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Standing Committee on Citizenship and Immigration

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EVIDENCE

Thursday, June 23, 2011

—
Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

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• (1150)

[Translation]

The Clerk of the Committee (Ms. Julie Lalonde Prud'homme): Honourable members of the committee, I see a quorum.

I must inform the members that the committee clerk can only receive motions for the election of the chair. The clerk cannot accept any other types of motions, entertain points of order or participate in debate.

[English]

We can now proceed to the election of the chair. Pursuant to Standing Order 106(2), the chair must be a member of the government party. I am ready to receive motions for the chair.

Ms. James.

Ms. Roxanne James (Scarborough Centre, CPC): I'd like to nominate David Tilson.

The Clerk: It has been moved by Ms. James that Mr. Tilson be elected as chair of the committee.

Are there further motions?

Is it the pleasure of the committee to adopt the motion?

[Translation]

(Motion agreed to)

The Clerk: I declare the motion carried and Mr. Tilson duly elected chair of the committee.

Some hon. members: Hear, hear!

[English]

The Clerk: Before inviting Mr. Tilson to take the chair, if the committee wishes, we will now proceed to the election of vice-chairs.

[Translation]

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition.

[English]

I am now prepared to receive motions for the first vice-chair.

Mr. Davies.

Mr. Don Davies (Vancouver Kingsway, NDP): I would like to nominate Jinny Jogindera Sims.

The Clerk: It has been moved by Mr. Davies that Ms. Sims be elected as first vice-chair of the committee.

Are there further motions?

[Translation]

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

[English]

The Clerk: I declare the motion carried and Ms. Sims duly elected first vice-chair of the committee.

Pursuant to Standing Order 106(2), the second vice-chair must be a member of an opposition party other than the official opposition. I am now prepared to receive motions for the second vice-chair.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): I move that Mr. Lamoureux be nominated as second vice-chair.

The Clerk: It has been moved by Mr. Dykstra that Mr. Lamoureux be elected as second vice-chair of the committee.

Is it the pleasure of the committee to adopt the motion?

[Translation]

(Motion agreed to)

The Clerk: I declare the motion carried and Mr. Lamoureux duly elected second vice-chair of the committee.

Some hon. members: Hear, hear!

[English]

The Clerk: I now invite Mr. Tilson to take the chair.

• (1155)

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Thank you very much, ladies and gentlemen. It's a pleasure to sit as chairman of this committee once again.

I think Mr. Dykstra and I are the remnants of the last committee, although Mr. Lamoureux and Mr. Davies have made guest appearances at the committee over the time we've sat. We have had some good issues. I know we will have more issues to deal with and I'm sure we will solve those issues.

The only item left on the agenda is procedural motions. I've been advised by Mr. Dykstra that he wishes to have the floor on this.

Proceed.

Mr. Rick Dykstra: Mr. Chairman, first, congratulations on taking over as a second-term chair of this committee. We all appreciated.... Well, I guess I'm speaking on behalf of the former committee. I'm the only one who can attest to working with you on a regular basis as a very fair and cordial chair. So I appreciate having you back as well.

In terms of moving forward, do you just want me to make some recommendations on individual responsibilities of routine motions?

The Chair: We have to have rules as to how this committee runs. I suggest you proceed one at a time.

Mr. Rick Dykstra: Then I would move that the committee retain, as needed and at the discretion of the chair, the services of one or more analysts from the Library of Parliament to assist in its work.

The Chair: Is there debate on that motion?

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): On a point of order, do you not need a seconder for a motion in a committee?

The Chair: I need all the help I can get up here, and I'll count on you to help me. Thank you very much, but no, we don't.

(Motion agreed to)

The Chair: Mr. Dykstra.

Mr. Rick Dykstra: I would move, then, to—

The Chair: Before we do that—I'm sorry to interrupt—

Mr. Rick Dykstra: I forgot that it is one of your rights and privileges and you do so on a regular basis, so I'm comfortable back here again.

The Chair: You see, that's what I'm in for.

This motion deals with analysts. They're somewhere in the room. There they are. We have Julie Bechard and Michel-Ange Pantal. Mr. Pantal is with the committee until July, when Sandra Elgersma will return. She's on maternity leave, so we'll have to have a party for her.

Thank you very much. Welcome to the committee and we look forward to your assistance.

Mr. Dykstra.

Mr. Rick Dykstra: Thank you, Chair.

I would move that the subcommittee on agenda and procedure be established and be composed of five members, including the chair, the two vice-chairs, the parliamentary secretary to the Minister of Citizenship and Immigration, and the parliamentary secretary for multiculturalism; that the quorum of this subcommittee shall consist of three members; that each member of the subcommittee shall be permitted to have one assistant attend any meeting of the subcommittee; and that each party shall be permitted to have one staff member from a House officer attend any meeting as well.

