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Chair

Mr. Marcel Proulx

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Legislative Committee on Bill C-38

Thursday, May 5, 2005

• (1305)

[Translation]

The Chair (Mr. Marcel Proulx (Hull—Aylmer, Lib.)): Good afternoon, ladies and gentlemen.

We shall begin this first meeting of the Legislative Committee on Bill C-38.

I would first like to share with you a letter which was sent to me as Deputy Speaker and Deputy Chair of the Committees of the Whole of the House of Commons:

Pursuant to Standing Order 113, I am pleased to confirm your appointment as Chairman of the Legislative Committee on Bill C-38, an *Act respecting certain aspects of legal capacity for marriage for civil purposes*.

Yours truly—

And it is signed by the Speaker, the Honourable Peter Milliken.

[English]

We shall begin this first meeting of the legislative committee on Bill C-38. I'd like first to share with you a letter sent to me as Deputy Speaker and Deputy Chair of the Committees of the Whole of the House of Commons:

Pursuant to Standing Order 113, I am pleased to confirm your appointment as Chairman of the Legislative Committee on Bill C-38, an Act respecting certain aspects of legal capacity for marriage for civil purposes.

This letter is signed by the Speaker, the Honourable Peter Milliken.

I'm sure you've all received this by now. We've given you a copy of the proposed agenda with a copy of suggested motions. The agenda contains other business. We would suggest that the committee adopt these motions.

[Translation]

The first motion deals with the Sub-Committee on Agenda and Procedure.

That the Sub-Committee on Agenda and Procedure be composed of the Chair, one Liberal Party Member, one Conservative Party Member, one Bloc Québécois Member and one New Democratic Party Member.

[English]

So moved by Mr. Boudria, seconded by Monsieur Ménard.

(Motion agreed to)

The Chair: Agreed and carried.

The second motion is for services of analysts from the Library of Parliament:

That the Committee retain the services of one or more analysts from the Library of Parliament, as needed, to assist the Committee in its work, at the discretion of the Chair.

[Translation]

Moved by Mr. Ménard, seconded by Ms. Boivin.

[English]

(Motion agreed to)

The Chair: The third motion is to receive and publish evidence in the absence of a quorum:

That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present provided that at least three (3) members are present, including one (1) member of the Opposition.

Yes, Mr. Toews.

Mr. Vic Toews (Provencher, CPC): What is the usual practice on quorum and proceeding in any committee of the House?

The Chair: It's majority—50% plus one. In the case of a legislative committee, the presence of the chair does not apply to the quorum.

Mr. Vic Toews: Is this the standard, that at least three members are present, including one member of the opposition?

The Chair: Yes; some are three, some are four.

Mr. Vic Toews: Okay.

[Translation]

The Chair: This motion is moved by Mr. Ménard.

• (1310)

[English]

(Motion agreed to)

The Chair: Are we all right on this, Mr. Toews?

Mr. Vic Toews: Yes.

[Translation]

The Chair: We will move on now to the fourth motion.

4. Allocation of time for opening remarks and questioning.

That witnesses be given ten (10) minutes for their opening statement and that during the questioning of witnesses, five (5) minutes be allocated for each questioner alternating between opposition and government parties, at the discretion of the Chair.

[English]

Let's make sure that everybody understands this. We're saying that witnesses be given ten minutes for their opening statement, and that during the questioning of witnesses five minutes be allocated to each questioner, alternating between opposition and government parties at the discretion of the chair.

Monsieur Marceau.

[Translation]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Chairman, we are opposed to the idea of alternation between opposition and government parties as a way of operating. I would prefer that we use the same system as in the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, on which a number of us sit as members. I therefore suggest the following order: the Conservative Party, the Bloc Québécois, the NDP, the Liberal Party, the Conservative Party, the Liberal Party, the Bloc Québécois, the Liberal Party, and the NDP.

On the first round, the opposition would begin, and on the second round, we would alternate.

[English]

The Chair: Mr. Toews.

Mr. Vic Toews: I agree with that proposal. I don't think questioning of witnesses for five minutes is sufficient. It was always seven minutes in the justice committee, and in some of the other committees it's eight. I propose that seven minutes is a reasonable compromise.

The Chair: Do we agree that the opening statement for the witness be for ten minutes?

Some hon. members: Agreed.

The Chair: Now we're on the questions. Are you saying it should be seven minutes, Mr. Toews?

Mr. Vic Toews: Yes.

The Chair: Five?

[Translation]

What have you agreed on? On seven minutes.

[English]

Do I have a motion for seven minutes?

[Translation]

Mr. Toews is moving, and Mr. Ménard seconds.

All those in favour of changing it to seven minutes, please signify.

