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CANADA

# **Standing Committee on Agriculture and Agri- Food**

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**EVIDENCE**

**Tuesday, October 29, 2013**

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**Chair**

**Mr. Bev Shipley**



## Standing Committee on Agriculture and Agri-Food

Tuesday, October 29, 2013

•(1530)

[English]

**The Chair (Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC)):** I'd like to call to order the second meeting of Agriculture on Tuesday, October 29.

Welcome, everyone. Not everyone was here the other day, so it's great to have everyone at our second meeting. With that, we will move into committee business, which is routine motions.

My understanding, from experience and particularly with this committee, is that most of them will go through, and they are basically the same as what they have been. As part of the procedure, Michel is suggesting that we go through each one of them. Of course, I'm always at the direction of the committee.

With that, I will start with the routine motions. You will have that in front of you: "Routine motions adopted by the Standing Committee on Agriculture and Agri-Food during the 41st Parliament, First Session". The first one is 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.

Could I have a mover? Mr. Zimmer.

(Motion agreed to)

**The Chair:** The next one is that the Subcommittee on Agenda and Procedure be established and composed of the chair, one member of the New Democratic Party, one member of the Liberal Party, and two members of the Conservative Party.

I need a mover. Mr. Payne.

(Motion agreed to)

**The Chair:** The next is meeting without a quorum and the motion is that the chair be authorized to hold meetings and to receive and publish evidence when a quorum is not present, provided that at least four members are present, including one member of the opposition and one of the government.

I need a mover. Ruth Ellen, thank you very much.

All in favour?

Mr. Lemieux.

**Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC):** It's four members—

**The Chair:** It is.

**Mr. Pierre Lemieux:** —composed of the chair, one member—

**The Chair:** Provided that at least four members are present, including one member of the opposition and one of the government.

It talks about the opposition and the government, but there have to be four, one from the official opposition and one from the government.

**Mr. Pierre Lemieux:** Okay.

**Mr. Randy Hoback (Prince Albert, CPC):** Is that a change from the proceedings we had before?

**The Chair:** Actually, I'm taking it from the one last year, and the wording is identical to it.

**Mr. Malcolm Allen (Welland, NDP):** Three and one, three and one. Three on that side, one here, three on this side, one on this side. It's just for evidence, that's it—no quorum, you couldn't vote, there are no motions.

**The Chair:** All in favour?

(Motion agreed to)

**The Chair:** For distribution of documents, the motion is that only the Clerk of the Committee be authorized to distribute to the members of the committee, and only when the documents are available in both official languages and that witnesses be advised accordingly.

It's moved by Mr. Allen.

(Motion agreed to)

**The Chair:** For working meals—I don't know if it's going to be as our schedule is set out right now, but one never knows—the motion is that the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the committee and its subcommittees.

•(1535)

**Mr. Pierre Lemieux:** Working meals, not sandwiches.

**Voices:** Oh, oh!

**The Chair:** We have an amendment that might go with it, but I think we can talk about that at the time, should it arise.

**Mr. Bob Zimmer (Prince George—Peace River, CPC):** I would propose that the clerk consult with the committee on what the meal choices would be.

**The Chair:** I think there's a bit of a thing about sandwiches after about the second or third meeting.

**The Clerk of the Committee (Mr. Jean Michel Roy):** Let's consider that as an instruction to the clerk.

**The Chair:** I think that's moved by Mr. Zimmer.

Any questions?

(Motion agreed to)

**The Chair:** The next motion is in regard to travel, accommodation, and living expenses of witnesses: that if requested, reasonable travel, accommodation, and living expenses be reimbursed to witnesses, not exceeding two representatives per organization, and that in exceptional circumstances, payment for more representatives be made at the discretion of the chair.

Any discussion?

That is moved by Mr. Dreeshen.

(Motion agreed to)

**The Chair:** Next is in camera meetings: that unless otherwise ordered, each committee member be allowed to be accompanied by one staff person at an in camera meeting. In addition, each party shall be permitted to have one party staff member attend in camera meetings.

That is moved by Mr. Hoback.

Any discussion?

(Motion agreed to)

**The Chair:** The next motion is in regard to transcripts of in camera meetings: that one copy of the transcript of each in camera meeting be kept in the committee clerk's office for consultation by members of the committee or by their staff.

That is moved by Mr. Payne.

Any discussion?

