are two points to be made about this. The first point he made was that items of privilege are normally the primary items. They take the highest ranking in the order of precedence in this committee and automatically trump other items. So it is certainly irregular—it’s not the usual practice of this committee—to set them aside in order to deal with some other matter. They automatically take precedence. Certainly another matter that might be time consuming we don’t want to put in the way of these things, so it is just an unusual practice not to have said “This goes to the top of our list of priorities”. I think for that reason it would be a wise idea to adopt the subamendment and then the amendment. Then, based on that, that would mean looking at the original motion, but doing so after having dealt with this matter of privilege. That was the first point I wanted to make in regard to this.

The second point I wanted to make, and this will be the last comment I’ll make before turning over the floor to others, who may have observations to make, is that the Speaker, in his ruling—and I regret that I don’t have a copy of the ruling here or I would read it verbatim into the record to remind everybody about just how wise it was, and I see the clerk looking over her shoulder, and she may have a copy there that we could do that with—emphasized that this is a matter that deals not with the privileges of an individual member, and many items of privilege are in fact items that deal with the privilege of a specific individual member, as, for example, a few years ago, when I raised the point that a number of Liberal members had gone through confidential personnel records, including my own personnel records from when I was an employee of the leader of the then Reform Party—

• (1135)

Mr. Paul Szabo: A point of order, Mr. Chair.

Mr. Chairman, I hesitate to interfere with the member’s presentation, but if we start talking about any details to do with the matter referred, all of a sudden the scope of the debate gets way beyond what we’re talking about. So I would encourage you to suggest that the member keep his comments relevant to the matter before us, which is the subamendment.

The Chair: Thank you, Mr. Szabo.

Mr. Reid, please carry on, but try to come to the amendment.

Mr. Scott Reid: Mr. Szabo’s intervention is very well taken, Mr. Chair, and he’s right. I suppose I still feel a bit of frustration about that previous event. My point was to say that it related to my privileges and not to those of any other member.

But in this case, the Speaker was specific in saying that this relates to the privileges of all members of the House, and not just in the sense that we all lose our privileges when the privileges of any of us are affected. But it actually relates directly to the privileges of all of us. If that is the case, if each of us has had our own privileges affected by this—

Mr. Paul Szabo: A point of order. Mr. Chairman, I will ask again about the relevance of this to the motion before us now. If we permit discussion of the general nature of a matter referred to the committee with regard to general conversations of privilege, the scope of this debate goes way beyond reasonable. The members must deal with the specific matters before us or yield the floor.

The Chair: Mr. Reid.

Mr. Scott Reid: Thank you.

As I say, it affects the privileges of all of us and each of us, and that means that includes my privileges as a member of Parliament. Therefore, I feel very much that this is a highly relevant item to be discussing. It's not merely that it's the usual practice. It's highly relevant, and it's relevant, quite frankly, to me, Mr. Chairman, that we be discussing this matter of privilege, and that we discuss it in an expeditious manner—

• (1140)

The Chair: Mr. Szabo.

Mr. Paul Szabo: Mr. Chairman, for the third time, respectfully, the word “privilege” is not the subject matter of the motion itself, or the amendment and subamendment, to the extent that they are dealing with timing, not with the subject matter.

An hon. member: Debate.

Mr. Paul Szabo: I would say that the member has been asked twice already by you to become relevant; he has not. The member either has to move on to relevant points—

An hon. member: Debate.

Mr. Paul Szabo: —or yield the floor.

An hon. member: Debate.

The Chair: I'll take care of it.

Mr. Reid, carry on, please.

Mr. Scott Reid: Thank you.

This particular intervention by Mr. Szabo is not so well taken by me, as he seems to have forgotten that he's not actually the chair of this committee. I do remember his style of chairmanship from another committee I sat on, and I was—

The Chair: Now you're moving just a little further from relevance.

Mr. Scott Reid: All right.

Let me get back to what is relevant and point out that the decision to move—because he's also wrong in his facts—the decision to discuss and to encourage members to consider the importance of the other matter before us is highly relevant. The word “privilege” isn't mentioned in the original motion, but clearly the whole point of dealing with this is to discuss an item that came up and is highly relevant to us. And the fact that Mr. Szabo doesn't like that doesn't change the fact that it's highly germane to the discussion. We're all entitled to our point of view. I don't want to actually suggest his point of view is wrong per se, but it's a point of view. It's a point of view; it's not the only point of view.

So his idea that because he's raised something with you therefore means you serve as a transmission belt to chastise other members and that he has the de facto chairmanship of this committee has no basis in the procedures of this place.

I would add that I would have been finished earlier had he not continually intervened with his irrelevant and imagined points of order. That being said, actually I have come to the conclusion of my remarks. I think it is relevant that we deal with the item of privilege.

It's relevant that we deal with it now. It's relevant that we return immediately to the important matter of this motion from the Liberal Party as soon as we've dealt with that, if it has not been dealt with by means of the consensus that is done through the House at these meetings.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Reid.

I have Mr. Albrecht next.

Mr. Harold Albrecht: Thank you, Mr. Chair.

I just want to make a couple of points. A number of them have been covered by Mr. Reid in terms of how this particular amendment does in fact impact on all of us here. The idea is for us to come to some sort of protocol that would spare all of us in this room from having to deal with this on an ad hoc basis.

But as it relates to the material before us, I think it's important that we do discuss it. The motion before us is important. I think there's value in it. We've had good discussion, but we have not heard from experts on this motion as to how it may or may not impact the rules of the House.

For example, have any other precedents been set that actually have a year and a date right within the Standing Orders? This is effective for 2011. Is there a precedent for that? What will the domino effect be if we adopt this motion without input from the Speaker or from the Clerk of the House? I would like to know some of that.

While this may be a good motion—it may be the best one there is—I don't think we've had adequate input from others who are well informed on Standing Orders. I'm certainly no expert on it. I would like some input from some people who spend their waking hours dealing with these kinds of intricacies, to be sure that this in fact is the best possible way forward and that we don't end up adopting something that could hobble us or create the unintended domino consequences that none of us, or at least myself, would not be able to see at first glance.

It's important that we have further discussion. I agree with the motion. I agree with the amendment that would allow us to present that, but I really agree with the subamendment that says that if we're going to respect the House, if we're going to respect the Speaker, this breach of privilege has been brought to us for study, and I think it's important for us to do that study and then move on to this other motion.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Further to what my colleagues Mr. Reid and Mr. Albrecht said, the intent here is not to do away with the original motion, which calls for changes to the Standing Orders with respect to supply days, but merely to put it aside for a brief period of time while we deal with—and hopefully dispense with—the breach of privilege issue that is before us, which I think, frankly, takes precedence over anything else we should be discussing.