Mr. Don Davies: I believe I had indicated this to Mr. Dykstra, but what we, the official opposition, have done is we have split the opposition critic from the vice-chair, so it will be the official opposition critic who will be sitting on the subcommittee. Therefore I would propose a friendly amendment: that instead of saying the two vice-chairs, we say one member from the official opposition and you could either say one from the Liberal Party or the third party

vice-chair, as you see fit. But it will be the critic sitting on the steering committee from the official opposition.

● (1200)

Mr. Rick Dykstra: That's fine. I accept the amendment of Mr. Davies. He did indicate that to me, and I apologize for not including it in this motion.

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

The Chair: Mr. Dykstra.

Mr. Rick Dykstra: Reduced quorum is the third issue in terms of routine motions: that the chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three members are present, including one member of the opposition and one member of the government.

(Motion agreed to)

The Chair: Mr. Dykstra.

Mr. Rick Dykstra: Statements by witnesses and their questioning: That the witnesses from any one organization be allowed ten minutes to make their opening statement. When there are three witnesses, each witness shall be allowed eight minutes to make their opening statement. During the questioning of witnesses, there shall be allocated seven minutes for the first round of questioning, and thereafter five minutes shall be allocated to each questioner in the second and subsequent rounds of questioning.

The Chair: I see more wording.

Mr. Rick Dykstra: Sorry. It's the sequence for the questioning. I apologize for that. Thank you, Chair.

That the order of questions for the first round of questioning be as follows: Conservative Party, New Democratic Party, Conservative Party. That the order of questions for the second round of questioning be as follows: New Democratic Party, Liberal Party, Conservative Party. That the order of questions for the third and subsequent rounds of questioning be as follows: Conservative Party, New Democratic Party, Conservative Party.

The Chair: We have speakers—Mr. Lamoureux and Mr. Davies.

Perhaps I could make a comment before the speakers begin. In the last session, I suggested that the most witnesses we have at one time would be three. This motion deals with that. I suppose there's the remote possibility that we could have four, in which case I suppose we'll deal with that when the time comes. It could happen. I was able to persuade the last committee that the most we would have at any one time would be three witnesses. That conceivably could change if we had a whole pile of people we wanted to see.

Mr. Lamoureux, you have the floor.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chair, and congratulations. Even though I only had the one experience with you, I did find that it was enjoyable, I must say.

The first part I don't have any problem with, as I'm sure that the government would be a bit concerned in terms of why it is the Liberals wouldn't even appear on the first go-round.

I don't know what sort of background work has been done in terms of tradition. For example, when the Liberals were in government, my understanding was that the opposition would start off questions. At the Manitoba legislature, and I recognize that there's a big difference between the two legislatures....

One would think, given parliamentary principle, that the official opposition should always, always, without exception, have the first opportunity to ask questions. Again, based on my provincial experience—but I always thought it was universal—it then goes to the next opposition party. I would have thought that this would have been the case here. Then you would go over to the government.

I would look to the analyst or to the clerk's office to get some sort of clarification on that particular point. What happened when the last majority government of Jean Chrétien was here? Was that not the case?

•(1205)

The Chair: Just give me a moment.

It might be appropriate, since Mr. Dykstra is making the motion, for him to comment, because it's in the form of a question. But I will say that I've sat on a number of committees, and the rules are different, by my observations. I'm calling them rules, but I guess they are motions of procedure. The rules are different with every committee. Each committee is the master of its own house. I don't think there's anything standard.

It's true that procedure in the last session was substantially different. Of course that was a minority situation.

It's Mr. Dykstra's motion. I'm going to ask him to comment on what you have said.

Mr. Rick Dykstra: Thank you, Mr. Chair.

I'm going to do two things. I will comment on Mr. Lamoureux's concern, and I would like to rework my motion. So if I could, I would like to read into the record how it would appear now. If I could remove the previous one, I'll introduce this one:

That the order of questions for the first round of questioning be as follows: Conservative, New Democratic Party, Conservative Party. That the order of questions for the second round of questioning be as follows: New Democratic Party, Liberal Party, Conservative Party. That the order of questions for the third round of questioning be as follows: Conservative, New Democratic Party, Conservative. That the order of questions for the fourth round of questioning be as follows: Conservative, New Democrat. After the fourth round, the committee would return to the original sequence of questioning.

The Chair: Just give me a moment to see if I understand what you're up to here.

You're suggesting that at the end of proposed motion number 4, you'd have to take out the words “subsequent rounds”.

An hon. member: You mean third and fourth rounds, because third and fourth are identical.

The Chair: You're talking about the fourth round. The fourth round would be Conservative, NDP—

Mr. Rick Dykstra: I'd be happy to explain how this sequence actually—

The Chair: The words “subsequent rounds” would be deleted, I assume, and replaced with “the order of questions would be Conservative, NDP...”.

Is that your intent?

Mr. Rick Dykstra: No. The order of questions for the fourth round would be Conservative, New Democratic Party, and then the committee would return to the original sequence of questioning.