(Motion agreed to)

**The Chair:** The next one pertains to notices of motion: that a notice of 48 hours, interpreted as two nights—that's the same as two sleeps, I guess, is it?—be required before a member may move a substantive motion, unless it deals directly with the matter before the committee at this time, provided that: (a) this notice be emailed to the committee clerk no later than 4 p.m. from Monday to Friday; (b) that the notice be distributed by email to members in both official languages by the clerk on the same day the said notice was transmitted if it was received no later than the deadline hour; (c) that notices received after the deadline hour be deemed to have been received during the next business day; and (d) that this rule does not prevent a member from giving notice of a motion orally during a meeting of the committee, in which case notice shall be deemed to have been given before the deadline that day.

Now, how does that work when our committee goes to 5:30 and the notice is to be emailed to committee no later than 4 o'clock? Does oral supercede the 4 o'clock?

**The Clerk:** Yes.

**The Chair:** Only because the committee is sitting?

**The Clerk:** Yes.

**The Chair:** Okay.

Are there any questions?

Mark.

**Hon. Mark Eyking (Sydney—Victoria, Lib.):** Does this also have to be in two official languages, or is just one language fine?

**The Chair:** Yes: if there's an oral one, how does that work?

**The Clerk:** If it's oral, of course, it will be interpreted. If I receive it by email before it's sent to all the members of the committee, I'll have it translated.

**Mr. Randy Hoback:** So I could do a motion in English, and you'll translate it to the committee.

**A voice:** Yes, if it's written.

**Mr. Randy Hoback:** Okay. And when I present it to you it's the 48 hours; it's not after translation, correct?

**A voice:** That's right.

**The Clerk:** Exactly. If you have it in both languages, of course, I'll accept it. If not, it's going to be translated. But 4 o'clock is to receive it in one language.

**Mr. Randy Hoback:** Okay. Perfect.

**The Chair:** But if an oral motion comes up during the meeting, it is considered that whatever official language it is presented in, the translation then is accepted as the second language, so it's in both official languages. It doesn't have to be written: it is at the clerk. Okay.

Any further discussion?

It's moved by Mr. Hoback.

(Motion agreed to)

**The Chair:** The next motion is in regard to the time for opening remarks and questioning of witnesses: that witnesses shall be allowed up to ten minutes to make their opening statement. During the questioning of witnesses, there be allocated five minutes for the first two rounds of questioning, and that subsequent rounds of questioning be at the discretion of the chair.

Are there any questions?

Mr. Harris.

• (1540)

**Mr. Richard Harris (Cariboo—Prince George, CPC):** Mr. Chair, having served on several committees, I notice that in many cases chairs are very lenient with the ten minutes. Seeing as how I am a newcomer here, could I ask and hope that you aren't lenient on the ten minutes, and that ten minutes means ten minutes?

**The Chair:** Okay.

Are there other comments? I want to take some direction. I have my own opinion and it is that we have a time schedule for a reason. Similarly, that also goes for the five minutes of questioning. I'll maybe give some leniency in terms of the wrapping up, but I really want to stay as close to time to get as many questions in for the witnesses as is possible.

I think the message to the members is that if you want to eat up your time on the preamble, that's your choice, but if you want to get the questions out, that's also your choice.

So that you know, I'm going to exercise some discretion. It depends where we're at, and I'll take that on as the chair. But it is my thought that we should respect the time the presenters give us, and also respect the time of each of the members to ask their questions.

I'm assuming we would wish to stay with the five-minute rounds as we go down the line. There have been times where we have a bit of time at the end, and that becomes subject to discussion with the chair as to allowing maybe two-minute rounds to get a couple of questions in. I will try to be fair with that. That's why I believe the motion is written the way it is.

I have a motion on the floor. It is moved by Mr. Payne.

(Motion agreed to)

**The Chair:** There is one more, I believe, and it's the order of questions. This has to do with the speaking order: that the order of questions for the first round of questioning shall be as follows: New Democrats, Conservatives, and Liberals. Questioning during the second round shall be as follows: Conservatives, New Democrats, Conservatives, New Democrats, Conservatives, New Democrats, Conservatives, and Conservatives. Based on the principle that each committee member should have a full opportunity to question the witnesses, if time permits, further rounds shall be at the discretion of the chair—this goes back to the comment on the earlier motion.

Are there questions?

It's moved by Mr. Zimmer.