As I mentioned earlier, the breach of privilege is dealing with an issue that affects the institution of Parliament, not just an individual member of Parliament. I think because of that—I also believe the Speaker was quite clear in his ruling that it is an institutional breach as opposed to a breach before an individual member. For that reason, I think we need to deal with this fairly quickly.

But back to the motion and the amendment on changes to Standing Orders with respect to supply days. Obviously this was a fundamental right, as I mentioned in my intervention last meeting, a fundamental right of all opposition parties to be granted supply days so they can put forward motions that they believe to be of great interest, not only to their party but to Parliament.

In that right that opposition days have, Mr. Chairman, we also have the opportunity—I point this out particularly to my friends on the Liberal side of this committee—that regardless of the motion brought forward by the Liberals on changing the Standing Orders, and regardless of their intent to try to get it through this committee, they would also, of course, have the opportunity in one of their allotted days to bring the same motion forward. They would have a debate throughout the day; a vote would be taken.

Quite frankly, our government—even if we opposed that—would be powerless to stop debate on that. In committees like this, of course, I can filibuster—if you want to use that term—or we can certainly talk for ages on this motion without ever letting it come forward to a vote. But it would allow the opposition members to bring forward the same motion—the identical motion—and a vote would be held, either the same day or at least in a very short period of time following their opposition day.

So there are options. My point is there are options for the Liberals, and any other opposition party for that matter, to deal with an issue like this in their own supply days. I mean, the fact of the matter is that if they want to have clarity and if they want to have certainty as to when their supply days would be held, they have options other than this committee to make those changes, pure and simple.

What I've tried to do here today—and, quite frankly, I've been having conversations with the NDP on this—is give some assurances that the motion brought forward by the Liberals will be dealt with. As I mentioned in the last meeting, I felt it was inappropriate at the time of the last meeting to try to push it forward in that manner because we really had no pre-knowledge of it and we merely tried to buy some time, if you will, so that the House leaders could continue to negotiate to try to come to some solution, some agreement, to this. That's why I did what I did in the last meeting.

My understanding is, quite frankly, that we're still in that process right now. I won't go into all of the details of what's been discussed, because some of those discussions have been taking place at the House leaders meetings; while not an official in camera meeting, there has been certainly a convention respected by all parties that discussions held in the House leaders meetings every Tuesday should be kept in confidence. That's why I really can't go into details of some of the discussions. But suffice it to say that there have been some discussions, and we're trying to find some resolve to the situation right now as I speak. I think there's certainly a willingness from the government standpoint to allow this motion to go forward and have a vote—straight up, straight down—and if the opposition

parties collectively vote to support the motion, then the motion obviously will be adopted.

● (1145)

While there has been some delay, I'm not suggesting for a moment that we're trying to continue this practice of delaying the motion from coming forward in perpetuity. It's not going to happen. The motion will come forward, whether it's before this committee or in a supply day motion. But I suspect it will come forward to this committee, and it may very well come forward before we rise for our Christmas break. At least, that's the discussion we're having behind the scenes right now.

Frankly, until we get some clarification from the House leaders, I'm going to be compelled to continue this discussion. As my colleague Mr. Reid said, sometimes that's what happens, because there are others involved in the decision-making process who are a little higher up the food chain than any of us around this table. That's where it's at right now. That discussion is trying to get resolved as I speak in this committee. Once we have that resolved, one way or the other, I'll be the first to bring it to this committee and say, "Here are our intentions."

I have no desire to try to obscure what I'm attempting to do right now. I have no desire to try to say one thing and do another. There's no sleight of hand here. I'm merely trying to point out to the committee that discussions at this level are best held between the appropriate officials. Normally they're between the House leaders.

I'm sensing some....

● (1150)

Mr. David Christopherson: I'm just indicating to you that I'm trying to get out as quickly as I can. Keep talking.

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: Thank you.

I would point out as well that when it comes to supply days, it would be beneficial for all parties—particularly the Liberals—to examine any motions, whether it be the one currently before us or any future motions. With all due respect to my colleagues from the Bloc and the NDP, there are only two parties sitting around this table that will ever be government, at least in my lifetime.

Mr. David Christopherson: You don't want to shorten your lifetime.

Mr. Tom Lukiwski: Mind you, I'm getting a little older.

Mr. David Christopherson: They said that in Ontario too, remember?

Mr. Tom Lukiwski: In deference to my colleague from the NDP, perhaps I should say that the likelihood of any other party, except for the current government and the Liberal Party, forming government is remote. That is why whenever we have changes to Standing Orders, it should be something that is particularly examined by both the Liberals and the Conservatives, because the likelihood is that they will be the only two parties in Parliament that will be truly affected by them in a meaningful way.

When I say that, normally the Standing Orders talk about procedures that affect the government. Therefore, if there are likely only two parties in Parliament that will assume the mantle of government, then there are only two parties that really have to pay careful attention to any proposed changes to Standing Orders.

This one in particular talks about what should happen to supply days that affect opposition parties. At the risk of repeating myself, I need to point out again to the committee, as I did in my last intervention on Thursday of last week, that while our government has been I think fairly circumspect and fairly upfront with its allocation of supply days to the opposition parties, that was not the case with the previous government. The previous government, in my view, totally abused supply days in an attempt to further its political interests.

We have seen from time to time all governments, regardless of political stripe, allocate supply days and do so in a way that is not totally acceptable to the opposition. By that, I mean rather than allocating a supply day on a long day, such as a Tuesday or a Thursday, the government has from time to time allocated supply days on either a Wednesday or a Friday, which are short days. Usually, the reason for doing that—and I say “usually” because it's not a common occurrence—for assigning a supply day on a Wednesday or a Friday, is to mete out some punishment or retribution to the opposition parties. That's quite common in Parliament.

For example, if an opposition party has tried to delay debate on government orders or proposed legislation, and it does so only for the purpose of obfuscation, of delay for delay, then in order to try to chastise the opposition, it is quite common for the government of the day to allocate a supply day on a short day the next time that supply day comes forward. We've seen that time and time again. We've certainly done that. But what we have not done—and I don't believe any government has done, in my history, at least—is what the former Liberal government did with supply days, and that was to try to bundle them and put them into the last 10 days of a session in order to try to avoid a vote of non-confidence in Parliament.

I point that out because, of course, should the Liberals ever form government again—and I know that one day, perhaps not in the near future, but one day they will—they will be bound by the same procedures and practices that are before us today. In other words, they will be the ones, if and when they form government, to be compelled and obliged to allocate supply days in the same fashion as this motion suggests.

Without fear of contradiction, I think I can point out that had this motion been in effect when the Liberals were last in government, they would not have been too fond of the consequences because it would have prevented them from doing what they did. It would have prevented them from taking all supply days, bundling them, moving them to the end of the supply period, as opposed to giving out supply days on a regular weekly or bi-weekly calendar.