[English]

Hon. Paul Harold Macklin (Northumberland—Quinte West, Lib.): Another alternative we've been pursuing is that we use seven minutes for the opening round, and five minutes thereafter.

The Chair: Would that be better?

[Translation]

Would you agree to that?

[English]

Hon. Paul Harold Macklin: It would give us a balance.

The Chair: Mr. Toews, are you modifying your motion?

Mr. Vic Toews: Yes.

The Chair: So the opening round will be for seven minutes, and then we'll go down to five minutes.

(Motion agreed to)

The Chair: Motion 5, on witness expenses, states:

That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding two (2) representatives per organization.

[Translation]

Mr. Boudria is moving the motion, seconded by Mr. Ménard.

(Motion agreed to)

[English]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Chair, if we can go back to motion 4, did we accept Monsieur Marceau's recommendation on the rotation?

The Chair: On motion 4 we have accepted ten minutes for the opening statement, seven minutes on the opening round, and then five minutes....

Mr. Bill Siksay: It goes back and forth for each opposition party?

The Chair: Yes, that's been accepted as Conservatives, Bloc, NDP, Liberals; and then Conservatives, Liberals, Bloc, Liberals, NDP.

Mr. Bill Siksay: Thank you.

The Chair: We're back on motion 6. Did we get agreement?

[Translation]

Did everyone agree? Mr. Boudria, Mr. Ménard, are you okay with No. 6?

Mr. Richard Marceau: I want to resolve one matter before we talk about the 48 hours notice. Considering that the Standing Committee on Justice and Human Rights, of which a number of us are members, held very extensive consultations on same sex marriage and other proposals, I'm wondering whether the testimony that was heard and the briefs tabled with that standing committee could be deemed to form part of the record of this Committee's proceedings, so that we can simply refer to them. There is an extensive amount of information that we may want to look at, and this would be a way of officially accessing it.

The Chair: You're talking about the work that was carried out by the Committee in 2003?

Mr. Richard Marceau: Yes, exactly. Subsequent to the tabling of a consultation paper by Mr. Martin Cauchon, at the time, we received a great deal of information and testimony on this very subject.

• (1315)

The Chair: At the time, consultations were held in eleven or twelve different cities.

I have a suggestion to make. We have already decided there will be a Sub-Committee on Agenda and Procedure. I would suggest that members of the Steering Committee meet as quickly as possible to talk about subjects other than these—for example, witnesses and the Committee's schedule, in order that we can resolve this as fast as possible and everyone is on the same wavelength.

You refer to Committee proceedings and to testimony and briefs that were tabled. You can move a motion now or, if you prefer, we could wait and look at the list of witnesses at the Steering Committee meeting, unless someone already has a list of those witnesses and briefs.

Mr. Richard Marceau: I think everyone agrees. This would give members on both sides an opportunity to refer to this material. It doesn't seem to be a problem.

The Chair: Does anyone have an objection?

Mr. Toews.

[English]

Mr. Vic Toews: As long as this doesn't preclude the calling of any witnesses.

The Chair: I have not heard that from Mr. Marceau.

Mr. Vic Toews: I just want it clear on the record that simply because the evidence is brought here, the same witness may provide different evidence, given the different legislative authority of that other committee.

The Chair: The wording of the motion is with Mr. Marceau. I haven't heard that it would include that, so there's no reason for me to think it would preclude these witnesses.... It doesn't mean that the steering committee will necessarily decide that all of these witnesses will be recalled. I don't understand from Mr. Marceau that it would exclude.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Why doesn't he make the motion again?

[Translation]

The Chair: Mr. Marceau.

Mr. Richard Marceau: I move that as required, the Committee be authorized to refer to testimony heard as part of the study on marriage and same sex unions carried out by the Standing Committee on Justice and Human Rights during the 2nd Session of the 37th Parliament.

The Chair: Is that agreed? We can refer to it. In any case, it's public information.

[English]

As the clerk was saying, we can always refer to them anyway because they're public documents.

Mr. Vic Toews: That's why I don't understand the significance of the motion. I can go to any of those documents and refer to them at any time. You can see why I have some kind of suspicion as to why this motion is being brought forward.

The Chair: My understanding is that Mr. Marceau wants to make sure these documents will be available to committee members for reference—period.

Mr. Vic Toews: I can agree to Mr. Marceau's motion, if he specifically states that nothing stated in this motion would preclude the calling of any of the witnesses previously called.

Mr. Richard Marceau: Sure.

[Translation]

The Chair: Is that agreed?

[English]

(Motion agreed to)

The Chair: Okay, we're at suggestion 7:

That, unless there is unanimous consent, 48 hours of written notice be given to the Members of the Committee before any new item of business be considered by the Committee.