(Motion agreed to)

**The Chair:** I believe that wraps up the standing rules.

For your information, before we get to any questions, I think everyone knows it, but there is a delegation of financial authority, which I signed because I was asked to. This is to inform you that I wish to delegate the authority for expenditure initiation of up to \$10,000 for travel expenditures, up to \$5,000 for conference fees and membership fees, and up to \$1,000 for hospitality expenditures—that's where the sandwiches kick in—

**The Clerk:** No.

**The Chair:** No? Okay, then it comes under the \$10,000. And I delegate the authority for payment certificates of up to \$10,000, as well as contracting authority for services up to \$50,000, to Jean Michel Roy, Clerk of the Standing Committee on Agriculture and Agri-Food, and that is effective today. This delegation is consistent with the financial policies for committees as established by the Board of Internal Economy, in particular Matrix III of the "Delegation of Financial Signing Authorities Policy" of the House of Commons.

I'll be honest with you, I have not heard that before. It's simply something we sign, so I thought I would let you know about it.

Regarding the blues of meetings, the following is an unofficial unedited transcript of a meeting of the Standing Committee on Agriculture and Agri-Food. This document has been sent for

information purposes only. It may not be quoted as it may contain transcript errors. The edited and translated transcript will be available on the committee's website within the next two weeks.

Help me, Michel, with what this actually really all means.

**The Clerk:** In the previous session, anyone, even outside the Hill, who wanted to get a copy of the blues electronically could get it. It's simply a question of whether you want to continue the same procedure.

• (1545)

**The Chair:** Are there any questions?

Mr. Eyking.

**Hon. Mark Eyking:** I don't see a reason why you couldn't have made that public if you're talking about the blues.

**The Chair:** Actually, it did come forward as part of the business.

Michel.

**The Clerk:** Some committees, a very limited number, decided to keep the blues only for the members of their committee. I was on the industry committee and it was available to anyone from the public.

**The Chair:** This edited version will be available in the committee. So the following are unofficial and official edited. Who is this available to?

**The Clerk:** The one you have received is only for the members of the committee. On the website it's only if you're on the Hill. We make a PDF copy and we can send that to anybody outside the Hill.

**The Chair:** This is for the public meetings, right?

**The Clerk:** It's only for the public meetings.

**The Chair:** Any questions?

I don't need a motion; it's for information.

**Hon. Mark Eyking:** Since you're talking about public meetings, what's public and what's not?

**The Chair:** In camera meetings are not public.

**Hon. Mark Eyking:** When we're in camera it's not going to be made public.

**The Chair:** Those are for the meetings that are not in camera.

**Hon. Mark Eyking:** Right.

**The Chair:** Mr. Zimmer.

**Mr. Bob Zimmer:** Thank you, Mr. Chair.

I would just like to make a motion that the orders of questions for the first round of questioning should be as follows—

**Mr. Pierre Lemieux:** We've done that one.

**Mr. Bob Zimmer:** Is that the one we've already done?

**Mr. Pierre Lemieux:** Yes.

**Mr. Bob Zimmer:** Sorry, my mistake.

This is from the House respecting bills:

That, in relation to Orders of Reference from the House respecting Bills,

(a) the Clerk of the Committee shall, upon the Committee receiving such an Order of Reference, write to each Member who is not a member of a caucus represented on the Committee to invite those Members to file, in a letter to the Chair of the Committee, in both official languages, any amendments to the Bill, which is the subject of the said Order, which they would suggest that the Committee consider;

(b) suggested amendments filed, pursuant to paragraph (a), at least 48 hours prior to the start of clause-by-clause consideration of the Bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the Committee may, by motion, vary this deadline in respect of a given Bill; and

(c) during the clause-by-clause consideration of a Bill, the Chair shall allow a Member who filed suggested amendments, pursuant to paragraph (a), an opportunity to make brief representations in support of them.

**The Chair:** Do you have that written for us to have, Mr. Zimmer?

**Mr. Bob Zimmer:** Yes.

**Mr. Pierre Lemieux:** Mr. Chair, I think the opposition has a copy as well.

**The Chair:** Do you have a question?

**Hon. Mark Eyking:** I never read the details, but what does this change from what our standard procedure is?

**The Chair:** Do you want to outline the change?

**Hon. Mark Eyking:** What is it changing from what we used to do?

**The Chair:** Give us the changes, Mr. Zimmer.

**Hon. Mark Eyking:** Just give it to us in laymen's terms. What's the change?

**Mr. Randy Hoback:** It allows members who are independents, or not in a recognized party per se, to come in and make amendments to a bill at committee level instead of doing it in the House at report stage. They'd have the ability to come in and present their amendment and discuss it here in the committee instead of waiting until report stage in the House and then trying to submit it at that time.