The Chair: Okay, so after that for subsequent rounds—

Mr. Rick Dykstra: We just go back to the order.

•(1210)

The Chair: Do you understand that, Madam Clerk?

Mr. Rick Dykstra: The effort and work that we've put into those sequences and how this questioning works is that for the four rounds, when you divide up.... And very rarely does this committee go more than four rounds. I know it is technically possible, but very rarely does a committee go further than four rounds. The system I'm moving as a motion actually allows for each member of this committee the opportunity to question witnesses and obviously to comment if they so choose.

The other aspect of this, which is part two, which I think deals with Mr. Lamoureux's concern, is that when you divide up the minutes and allocate those minutes specifically to the parties, you will see that it almost—not precisely, but within one percent—identifies the percentage that each party holds in the House of Commons. So each party is being treated fairly. Each party is getting an equitable percentage of time for questioning of witnesses and the opportunity obviously to use that time as they see fit. I've tried as much as possible to be fair, and I think we'll learn quickly that the process we will use is a good one.

I understand that in the previous Parliaments—certainly the previous two that I've sat in—there was the position of the opposition going first in the opening round. I certainly accept that when in fact during those two Parliaments the opposition held more seats in the House of Commons than the government did. So while I certainly at the time would have preferred to have the government going first, the fact is that the opposition held more seats and therefore retained the right to question witnesses first.

The government now holds more seats in the House, and I think they reserve the opportunity to question witnesses first.

Thank you.

Mr. Kevin Lamoureux: To be honest with you, in 20 years of sitting in parliaments of different forms I've never, ever experienced something of this nature. It blows my mind in terms of the degree to which the government feels that this is fair.

Could you imagine if you applied this very same principle to question period and other functions. There needs to be respect. There has to be respect in order for the committees to work. I cannot believe that you would not allow an opposition party the first opportunity in that round to be able to ask questions. You sit within a government caucus. You have many other resources that opposition members don't have and a great deal of time to expand on those types of resources.

What you are proposing is ludicrous within a parliamentary system.

I would ask you, Mr. Chair, and I look to the support staff, the clerk.

In the Parliament of Canada I can't believe that we wouldn't have some sort of indication from the clerk's office in terms of some sort of history of tradition. We have to respect the tradition. We might not like the fact of the makeup of the House of Commons, but I respect that we didn't win. But just because we didn't win doesn't mean that you can walk all over us as a political entity. Demonstrate some respect for the process of the institution we belong to.

The Liberal Party has garnered substantial support. We are an official party inside the House of Commons, Mr. Chair, and I think that needs to be respected.

I think it's fair for me to ask if the clerk can provide information to the committee as to what was the order when the last majority government was here.

The Chair: Mr. Lamoureux, I have asked that question to the analysts and the clerk. They don't have that. I can only tell you that I have, as have several members here, sat on a number of committees, and the procedural rules for each committee are different for every committee I ever sat on.

In the last session I think that was a minority government and the opposition had more votes. I remember sitting where I am now and the opposition had a fair say as to what the procedural motions were going to be.

I don't want to get into debate with you. My job isn't to do that. I think that's the role of Mr. Dykstra to defend or talk to you. We'll let Mr. Dykstra have another go at it, and if that fails I'll suspend for a few minutes so that you two can have a chat.

Mr. Dykstra.

Mr. Rick Dykstra: I understand. I've listened to Mr. Lamoureux's concerns, and I certainly appreciate them.

I've also put myself in the position of determining what is fair and equitable to this party, the New Democratic Party, and the Liberal Party of Canada. From my perspective, that fairness equates to the amount of time that is allocated for questioning. If you position that against the percentage of seats you hold in the House of Commons and you do the math, you do the numbers, it comes out as fair and as equitable as we could possibly be.

If what we're looking for here is fairness, equality, equity, and the opportunity to question witnesses, every person in this room is going to get the time allocation that is based on the percentage of their

makeup in the House of Commons. From my perspective, it's fair, it's equitable, and it's based on percentage.

I don't know how we can get any fairer than that, Mr. Chair.

• (1215)

The Chair: I'm going to give Mr. Davies one comment, and then I'm going to suspend, unless we can resolve this.

Mr. Don Davies: Thank you, Mr. Chairman.

Again, I hope you're keeping a speakers list, because—

The Chair: You're on after Mr. Lamoureux. You promised me that you'd be very short.

Mr. Don Davies: Did I?

When I look at this, of course the answer, as Mr. Dykstra says, is to make sure that each party has the percentage of time that is proportional to their seats in the House of Commons. That's how we did it in the last Parliament. Whether it was minority or majority, that's what we did.

If you take the first two rounds.... I understand that last time this committee used a lot of one-hour meetings. They would split the two hours into two one-hour meetings, which I understand is an efficient and economic way to go, and it is probably something we'll do fairly regularly. If you take just that one scenario, we will get through the first two rounds of questioning.