• (1155)

Therefore, Chair, I would suggest that the Liberals take great care in putting motions such as this forward that would make fundamental changes to the procedure and practices of our place with respect to Standing Orders.

Chair, members may wonder what my personal thoughts are on this matter. I'd be pleased to share those with you.

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: Seeing such enthusiastic endorsement of my personal views, Mr. Chair, I will continue.

I don't think, Mr. Chair, that any member of this place, whether they be in government or in opposition, would argue the fact that supply days play an important part in our democratic process. There have been times, and history will confirm this, when a motion brought forward on an opposition supply day has proven to be integral to the workings of this Parliament, and in fact has had an effect on government. While it is true that not all motions passed during supply days compel the government to act, there have been examples of when an opposition day motion, or a supply day motion, as it is most commonly known, has had an effect on government legislation. That's when Parliament works best.

Unfortunately, we've also seen the reverse. We've seen where supply days have been used for nothing more than partisan purposes to try to either score cheap political points or to try to embarrass the government of the day. I believe those are the times, Mr. Chair, that prove to be counterproductive in terms of a well-functioning Parliament. They have been counterproductive in the sense that they further entrench the view many Canadians have that Parliament is dysfunctional, that Parliament is too partisan, and that parliamentarians, rather than working on behalf of Canadians, are involved with silly political games and are trying to avoid the real work of Parliament, which is to bring forward legislation that benefits Canadians.

I'll point out an example many of us here certainly recall, and I think most Canadians would recall as well, and that was a recent Liberal supply day motion that dealt with maternal health. During that motion, which was debated and ultimately voted on, the Liberals attempted to box our government into a corner with respect to abortions. They used a supply day motion that was supposed to deal with maternal health, particularly in developing countries, to talk about our government's—

• (1200)

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Chairman, what's the connection between abortion and the mother's health and the subamendment on the question of privilege? Can you explain that to me? I understand absolutely nothing.

[English]

The Chair: Mr. Lukiwski, please go ahead.

Mr. Tom Lukiwski: Yes, the—

Mr. Paul Szabo: A point of advisement, Mr. Chair. Are you ruling on the point of order?

The Chair: That wasn't one.

Mr. Paul Szabo: The relevance.... It requires a decision.

The Chair: Thank you, Mr. Szabo, for your assisting of the chair today, but Mr. Lukiwski has the floor and we'll carry on.

Mr. Tom Lukiwski: Thank you, Chair.

There is relevance here because I'm talking about a recent supply day motion. This motion is about changing supply days. I can't, for the life of me, think of anything more relevant than talking about a supply day motion that was brought forward to this House, and the motion, which talks to changing the Standing Orders concerning supply days.

The motion on maternal health was, frankly, one that ended up backfiring on the Liberals because they attempted to use it, as is commonly known in political terms, as a "wedge issue", when in fact they didn't do their own due diligence to find out in advance how their members would vote on this. Quite frankly, in terms of political embarrassment on a political embarrassment meter, I would put this up near the top.

The Chair: Mr. Szabo.

Mr. Paul Szabo: Mr. Chair, respectfully, the member is quite right that supply days do give an opportunity to do something. Rather than doing it at this committee, it could be done there. That point is accepted and well made.

But to then move the conversation to a specific supply day and a specific issue, and to a personal assessment of the political interpretation of the result, is way out of order.

I ask you to rule on whether or not we are going to continue to talk about a subject matter of a specific supply day, beyond the fact that supply days are a process, which are available to all parties.

The Chair: Mr. Reid.

Mr. Scott Reid: Thank you, Mr. Chair.

For the purpose of these interventions, certainly when I make them—and I'm assuming also when someone like Mr. Lukiwski makes them—it is to inform the committee and help us make our decisions. So the question is whether giving an example helps to clarify the purpose of such supply days and their manipulation, and all of those considerations. I personally found this to be highly relevant to my own understanding.

While I appreciate that Mr. Szabo may not be finding it relevant for his understanding, I think it is just a bit on the presumptuous side to assume that he has full cognizance of the thoughts that are going on in my own head, or indeed the minds of other members, and thereby to expect, through his telekinetic powers, to transmit it then to your mind, thereby imposing his will on the entire committee.

That just seems to me to be a complete misunderstanding of the relevant consideration in these matters. I do wish he'd express this differently. I'm sure if he'd given it more consideration, he would have done so.

Mr. Chair, he hasn't really made a point of order. Quite the contrary.

• (1205)

The Chair: Mr. Proulx, is this a point of order on a point of order's point of order?

Mr. Marcel Proulx: Is this still the answer to the point of order?

The Chair: Yes, and Mr. Szabo's point of order.

Mr. Scott Reid: Part of what I'm getting at here, Mr. Chairman... I'm actually saying.... First of all, it isn't a point of order, and

secondly, there is the idea that I can demand that you make a ruling. I will sit down here and say that I demand that you make a ruling, Mr. Chairman, presumably so I can then turn around and say that I challenge your ruling. Therefore, anything that happens in this subcommittee is subject to the notion—

Mr. Marcel Proulx: Scott, come on. Be serious.

Mr. Scott Reid: Let's go back to my thought here.

The idea that if I or any member can turn anything into a matter that then gets decided on by challenging the chair means that everything, absolutely everything, that we deal with is reduced effectively to a majority vote, notwithstanding the fact that there are a whole series of things that can't be decided by a majority vote.

This is a tactic that I've noticed Mr. Szabo trending toward. We saw it being done in the last Parliament repeatedly by Ms. Jennings when she was here. There is no basis in the rules of order to allow this sort of thing to occur.

I just want to stress that turning points of order, or pretended points of order, into this kind of means of imposing a tyranny of the majority is really not an appropriate thing to do. I think that we really need to concentrate....

The Chair: You've made the point on the point of order. I realize it isn't one, so we'll move on.

Monsieur Laframboise, you're next.

[*Translation*]

Mr. Mario Laframboise: Thank you very much, Mr. Chairman.

I'm a new member of this Committee on Procedure and House Affairs. I'm learning every day. It's very impressive, particularly since Mr. Lukiwski has spent his time saying that the opposition, at least the Bloc Québécois and the NDP, will never be in power. However, for some time now, the Conservative members have been showing that they don't have power, that it's the opposition that has it. That's the fact of the matter.

In this file, why are we in this situation today? I repeated it to you, Mr. Chairman: I don't think you should have accepted the subamendment put before you. I will definitely oppose this amendment. I don't mean to challenge your authority, Mr. Chairman, but I believe you were poorly advised by the clerk because the subamendment ultimately isn't designed to set a time limit. Its purpose is not to state that debate on the motion will be two hours, one hour or three hours long; its purpose is to put the debate after the question of privilege. Mr. Chairman, that way of doing things should have been raised in the discussions of the committee's business; that was why we had this meeting today, to discuss committee business. Mr. Chairman, in the discussions of committee business, the Conservatives did not seize the opportunity to introduce an amendment to the orders of the day to pass the question of privilege. That was a choice.