**The Chair:** It gives an opportunity to independent members to be part of a bill before it hits the House. It allows them to sit as a witness and have a brief time to talk about their amendments. I don't see a stated time.

**Mr. Randy Hoback:** I don't think it would be a witness. It would be just like any other member around the committee. They would sit at the table next to Mr. Eyking and they would present their amendment and maybe speak to it for a few minutes. We'd debate it and then we'd vote on whether we wanted to accept it or not.

**The Chair:** The difference in having an independent that a party may want to have sit at the table is that the party gives up one person for that independent to sit. But in this case it is different. We're saying no one has to give up that seat. We're asking them to come in and sit not as a witness but at the table, to present an amendment that the committee would have a chance to discuss and then vote on.

•(1550)

**Mr. Randy Hoback:** No, they can't vote on it.

**The Chair:** The committee gets to vote on it.

Mr. Zimmer.

**Mr. Bob Zimmer:** I just wanted to say what Mr. Hoback said. It's to give the independent member a voice at committee that they normally wouldn't have. That's essentially the bottom line.

**The Chair:** Are there any further questions?

It's moved by Mr. Hoback....

Okay. This is a suggestion, and I'm open for discussion. I don't know if this is....

You can help me, Michel.

In relation to the orders of reference, in the motion, point (a) has that "the clerk of the committee shall, upon the committee receiving", and Michel is suggesting that, in a legal way, it should be the committee or the chair, not him.

**The Clerk:** It would be the chair. I think it would be better if the chair of the committee writes to other members.

**The Chair:** So the clerk would get notified by the independent member. The clerk then would notify me and a letter would then go to me. I mean, it's going to slow it down a bit.

**Mr. Pierre Lemieux:** No. If I may, I think the order would be that the committee establishes when it's going to do clause-by-clause review, so we're going to know the date when it's going to start clause-by-clause review. The chair then writes each of the independents to advise them that the agriculture committee is going to do clause-by-clause review on bill such-and-such. They then have to submit any amendments to the bill 48 hours in advance of the clause-by-clause consideration.

They can then come to the committee, sit at the table only to present why it is they are submitting it and why it is they want the committee to vote in favour of their amendment. Then the committee votes on all the amendments proposed by us, by them, and by the independents, as we normally do as a committee. That's how it would work.

**The Chair:** I have a question. There have been times when a report takes a week to go through, so is it the intent that the independents would come in and if they had a number of amendments they would list their amendments and be part of that? Or do they stay for the whole duration of the report to put in their amendments? I'm asking for clarification.

Mr. Hoback.

**Mr. Randy Hoback:** Again, I'll just go back to Finance. I think what we had is that they would stay and actually insert their amendments at the appropriate time in the bill, so they may be there for the whole time. If they only have one amendment to make and if you can give them a guideline of when that amendment would be coming up, I think that would be fair to any member, so they can budget their time accordingly. But if they have four or five amendments, then they would probably have to wait until the amendments come up in our normal dealings with that bill, as opposed to the committee.

**The Chair:** Are there any thoughts?

Mr. Allen, and then Mr. Eyking.

**Mr. Malcolm Allen:** I have a question. I'm sure the other side will clarify it for me.

We're talking, I assume, because I don't have a hard copy in front of me, so I'm trying to do it from hearing....

**A voice:** There should have been one.

**Mr. Malcolm Allen:** If I do, I've shuffled it underneath something, perhaps.

**Mr. Pierre Lemieux:** Turn the page over, Malcolm. You have a page there—

**Mr. Malcolm Allen:** Okay. Fair enough.

I believe the intent is that we're talking about the clause-by-clause of a bill—

• (1555)

**Mr. Pierre Lemieux:** That's right.

**Mr. Malcolm Allen:** —not a report.

**A voice:** That's correct.

**Mr. Malcolm Allen:** Okay. So recognizing that we've been abnormally busy with legislation in this committee, and I say that not because we don't like to do it, but because we just don't do it that often.... It's very rare. I've been here since 2008, with Alex. To be honest, this term had probably the most legislation the agriculture committee might have done in 10 years, to be truthful, because we very seldom do legislation. We tend to do reports, so as for the likelihood of this applying at any moment in time, it's highly unlikely.