The way the motion is drafted, if we have two witnesses, they get 10 minutes each. That means 20 minutes will be done, and that leaves 40 minutes for questioning. Of that 40 minutes, if the Liberal Party gets five minutes, then that gives them 12.5%. Their percentage in the House of Commons is 11%. If they were to get seven minutes in the first round, as Mr. Lamoureux suggests, they would get 17.5% of the time, which is vastly disproportionate to their seats in the House of Commons.

The other scenario in the motion is that if we were to have three witnesses the proposal is to have eight minutes apiece. That means there would be 24 minutes of evidence and 36 minutes left for questioning. Under the 36 minutes, if Mr. Lamoureux and the Liberals get five minutes, that's 13% of the time, which is still above their proportion in the House of Commons. Were they to get seven minutes in the first round, as Mr. Lamoureux suggests, that would give them 19% of the time.

In my opinion, the questioning order is appropriate. It's fair, and it's actually overly generous to the Liberal Party in terms of the amount of time that's allotted to them. Were you to put the Liberal Party in the first round and give them seven minutes, it would be unfair to the other parties in this room.

The Chair: Mr. Lamoureux, you have the floor again.

Mr. Kevin Lamoureux: Thank you, Mr. Chairperson.

I was elected in the byelection, as you might recall, Mr. Chairperson. But fortunately for me, I did have the privilege to sit on the aboriginal affairs committee, the health committee—probably four or five committees, this being one of those committees. And what I witnessed was that the Liberals started it off, followed by the Bloc, and then there might have been a Conservative, but then it went to the NDP. Now, the point is that as best as I can recall, on all of those committees it started off with the Liberals as the official opposition. The thing I want to emphasize is that the NDP got a chance every time in the first round.

If the Conservatives want to ensure that every member of the committee gets the opportunity to speak, we can extend the length of the committee time. We can ensure that happens.

We just have to take a look in terms of the institution and what's best for the institution. That's the reason I believe the Liberal Party should be able to be in that first go-round. And then if we want to ensure that everyone else gets the opportunity to speak, I don't object to that. Sure, if it means we have to sit a little extra time in order to accommodate that. But from what I could tell in the short period of time I was here, that was in fact the case.

I can tell you from my provincial experience that was always the case. In fact, in committees—and I sat on every committee at the Manitoba legislature—the opposition party spoke at least five to one in terms of time allocation. I don't know what happens in England or some of the other parliamentary jurisdictions, but I just find this is very peculiar. Maybe we can sit down and discuss it, but this is definitely something I couldn't agree to. I would be abandoning every principle I have on parliamentary tradition.

• (1220)

The Chair: Is there further debate?

We have a long list.

Mr. Weston.

[*Translation*]

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you, Mr. Chair.

I did not find the first part to be very clear. It is not the second part to which you are currently referring but rather the beginning which states that witnesses for organizations are entitled to 10 minutes. In short, each witness has 10 minutes.

[*English*]

It could be more clearly stated: that where there are one or two witnesses from any organization, each such witness shall be allowed 10 minutes.

And then you've pointed out that if there were more than three witnesses, we should deal with that.

The Chair: I have no problem with that wording. My suggestion is that it's possible to have four or more witnesses, although quite frankly I will rant and rave, because we never accomplish anything when that happens.

And we could conceivably go for two hours. Do you know what I mean? In other words, the same witnesses could be there for two hours; that's possible. It's very rare, but it could happen. The rules

don't provide for that, but I'm going to suggest that we deal with that when the time comes and that the committee give the chairman a certain amount of discretion to try to be fair as to how that's going to proceed. That's why I interjected at that point.

Mr. Weston.

Mr. John Weston: I've said my piece.

The Chair: Thank you.

It's going to take me a while.... You're going to have to be patient with me when I'm pronouncing your names. I'm going to try.

You have the floor, Madame Groguhé.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Congratulations, Mr. Chair. I am a new MP. So I am just discovering how committee meetings work.

Clearly, the committee will determine its rules of operation. That is good. In light of what Mr. Lamoureux has proposed, I would like to know what the previous practice was. Is what Mr. Lamoureux proposing compatible with the way things currently work?

[*English*]

The Chair: You are asking me the question. I don't like when people ask me questions, but I'm going to try to deal with that.

I can only repeat what I have already said, which is that each committee is the master of its own house. I've never seen a committee with the same procedure as another committee. It's always different. Some are better and some are worse, but they are always different.

Are you finished?

[*Translation*]

Mrs. Sadia Groguhé: If I am not supposed to put the question to you, whom should I ask?

[*English*]

The Chair: I don't know.

My dilemma is that I don't like to get involved in the debate. That's the job of committee members. If you have asked for a comment, I have given it to you. I'm trying not to take one side or the other.

[*Translation*]

Mrs. Sadia Groguhé: Very well, Mr. Chair. Point taken.