If they try to make me believe that they are in power, I'll tell you that they are very poorly advised because that should have been done during the discussion of committee business.

I can't get over it, Mr. Chairman. I'm telling you, I'm willing to try to cooperate, to enjoy listening to them, but one thing is for sure: the objective today is definitely not to discuss the motion on supply that was introduced by the Liberals.

It's all well and good for Mr. Lukiwski to tell us that we could have used other procedures; I'm entitled to say that this should have been settled at the House leaders' meeting, Mr. Chairman. It was not settled there; that is why we find ourselves here, in the Committee on Procedure and House Affairs. And if there's one place where we should be discussing supply and opposition days, it is here in the Committee on Procedure and House Affairs.

So the fact that the Conservatives, in the discussion of committee business, missed their chance to amend the orders of the day is the responsibility of your political organization. I believe you're losing power every day just by the way you manage the House of Commons.

Once again, I'm trying to understand where we want to get to, Mr. Chairman. I believe you should have rejected the subamendment. You decided to retain it, on the clerk's advice. I believe that's the wrong way to do it. Once again, I hope we'll have a chance to negative this subamendment so we can resume discussion and the Conservatives can decide to continue the filibuster they started at the last meeting. This is a political organization choice, especially for the party in power. This is precisely the weakness you display when you conduct a filibuster in a committee when you are in power; you do so because you're in a weak position. Mr. Chairman, that's why Quebeckers decided to elect a large number of Bloc Québécois members, to prevent the Conservatives from getting a majority, and to prevent them from doing what they want with a committee such as the Committee on Procedure and House Affairs.

I can only oppose this subamendment, in the hope that all opposition parties will reject it and that, at the next meeting, you will occasionally lead the discussion back to committee business, as you did today, and that the Conservatives will decide to amend the orders of the day. Let them do it normally, without using an amendment to an amendment that they themselves have introduced and decided to amend because they don't intend to discuss this subject today.

They're trying to explain to us that, at the House leaders' meeting, there may be some developments in this matter that will satisfy all parties. Let's wait for the House leaders and continue discussing the Liberal Party's motion today. Let's decide once and for all to move it forward and let the Conservative Party bring us its suggestions so that we can discuss the matter until this evening's meeting of House leaders. But they should not use this strategy to try to simply stop debate. Bring back the question of privilege, which I think is a very important question.

• (1210)

Mr. Chairman, I don't believe there is a single party challenging this situation. The problem is that, once again, they were unable within the Conservative Party to come up with a strategy in the Committee on Procedure and House Affairs. This is nevertheless the most important committee concerning House affairs.

The fact that the party in power, the Conservative Party, is unable to come up with a strategy to move the Committee on Procedure and

House Affairs forward is a sign of disarray. Once again, I want to thank my electors for electing me and for electing a large number of Bloc Québécois members to prevent the Conservatives from controlling this House, which they are not even able to do during a crisis. As a minority government, Mr. Chairman, it has to be said that the party in power is in a crisis every day. They are unable to manage that on a day-to-day basis. They try to introduce some subamendments whereas they should have made an amendment during committee business at the outset. I'm learning a lot, but one thing is for certain: the Conservative Party is not showing me that it is capable of managing the House of Commons.

That's important, Mr. Chairman, because you should not have allowed this subamendment, which is simply a dilatory procedure to prevent debate. I know you allowed it in light of the advice of the clerk, who should have taken the necessary time. If she was unable to do so, she should have consulted her supervisors. The clerks have a line network capable of advising them.

We are nevertheless the most important committee. If we start trying to deviate from normal procedure, Mr. Chairman, in an attempt to assert our ideas, we are off to a bad start. That can be done in other committees, but I believe this subamendment should have been rejected in the Committee on Procedure and House Affairs because this is obviously important.

We have a main motion calling for a new way to manage supply days in accordance with the manner that was suggested by the Speaker of the House of Commons and that was approved by the House leaders. They were not heard, and the main motion was introduced. An amendment was introduced by the Conservative Party requesting that the debate be extended and that the committee be able to hear witnesses, which is an entirely admissible amendment, Mr. Chairman. We are obviously discussing it; we are debating it. Last time, because they told us they did not have all the information, the Conservatives decided to go back to their House leader. They told us that, at the next meeting, they would simply tell us whether they were going to continue their filibuster. However, that's not what they're doing today. They've arrived here with a new strategy that they probably concocted before coming here this morning, saying that there was a very important motion yesterday, a question of privilege raised by the NDP member. This is obviously an important matter, I agree. However, there was already a very important situation before our committee that required the committee to amend our orders of the day and to put that motion before other very important matters, including the matter of electoral reform.

As we all know, in a minority government, when the Chief Electoral Officer asks us for amendments, that's very important. So we agreed to change our schedule in order to examine this matter of days allotted for supply motions. Why? Because we didn't want a situation to arise in which we would find ourselves, at the end of a session, having to hold seven opposition days all at the same time, as the Liberals previously did. The Conservative Party is trying to tell us that this won't happen, except that it is giving us no assurance, based on an agreement among the House leaders, that that will not occur. It was therefore normal for the Liberal Party to choose to introduce this motion in the Committee on Procedure and House Affairs; I believe this is where that should be done.

As I explained to you, the amendment requesting thorough debate with presentation of witnesses is acceptable, but the subamendment stipulating that this discussion will take place after consideration of the matter of supply, Mr. Chairman, is an amendment of the committee's business. It should have been introduced and discussed this morning during discussion of committee business, and the Conservatives should have taken advantage of that opportunity.

• (1215)

Mr. Chairman, it is not for you to introduce any motion. I know you are a Conservative, but you are nevertheless neutral. I have had occasion in the past few meetings to see that you are doing a good job; I have to concede that to you. It is up to your colleagues to introduce the motion. They should have done it this morning during discussion of committee business. They put you in difficulty by not taking advantage of that opportunity.

I can understand why you are trying to satisfy everyone, but, once again, I believe this subamendment was not the right way to proceed. I believe it is a dilatory amendment, which is not intended to set a time limit, quite the contrary. A time limit would have been to say that we will discuss this matter for one hour, two hours or three hours. If that had been submitted to the members meeting around this table, it would have been agreed to or negated, Mr. Chairman. But the subamendment we are currently discussing is designed to put debate after discussion of the question of privilege. However, I repeat, this is not the right place to do that. That was a mistake by the Conservative Party, which, as its members tell us, is the party in power. However, I can tell you that they really need the opposition members because all their ideas, at least since I've been here, carry little weight. They don't know how to negotiate. However, that's how things are done in a minority government situation; you have to negotiate, Mr. Chairman. And that's not the Conservatives' way; they don't like to negotiate. And that leads to what it has led to today.