If I'm correct—and I heard the “yes” from the other side—this is just about clause-by-clause of a piece of legislation—

**A voice:** That's correct. Yes.

**Mr. Malcolm Allen:** —nothing more than that.

I'm getting “yes” from that side, so that clarifies the question.

I'll turn it back to you, Chair. I know you wanted to go to Mr. Eyking. But I'm certainly going to make some comments to the actual motion.

**The Chair:** We tend to lose the voices here every once in a while, I think. You were on and then you left—which is fine; I can still hear you. But I don't know if the translation is working or not.

Okay? So we understand that, and it may not.... It is a good point, and it isn't about reports; it is about bills.

So the first part of that would change...?

**A voice:** It's up to you.

**The Chair:** Oh. Then if it's up to me, I suggest that we leave it as “clerk of the committee”.

You had a concern about the 48 hours.

**The Clerk:** If we start clause-by-clause at a Tuesday meeting, we would receive the amendments on Sunday. It's your choice.

**Mr. Randy Hoback:** On the reason for “clerk”, let's say, for example, you're travelling, Chair, on other business with the House of Commons and you're gone for a week. Well, it doesn't necessarily mean that the legislation will stop. The person who is always here is the clerk.

**The Chair:** I'm wondering, I don't know if it's just mine or not, but I'm not getting....

**Mr. Bob Zimmer:** Mine's been going off and on, too.

**The Chair:** Okay. I'm going to leave it as it is.

We have a motion on the floor put forward by Mr. Zimmer.

Oh, sorry, Mark.

**Hon. Mark Eyking:** From all the years I've been here, I think this opens the door for independents. I think it's the start of showing some respect for all members of Parliament, right? It doesn't matter if you're independent or if you belong to a party. I wonder if it's opening the door enough. If you say it's for a bill, and in 90% of our time we're doing reports.... I don't know, maybe we can be a little more ambitious in the agriculture committee. I'm using a hypothetical situation. Let's say we're doing a report that is very particular to a riding that an independent sits on. Why couldn't we have that independent come here during the report, rather than just bills? I'm just throwing that out.

This is very specific, that they can come, but only for a bill, for legislation. But technically, they're still not allowed to have any input into a report, and the report could have a lot of bearing on what's happening in their riding. Why don't we leave that to the discretion of the chair, or whatever, that if a report is being done and an independent asks to be invited, if the report is of particular interest to them or their riding, we could have the discretion to let them come to committee when we're at the final stages of the report, and to also introduce some clauses?

**The Chair:** Mr. Lemieux.

**Mr. Pierre Lemieux:** Mr. Chair, an independent can come to any meeting. I don't think I would be comfortable with our having done a study over a length of time and then having someone pop up at the end of a study, when they might not have been here throughout the rest of the study, to make amendments to the report.

We're talking about legislation here, where this motion would apply. I'm comfortable with its applying to legislation, but not to reports. They can come and listen to any meetings we have, to any testimony, listen to the witnesses, and they can have input through committee members, which is really the normal way that it's done. Any of our colleagues from any other committees can come and interact the same way.

I think the problem for legislation is that if we don't pass this, then independents won't have an opportunity to propose amendments during the clause-by-clause phase except in the House, and they won't really get a chance to talk to it, whereas when they come to committee, they then do have an opportunity to sell their point, which is kind of nice.

I'm in favour, Mr. Chair, of just leaving it for legislative purposes, which would be clause-by-clause review of bills.

**The Chair:** Are there any other comments?

Mr. Allen.

**Mr. Malcolm Allen:** I understand the government's approach to this. It's not the only committee that this has cropped up at, so it's not as if it's something that's specific to here. In fact, I would argue that it's non-specific to here because it actually hasn't happened to us at report stage. Really what we're talking about is the independents' ability to make amendments at report stage, at third reading, in the House of Commons. Consequently, we have long votes because a certain member, or members, are entitled to do that as independents—and there are now more independents than there were before.

The idea that they could come here and make an amendment, on the surface, might seem to be fair, except they don't get to vote on it. When they make their amendment in the House, they get to vote on it. We would, on one hand, say to them, here, bring your amendment and you can speak to it, and on the other hand take away their right to actually vote on their own amendment because we would vote as committee members, because they're not committee members under the Standing Orders and cannot be because they're not deemed to be a party; they're deemed to be independents. They would no longer have the right to vote.