[*English*]

The Chair: Go ahead, Mr. Menegakis.

• (1225)

Mr. Costas Menegakis (Richmond Hill, CPC): You should just call me Costas. It's a lot easier, Mr. Chair.

I've been listening very carefully to everyone's points here. With all due respect to Mr. Lamoureux, I really don't see this as an ideological rift or as discussion to cut or limit the amount of time the Liberal Party can speak.

A proposal has been put forth that appears to have the support of both the majority party and the opposition. It's very fair. It gives an opportunity for every member to speak, and then we start over again. It's also representative of the percentages of the parties as they are represented in the House. I reject, with all due respect to my good friend across the way, any implication that there was a concerted effort or something to limit or to cut out the institution known as the Liberal Party. I see it as an opportunity for everybody to have a chance to speak.

I'm sure we're going to be hearing many depositions from across the country. This is a very big issue in my riding. I represent one of the most diverse ridings, and I know Rathika does the same across the way here. It's very important that we all have an opportunity to ask questions and to gather the facts, perhaps more so than in any other committee.

I'm in support of what has been proposed. I am encouraged to see that the official opposition sees it that way, and I would hope that you can see that the spirit in which this was intended is quite different from trying to eliminate or reduce or cut out the party that you represent, Mr. Lamoureux.

Thank you.

The Chair: Ms. Sims is next.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): I just want to say that I support what's on the floor and that it seems to reflect the membership in the House.

Thank you.

The Chair: You're next, Mr. Lamoureux.

Mr. Kevin Lamoureux: Mr. Chair, is it appropriate for me to ask a question of the analysts?

The Chair: You can.

Mr. Kevin Lamoureux: Can the analysts give any indication of an opposition party being excluded from asking questions in the first round? Can you cite an example of where that has taken place?

Ms. Julie Béchar (Committee Researcher): As an analyst from the Library of Parliament, I'm afraid that I'm not responsible for procedural matters. Questions must be asked of the clerk.

Mr. Kevin Lamoureux: Okay.

Mr. Chair, I look to any of my Conservative colleagues on the committee. Could they give any indication from their historical background knowledge of Parliament and committees? Are they aware of any committee at which a third party has not been given a question on the first round? Can they cite a committee? I can't.

The Chair: There seems to be silence.

Do you have another question?

Mr. Kevin Lamoureux: Mr. Chair, I would then look to the New Democratic caucus. I appreciate one of the New Democratic members making reference to the issue of tradition. There is a need for us to look at tradition. I don't believe there is a case that can be cited. You have to ask why it's coming up now. I don't understand it.

I look to Mr. Dykstra in asking why it is, or whether he would consider an amendment that would put us into the first round. Quite

frankly, I don't mind saying that we'll sit in a committee as long as they want to sit. If you want to sit for three or four hours so that every member gets the opportunity to ask a question, I'm okay with that. But I believe we need to ensure that all political parties represented on this committee are included in the first round. Is that not a fair request to make? This way you still get your members to ask the question. If you don't think that's fair, then at least tell me of another committee, especially in a majority situation, in which a third party has never been able to ask a question in the first round.

• (1230)

Mr. Rick Dykstra: I'm happy to respond quickly to Mr. Lamoureux.

Certainly every committee is allowed to work their process in terms of how they determine speaking orders. Then it comes to a vote and they come to an agreement as to how they would do that. There certainly are other committees working through similar processes as these to adjust for or make available the opportunity to question witnesses.

Look, I put a lot of thought into this and a lot of time into this. And my belief is that the best way for this to be broken down in terms of who speaks and for how long is to have the percentage of time based on the proportion of seats you hold in the House of Commons. I can't think of a fairer way to address this issue. It puts either the NDP or the Conservatives, our party, in a deficit position if you're allocated more time.

Now, I will say this. You're kind of hung up on this issue of first and second round. When we ask questions, this is set up to ensure that every party has the opportunity to question witnesses, whether it be a one-hour meeting or a two-hour meeting. I can also tell you that in a one-hour meeting, if we were to have three witnesses speak for 24 minutes, the first and second rounds would equal 36 minutes. That gives you the full hour.

If you'll notice, the Conservative Party is third in the second round. On a regular basis, the individual who fits into that time schedule will not get his or her full time allocation, because the meeting may start a couple of minutes late or a witness may go on a little longer and may take up a couple of minutes of time. Therefore, in the spirit of fairness, rather than put you guys in the third position, I determined that the best thing would be to make sure that you always get your full time allocation. We would then be in a position of receiving probably less in the second round than you have.

You may not be happy with this, but in terms of fairness, and if you want to get hung up on first round, second round, you're going to get your time to question witnesses. Your time is based on the allocation of seats you have in the House of Commons. I can't think of any other way that would be more fair.

The Chair: I'm going to suspend for five minutes.

• (1230)

_____ (Pause) _____

• (1240)

The Chair: We're back in order.

Mr. Dykstra.