This is sad for democracy because they're bending procedure in the Committee on Procedure and House Affairs. The regulation, the procedure, is consistent with a logic that underlies all the regulation of the British parliamentary system. There is a logic, and by virtue of that logic, if the Conservatives or another party wanted to discuss a more important topic, that had to be addressed in discussion of committee business. We did that, we discussed committee business and we had a motion that stated that we were now going to address the question of privilege that was introduced in Parliament yesterday and that the Speaker asked us to discuss. At that point, the committee amended the order of its business, and the committee is king and

master. As you know, Mr. Chairman, it is the committee that decides what it does. It can study what it wants, but it has to decide that in discussion of committee business.

The subamendment amends the order of precedence of committee business. According to the subamendment currently before us, we must discuss the main motion or the amendment to the main motion after another matter, and that constitutes an amendment to committee business.

The Conservatives have been caught out by events. This happened yesterday, and they decided that it would perhaps be more acceptable to discuss another matter rather than engage in systematic obstruction once again today. The last time, Mr. Lukiwski told us that he would come back and tell us quite honestly, you will remember, that, if he intended to filibuster, he would tell us so and that he would also tell us if there was an agreement. But today, he told us none of that. He tried again to achieve his ends using procedure, once again, by bending procedure in the Committee on Procedure and House Affairs. I can't get over it. That's why I am delighted to see that the party in power is not really aware of the procedure and that it is trying to bend it in order to achieve its ends, whereas it could have done so this morning, in discussion of committee business. It could have requested an amendment to the order of business and requested that the question of privilege be discussed first. They did not do so. This is a political organization. I believe they should have been better advised.

Mr. Chairman, I believe you were poorly advised by the clerk. You should not have allowed the subamendment, the sad purpose of which, as I told you earlier, was to ensure that we would discuss one matter after discussing another. That's why I am telling you that this concerns committee business. This isn't an amendment or, as we said earlier, a time limit; it isn't even a discussion about time; it's a matter of putting one matter after another. That has to be done in discussion of committee business. However, this morning, we discussed committee business, and the Conservatives chose not to introduce a motion to amend the orders of the day. I'm telling you once again: if we had children who were shown that at school, we would have slapped their wrists because they didn't behave properly, Mr. Chairman. That's the truth.

Once again, you're stuck with this hot potato and you're trying to... You're doing it well. And that's why I haven't asked that we challenge your decision. You received advice from the clerk. I believe she'll have to check with her supervisors as to whether she did a good job this morning.

•(1220)

The fact nevertheless remains that the way the Conservative party is behaving in the Committee on Procedure and House Affairs is appalling for a party in power. They are clearly showing that they no longer have control or power. It's the opposition that has power. Obviously, Mr. Chairman, if they don't want that, they know what they have to do: they need only call an election. I believe they would go back to something worse than the present situation. That's the hard fact of the matter, Mr. Chairman. That's why they're beating about the bush, that's why they're debating, that's why they're engaging in systematic obstruction. As I told you, it's usually the opposition that filibusters. Here in Parliament, in a minority government, it's the government doing the filibustering. Here in the Committee on Procedure and House Affairs, it's the government that is filibustering. I think that's beautiful. Once again, that's the beauty of the British parliamentary system.

As I was trying to explain to a number of people who spoke to me about it, the British parliamentary system is beautiful; it's yes or no or systematic obstruction because, when there's a filibuster, no decision is made. That was invented by the British parliamentary system, but that's the way it is and I believe we can live with that. Except that living with a procedure such as the one the Conservatives used this morning, by introducing a subamendment that puts one matter for discussion after another... If I were them, I would be embarrassed at having introduced that subamendment since they belong to the party in power. I don't know who advised them to introduce the subamendment, but if it were one of my employees, he would no longer be working for me, Mr. Chairman. This makes no sense because there was one way to do it this morning, and that was in the discussion of committee business. The Conservatives could have asked to amend the committee's orders of the day.

Furthermore, when I arrived here and saw the orders of the day, I expected that the committee's orders of the day would be amended. I thought there was surely an agreement among the parties. I wasn't here yesterday, but I heard some discussion, and I was convinced that there might be an agreement between two parties to the effect that we would amend committee business to put one subject before another. That's all right; that's permitted by the regulations. However, the Conservatives missed a chance and, in view of the way I've seen them trying to agree with the parties for some time now, I must say it's really improvisation. I don't think it's pretty for a party in power, even less so for the citizens who pay our salaries, Mr. Chairman.

I hope that we go back, that we reject the subamendment, which should not have been introduced, that we go back to the orders of the day and that the Conservatives continue their systematic obstruction. I would understand perfectly well if, at the next meeting, we brought back the committee's business and if the Conservatives introduced an amendment to the orders of the day pursuant to an agreement with another political party.

Why do I say that? For democracy, but especially for procedure, since we are the Committee on Procedure and House Affairs. As a committee, we had decided to amend our orders of the day. All of us together decided last time to pass the Liberals' motion on opposition days, supply days. We decided to put it before discussion of the reform requests that had been introduced by the Chief Electoral

Officer. We know that the Chief Electoral Officer's requests are very important in the context of a minority government. So we decided, simply because there was a complication—and we all know that now—among the House leaders. The Conservative Leader was unable to agree with the leaders of the other parties on opposition days.

Mr. Chairman, I don't need to draw you a picture, but perhaps I have to draw one for the people who will be reading the record of our discussions, which are public. Obviously, you'll understand that opposition days have played a very important role in other parliaments. When the Liberals decided to grant seven consecutive opposition days at the end of a session because they didn't want a non-confidence motion on an opposition day, they made a political choice. Subsequently, the parties, including the Conservative Party, which I think, decided that that would not happen again. An agreement was reached at the meeting of the House leaders and, at the request of the Speaker, who had asked the House leaders to agree. However, in the case before us, there was no agreement; the motion was amended and an amendment was made to the amendment.

Coming back again to my main point, the purpose of the subamendment that the Conservatives introduced today is to put one subject before another, that is to say to take the discussion now underway and to put the question of privilege before it. I'm sorry, Mr. Chairman, but I think that was not the right way to proceed. That should have been done this morning during discussion of committee business. That is when the Conservatives should have requested an amendment to the orders of the day.

•(1225)

I take the liberty of telling you that I will be voting against this subamendment. I will consider the status of the discussions, but I reserve the right to come back, Mr. Chairman.

Thank you.

[*English*]

The Chair: Thank you.