I guess more troubling, and I'll read the O'Brien and Bosc piece, is that clearly we are changing inside standing committees the rules of the House, of how the House itself sees how things should be done. Let me quote O'Brien and Bosc:

It is the House, and the House alone, that appoints the members and associate members of its committees, as well as the Members who will represent it on joint committees. The Speaker has ruled that this is a fundamental right of the House. The committees themselves have no powers at all in this regard.

This is on page 1019 of O'Brien and Bosc.

Furthermore:

The Standing Orders specifically exclude a non-member from voting, moving motions or being counted for purposes of a quorum.

That's on page 1018 of O'Brien and Bosc.

Basically, we're asking the House to make a procedural change through individual committees, rather than simply saying to the House, at the end of the day, "Why doesn't the House itself say this is how you should do it?"

I don't like voting all night long either—to be truthful, I don't think it serves some purposes sometimes, and I think it simply gums up the works—but it is the independents' right under the rules to make amendments at third stage, because they cannot... They can come and sit, and I used to do it. For those who were in the last Parliament, when Alex was here and I showed up, I was allowed to sit at the end of the table and look at the proceedings, and sometimes in this committee, at least, which was very gracious, actually, there were many times when Alex would allow me to have a few minutes, and I would get unanimous consent without having to do the paper swap back and forth. The committee worked quite well that way.

The problem is we can't do that with an independent. The chair has no right to allow the independent, if they were to show up, if they actually wanted to be involved in, say, a piece of legislation that we were dealing with that had a witness, to actually ask questions of a witness. The only right they would have would be to make an amendment, and one that they actually couldn't vote on, as I said earlier. I find it peculiar, to be honest, that you can move a motion,

say a few words about it, and then have to sit and watch whether people like it or not, and not have an ability to vote on your own amendment, versus, as I said earlier, the House actually giving them that right to make the amendment and then they can stand in their place and vote for the amendment they've made.

I'm always worried when we do things at a moment in time that may affect other moments in time later on. It wasn't that long ago when we weren't necessarily seen as a registered party. It wasn't that long ago when your predecessors, the Progressive Conservatives, weren't a party either. So albeit there may be a sense that, well, things don't seem to work well and don't flow well at the moment through third stage, at report stage, at third reading in the House, because a lot of things seem to come, I actually think the Speaker has done an admirable job in putting together a series of amendments and bringing them together as groupings, rather than a whole series where we literally might have hundreds. He's been able to group them into large groupings and then have a vote as a block, which is obviously his right to do, and correctly so, albeit some of the independents may not like it. They've certainly been able to have their ability to get a say and to put them forward and then vote.

● (1600)

I'd be disappointed if we were to go ahead and push this through. I know my friends on the other side would like to do this, but I would prefer that they go back and think about it first. I recognize that if they bring it back to us again, so be it. If they definitely want it, they're going to do it, and they might even do it in camera next time, because we're not in camera now. Ultimately, I just don't think this is a good path to follow. As I said, it probably really isn't going to affect us. The likelihood of our having legislation in front of us between now and the next election seems remote, unless the government has something it hasn't told us yet. We're probably going to get on to some studies of some description and get back into the norm we've been in before, which is doing studies. We've just come through a good part of a year where, basically, we were studying the value chain.

I would ask my friends across the way... For us it doesn't matter, in a sense; it won't have an impact on us if we don't do this. And I think it lets the folks over there—the Speaker specifically—make a decision about whether this is how we want to change things for independents. Who knows when one might be one? If I had suggested to you that the number of independents—including ours, by the way, as we've had folks leave us, so it's not one-sided here—would grow from the 2011 election date to now, I would have thought that, at better than even odds, it wouldn't have been the case. But it has been the case.



I think we're now dealing with a group of independents to whom we might be denying a right—and ourselves, because who knows one day if one might choose to be an independent, or think independently in a way that one no longer can sit on a committee? I just find it a little troubling that we want to make the rules of the committee, albeit we have a right. I know my friend across the way, the parliamentary secretary, will talk to me about committees being the master of their own domain, if you will. But this infringes on the rights of those who can't come and defend them. Here we are talking about making decisions about them—independents, that is—and yet they're not here, so they can't actually come in and defend themselves and say, "I don't like this because of X." They actually need someone else to do it for them. That's troubling in itself. We'll make a decision for other members of Parliament, whether they like it or not, and yet not invite them to come and defend themselves at the same time—I mean at least one of them. If you let them all come in, they might have different ideas, and maybe we should let them all come in, I don't know.

It seems we're deciding we'll have them do things in a certain way without any input from them. It loses the balance, to me, Mr. Chair.