Mr. Rick Dykstra: Thank you, Chair.

With your wise decision to adjourn, I think we have come to what would be considered a fair compromise. That is, we would simply add the Liberal Party to the first round of questioning. Our first round of questioning would consist of four sections of time, if you will. The first would be Conservative, at seven minutes; the second would be the NDP, at seven minutes; the third would be the Liberal Party, at five minutes; and the fourth would be the Conservative Party, at seven minutes.

The Chair: And the second round would remain the same?

Mr. Rick Dykstra: No, the second round would then go New Democrat, Conservative. The third round would be Conservative, New Democrat, Conservative. And the fourth round would be the same.

The Chair: The fourth round would be Conservative, New Democratic.

Mr. Rick Dykstra: Right.

The Chair: And if by chance we get to a fifth round—

Mr. Rick Dykstra: We'd go back to the original sequence again.

The Chair: The first sequence being round one.

Mr. Rick Dykstra: Right.

The Chair: Is that a friendly amendment?

Mr. Lamoureux.

Mr. Kevin Lamoureux: Grudgingly, yes, I believe it is, Mr. Chair.

Mr. Don Davies: Could I make—

The Chair: Don't wreck this.

Mr. Don Davies: No, I'm not. Don't worry, Mr. Chairman.

I'd like to make one more friendly amendment, which is in the fourth line, where it says "when there are three witnesses, each witness...". I think that should say "when there are three or more witnesses". There could be a time when you have four witnesses, so I think it should be "three or more".

Mr. Rick Dykstra: Mr. Weston pointed that out as well.

The Chair: Are you clear on that, Madam Clerk?

Is everyone clear on the amendments?

Ms. Sitsabaiesan, you're on the speakers list, as is Mr. Davies again. Did you wish to speak on—

Ms. Rathika Sitsabaiesan: I actually have a question on the amendment—not the second amendment, but the first amendment.

When we get to the fifth round, if we do, it goes Conservative, New Democratic, Liberal, Conservative again. My question is whether it is again seven, seven, five, and seven minutes, or is it all five minutes for the fifth round?

Mr. Rick Dykstra: We go back to the original cycle again.

Ms. Rathika Sitsabaiesan: Okay.

Mr. Rick Dykstra: So that we don't complicate things we would go back to the original.

Ms. Rathika Sitsabaiesan: I just wanted that clarification. Thank you.

Mr. Rick Dykstra: The only one other thing that Mr. Weston has pointed out to me is that I want to make sure that in the first paragraph, where it says "when there are three or more witnesses, each witness...", it probably should read "each organization shall be allowed eight minutes".

The Chair: I am going to repeat what I have said before. Generally speaking, I am going to do whatever I can to try to only have three witnesses. It just hasn't worked in any of the committees when we have had more than three. It just doesn't work.

The only other issue that we haven't allowed for is that it's possible we could go two hours. It doesn't happen very often, but it's possible. Again, I repeat, hopefully the committee would give the chair a certain amount of flexibility to try to be fair, unless you want to put that in here now.

Ms. Sitsabaiesan.

Ms. Rathika Sitsabaiesan: It may be because I haven't read my entire green book on procedures yet—

Mr. Rick Dykstra: Let me know when you do.

Ms. Rathika Sitsabaiesan: Okay, I will.

My question, Mr. Dykstra, is do witnesses have to be affiliated to an organization to make that amendment? Can we have independent witnesses who are not affiliated with an organization?

• (1245)

Mr. Rick Dykstra: Yes.

Ms. Rathika Sitsabaiesan: Then the amendment you made may not make sense, because it says when we have three or four witnesses "each organization shall be allowed". I'm looking for clarification.

Mr. Rick Dykstra: Individual witnesses wouldn't be coming with two people but would be on their own, so that would fall under the eight-minute category. The difficulty we have is with organizations that want to bring three people to the table. Generally speaking, one witness doesn't bring three people to the table, but an organization might.

I think that is addressed.

Ms. Rathika Sitsabaiesan: Okay, I just wanted to make sure it was fair to individual witnesses.

Mr. Rick Dykstra: Yes, it is, for sure.

The Chair: You're at 15 minutes, Mr. Davies. You're the last speaker.

Mr. Don Davies: Thank you, Mr. Chair.

I just want to be clear about this. Is there a proposal to amend the words "each witness" to "each organization?"

Mr. Rick Dykstra: Yes.

Mr. Don Davies: To be clear, the organization itself has eight minutes and it can split it between its people however they want.

Mr. Rick Dykstra: Yes, they can have five people up here if they want.

Mr. John Weston: Despite the withering look I got from the chair, I'm thinking not just about the functioning of our committee but really about the witnesses who may be coming from a long distance. I would just ask our clerk to make sure they understand the limit on time if they are coming from a far distance or they're putting themselves out, to make sure they understand how much time they have in total. Otherwise they might be disappointed.

The Chair: Our clerk is excellent at doing that.