Ms. Foote.

Ms. Judy Foote: After listening to the debate on this motion, with the filibustering and all the commentary, I fail to understand what the issue is. We're talking about a procedure that already exists in the House. There was a motion passed in 2009 to do exactly this. No one has said to me that it hasn't worked well, that it is something we shouldn't do. All we're asking is to have a repeat, to give opposition parties the opportunity for a fair and democratic process in the House of Commons. If it's left as a procedure whereby we could end up with all our opposition days at the end of a session, then that's not in anyone's best interests. It's certainly not in the best interests of the people we represent.

Mr. Lukiwski referred to other options besides this motion, as a way of achieving what we need to achieve on behalf of Canadians and all the parties in the House. He referred to an opposition day motion. This is an opportunity to come before this committee, which determines the rules and procedures of the House. It's the most appropriate committee to come to if we have an issue, and it's a time-sensitive issue. We're talking about 2011. We're now in December.

To come to this committee this morning to change the channel was most disingenuous. We all know what transpired in the House with the breach of privilege. We all know that it is something this committee will eventually deal with. My question is, if it was so important that Mr. Lukiwski wanted to deal with it today in the orders of business, why couldn't we just vote on the motion before us, put that behind us, and move on to dealing with the issue that has been referred to us by the House. That's why I say it was disingenuous of Mr. Lukiwski to do that.

I note again that there's nothing different here. This practice already exists for 2010. It was a motion that was passed by all parties in the House back in 2009. There's been no agreement reached among House leadership at this point. So we're saying, "Let this committee deal with it. Let's take it off their table." It will still have to go to the House to be voted on.

I'm at a loss to understand why these tactics are being used here today with respect to this motion, the amendment to this motion, and the subamendment to the motion. It seems to me that the tactics being deployed here are unnecessary in themselves and unfair to all parties in the House. They are certainly unfair to the opposition. We represent a significant portion of the Canadian population. Here we are today. We're talking about this motion and this subamendment. I find it disheartening.

• (1230)

The Chair: Excuse me. Order.

Thank you.

Ms. Judy Foote: Thank you, Mr. Chair.

I find it somewhat disheartening, given the sincerity of the motion. We brought it forward because it's the right thing to do. We brought it forward because it's been done in the past. We brought it forward because we wanted to make sure this was dealt with before the House closed for this year. Knowing that it's now a day or two off from December 1, we really need to deal with this. This is the committee that can deal with it.

Again, it's about being fair and democratic. It's about acknowledging that we have a role to play in the House of Commons, we have a role to play in this country, and that is to represent the interests of Canadians. Right now we don't know what's going to transpire come the end of 2010. We don't know, based on the discussion we're having today and all the filibustering that's going on, whether or not that fairness will be there in the House, whether or not we will in fact have a fair distribution of opposition days.

So I'm a little concerned about the impression we're leaving here, as opposition members, of our ability to represent the interests of Canadians, as well as of the government's ability to represent the interests of Canadians, and I'm concerned that we respect each other's role and respect the role we all have to play in the House of

Commons as elected representatives. To do that, I think we really do have to acknowledge that opposition days are important. They're really important for us to get our message across, for us to speak to policies and procedures and roles that the government is putting forward and to different aspects of legislation. That's one of the ways we get to do that, where we get to have comprehensive debate on policies that the government is putting forward or approaches that the government is taking.

For us to run the risk of what has happened in the past, to have all of our opposition day motions put at the end of the session—we have a really serious problem with that. What has happened in the past need not happen again. There are new players at the table. That's why we're here. We're saying we were really appreciative that the government recognized in 2009 that this was a path we should go down. All the parties in the House recognized that and voted to do exactly what this motion is asking to have done for 2011.

For the government to try to change the channel on us this morning and not to take with sincerity what is being proposed here, and the lines along which it is being proposed.... This is nothing more than making sure opposition days are not crammed in the end of a session, and it is in fact continuing on with a process that is in place now for 2010. If in fact it's something, as Mr. Lukiwski said, that they're sincere about doing, and they acknowledge it's the right thing to do, then what I don't understand is why we can't just vote on it. If he agrees with it, I suspect the vote would pass unanimously.

My fear is that what we're seeing here today is that there's somehow some reluctance to go down this path again. With all due respect to the comments that have been made, that they understand and appreciate where we're coming from with this motion, based on past experience, somehow it begs the question why, then, we're in the situation this morning of debating this. We're debating an amendment and a subamendment, knowing full well that by doing so we're talking out the clock. There will be no vote on this, and we'll still be in the same situation when we leave here at one o'clock as we were when we came in here at 11 o'clock, and we'll be no further ahead.

I guess we can hope that it will be resolved at some other level, but at this point it hasn't been. We have an opportunity, as members of this committee, to do the right thing, to acknowledge that this is what we need to do. We've all said it's what we need to do.

We've all suggested that it's worked, but to suggest, as a former colleague did last week, that we should probably study this, review this, and bring witnesses before the committee, I say witnesses to what? This already exists. This is something that's been practised for the past year, and it's worked well. I think everybody would acknowledge that it's worked well. It's worked in the best interest of democracy, so that Canadians know, when they watch the House of Commons in session, that when we have an opposition day it's being done in a manner that is fair and respectful of all parties in the House, and that all opposition can be put forward and debated and discussed, which is what is supposed to happen in the House of Commons. So I'm at a loss to understand why there is a reluctance to go down that path.

•(1235)

Why, in the name of heaven, would we be suggesting reviewing this? Why would we be suggesting bringing witnesses before the committee? Again, it would just push this out, and we're talking about the timeframe here; we're talking about 2011. In three weeks the House will rise and again we'll be no further ahead.

So I don't have that level of comfort, based on what I'm hearing from the government members on the committee, that this is something they believe in, that they think this is the right thing to do, because I think if they really did believe it was the right thing to do, they would have agreed to vote on this instead of filibustering it.

Mr. Chair, unfortunately, we may very well find ourselves in the same situation again next week if we don't deal with this as a committee, if we don't acknowledge that this is the right thing to do. We don't know at this point whether or not the House leadership is going to be able to resolve this, but we do know it's something that's important. We do know the process has worked. Why would we be second-guessing it now? I don't know.

Everybody, I think, who has been a part of this experience has acknowledged the way the opposition days have been placed in the calendar. It's been in the best interests of all of us. It has enabled us to put forward positions to question the government on policies and issues, and to hear back from the government and to get their reason and the rationale for the path they're going down.

To push it all into the end of the session, to end up with votes taking place and people having to be here and somewhere else...I think when things are planned, when we have an agenda, things work much, much better. I think that's what we should be aiming to do, Mr. Chair, as members of this committee, to ensure the House runs smoothly, in terms of the rules and regulations of the House. I think we have an opportunity, as a committee here, to do what is right. To suggest, as is being suggested by the government members, that we can deal with it later, let's deal with the other issue first, it just begs the question again: if they're committed to this, if they believe this is about democracy, that this is the right thing to do....