Let me end with that. I'm sure my colleague across the way will help me understand why this is a needed piece inside our Standing Orders.

• (1605)

**The Chair:** I have a speakers' list, so Mr. Lemieux is first.

**Mr. Pierre Lemieux:** Mr. Chair, I guess I'll just comment on a few points.

With respect to the regulations that you read, I don't think we're contravening the standard operating procedures of the House because I think we all understand that the members are not members of the committee, they're not able to vote, and they will not be counted. So I think this respects what you read out from the operating procedures for the House.

The other thing is, when it comes down to the right to vote, I guess I'd remind everybody that all of our colleagues don't have a right to vote in committee on clause-by-clause. The committee members or their substitutes have a right to vote on the clause-by-clause portions of a bill and on any amendments. But people who are not members of the committee or are replacing a member of the committee don't have that right either. They have a chance to vote in the House, as would be afforded independents. I think if Malcolm feels really strongly that an independent should have a vote on an amendment put forward, I would encourage Malcolm to step back from the table, let the independent take his spot formally as a member of the committee, and then he or she can vote. Then, Malcolm, you'd be a hero for doing so in the eyes of the independent you would allow to do so.

I guess the last point I'll bring up is that none of us has the opportunity to table amendments to bills in the House. We do it at committee. That's the reason we have committees, so that there can be discussion about the amendments, and then the amendments can be voted on at committee, so that the House is not having to deal with amendments from everybody once the legislation makes it back into the House. All we're really saying is that the independents should be part of this process.

I like what Mr. Eyking said. It's opening the door to them to be part of the process of which we are part, in terms of proposing amendments to legislation during the clause-by-clause portion.

• (1610)

**The Chair:** Mr. Harris.

**Mr. Richard Harris:** This is just a small point. I may have missed it, but if we said that having an independent come to present amendments and to vote were to happen, that person could only replace someone sitting at the table now, because you're not going to change the numbers: the numbers are allotted. The government has six members and the opposition has five. It's inconceivable to think that the government would allow six over there because of amendments.

If you're talking about giving an independent the right to vote, with one of you willing to give up your right to vote, that's a whole different story. But sneaking someone else in to even the numbers simply won't work.

**The Chair:** Mr. Eyking.

**Hon. Mark Eyking:** Sometimes these things just pop up, and you wonder where they come from or how they have come up. You often wonder whether we should, as a parliament, be looking at what other parliaments are doing around the world in dealing with their independents and how they make the whole process inclusive enough. Sometimes we're doing this stuff on the fly, without any rhyme or reason.

I look at this as a bit of an opening of the door for the independents. I'd like to give it a shot, because you see what happens in the House: an amendment comes up in the House, people are all whipped to vote the way they are supposed to vote, and there's really no big discussion. There it is in front of you.

I think the independents, if they really believe there should be something that they want in the bill, might have a better shot, if they are here to show and explain it, at getting input here.

It would be interesting to try this out for a year and then ask the independents what they thought of it. I hope this is opening up the door for the independents and not closing the door. I think we should give it a shot.

This is not standard procedure, so are we going to have to vote on it every time, at the start of every session, if independents are going to have any input this way?

Is that your understanding, Mr. Chair?

**The Chair:** Why don't we go through the rest? I have Mr. Atamanenko who wants to intervene.

It would be up to us as a committee whether we wanted it to be part of routine procedures or not.

Mr. Atamanenko.

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** This is how I understand it. If we put all the words aside, we have a choice here. Right now, someone who is not a member of a recognized party can put an amendment forward in the House of Commons and then vote for it. If this goes through, that member will no longer be allowed to do that. He or she will then have to come to committee to make the amendment.

What in effect this does is take away the right of someone such as the leader of the Green Party, for example, or of others who have every right to make amendments in the House now, to make those amendments in the House.

That's how I understand it. You either do it here or you do it in the House. If this comes into place, then the person can no longer make those amendments in the House. That's why we oppose this.

**The Chair:** Mr. Zimmer.

**Mr. Bob Zimmer:** Malcolm and Alex, there have been a few good comments or concerns expressed, but when we're going to give somebody else—the leader of the Green Party is your example—more of an opportunity than would even be reserved to the members of the committee in the House to provide amendments.... I see this as the appropriate place to add amendments and to have them voted on. At least we can go through them and do so, I'd say, with accurate scrutiny, if you want to call it that.