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

The Chair: Mr. Dykstra, motion number 5.

Mr. Rick Dykstra: I move that only the clerk of the committee be authorized to distribute to the members of the committee any documents, including motions; that all documents that have to be distributed among committee members must be in both official languages; and that the clerk shall advise all witnesses appearing before the committee of this requirement.

The Chair: The heading is "Distribution of Documents".

Mr. Rick Dykstra: Yes, thank you.

(Motion agreed to)

The Chair: Mr. Dykstra, number 6.

Mr. Rick Dykstra: This is on working meals: that the committee hereby authorize the clerk of the committee, in consultation with the chair, to make the necessary arrangements to provide for working meals as may be required, and that the cost of those meals be charged to the committee budget.

(Motion agreed to)

The Chair: Item number 7.

Mr. Rick Dykstra: This is for witnesses' expenses: that, if requested, reasonable travel, accommodation, and living expenses be reimbursed to witnesses not exceeding two representatives per organization, and that in exceptional circumstance payment for more representatives be made at the discretion of the chair.

(Motion agreed to)

The Chair: Number 8, Mr. Dykstra.

Mr. Rick Dykstra: Staff at in camera meetings: that unless otherwise ordered, each committee member will be allowed to be accompanied by one staff person at an in camera meeting, and in addition to that one person from either the whip's office, the House leader's office, or the research division of each party.

(Motion agreed to)

The Chair: Number 9.

Mr. Rick Dykstra: In camera meetings transcripts: that one copy of the transcript of each in camera meeting be kept in the office of the clerk of the committee for consultation by members of the committee.

The Chair: Mr. Davies.

• (1250)

Mr. Don Davies: I wonder if it's advisable to amend this proposal to include the staff person who was present at the meeting. I will tell you why. It was my practice last Parliament to send the staff member to go to consult the in camera minutes, but of course that was the

staff person who was present at the meeting. Obviously, if the person can be present, if you can have a staff person present with you at the in camera meeting, there seems to me to be no reason why that person couldn't consult the minutes on your behalf. I would propose an amendment so it would be "...for consultation by members of the committee or the staff person who was present at the in camera meeting".

The Chair: Will the clerk know who that person is?

Mr. Don Davies: I'm not sure.

The Chair: Just give me a minute. I need some clarification on that.

The clerk has probably solved the problem. The subject of what Mr. Dykstra has to say is that the member who is unable to attend the clerk's office could send an e-mail to the clerk certifying that so-and-so is attending to look at the minutes. We don't need to put this in the rules. It is just a solution, and it is a good solution.

Mr. Rick Dykstra: I have an issue with allowing a staff member this authorization, and herein lies the difficulty. When we are in camera, we are required, obviously, not to breach confidentiality. But if we allocate additional staff, other than the members themselves, to access the information, there is a potential for a breach, and not from a member. It may be from a staff person. So I'm not quite sure how we would address this by allowing a staff person the same privilege as a member.

Mr. Don Davies: That's a fair point, except we just passed a motion that allows the staff person to be present at the in camera meeting. The staff person would be bound. If the staff person were in here, the same fear and concern would be in existence. If we're going to let a staff person be present at the in camera meeting itself, it seems logical that the person should be able to consult the minutes. I don't think it's a big issue. It happened to me once in the last Parliament.

Mr. Rick Dykstra: Well, what is the problem with the member going to get it, versus the staff person? What would be the reason a member wouldn't go to the clerk?

Mr. Don Davies: I went with my staff person last time. They checked. It is nice to have another person with you.

It's not a big deal. Our staff people who are here are working closely with us. As I say, I'm not going to press this much. It just strikes me that if they're going to be present at the meeting itself, they should be able to consult the minutes.

The Chair: We have an amendment, Mr. Weston. Speak to the amendment.

[*Translation*]

Mr. John Weston: I agree that all employees are subject to the same rules of confidentiality as members.

[*English*]

The Chair: Go ahead, Mr. Lamoureux.

Mr. Kevin Lamoureux: I'm comfortable with the comment that the person here in camera should be able to be designated. If we're out of the province, and we need to access something, we would have the ability, then, to send that staff person in, because he or she was here during the in camera portion. So it seems fair.

The Chair: We'll go to Ms. Sims.

Ms. Jinny Jogindera Sims: Do we have a list of who is present at in camera meetings?

The Chair: No, we don't. But there's always a first.

Ms. Jinny Jogindera Sims: If you have a staff person who can be present during the debate, then it's really reasonable that he or she should be able to access the minutes for the member, if the member can't—

The Chair: I think the clerk has solved the question I had. The member who is unable to attend the clerk's office, for whatever reason, would send an e-mail or a letter certifying that so-and-so or such-and-such staff person can attend on his or her behalf.

Mr. Don Davies: We can keep the language as it is, if that's the understanding. It's fine with me.

The Chair: We have an amendment. Do we need to vote on that?