As Mr. Lukiwski said, he has no problems at all with the motion. He just wanted to amend it and add a subamendment to that motion. If he agrees with the principle of the motion—and that is in fact that we should be having our opposition days span the legislative agenda instead of being put together at the end of the session—then I really cannot understand. I've tried to understand. I've listened to the government members, but I cannot for the life of me understand what the issue is.

It exists. What we're proposing already exists. It was agreed to by all parties in the House in 2009 that this is the path we will go down. It worked in 2010. We're saying let's do it again in 2011. All we would do here in committee, Mr. Chair, is recommend to the House. The House would vote on this.

I guess I would like to see the motion I put forward last week voted on, but of course that's your call, and as long as you have speakers, it won't be voted on. But having said that, this is the right thing to do. It's about democracy; it's about doing what's right for Canadians.

I'm going to finish up here, because I really don't believe the filibustering that's going on at this committee is in the best interests of Canadians and the people we represent.

•(1240)

The Chair: Mr. Weston, you have the floor.

Mr. Rodney Weston (Saint John, CPC): Thank you, Chair.

Mr. Chair, I have several questions here today. I'm at a loss to understand how we could have spent the last 25 minutes listening to opposition members question the government's tactics and question a filibuster, when for the last 25 minutes it has been the members of the opposition who have held the floor and have actually contributed to this filibuster we're debating here today.

That's not the only question I have. There have been many times over the last couple of years, since I've been a member of Parliament, when I've questioned the tactics of the opposition. Today is no different for me, in that sense.

Ms. Foote made some points that certainly speak to the concerns I had when we first started discussing this motion the other day. They certainly speak to why an amendment was brought forward, and I guess, even further, to why a subamendment was brought forward. Obviously, there are issues that are important for us. We see the issue brought forward by the Speaker as an issue that takes priority. Certainly, if this issue is being dealt with in another forum, I'm comfortable with that approach, giving us as a committee, as the Speaker said, the opportunity to deal with this issue that he considers important.

Going back to earlier in our discussions today, there were several interventions by other members who were speaking to relevance. I guess, for me, there is great relevance. It speaks to exactly what my concerns were the other day, when I talked about this original motion. I have a curious mind, and I try to understand why something has been brought forward and what the urgency is, especially in light of the fact that it's being dealt with in another forum. I try to understand that.

Then, when issues were brought forward today, people challenged the relevance of those issues. We talked about past situations and about how past governments have used opposition days to their advantage to try to railroad, if you want, legislation or limit debate or limit the opportunity for the opposition to bring forward their disappointment or concern about certain actions by the government. It's very relevant for me, being a relatively new member, not only of this committee but of the House of Commons. I don't have that past history to reference personally. I need to understand fully the implications and the impact of a decision of this committee with respect to this motion. It's not in my interest, as a member of Parliament, and it's not in the interest of Canadians whatsoever, for me to make a judgment or vote without having all the information available to me.

That's one of the things I raised the other day. I'd like to look at this. I'd like to understand it more clearly. Today this committee has gone no further in understanding this issue than we did the other day. Other than the interventions we've heard in debate today, which have been challenged as to their relevance, there has been no new information brought forward.

The only issue I have heard that speaks to the urgency is the timeframe mentioned in the motion. I believe, Mr. Chair, that the timeframe is December 10. We still have several days left, as Ms. Foote pointed out. Today is November 30. There are still ten days left. A lot can happen in ten days. Agreements can be reached. And I have no doubt in my mind that agreements will be reached. There have been many cases in the past when issues have gone to the eleventh hour and a decision has come forward.

• (1245)

There's a quote that says, "There's nothing like a hanging at noon to focus a mind at dawn." I believe that's how it goes—something to that effect.

Some hon. members: Oh, oh!

Mr. Scott Reid: I think it's the prospect of being hanged in the morning; it's not simply a random hanging at mid-day.

The Chair: Thank you for the reminder of relevance, please.

Mr. Rodney Weston: Well, I thank my colleague for that correction, because that certainly shows the benefit of having other information brought forward. It certainly does speak to what I was trying to say here, that we're no further ahead today than where we were the other day when we discussed this motion. We're no further forward in that sense. Even, Mr. Chair, if we go back to the situation with the Speaker bringing forward an issue that he declares is of great importance, and he has directed this committee to look at that... I certainly take the Speaker at his word, and I think that issue is more urgent. Certainly, we're being overshadowed here, Mr. Chair. I think somebody is moving in on us.

I think that certainly takes precedence. I truly believe that. I think this issue is something that can be dealt with in the other forums.

You saw some discussion taking place today around the table, Mr. Chair, although I know it was outside of what was on the record. I guess that goes to show, to make the point I was trying to make earlier, that things do happen rather quickly when we're faced with a deadline. Things happen rather quickly when we need to make a decision, and I do appreciate that, Mr. Chair.

However, having said all that, I really do believe that this committee should take the time on this issue, and I haven't said at any point in time that I would not be in favour of the original motion. I haven't said that. I've never said that I wouldn't support the original motion. I've only asked what I think is reasonable. I've asked for more information. I've asked for a better understanding, and going forward, Mr. Chair, I think it's reasonable that we all ask that, as members of Parliament sitting around this table. I think it's reasonable as a committee, when we present a report to the House, that it is clearly understood and it is clearly studied. I don't think the House of Commons would expect any less of us.

Having said all that, I do appreciate the time to make this intervention here this morning, Mr. Chair, and once again, it's still up in the air for me with respect to this because... Perhaps it's my cynical side that keeps coming back, that I keep looking at, but I am still perplexed at how the opposition members can cry foul about our filibuster when they spent over 25 minutes in this hour holding this motion on the floor today, Mr. Chair.

I don't know if you have the same powers as the Speaker, Mr. Chair. If you could see the clock at one o'clock, I think you'd probably be doing quite a service to the committee, because I really don't think we are going to finish debating this issue today. I certainly understand that there is a lot of work taking place behind the scenes, and I hope we'll see that come to effect.

The Chair: A point of order, Mr. Murphy.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Chair, in my time here, I think this is the first time I've ever seen an entire committee filibuster, so for that honour and distinction you should be congratulated.

The Chair: It's going well, too. I'm quite pleased. Everybody is participating. It's good to see everybody on it.

Mr. Scott Reid: On a point of information, Mr. Chair, I'm sure if Mr. Murphy's point was that he's worried he won't be able to jump in if we don't—

Hon. Shawn Murphy: No, I'm fine.

The Chair: We'll save a spot for him. We have time yet.