I guess one person sees the glass as half full—we see it as half full and you see it as half empty. But I think it's an opportunity, rather than blocking somebody, to give them a voice where it's going to have the most accurate or appropriate play. And that would be in committee; that's my opinion.

•(1615)

**The Chair:** Mr. Allen.

**Mr. Malcolm Allen:** I'm trying not to belabour this, but just so it's clear—I know Mr. Harris was talking about giving an extra vote—that's not what I was implying. What I'm saying is that they get a vote over there at report stage and they get to make the amendment over there. I'd like to make amendments at report stage too, but I'm a member of the committee, so I'm bound by the rules that say I can make them here. Then, again, I've been here the entire time. I've heard all the testimony.

I can now try to work out with my colleagues when we do draft reports or legislation whether we can make an amendment. I have to say, on the legislative side so far, I'm an “o-fer”, in the parlance of the baseball world—and I'm a soccer guy. It's what they call in the English premier league a clean sheet. In other words, so far we haven't had any of the amendments we've tried to put forward from this side passed on the other side. I won't speak for the Liberal caucus. My friend isn't there anymore. My new friend is here, Mr. Eyking.

Your previous previous friend didn't win either. He was an o-fer as well. We're all o-fers on this side, it seems, Mr. Eyking. We didn't actually get any passed.

Whether I relinquish the seat to let them vote, somehow.... I want to say—and I know my friend Mr. Harris will hear me say this from time to time—I am a Scotsman; I grew up in Glasgow. I can count: one, two, three, four, five, six. Mr. Dreeshen has heard me do this in

public accounts. There are five over here. I get the numbers game, and that's okay; that's democracy. It's the way it is. You guys won more seats, so you get more votes. That's how it works.

At the end of the day, my view is that where the limiting factor comes in is for an independent who truly is interested in the legislation. I'm talking about being truly interested in the legislation. If you actually go to the degree of figuring out an amendment that actually works in the House and the Speaker accepts it.... If you actually do your work on the legislation and figure it out and you are allowed to present it only here, unless—and I take Mr. Harris' advice that he's not going to give up his seat on the government side, nor would I ever ask the government side to do that.... But I don't think the government should ask us to give it up to an independent either, because the independents don't sit at the committee. The independent would be denied the ability to actually vote, because all of us would say that we are members of the committee, having gone through the process, because we're in registered parties, and having been duly appointed to the committee by the House. That's the process and it works. That would take away the ability of that independent to actually vote on their own amendment because they don't have standing here. But they have standing over there. They have the same rights as all of us over there in that House.

I hear Mr. Zimmer talking about the glass being half full or half empty. As I said earlier, I'd love to be able to do report stage amendments, but I understand I'm limited by the fact that I'm in a party. I get that. Those are the rules. We would have to try to change the rules over there. That's why I said earlier that if we're changing the rules about how we do the game, then let's have the House do it. Let's have the Speaker get up and say here are the new changes and independents can no longer do report stage; they must go to a committee. We would then have to try to figure out how that worked, and it might be exactly as proposed here.

I'll leave it at that because I think folks have a sense of what I think about it.

**The Chair:** With all due respect, we only need to hear things once.

**Mr. Bob Zimmer:** Can you make that a rule, Mr. Chair?

**The Chair:** I'm just saying I think we can. I just want to avoid the duplication part as much as possible. I understand that rolls over, to make a point.

I will try to keep things moving in terms of not having the same stuff come back twice.

Mr. Payne.

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

I just want to say to Malcolm that I'm not sure he really wants to change the good record that he has going for him right now.

**The Chair:** I don't have any other speakers.

Just for your information, independents have sat on committees. That is a choice that an individual or a party makes. If it is something that is significant to an independent and it may be significant or not as significant to a party, they have that choice. It has happened before.

Do you need the motion read again?

We have a motion in front of us. It's been moved by Mr. Zimmer. I need a seconder for the motion.

Mr. Payne.

Is there any further discussion?

All in favour?

• (1620)

**Mr. Malcolm Allen:** Mr. Chair, I would ask for a recorded vote.

**The Chair:** The clerk will give the recorded vote.

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

**The Chair:** Thank you.

Mr. Payne.

**Mr. LaVar Payne:** Mr. Chair, I move that we go in camera.

**The Chair:** That was actually going to be my suggestion. Good move.

It is moved by Mr. Payne that we go in camera to deal with planning of future business.

(Motion agreed to)

[*Proceedings continue in camera*]

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