A voice: He withdrew it.

The Chair: He withdrew it?

Mr. Don Davies: Mr. Chair, could I just clarify what you said? You said that the clerk has advised you that on the language we have now.... Oh, is it with the amended language?

The Chair: I don't think she said that.

Mr. Don Davies: I'm sorry, I'm not following.

The Chair: You made a proposed amendment, and I asked a question. The clerk responded to it.

Mr. Don Davies: Yes, but what I'm not clear on is whether the clerk requires my amendment to have that procedure.

A voice: Yes.

Mr. Don Davies: Okay, well then, I'm sorry. The amendment has to stay then.

Mr. Rick Dykstra: Mr. Chair, I'm not going to make a big deal about it. My concern remains the same. What the clerk is saying, what I guess feeds or at least edifies my concern, is that no staff member would be able to access the in camera document without specific written authorization from the member.

•(1255)

The Chair: That's the understanding.

Mr. Rick Dykstra: We can live with it.

Mr. Don Davies: And that person has to have been present at the meeting.

The Chair: Do we need to vote on the amendment? Or are we all in agreement that it's a friendly amendment?

Go ahead, Mr. Opitz.

Mr. Ted Opitz (Etobicoke Centre, CPC): Just to add to that, so all members are aware, if you have a staff member here who accesses the information, ultimately the member is accountable and responsible for any breach of information. That's it, that's all.

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

The Chair: The last item, subject to anyone else's suggestions, is number 10.

Mr. Dykstra.

Mr. Rick Dykstra: Notice of motions has always been a bone of contention as long as I've been here, but I think this should satisfy all parties: That 48 hours' notice shall be required for any substantive motion to be considered by the committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the clerk of the committee and distributed to members in both languages. And then I would add that competed translated motions that are received by the close of business at 4 p.m. shall be distributed to members the same day.

The purpose of adding that piece at the end gives all of us the understanding that if a motion is filed on a Thursday, we'll actually get it on the Thursday, instead of all of us going back to the ridings on Friday and not seeing it till the following Monday and ending up with a discussion about receiving it on time or not.

I hope that satisfies all parties.

(Motion agreed to)

The Chair: Are there any other procedural motions that anyone wishes to bring?

Mr. Davies.

Mr. Don Davies: For some reason, motions on appending dissenting supplementary opinions to committee reports are missing as standard motions. I did mention that to Mr. Dykstra. I don't know if that was inadvertent or not, but I would move that we add a routine motion.

I think I'm reading from the one we had last time: that every party shall have the right to attach as an annex a dissenting opinion on any report to be presented to the House of Commons by the—

The Chair: Could I just ask you to pause for a moment?

Mr. Don Davies: Sure, of course, Mr. Chair.

The Chair: Mr. Davies, you are correct, it was in the previous procedural motions.

The clerk points out to me that this procedure is in the Standing Orders and it is the law of this committee. I assume that's why Mr. Dykstra didn't put it in. We're not listing what's in the Standing Orders because they can only be changed by the House. Therefore I assume that's why Mr. Dykstra took it out: he didn't think it was necessary. But it's free, if you want to put it in again.

The clerk has advised me that this particular procedure that was in the last session has to be adopted after every report anyway. That's in the Standing Orders, but your motion is not out of order. I assume that's why Mr. Dykstra left it out.

•(1300)

Mr. Don Davies: Yes.

I think Mr. Dykstra and I agree that it's okay to put in, and I would feel more comfortable putting it in for several reasons.

First, it was in the last routine motions document. In fact, I've seen it in every committee.

I also don't know if other motions are contained in the Standing Orders, but certainly the dissenting and supplementary opinions are part of every committee's standing routine motions that I've seen.

The Chair: Mr. Davies, if you're at tab 7, could you read the motion so it's a formal motion, including the title?

Mr. Don Davies: Sure.

Under the title of "dissenting and supplementary opinions", the motion is that every party shall have the right to attach as an annex a dissenting opinion on any report to be presented to the House of Commons by the committee, and that this dissenting opinion shall be submitted to the clerk of the committee, within 48 hours of passing of the report by the committee, in both official languages.

(Motion agreed to)

The Chair: Are there any other motions for the procedure of this committee?

Then that concludes that section and I believe the business of the committee.

I'd like to congratulate members for getting through this. I understand other committees aren't as lucky as we are and are still chatting about things.

Before I adjourn, I'm going to give all of you something to think about over the summertime, for your summer reading, and ask that the subcommittee members come to what will probably be our first meeting to discuss what work this committee may undertake. There are no bills at this point, introduced or otherwise. We have some hints about some. There is a long.... I guess I shouldn't get into it now, because it will take too long to discuss.

It is my suggestion that the first meeting back, whenever that is, will be at the call of the chair and it will be a subcommittee meeting to discuss the agenda of this committee.

I therefore, unless someone has something else to say, will adjourn this committee to the call of the chair.

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