Mr. Reid, you are up.

Mr. Scott Reid: Oh, am I? My goodness. Oh, wow!

Some hon. members: Oh, oh!

Mr. Scott Reid: Well, I'm actually going to have to be reasonably brief because I have to go to the Subcommittee on International Human Rights, which I chair, and they begin at one o'clock. I don't want to be late for that, but I wanted to—

• (1250)

Mr. Marcel Proulx: Relevance?

Some hon. members: Oh, oh!

Mr. Scott Reid: I was going to explain why I have to speak briefly, rather than taking more time. I know that every time I wrap things up too quickly, it pains Mr. Proulx.

I want to go back to a number of what I thought were quite interesting points that were made by Mr. Laframboise in his comments earlier. I thought he dealt with them with considerable erudition, and I wanted to come back to just a couple of the things he said.

He was talking about how he thought it would have been more appropriate for the government side to introduce a motion to amend the orders of the day for this committee, rather than proceeding in the manner we've done. Procedurally, this seemed to him to be an odd thing to do. I can see why that would appear to be the case, except for one very important consideration, which is that when this began, we were effectively launched directly into a discussion of this motion.

We all may recall that at the very beginning, Ms. Foote said on a point of order that she was introducing a motion. I of course objected to that, and we more or less got into things that way. So on the opportunity, procedurally speaking, to move to amending the orders of the day, I actually stand to be corrected, but I don't think we could have said let's do that, and have it rise higher up in the order, in order to let an attempt to deal with that trump what we were on.

However, I stand to be corrected, and I'm hoping that perhaps, with an eye to the future, to our next meetings, if this matter hasn't been resolved, we could actually get some clarification on that. If that is the case, then I would like to proceed in a manner that meets with the appropriate criteria that are deemed acceptable. So it may be appropriate and procedurally acceptable to effectively trump a discussion on the motion before us by moving to, effectively, a motion to amend the agenda.

I guess I'm encouraging you, Mr. Chairman, and the clerk, to get back to us on what the appropriate manner of proceeding is for our next meeting, so that we may all be fully in compliance with the strictest interpretation of the spirit of the Standing Orders. That is one thing.

Something I wanted to point out was that in his discussions he said the government has lost control. It's the opposition, effectively, that's now in power. I actually think that's a reasonable way to describe things. There are times, and indeed there have been many times in this Parliament, where the opposition effectively has been in power. I think Mr. Laframboise....

[*Translation*]

I believe you have 10 years' experience as a parliamentarian.

[*English*]

Ten years, I think? Yes.

My experience has been in the last 10 years. The first three and a half were in a Liberal government, where actually the government won every vote on everything, even procedural votes. It was very important to the political culture at the time of the Liberals to win every single thing and never allow the slightest procedural vote to be lost. There has been a minority government in which the Liberals were still able to win most votes.

This government, I think if you actually go back and examine the record, has probably lost more votes in the House than it has won. It hasn't lost votes on confidence matters, or I wouldn't be here anymore, but on other things. It happens all the time, and that reflects, in a sense, a bit of a transition from the normal pattern in Canada, where you have majority governments punctuated periodically by minorities, to a period of what appears to be long-term minority governments, perhaps with the shifting of parties in power, but nonetheless essentially with no one having a majority.

And we can see the culture changing, so that winning every vote is not the key point. But it also means that sometimes the government is in the minority on individual issues and will act as a minority acts; that is, using the procedures to its full advantage in order to protect its ability not to be run roughshod over. That's not a well-constructed sentence, but you get the point, and that's really what's going on here today.

I do have to stop, unfortunately. There is so much more meat there to dig into in his comments, and also in some of the others that have been expressed. But as Scarlett O'Hara said, tomorrow is another day.

Thank you.

•(1255)

The Chair: And Thursday may be one after that.

Some hon. members: Oh, oh!

The Chair: Mr. Albrecht.

Mr. Harold Albrecht: I just want to come back to a point that Ms. Foote made regarding the rationale for this motion. She said it avoids the risk of having all opposition days pushed back to the end of the session. I think it's important for the record that all Canadians need to recognize that this government has never used that tactic. This tactic was used by a previous Liberal government, and I would agree with her that that would a horrendous way to treat a democratic institution as important as this one.

She also indicated, Mr. Chair, that this was an attempt on our part to change the channel. I would just like to point out again for the record that the channel was changed not by this committee, but by the House of Commons. It was the Speaker of the House of Commons who forwarded to this committee a matter that is of serious importance to every member of this committee, and indeed, Mr. Chair, to all members of Parliament.

We had a situation where a staff member divulged information that shouldn't have been divulged. Here we have an opportunity to possibly establish some rules, some protocol, that would protect members of Parliament, protect Canadians, protect the institution of Parliament. As the Speaker indicated in his ruling, that's really the interest. I think it's important that this committee seriously consider this amendment that's before us. I know Mr. Proulx is really interested in hearing this, but it's really important that we set this matter that's been referred to this committee by the Speaker as something that is of urgent importance.

I want to go back to a couple of other statements Ms. Foote made. She said this motion that's before us is exactly what we have right now. What we have right now, as I understand it, Mr. Chair, is an agreement among all parties to handle supply days in this manner. As I understand it, there is nothing written in the Standing Orders, and I think that's where the big difference comes in, that we are here putting something in writing that, as I pointed out earlier, could hobble this committee as it relates to whether or not this is the best way to deal with the change in the Standing Orders—not just a change in practice, but a change in the Standing Orders.

Again, it comes back to the point that the way it was handled previously by the Liberal government is not in the best interest of democracy. I totally agree with that. I agree with previous speakers who said we do agree this needs to be studied.

Mr. Chair, as Mr. Proulx is trying to get me to hurry here, we do not agree that we as members of Parliament should come to any meeting and suddenly adopt a motion that's put before us without adequate study. I was elected by the members of my riding to represent their interests. Mr. Chair, if I just come here and glibly adopt motions that are put before me, without finding the background, especially as someone who hasn't been around here for a career, like many of the people across the way.... It's important that I have all the information at my fingertips. My constituents expect no less. They expect me to study the issue, to get all the information I can collect, and then make an informed decision on their behalf. I think to do anything less would be a disservice. I

assume that all my colleagues feel the same way about their responsibilities here. We don't take it lightly, I don't think any of us do. So why would we, on this particular matter, somehow suddenly just throw out all the expectations that our constituents have sent us here with? I don't think any MP around this table should take it that lightly. I'm puzzled as to why the other MPs sitting here would not want to, as the committee—

The Chair: Mr. Albrecht, we've reached one o'clock. You'll be on my speakers list the next time.

The meeting is adjourned.

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and
Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les
Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à
l'adresse suivante : <http://www.parl.gc.ca>