That the said motion be filed with the Clerk of the Committee and circulated to the members in both official languages. Upon receipt of the notice, the Clerk shall put the motion on the agenda of the Committee's next meeting.

Is that agreed?

[Translation]

Mr. Richard Marceau: I'm sorry, but I want to be sure that we understand each other. At the Standing Committee on Justice, it often happens that verbal notice is given of the tabling of a motion we want to discuss. That happens on a routine basis. Would what is proposed here prevent us from doing that?

The Chair: It states here that it must be written notice.

• (1320)

Mr. Richard Marceau: I see.

The Chair: Shall we keep that?

Mr. Richard Marceau: Yes.

[English]

The Chair: We'll leave motion 7 as is.

An hon. member: So moved.

(Motion agreed to)

The Chair: Next is in camera meetings:

That, unless otherwise ordered, each Committee member be allowed to have one staff person present at *in camera* meetings.

[Translation]

Mr. Marceau?

Mr. Richard Marceau: Can we ensure—I know that this will be the case for the Liberals, because I see the lady in question at the back—that it can be someone from the Whip's Office, even though they don't actually sit on the Committee?

Hon. Don Boudria: Whips are always allowed in committee.

The Chair: Yes, they are always allowed to attend committees.

Mr. Richard Marceau: They always are? It doesn't say that here. I just want to make sure that's the case.

The Chair: If you wish, we can add that this is in addition to a representative of the Whip's Office for each of the parties. Did you get that, Mr. Toews? Thank you.

Motion No. 9 deals with transcripts:

That one copy of the transcript of all *in camera* meetings be kept in the Committee clerk's office for consultation by members of the Committee.

(Motion agreed to)

[*English*]

The Chair: Next is distributions:

That the Clerk of the Committee be authorized to distribute to the members of the Committee documents only when they exist in both official languages.

Monsieur Marceau.

[*Translation*]

Mr. Richard Marceau: I would add the following words: "and that no document be distributed without the authorization of the clerk".

The Chair: Is that agreed?

[*English*]

Mr. Toews moves that no documents be distributed without the consent of the clerk in the committee room to members of the committee

Mr. Boudria.

Hon. Don Boudria: I would like to speak about what has happened to me on a number of occasions, and I think it's even happened to me as chair. You sit in the chair and say you cannot distribute this document because it's not in both official languages. Then the person who has it walks by every MP and leaves it on their table. That's circumventing the rules. If it's in the committee room, the committee rules should apply with respect to the chair.

Mr. Vic Toews: I agree with that, but in fact we get these documents in our offices, so we have them in any event.

As long as you understand that does happen....

The Chair: As chair, I can't control what happens outside of the committee, but I can control, with your help, what happens in the committee.

Mr. Vic Toews: We will be there to help you help us.

The Chair: Thank you.

So it's going to be a very helping session.

Okay, agreed.

Motion 11 is on amendments:

[*Translation*]

That amendments to the Bill be submitted to the clerk of the Committee 48 hours prior to clause-by-clause consideration.

[*English*]

An hon. member: So moved.

(Motion agreed to)

The Chair: Thank you.

This is in essence what we wanted to accomplish today. We will now need each party to advise the clerk who will be their representative on the subcommittee on agenda and procedure.

It will be Mr. Macklin for the Liberals, Mr. Marceau for the Bloc, Mr. Siksay for the NDP, and Mr. Moore for the Conservatives. Thank you.

Could you stay right after, so we can look at the possibility for early next week?

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Chairman, do we have any idea what time slot we will be given?

The Chair: That's what we're going to be discussing now. It is agreed that as soon as we are able to agree on a schedule, the first witness to be called will be the Minister of Justice.

[*English*]

Mr. Vic Toews: I have one other point of clarification.

The Chair: Yes.

Mr. Vic Toews: I understand from a member of the Liberal Party—I believe it was Mr. Marceau—that he received a commitment that this committee would not be scheduled during the time of the justice committee. That's the only other committee I'm on, so I just want to make....

The Chair: With the special orders, we can't convene a meeting at the same time.

Mr. Vic Toews: All right—as long as that's understood.

The Chair: We understand that. There's no problem on that.

Hon. Don Boudria: Can I move adjournment so you can do your other meeting?

The Chair: You certainly can.

Hon. Don Boudria: I move that we now adjourn.

The Chair: Mr. Macklin, do you have another question?

Hon. Paul Harold Macklin: Who will be calling the meeting of the subcommittee?

● (1325)

The Chair: We will.

Hon. Paul Harold Macklin: You will. Very good.

The Chair: The meeting is adjourned.

Thank you.

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